Book 2011 Page 2249
Document 2011 2249 Type 06 010 Pages 6
Date 7/14/2011 Time 10:09:43AM
Rec Amt $32.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

CO-TRUSTEE'S AFFIDAVIT

THE IOWA STATE BAR ASSOCIATION
Official Form No. 114
Recorder's Cover Sheet

Preparer Information: (name, address and phone number)
Matthew J. Hektoen
SIMMONS PERRINE MOYER BERGMAN PLC
115 3rd Street SE - Suite 1200
Cedar Rapids, IA 52401

Taxpayer Information: (name and complete address)

Return Document To: (name and complete address)
Matthew J. Hektoen
SIMMONS PERRINE MOYER BERGMAN PLC
115 3rd Street SE - Suite 1200
Cedar Rapids, IA 52401

Grantors: Larry M. Lehman, as Co-Trustee of the Land Trust dated April 2, 2005

Grantees: United States of America, by and through the Natural Resources Conservation Service

Legal Description: See Exhibit "A" – Pages 3 - 6

Document or instrument number of previously recorded documents

CO-TRUSTEE'S AFFIDAVIT

RE: ATTACHED EXHIBIT "A"

STATE OF IOWA, COUNTY OF LINN ss:

I, Larry M. Lehman, being first duly sworn (or affirmed) under oath, state of my personal knowledge that:

1. I am the co-trustee under the Land Trust dated the April 2, 2005 to which the above-described real estate was conveyed to the co-trustee by Robert J. Lehman and Carol J. Lehman, pursuant to an instrument recorded the 15th day of June, 2005, in the office of the Delaware County Recorder in Book 2005, Page 2073.

2. I am the presently existing co-trustee under the Land Trust and am authorized to sell real estate owned by the land trust without any limitation or qualification whatsoever.

3. The Land Trust is in existence and I, as co-trustee, am authorized to transfer an easement in the real estate to the National Resources Conservation Services free and clear of any adverse claims.

4. The grantor of the Land Trust is the "Master's Trust".

5. The grantors of the Master's Trust are Robert J. Lehman and Carol J. Lehman, both of whom are alive.

6. The Land Trust is revocable or, if the trust is irrevocable, none of the beneficiaries of the trust are deceased.

Larry M. Lehman, Affiant

Signed and sworn to (or affirmed) before me on this 10th day of June, 2011, by Larry M. Lehman.

