DELAWARE Co. AUDITOR

Michael K. & Dorothy L. Downs
to
Delaware County

Entered for taxation 17th day
March A.D. 2005
Sharon McCubbin Auditor
By [illegible] Deputy
89-166

Book 2005 Page 843
Document 2005 843 Type 03 06 Pages 3
Date 3/14/2005 Time 8:06 AM
Rec Amt $.00

DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

THIS DOCUMENT WAS PREPARED BY MARK NAHRA, DELAWARE COUNTY ENGINEER'S OFFICE, 2139 HIGHWAY 38., DELAWARE, IA 52036, 563-927-3505

EASEMENT FOR PUBLIC HIGHWAY

KNOWN ALL PERSONS BY THESE PRESENTS THAT:

Michael K. Downs and Dorothy L. Downs

In consideration of the lump sum of Three thousand seventy five and 00/100 Dollars ($3,075.00), in hand paid by Delaware County, hereby grants unto said Delaware County a permanent easement upon sellers real estate, hereafter referred to as the premises, for the purpose of highway construction and maintenance.

Said premises is situated in the County of Delaware, State of Iowa, to-wit:

Property as described net acquired right of way and shown on the attached plat and legal description of parcel number 2 for project number LB-04(03)—73-28, part of Lot 12, Creek View Estates in the NE ¼ -NW 1/4 of section 16, township 89N, range 5W and is fully described on the aforementioned plat as recorded in Book 2005, page 745.

and **Michael K. Downs and Dorothy L. Downs** hereby covenant with the said Delaware County that **Michael K. Downs and Dorothy L. Downs** are lawfully seized of said premises; that said premises are free from encumbrance, that there are no known wells, solid waste disposal sites, hazardous wastes, underground storage tanks, or any other similar hazardous conditions adversely affecting the environment, that **Michael K. Downs and Dorothy L. Downs** have good and lawful authority to sell and convey the same, and **Michael K. Downs and Dorothy L. Downs** hereby covenant to warrant and defend the said premises against the lawful claims of all persons whomsoever.

Signed on this 28th day of February A.D. 2005

Michael Downs

Dorothy Downs

Landowner(s) of Record

STATE OF IOWA)
Delaware County)s.s
)

On this 28th day of February A.D. 2005, before me, the undersigned Notary Public, personally appeared to me known **Michael K. Downs and Dorothy L. Downs** to be the person(s) named herein and who executed the foregoing instrument, and acknowledge that **Michael K. Downs and Dorothy L. Downs** executed the same as a voluntary act and deed.

Seal or Stamp above: NOTARIAL SEAL IOWA DEBRA ANN RATZLAFF Commission Number 146337 My Comm. Exp. 2-25-06

Debra A. Ratzlaff
Notary Public in and for said County

Book 2005 Page 745
Document 2005 745 Type 06 02 Pages 2
Date 3/04/2005 Time 2:55 PM
Rec Amt $12.00

DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

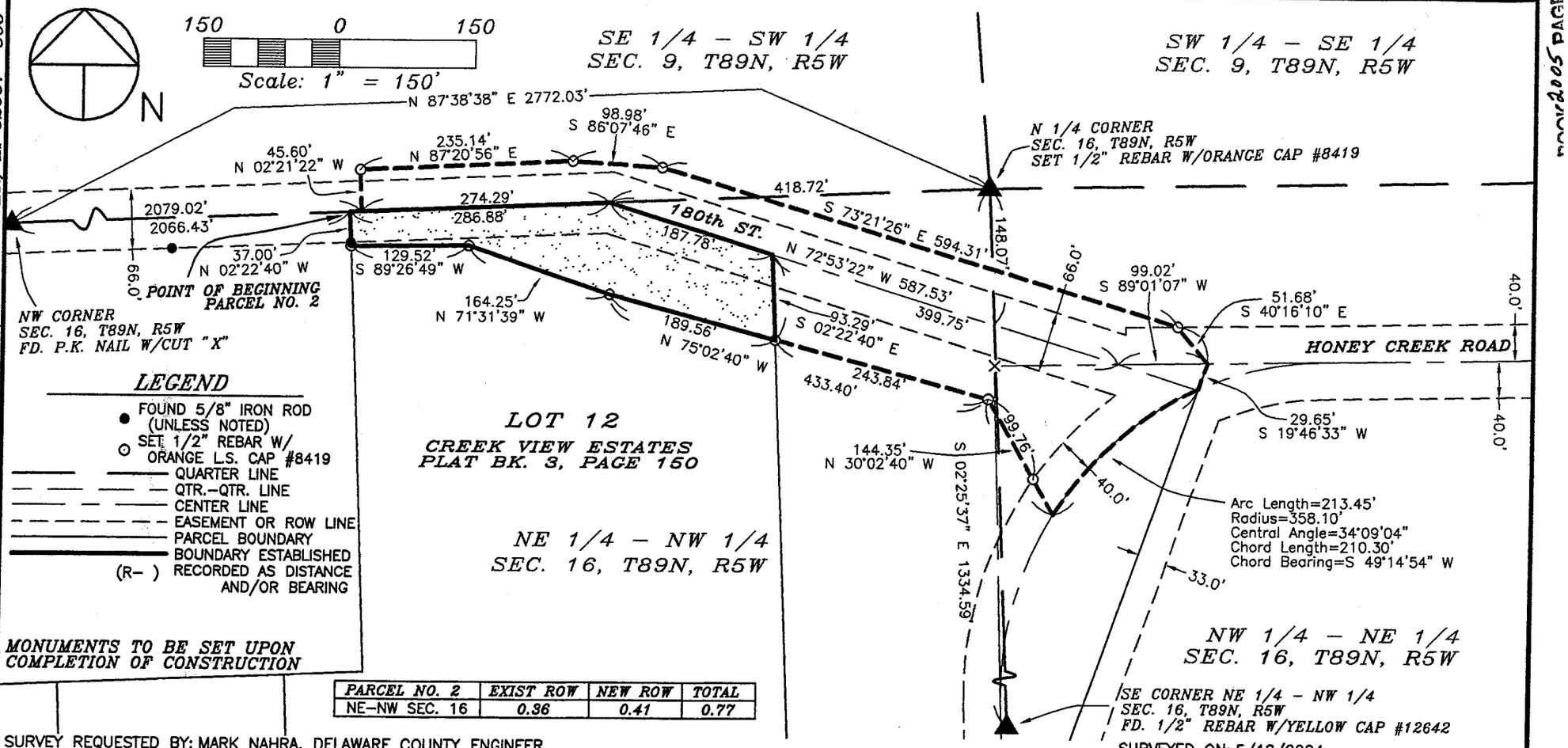
FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR
MAR 4 2005

