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Sharon McCrabb, Auditor
By A. Schmidt, Deputy
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Iowa Department of Transportation

(x) ens

DEBORAH L. PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Preparer Info.: Belinda H. Merritt, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010, 515-239-1217
Address Tax Statements: Property Management Supvr., Office of Right of Way, 800 Lincoln Way, Ames, IA 50010

Form 635-054

EASEMENT FOR PUBLIC HIGHWAY

For the consideration of One thousand six hundred and no/100 ($1,600.00)-----Dollars and other valuable consideration in hand paid by Iowa Department of Transportation, , **JAMES DIERS SR. AND VERNA MAE DIERS,** husband and wife, do hereby grant to the **STATE OF IOWA,** a permanent easement for road purposes and for use as a Public Highway in, to, on, over and across real estate in Delaware County, Iowa:

THE EASEMENT GRANTED FOR HIGHWAY PURPOSES IS TO LAND DESCRIBED AS FOLLOWS:

Two parcels of land located in the NW1/4 SE1/4 of Section 15, Township 90 North, Range 3 West of the 5th P.M., Delaware County, Iowa as shown on Acquisition Plat Exhibit "A" attached hereto and by reference made a part hereof, more particularly described as follows.

LEGAL DESCRIPTION: Parcel "A"

Commencing at the Center of said Section 15; thence N 89°29'57"E, 737.55 feet, on the north line of said NW1/4 SE1/4; thence S 0°30'03"E, 706.12 feet, to a point on the present northerly right of way line of the Primary Road No. 3, the Point of Beginning; thence S 38°56'22"W, 60.00 feet, on said present northerly right of way line; thence S 50°51'02"E, 466.17 feet, on said present northerly right of way line; thence N 26°24'22"W, 60.41 feet; thence N 50°51'02"W, 335.00 feet; thence N 26°14'39"W, 84.02 feet, to the Point of Beginning; containing 0.28 acre.

Note: The north line of the NW1/4 SE1/4 of said Section 15 is assumed to bear N 89°29'57"E for the purpose of this description.

LEGAL DESCRIPTION: Parcel "B"

Commencing at the Center of said Section 15; thence N 89°29'57"E, 247.63 feet, on the north line of said NW1/4 SE1/4; thence S 0°30'03"E, 508.05 feet, to a point on the present southerly right of way line of the Primary Road No. 3, the Point of Beginning; thence S 50°51'02"E, 363.34 feet, on said present southerly right of way line; thence S 45°10'11"E, 101.17 feet, on said present southerly right of way line; thence S 57°03'09"E, 93.20 feet, on said present southerly right of way line; thence S 50°51'02"E, 143.34 feet, on said present southerly right of way line; thence N 63°28'45"W, 46.12 feet; thence N 50°51'02"W, 120.00 feet; thence S 74°08'30"W, 61.03 feet; thence N 45°42'51"W, 446.79 feet; thence N 30°52'02"W, 58.52 feet, to the Point of Beginning; containing 0.46 acre.

Note: The north line of the NW1/4 SE1/4 of said Section 15 is assumed to bear N 89°29'57"E for the purpose of this description.

This easement is given in fulfillment of a certain purchase agreement dated July 5, 2005, and recorded in the Delaware County Recorder's Office on July 12, 2005, at Document 2005 2405, except those terms that survive the execution of this document.

The additional amount of $4,072.00, as agreed to by purchase agreement, is paid as severance damages to the remaining property.

This easement and transfer is exempt from transfer tax. Iowa Code Sec. 428A.2(17).

This land is being acquired for public purposes through eminent domain and a Declaration of Value is not required. Iowa Code Sec. 428A.1.

Grantors do hereby covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors covenant to warrant and defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the easement.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated 8-9, 2005. **(SIGN IN INK)**

James Diers Sr.
James Diers Sr.

Verna Mae Diers
Verna Mae Diers

(NOTARY PLEASE COMPLETE LEFT AND RIGHT SIDES)

ALL-PURPOSE ACKNOWLEDGMENT

STATE OF Iowa, COUNTY OF Delaware } ss.
On this 9th day of August, A.D. 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared

X to me personally known
or ___proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

(SEAL) Billie Jo Thein (Sign in Ink)
Billie Jo Thein (Print/Type Name)
Notary Public in and for the State of

NOTARIAL SEAL IOWA
BILLIE JO THEIN
COMMISSION NUMBER 709208
My Comm. Exp. 4-3-07

CAPACITY CLAIMED BY SELLER:

X INDIVIDUAL
__CORPORATE
Titles of Corporate Officer(s):

__Corporate Seal is affixed
__No Corporate Seal procured
__PARTNERSHIP: __Limited __General
__ATTORNEY-IN-FACT
__EXECUTOR(s) or TRUSTEE(s)
__GUARDIAN(s) or CONSERVATOR(s)
__OTHER:

SELLER IS REPRESENTING:
Names of entity(ies) or person(s)