KELLY COUCHMAN
Commission Number 742622
My Commission Expires
9/5/2012

Notary Public

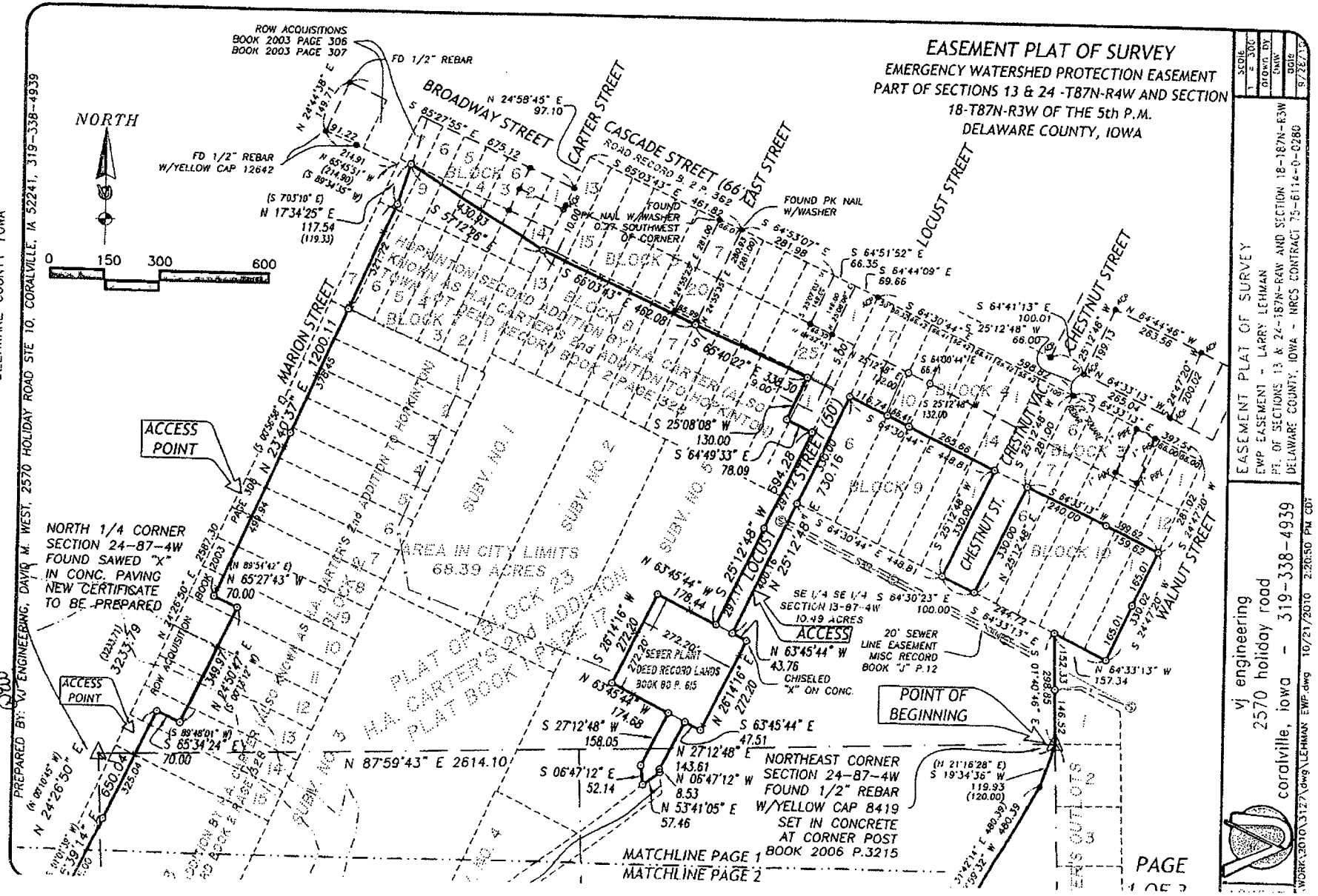
Exhibit A - Page 1 of 4

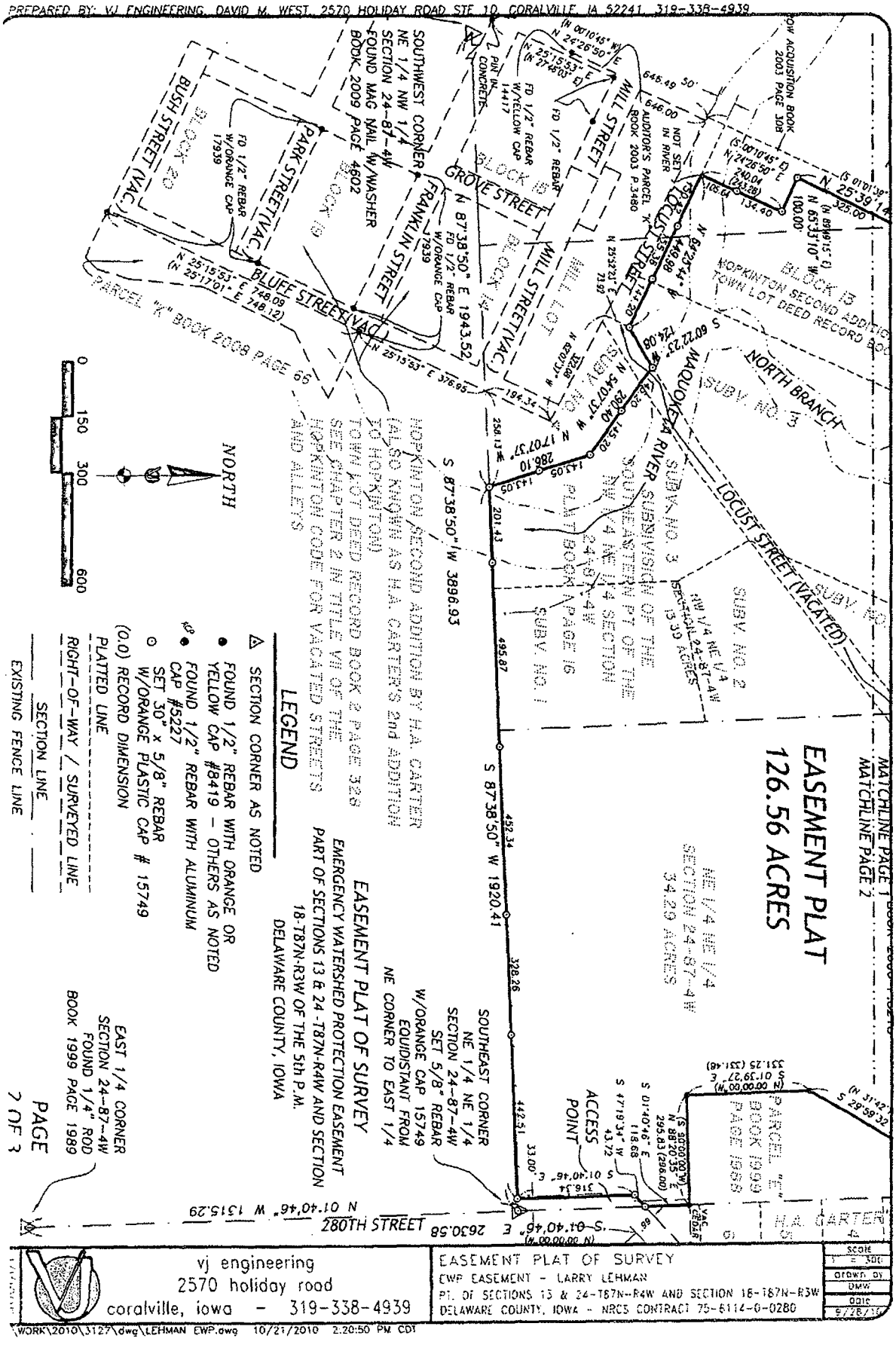
Book 2010 Page 3278
Document 2010 3278 Type 06 002 Pages 3
Date 10/22/2010 Time 9:37:28AM
Rec Amt $17.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

