

Prepared By/Return To:

Katie Johnson, Iowa Department of Transportation, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010 (515)239-1633

State of Iowa

OFFICE OF THE SECRETARY OF STATE STATE LAND OFFICE

Easement No. 6069E

The **STATE OF IOWA**, pursuant to Iowa Code Section 306.45, subject to conditions listed in this easement, hereby conveys a permanent easement to construct, operate, replace and maintain a sanitary sewer to **Buckeye Terminals, LLC**, a Delaware limited liability company, and its heirs, assigns, and successors in interest in real estate in **Pottawattamie** County, Iowa, described as:

A fifteen foot wide easement being a part of a tract of land in the Northeast Quarter of Section 18, Township 74 North, Range 43 West of the Fifth Principal Meridian, Pottawattamie County, Iowa, as shown on Exhibit "A" attached hereto and by this reference made a part hereof, said easement being seven and a half feet on either side of the following described centerline:

Commencing at the Southwest Corner of said Northeast Quarter, thence along the South line of said Quarter Section, South 88°22'39" East, 1036.51 feet to a point on the North line of the Burlington Northern Railroad Right-of-Way (100'W); thence along said North line, North 42°36'47" West, 321.43 feet to a point on the western line of Tract A of those tracts of land conveyed by court decree to the Iowa Department of Transportation as shown by instrument recorded as Document Number 2012-004741 of the Pottawattamie County records; thence along said western line, North 02°16'47" East, 677.09 feet to the true point of beginning of the herein described centerline; thence departing said western line, South 70°00'00" East, 378.38 feet to a point; thence South 73°00'00" East 71.15 feet to a point of terminus on the eastern line of Tract A, as aforementioned,

said easement contains 0.15 acre, and is subject to Exhibit "B" (Safety Requirements) attached hereto and by this reference made a part hereof.

CONDITIONS: Consideration for the grant of this easement pursuant to Iowa Code section 306.45 is set forth in the certificate of the **Right of Way Director of the Iowa Department of Transportation** filed with the State Land Office. This easement is subject to the conditions imposed by Iowa Code sections 306.24, and 306.45, and to all other conditions imposed by law, and to the right of a utility association, company or corporation to continue in possession of a right of way in use at the time of this conveyance.



I, **Terry E. Branstad**, Governor of the State of Iowa, have caused this instrument to be issued and the Great Seal of the State of Iowa to be affixed at Des Moines, on this 1st day of March, 2016.