IOWA DEPARTMENT OF TRANSPORTATION
ACQUISITION PLAT
EXHIBIT "A"

COUNTY DELAWARE STATE CONTROL NO. _____

PROJECT NO. STPN-3-8(38)--2J-28 PARCEL NO. 1

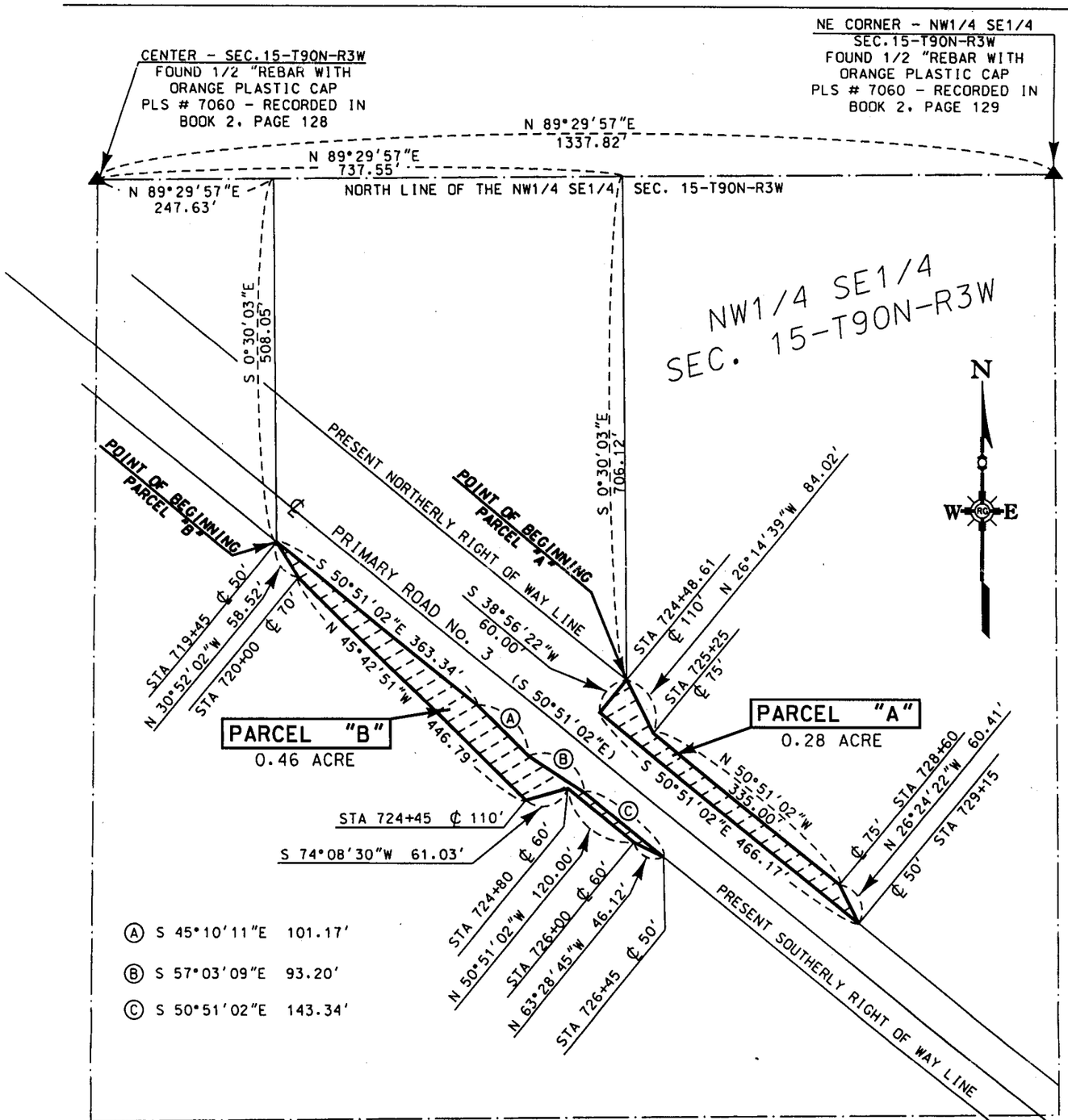
SECTION 15 TOWNSHIP 90 NORTH RANGE 3 WEST

ROW-FEE _____ AC. EASE 0.74 AC EXCESS-FEE _____ AC

ACCESS RIGHTS ACQUIRED - STA _____ STA _____ MAIN LINE _____ SIDE

ACCESS RIGHTS ACQUIRED - STA _____ STA _____ SIDE ROAD _____ SIDE

ACQUIRED FROM _____



LICENSED LAND SURVEYOR
DENNIS R. KUNZE
10679
IOWA

I hereby certify that this land surveying document was prepared 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.

DENNIS R. KUNZE DATE: 4-12-2005

License number 10679

My license renewal date is December 31, 2006

Pages covered by this seal: EXHIBIT "A"

0' 100' 200'

DATE DRAWN APRIL 12, 2005 SCALE 1"= 200'