FILED
OCT 22 2010
CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

FILED
OCT 22 2010
CARLA K. BECKER
DELAWARE COUNTY AUDITOR




PREPARED BY: VJ ENGINEERING, DAVID M. WEST, 2570 HOLIDAY ROAD STE 10, CORALVILLE, IA 52241, 319-338-4939
EASEMENT PLAT
126.56 ACRES
MATCHLINE PAGE 2
MATCHLINE PAGE 1
NE 1/4 NE 1/4
SECTION 24-87-4W
34.29 ACRES
PARCEL "E"
BOOK 1999
PAGE 1989
HOPKINTON SECOND ADDITION
TOWN LOT DEED RECORD BOOK
BLOCK 15
BLOCK 16
BLOCK 20
MILL LOT
MILL STREET
PARK STREET (VAC.)
BLUFF STREET (VAC.)
FRANKLIN STREET
GROVE STREET
LOCUST STREET
LOCUST STREET (VACATED)
NORTH BRANCH
MAQUOKETA RIVER
SUBV. NO. 1
SUBV. NO. 2
SUBV. NO. 3
SOUTHEASTERN PT OF THE NW 1/4 NE 1/4 SECTION 24-87-4W
PLAT BOOK A PAGE 16
NW 1/4 NE 1/4 SECTION 24-87-4W
13.39 ACRES
HOPKINTON ACQUISITION BOOK 2003 PAGE 308
AUDITOR'S PARCEL 'K' BOOK 2003 P.3480
PARCEL "K" BOOK 2008 PAGE 66
HOPKINTON RECORD ADDITION BY H.A. CARTER
(ALSO KNOWN AS H.A. CARTER'S 2nd ADDITION TO HOPKINTON)
TOWN LOT DEED RECORD BOOK 2 PAGE 328
SEE CHAPTER 2 IN TITLE VII OF THE HOPKINTON CODE FOR VACATED STREETS AND ALLEYS
SOUTHWEST CORNER NE 1/4 NW 1/4 SECTION 24-87-4W
FOUND MAG NAIL W/WASHER BOOK 2009 PAGE 4602
SOUTHEAST CORNER NE 1/4 NE 1/4 SECTION 24-87-4W
SET 5/8" REBAR W/ORANGE CAP 15749
EQUIDISTANT FROM NE CORNER TO EAST 1/4
EAST 1/4 CORNER SECTION 24-87-4W
FOUND 1/4" ROD
BOOK 1999 PAGE 1989
ACCESS POINT
280TH STREET
N 87°38'50" E 1943.52
S 87°38'50" W 3896.93
S 87°38'50" W 1920.41
N 01°40'46" W 1315.29
S 01°40'46" E 2630.58
LEGEND
SECTION CORNER AS NOTED
FOUND 1/2" REBAR WITH ORANGE OR YELLOW CAP #8419 - OTHERS AS NOTED
FOUND 1/2" REBAR WITH ALUMINUM CAP #5227
SET 30" x 5/8" REBAR W/ORANGE PLASTIC CAP # 15749
(0.0) RECORD DIMENSION
PLATTED LINE
RIGHT-OF-WAY / SURVEYED LINE
SECTION LINE
EXISTING FENCE LINE
EASEMENT PLAT OF SURVEY
EMERGENCY WATERSHED PROTECTION EASEMENT
PART OF SECTIONS 13 & 24 -T87N-R4W AND SECTION 18-T87N-R3W OF THE 5th P.M.
DELAWARE COUNTY, IOWA
NORTH
0
150
300
600
PAGE 2 OF 3
vj engineering
2570 holiday road
coralville, iowa - 319-338-4939
EASEMENT PLAT OF SURVEY
EWP EASEMENT - LARRY LEHMAN
PT. OF SECTIONS 13 & 24-T87N-R4W AND SECTION 18-T87N-R3W
DELAWARE COUNTY, IOWA - NRCS CONTRACT 75-6114-0-0280
SCALE 1" = 300'
DRAWN BY DMW
DATE 9/28/10
\WORK\2010\3127\dwg\LEHMAN EWP.dwg 10/21/2010 2:20:50 PM CDT