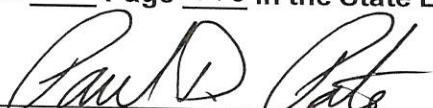


Terry E. Branstad, Governor of Iowa



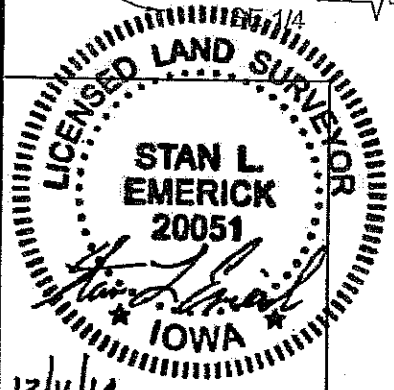
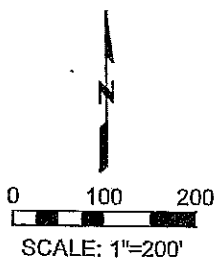
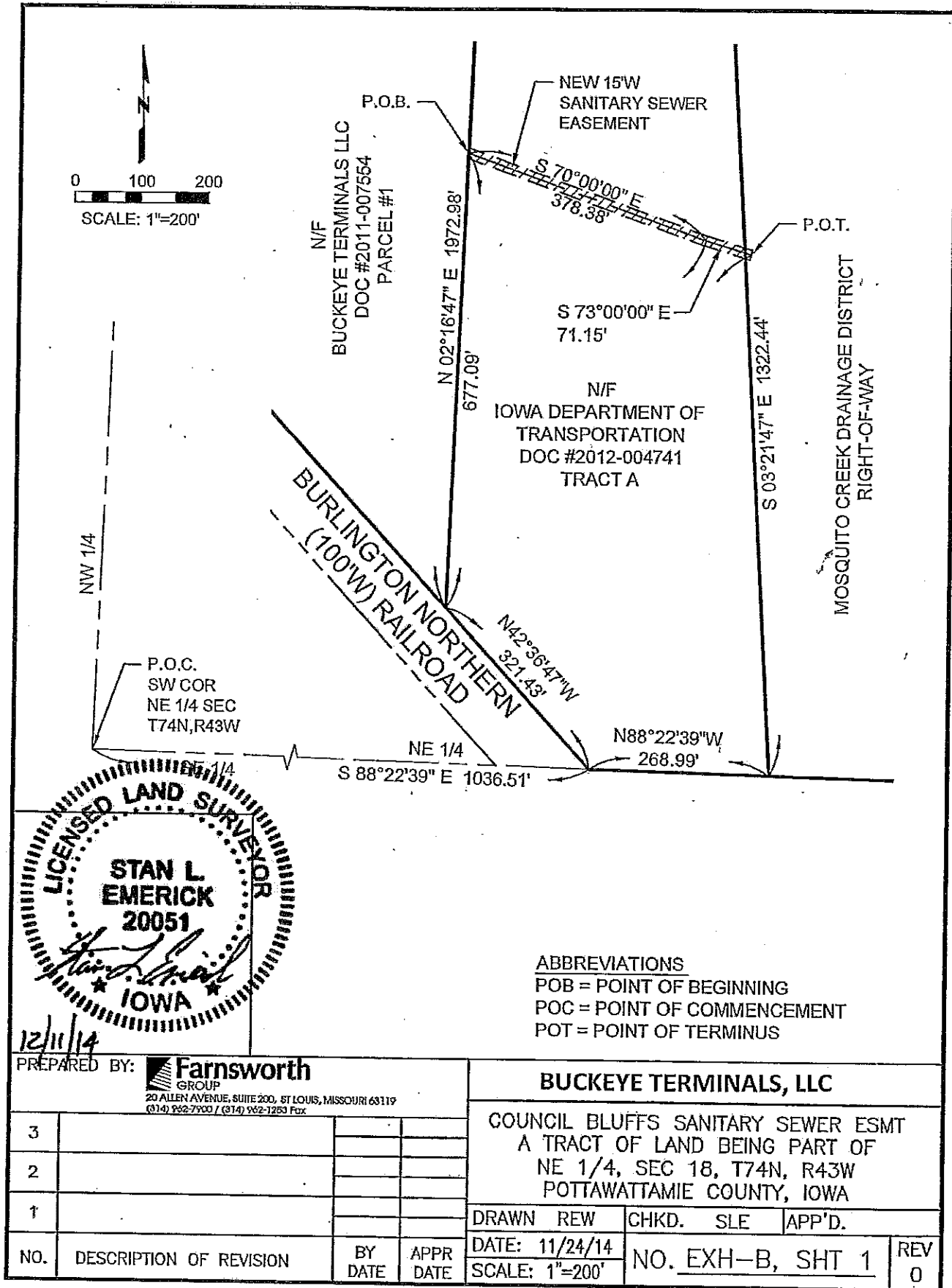
Paul D. Pate, Iowa Secretary of State

I hereby certify that the foregoing Easement is recorded in Vol. 27 Page 118 in the State Land Office.



