Mail to Auditor

Entered for taxation 30th day
of November A.D., 2005
Sharon McCrabb, Auditor
By A. Schmidt, Deputy
90-217

Book 2005 Page 4225
Document 2005 4225 Type 03 006 Pages 3
Date 11/29/2005 Time 9:02 AM
Rec Amt $.00

DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

THIS DOCUMENT WAS PREPARED BY MARK NAHRA, DELAWARE COUNTY ENGINEER'S OFFICE, 2139 HIGHWAY 38, DELAWARE, IA 52036, 563-927-3505
RETURN TO: DELAWARE COUNTY AUDITOR, 301 E. MAIN STREET, MANCHESTER, IA 52057

EASEMENT FOR PUBLIC HIGHWAY

KNOWN ALL PERSONS BY THESE PRESENTS THAT:

Ted Christopher Fox

In consideration of the lump sum of Seventy five and 00/100 DOLLARS ($75.00), 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 5 for project number LOST-05(01)—73-28. Said plat is part of the former Railroad Right of Way in the NE ¼ - SE ¼ Section 27, T90N, R6W of the Fifth P.M., Delaware County, and is fully described on the aforementioned plat as recorded in book 2005, page 3655.

and **Ted Christopher Fox** hereby covenant with the said Delaware County that **Ted Christopher Fox** 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 **Ted Christopher Fox** have good and lawful authority to sell and convey the same, and **Ted Christopher Fox** hereby covenant to warrant and defend the said premises against the lawful claims of all persons whomsoever.

Signed on this 5th day of October A.D. 2005

STATE OF IOWA
)
Delaware County)s.s
)

Ted Fox
Landowner(s) of Record

On this 5th day of October A.D. 2005, before me, the undersigned Notary Public personally appeared to me known **Ted Christopher Fox** to be the person(s) named herein and who executed the foregoing instrument, and acknowledge that Ted Christopher Fox executed the same as a voluntary act and deed.

Mark J. Nahra
COMMISSION NUMBER 165627
MY COMMISSION EXPIRES
7-2-2007

Seal or Stamp above

Mark J. Nahra
Notary Public in and for said County

FILED
JOHN R. KLAUS
DELAWARE COUNTY ASSESSOR

OCT 11 2005

FILED
SHARON McCRABB
DELAWARE COUNTY AUDITOR

OCT 11 2005

Book 2005 Page 3655

Document 2005 3655 Type 06 002 Pages 2
Date 10/11/2005 Time 8:44 AM
Rec Amt $12.00

DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

CHG ✓

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

PLAT OF SURVEY

PARCEL NO. 5; PROJECT NO. LOST-05(01)--73-28
PART OF THE FORMER CHICAGO GREAT WESTERN RAILROAD RIGHT OF WAY IN THE NE 1/4 - SE 1/4,
SEC. 27, T90N, R6W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA

SURVEY REQUESTED BY: MARK NAHRA, DELAWARE COUNTY ENGINEER

PROPRIETORS: TED CHRISTOPHER FOX

SURVEYED ON: 7/27/2005

PROJECT NO. 05-52

SCALE: 1"=250'
DATE: 8/3/2005
DRAWN BY: RLR
CHECKED BY: JDG
FIELD BK: D.L.
REVISED
SHEET 1 OF 2

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.
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2006