LEGAL DESCRIPTION – EMERGENCY WATERSHED PROTECTION (EWP) EASEMENT

THAT PART OF SECTIONS 13 AND 24 TOWNSHIP 87 NORTH, RANGE 4 WEST OF THE FIFTH PRINCIPAL MERIDIAN AND PART OF SECTION 18 TOWNSHIP 87 NORTH, RANGE 3 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 24 AND THE NORTHERNMOST CORNER OF AUDITOR'S PARCEL "E" AS SHOWN ON THE PLAT RECORDED THEREOF IN BOOK 1999 AT PAGE 1988 IN THE DELAWARE COUNTY RECORDER'S OFFICE; THENCE S 19°34'36" W ALONG THE WESTERLY LINE OF SAID PARCEL "E", 119.93 FEET; THENCE S 29°59'32" W ALONG THE WESTERLY LINE OF SAID PARCEL "E", 480.39 FEET; THENCE S 01°39'27" E ALONG THE WESTERLY LINE OF SAID PARCEL "E", 331.25 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "E"; THENCE N 88°20'35" E ALONG THE SOUTH LINE OF SAID PARCEL "E", 295.83 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL "E"; THENCE S 01°40'46" E ALONG THE EAST LINE OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 24, 118.68 FEET TO THE WESTERLY RIGHT-OF-WAY (ROW) LINE OF 280th STREET; THENCE S 47°19'34" W ALONG SAID WESTERLY ROW LINE, 43.72 FEET; THENCE S 01°40'46" E ALONG SAID WESTERLY ROW LINE, 316.34 FEET TO THE SOUTH LINE OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 24; THENCE S 87°38'50" W ALONG THE SOUTH LINE OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 24 AND THE SOUTH LINE OF THE SUBDIVISION OF THE SOUTHEASTERN PART OF THE NW 1/4 NE 1/4 OF SAID SECTION 24 AS SHOWN ON THE PLAT RECORDED THEREOF IN PLAT BOOK 1 AT PAGE 16 IN SAID RECORDER'S OFFICE, 1920.41 FEET TO THE SOUTHWEST CORNER OF SUBDIVISION NO. 3 OF SAID SUBDIVISION IN PLAT BOOK 1 AT PAGE 16; THENCE N 17°07'37" W ALONG THE WESTERLY LINE OF SAID SUBDIVISION NO. 3, 286.10 FEET; THENCE N 54°07'37" W ALONG THE SOUTHWESTERLY LINE OF SAID SUBDIVISION NO. 3, 290.40 FEET TO THE SOUTHEASTERLY LINE OF THE PLAT OF BLOCK 23 OF H.A. CARTER'S 2nd ADDITION AS FOUND IN PLAT BOOK 1 AT PAGE 17 IN SAID RECORDER'S OFFICE; THENCE S 60°22'23" W ALONG THE SOUTHEASTERLY LINE OF SAID PLAT OF BLOCK 23, 124.08 FEET TO THE SOUTH LINE OF SAID PLAT OF BLOCK 23; THENCE N 64°25'44" W ALONG THE SOUTH LINE OF SAID PLAT OF BLOCK 23 AND THE NORTH LINE OF LOCUST STREET, 449.98 FEET TO THE PRESENTLY ESTABLISHED EAST ROW LINE OF MARION STREET AS SHOWN ON THE ROW ACQUISITION IN BOOK 2003 AT PAGE 308; THENCE N 24°26'50" E ALONG SAID EAST ROW LINE, 240.04 FEET; THENCE N 65°33'10" W ALONG SAID EAST ROW LINE, 100.00 FEET; THENCE N 25°39'14" E ALONG SAID EAST ROW LINE, 650.04 FEET; THENCE S 65°34'24" E ALONG SAID EAST ROW LINE, 70.00 FEET; THENCE N 24°50'47" E ALONG SAID EAST ROW LINE, 349.97 FEET; THENCE N 65°27'43" W ALONG SAID EAST ROW LINE, 70.00 FEET; THENCE N 23°40'37" E ALONG SAID EAST ROW LINE, 1200.11 FEET; THENCE N 17°34'25" E ALONG SAID EAST ROW LINE, 117.54 FEET TO THE NORTH LINE OF LOT 8 OF BLOCK 6 IN HOPKINTON SECOND ADDITION BY H.A. CARTER AS SHOWN ON THE PLAT RECORDED THEREOF IN TOWN LOT DEED RECORD BOOK 2 AT PAGE 328; THENCE S 57°12'26" E, 430.93 FEET TO THE EAST LINE OF SAID BLOCK 6; THENCE S 65°03'43" E ALONG A LINE 10.00 FEET NORMALLY