Paul D. Pate, Iowa Secretary of State

EXHIBIT "A"



ABBREVIATIONS
 POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT
 POT = POINT OF TERMINUS

12/11/14
 PREPARED BY: **Farnsworth**
 GROUP
 20 ALLEN AVENUE, SUITE 200, ST LOUIS, MISSOURI 63119
 (314) 962-7900 / (314) 962-1283 Fax

BUCKEYE TERMINALS, LLC			
COUNCIL BLUFFS SANITARY SEWER ESMT A TRACT OF LAND BEING PART OF NE 1/4, SEC 18, T74N, R43W POTTAWATTAMIE COUNTY, IOWA			
DRAWN		REW	CHKD. SLE APP'D.
DATE: 11/24/14		NO. EXH-B, SHT 1	
SCALE: 1"=200'		REV 0	

NO.	DESCRIPTION OF REVISION	BY DATE	APPR DATE
3			
2			
1			

EXHIBIT B

The Parties acknowledge that the underlying fee to a portion of the easement area will be transferred by the Grantor to BNSF Railway Company ("BNSF") or CBEC Rail Company ("CBEC") at a later date. Any part of the easement area granted by this document, included in said future transfer, that will intersect or lie within BNSF's or CBEC's rail corridor shall be subject to the following:

Safety Requirements:

Prior to entering the Premises, and at all times during the term of this Easement Agreement, Grantee shall comply, and shall cause its contractor, any subcontractor, any assignee, and any contractor or subcontractor of any assignee performing work on the Premises or entering the Premises on behalf of Grantee (collectively, "Grantee's Contractors"), to comply, with all applicable federal, state and local laws, regulations, ordinances, restrictions, covenants and court or administrative decisions and orders, including Environmental Laws (defined below) (collectively, "Laws"), and all of BNSF's or CBEC's applicable safety rules and regulations including those found on the website noted below.

No Grantee Party may enter the Premises without first having completed the safety orientation found on the website: www.contractororientation.com.

Grantee shall not conduct any activities on, or be present on, any portion of the Premises or BNSF's or CBEC's rail corridor or property that is within twenty-five (25) feet of any active railroad track, except in the presence of a flagman. In any case where a flagman or flagmen are required in connection with the presence of individuals on BNSF's or CBEC's rail corridor or the Premises, Grantee shall provide as much advance notice as possible prior to any entry upon the Premises. BNSF or CBEC shall arrange for the presence of the flagman or flagmen as soon as practicable after receipt of such notice from Grantee.

Grantee will only use public roadways for vehicular crossings from one side of the tracks to the other.

If BNSF premises are to be entered, grantee shall notify BNSF's Roadmaster at 4302 GIBSON ROAD, Omaha, NE, telephone 402-422-5249 or 402-440-3717, at least ten (10) business days prior to construction of the Electric Supply Line and prior to entering the Premises for any subsequent maintenance thereon.

If CBEC premises are to be entered the grantee shall notify Iowa Interstate Roadmaster, Rance Lund, Located at 4 Locust St., Atlantic, IA 50022, Telephone 712-243-6723 or Cell number 319-330-4395, at least ten (10) business days prior to construction of the Electric Supply Line and prior to entering the Premises for any subsequent maintenance thereon.

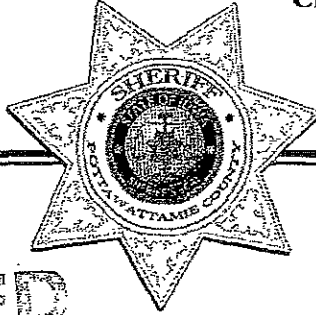
POTTAWATTAMIE COUNTY SHERIFF'S OFFICE

Sheriff Jefferey D. Danker

Chief Deputy John D. Reynolds

Communications Center
Director Robert Andersen
Assistant Director Christine Wake

Jail
Jail Administrator Stu DeLaCastro
Assist. Administrator Carol Durham



Phone: 712.328.5739
Fax: 712.328.4843

Phone: 712.890.2250
Fax: 712.890.2220

COMPARED

DATE: 03/30/12

TO: POTTAWATTAMIE COUNTY RECORDER

RE: CONDMENATION—IDOT AND BUCKEYE TERMINALS

Attached please find originals of the above condemnation by the Iowa Department of Transportation. The 30 day appeal time has passed. Please record this condemnation.