FILED
JOHN R. KLAUS
DELAWARE COUNTY ASSESSOR
MAR 4 2005

BOOK 2005 PAGE 745

PLAT OF SURVEY

PARCEL NO. 2, PROJECT NO. LB-06(01)--73-28, PART OF LOT 12, CREEK VIEW ESTATES IN THE NE 1/4-NW 1/4 OF SEC. 16, T89N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



LEGEND

- FOUND 5/8" IRON ROD (UNLESS NOTED)
- SET 1/2" REBAR W/ ORANGE L.S. CAP #8419
- QUARTER LINE
- QTR.-QTR. LINE
- CENTER LINE
- EASEMENT OR ROW LINE
- PARCEL BOUNDARY
- BOUNDARY ESTABLISHED
- (R-) RECORDED AS DISTANCE AND/OR BEARING

MONUMENTS TO BE SET UPON COMPLETION OF CONSTRUCTION

PARCEL NO. 2	EXIST ROW	NEW ROW	TOTAL
NE-NW SEC. 16	0.36	0.41	0.77

PREPARED BY: J. DAVID GIBBS; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

SURVEY REQUESTED BY: MARK NAHRA, DELAWARE COUNTY ENGINEER

SURVEYED ON: 5/18/2004

SCALE: 1"=150'
DATE: 6/16/2004
DRAWN BY: RLR
CHECKED BY: JDG
FIELD BK: D.L.
REVISED
SHEET 1 OF 2

PROPRIETORS:
MICHAEL K. DOWNS & DOROTHY L. DOWNS

PROJECT NO. 04-39

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

J. DAVID GIBBS, P.E., L.S. — LICENSE #8419 — DATE 3/4/05
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2004

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1-2

GIBBS ENGINEERING & SURVEYING
105 WEST MAIN STREET, MANCHESTER, IA 52057

LEGAL DESCRIPTION:

PARCEL NO. 2, *PROJECT LB-06(01)—73-28, PART OF LOT 12 OF CREEK VIEW ESTATES IN THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION SIXTEEN (16), TOWNSHIP EIGHTY-NINE NORTH (T89N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,* containing a total of 0.77 acres, including 0.36 acres of existing public road right of way, subject to easements of record, and more particularly described by metes and bounds as follows;

COMMENCING at the Northwest Corner of Section Sixteen (16), Township eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Northerly Line of said Section Sixteen (16), North 87° 38' 38" East, to the Northwest corner of Lot 12 of Creek View Estates, as recorded in Book 3 of Plats, Page 150 in the Office of the Delaware County Recorder, 2066.43 feet, the **POINT OF BEGINNING**;

THENCE continuing along the Northerly Line of said Section Sixteen (16) and the Northerly Line of said Lot 12, North 87° 38' 38" East, 286.88 feet;

THENCE continuing along the Northerly Line of said Lot 12, South 72° 53' 22" East, to the Northeast Corner of said Lot 12, 187.78 feet;

THENCE along the Easterly Line of said Lot 12, South 02° 22' 40" East, 93.29 feet;

THENCE North 75° 02' 40" West, 189.56 feet;

THENCE North 71° 31' 39" West, 164.25 feet;

THENCE South 89° 26' 49" West, to the Westerly Line of said Lot 12, 129.52 feet;

THENCE along the Westerly Line of said Lot 12, North 02° 22' 40" West, 37.00 feet to the **POINT OF BEGINNING**;

Containing a total of 0.77 acres, including 0.36 acres of existing public road right of way.

The Northerly Line of the Northwest Quarter (NW ¼) of Section Sixteen (16), Township eighty-nine North (T89N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear North 87° 38' 38" East.