DISTANT SOUTH OF THE SOUTH LINE OF BLOCK 5 OF SAID HOPKINTON SECOND ADDITION, 462.08 FEET TO THE EAST LINE OF LOT 7 IN BLOCK 8 OF SAID HOPKINTON SECOND ADDITION; THENCE S 65°40'22" E, 338.30 FEET TO A POINT 9.00 FEET NORMALLY DISTANT WESTERLY OF THE WEST LINE OF LOT 1 OF SAID BLOCK 8; THENCE S 25°08'08" W ALONG A LINE 9.00 FEET NORMALLY DISTANT WESTERLY OF THE WEST LINE OF LOT 1 OF SAID BLOCK 8, 130.00 FEET; THENCE S 64°49'33" E, 78.09 FEET TO THE WEST LINE OF LOCUST STREET; THENCE S 25°12'48" W ALONG THE WEST LINE OF LOCUST STREET, 594.28 FEET TO THE NORTHERLY LINE OF THE CITY SEWER PLANT AS DESCRIBED IN DEED RECORD LANDS BOOK 80 AT PAGE 615 IN SAID RECORDER'S OFFICE; THENCE N 63°45'44" W ALONG SAID SEWER PLANT, 178.44 FEET TO THE NORTHWEST CORNER THEREOF; THENCE S 26°14'16" W ALONG THE WESTERLY LINE OF SAID SEWER PLANT, 272.20 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE S 63°45'44" E ALONG THE SOUTHERLY LINE OF SAID SEWER PLANT, 174.68 FEET TO THE WEST LINE OF LOCUST STREET; THENCE S 27°12'48" W ALONG THE WEST LINE OF LOCUST STREET, 158.05 FEET; THENCE S 06°47'12" E ALONG THE WEST LINE OF LOCUST STREET, 52.14 FEET TO THE SOUTHEASTERLY LINE OF LOCUST STREET; THENCE N 53°41'05" E ALONG THE SOUTHEASTERLY LINE OF LOCUST STREET, 57.46 FEET TO THE EASTERLY LINE OF LOCUST STREET; THENCE N 06°47'12" W ALONG THE EASTERLY LINE OF LOCUST STREET, 8.53 FEET; THENCE N 27°12'48" E ALONG THE EASTERLY LINE OF LOCUST STREET, 143.81 FEET TO THE SOUTHERLY LINE OF SAID SEWER PLANT; THENCE S 63°45'44" E ALONG THE SOUTHERLY LINE OF SAID SEWER PLANT, 47.51 FEET TO THE SOUTHEASTERLY CORNER THEREOF; THENCE N 26°14'16" E ALONG THE EASTERLY LINE OF SAID SEWER PLANT, 272.20 FEET TO THE NORTHEASTERLY CORNER THEREOF; THENCE N 63°45'44" W ALONG THE NORTHERLY LINE OF SAID SEWER PLANT, 43.76 FEET TO THE EASTERLY LINE OF LOCUST STREET; THENCE N 25°12'48" E ALONG THE EASTERLY LINE OF LOCUST STREET, 730.16 FEET TO THE SOUTH LINE OF BLOCK 4 OF SAID HOPKINTON SECOND ADDITION; THENCE S 64°30'44" E ALONG THE SOUTH LINE OF SAID BLOCK 4, 448.81 FEET TO THE EAST LINE OF BLOCK 9 OF SAID HOPKINTON SECOND ADDITION; THENCE S 25°12'48" W ALONG THE EAST LINE OF SAID BLOCK 9, 330.00 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 9; THENCE S 64°30'23" E ALONG THE SOUTH LINE OF PLATTED CHESTNUT STREET, 100.00 FEET TO THE SOUTHWEST CORNER OF BLOCK 10 OF SAID HOPKINTON SECOND ADDITION; THENCE N 25°12'48" E ALONG THE WEST LINE OF SAID BLOCK 10, 330.00 FEET TO THE NORTH LINE OF SAID BLOCK 10; THENCE S 64°33'13" E ALONG THE NORTH LINE OF SAID BLOCK 10, 399.62 FEET TO THE NORTHEAST CORNER OF SAID BLOCK 10; THENCE S 24°47'20" W ALONG THE EAST LINE OF SAID BLOCK 10, 330.02 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 10; THENCE N 64°33'13" W ALONG THE SOUTH LINE OF SAID BLOCK 10, 157.34 FEET TO THE EAST LINE OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 13; THENCE S 01°40'46" E ALONG THE EAST LINE OF SAID SE 1/4 SE 1/4, 298.85 FEET TO THE POINT OF BEGINNING, CONTAINING 126.56 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.