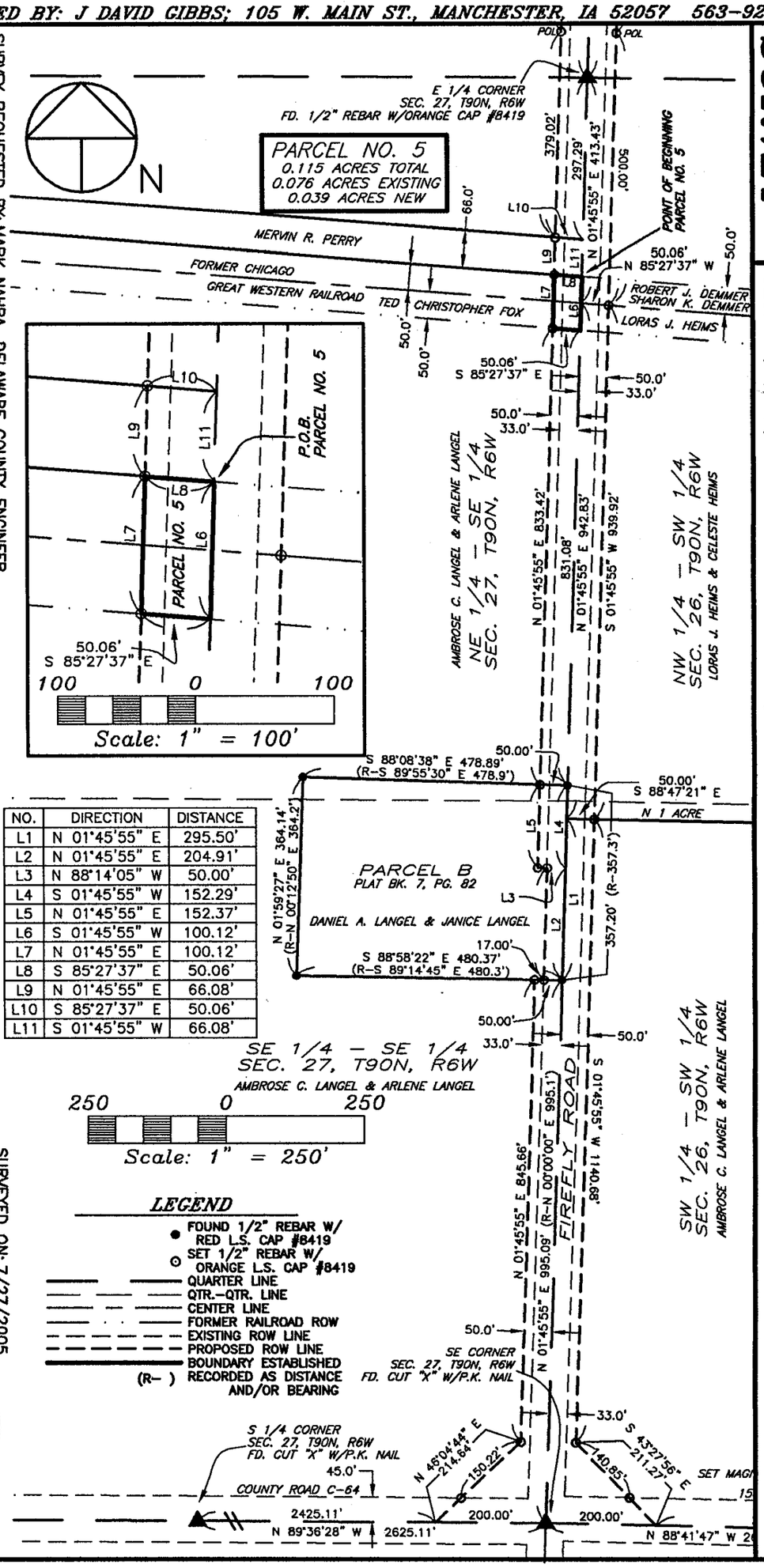
LICENSE #8419

10/10/05
DATE

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

LICENSED LAND SURVEYOR
J. DAVID GIBBS
8419
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1-2



NO.	DIRECTION	DISTANCE
L1	N 01°45'55" E	295.50'
L2	N 01°45'55" E	204.91'
L3	N 88°14'05" W	50.00'
L4	S 01°45'55" W	152.29'
L5	N 01°45'55" E	152.37'
L6	S 01°45'55" W	100.12'
L7	N 01°45'55" E	100.12'
L8	S 85°27'37" E	50.06'
L9	N 01°45'55" E	66.08'
L10	S 85°27'37" E	50.06'
L11	S 01°45'55" W	66.08'

LEGEND

- FOUND 1/2" REBAR W/ RED L.S. CAP #8419
- SET 1/2" REBAR W/ ORANGE L.S. CAP #8419
- QUARTER LINE
- QTR.-QTR. LINE
- CENTER LINE
- FORMER RAILROAD ROW
- EXISTING ROW LINE
- PROPOSED ROW LINE
- BOUNDARY ESTABLISHED
- (R-) RECORDED AS DISTANCE AND/OR BEARING

LEGAL DESCRIPTION:

PARCEL NO. 5; *PROJECT NO. LOST-05(01)—73-28, PART OF THE FORMER CHICAGO GREAT WESTERN RAILROAD IN THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION TWENTY-SEVEN (27), TOWNSHIP NINETY NORTH (T90N), RANGE SIX WEST (R6W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA;* containing a total of 0.115 acres, including 0.076 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 East Quarter Corner of Section Twenty-seven (27), Township Ninety North (T90N), Range Six West (R6W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Easterly Line of the Southeast Quarter (SE ¼) of said Section Twenty-seven (27), South 01° 44' 55" West, to the Northerly Line of the former Chicago Great Western Railroad, 363.37 feet, the **POINT OF BEGINNING**;

THENCE continuing along the Easterly Line of the Southeast Quarter (SE ¼) of said Section Twenty-seven (27), South 01° 45' 55" West, to the Southerly Line of said former Chicago Great Western Railroad right of way, 100.12 feet;

THENCE along the Southerly Line of said former Chicago Great Western Railroad right of way, North 85° 27' 37" West, 50.06 feet;

THENCE North 01° 45' 55" East, to the Northerly Line of said former Chicago Great Western Railroad right of way, 100.12 feet;

THENCE along the Northerly Line of said former Chicago Great Western Railroad right of way, South 85° 27' 37" East, 50.06 feet to the **POINT OF BEGINNING**;

Containing a total of 0.115 acres, including 0.076 acres of existing public road right of way, subject to easements of record.

The Easterly Line of Section Twenty-seven (27), Township Ninety North (T90N), Range Six West (R6W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear North 01° 45' 55" East.