PREPARED BY: VJ ENGINEERING, DAVID M. WEST, 2570 HOLIDAY ROAD STE 10, CORALVILLE, IA 52241, 319-338-4939

EASEMENT PLAT OF SURVEY

EMERGENCY WATERSHED PROTECTION EASEMENT

PART OF SECTIONS 13 & 24 -T87N-R4W AND SECTION 18-T87N-R3W OF THE 5th P.M.

DELAWARE COUNTY, IOWA

SURVEYOR'S REPORT:

A CONSIDERABLE AMOUNT OF TIME WAS GIVEN TO THE RECONSTRUCTION OF THE LINES SHOWN ON THIS PLAT. I WOULD LIKE TO ACKNOWLEDGE AND THANK GIBBS ENGINEERING FOR THEIR ASSISTANCE AND LOCAL SURVEYING KNOWLEDGE.

WITH RESPECT TO HOPKINTON SECOND ADDITION BY H.A. CARTER (BLOCKS 3-10), I HAVE DIMENSIONED THE PLAT IN SUCH A WAY TO SHOW HOW THE BLOCKS WERE RE-ESTABLISHED BASED ON THE EVIDENCE FOUND ON THE GROUND. THE PLAT BY CARL F. BARTELS IN BOOK 4 AT PAGE 61 WAS NOT HELD IN THE RE-ESTABLISHMENT OF THE BLOCKS. THERE WERE SEVERAL ALUMINUM CAPPED (TRI-STATE #5227) MONUMENTS LOCATED WHERE NO RECORDED PLAT OF SURVEY WAS FOUND. THESE MONUMENTS WERE CONSISTENT WITH THE LINES ON THE GROUND AND WERE USED TO RECONSTRUCT THE BOUNDS OF THE SURVEY SHOWN ON THIS PLAT.

THE VACATION OF LOCUST STREET AS SHOWN ON THE PLATS IN PLAT RECORD BOOK 1 PAGE 16 AND PLAT RECORD BOOK 1 PAGE 17 WAS ALSO A POINT OF CONTENTION. AN ORDINANCE FOR THE VACATION OF LOCUST STREET WAS NOT LOCATED. THE ORDINANCES FOR THE CITY OF HOPKINTON WERE WELL INDEXED FROM ORDINANCE #1 TO A POINT INTO THE 1970'S AND IS FOUND AT CITY HALL. SOME ORDINANCES PERTAINING TO STREET VACATIONS ARE CODIFIED IN CHAPTER 2 OF TITLE VII OF THE HOPKINTON CITY CODE. THE PLATTING OF THE AFOREMENTIONED LOTS (SUBDIVISIONS) ALSO BRINGS INTO QUESTION ACCESS TO A PUBLIC WAY. MANY OF THE LOTS WERE LEFT LAND LOCKED. I HAVE SHOWN AND RECREATED LOCUST STREET THAT IS CONSISTENT WITH THE CURRENT AUDITOR'S RECORD FOR LOCUST STREET. MANY ANSWERS MAY BE LOST TO TIME.

THE RETRACEMENT OF THE LEGAL DESCRIPTION FOR THE SEWER PLANT AND SEWER LINE EASEMENT AS SHOWN ON THE PLAT IS BASED ON THEIR LOCATION ON THE EARTH AS FENCED AND CONSTRUCTED.

NOTES:

1. LINEAR DIMENSIONS ARE IN U.S. SURVEY FEET AND DECIMALS THEREOF.

2. THE BASIS OF BEARINGS IS IOWA STATE PLANE NORTH ZONE, NAD 83 (1996) FROM DELAWARE COUNTY GPS CONTROL POINTS AND PROJECTED FROM GRID TO GROUND WITH AN AVERAGE INVERSED COMBINATION SCALE FACTOR OF 1.000075618.
THE HELD POSITION WAS DELAWARE COUNTY CONTROL POINT #70.
POINTS USED FOR LOCALIZATION WERE #60, #61, #69, #70, AND #79

3. ERROR OF CLOSURE IS LESS THAN 1 FOOT IN 10,000 FEET.

OWNER:
MASTERS TRUST/LAND TRUST
LARRY M. LEHMAN, CO-TRUSTEE

SURVEY REQUESTED BY:
NATURAL RESOURCES CONSERVATION SERVICE
CONTRACT #75-6114-0-0280

DATE OF SURVEY: 9/16/10 TO 9/29/10

LICENSED LAND SURVEYOR
Licensed
15749
David M.
West

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.

DAVID M. WEST, L.S. 10/21/10
License number 15749 DATE
My license renewal date is December 31, 2011

SCALE: NONE	DRAWN: DW
CHKD: DW	DATE: 9/29/10

EASEMENT PLAT OF SURVEY
EWP EASEMENT - LARRY LEHMAN
PT. OF SECTIONS 13 & 24-T87N-R4W AND SECTION 18-T87N-R3W
DELAWARE COUNTY, IOWA - NRCS CONTRACT 75-6114-0-0280

vj engineering
2570 holiday road
coralville, iowa - 319-338-4939

LEGAL DESCRIPTION – EMERGENCY WATERSHED PROTECTION (EWP) EASEMENT

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