Application to the Chief Judge was recorded 2011-015271.

Return and bill to:

IOWA DEPARTMENT OF TRANSPORTATION

CONDEMNATION UNIT—OFFICE OF RIGHT OF WAY

800 LINCOLN WAY

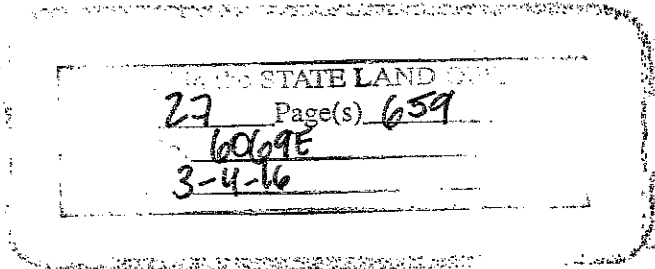
AMES, IOWA 50010-6993

JEFFEREY D. DANKER, SHERIFF

Pottawattamie County, IA 2012-004741
Recorder John Sciortino
Book-Page: 2012-004741
File Time: 04/03/2012 @ 09:40:08 AM
Rec-\$185.00 Aud-\$0.00 RMA-\$1.00 ECM-\$1.00
Current Transfer Tax Paid: \$0.00



C
R Fee 185.00
A Fee _____
T Tax _____



1400 Big Lake Road, Council Bluffs, Iowa 51501
Administrative Office: 712.890.2200 Administrative Fax: 712.890.2205

COMPARED

Pottawattamie County, IA 2011-015271
Recorder John Sciortino
Book-Page: 2011-015271
File Time: 11/23/2011 @ 10:44:28 AM
Rec-\$35.00 Aud-\$0.00 RMA-\$1.00 ECM-\$1.00
Current Transfer Tax Paid: \$0.00



C

R Fee 3500 ✓

A Fee _____

T Tax _____

Prepared by: Allyssa Sweeney 515-239-1757, Right of Way-Condemnation, 800 Lincoln Way, Ames, IA 50010
Return to: Allyssa Sweeney 515-239-1757, Right of Way-Condemnation, 800 Lincoln Way, Ames, IA 50010

In the Matter of the Condemnation of Certain Rights in Land by the Iowa Department of Transportation for the Improvement of

CERTIFIED TRUE COPY

No. 29
in the City of Council Bluffs
located in Pottawattamie County, Iowa

APPLICATION TO THE CHIEF JUDGE OF THE 4th JUDICIAL DISTRICT FOR THE APPOINTMENT OF A COMMISSION TO APPRAISE DAMAGES

Project No. IMN-29-3(65)54-0E-78 Group "J"

TO: Jeffrey L. Larson, Chief Judge, 4th Judicial District including Pottawattamie County, Iowa

Comes now the Iowa Department of Transportation and states that the public interest requires that certain rights be acquired in Non-Agricultural land by Condemnation proceedings. The Iowa Department of Transportation, acting on behalf of the State of Iowa and/or its political subdivisions, has not been able to secure rights in lands by purchase and conveyance for the improvement of roads and streets. In accordance with Sec. 6B.2A, 6B.2B and 6B.3, the Code of Iowa, as amended by H.F. 476, the following is set forth:

Description: The lands and/or property rights sought to be condemned or affected are described on the attached Notice of Condemnation which is made a part of this Application. **Plat:** The location of the right of way or other property rights sought to be condemned or affected are shown on the plat(s) attached to and a part of the attached Notice of Condemnation.

Minimum Land Needs: The minimum amount of land necessary to achieve the public purpose is as described in and shown on the Notice of Condemnation and attached plat(s).

Names and Addresses: The names and addresses of the record owners, lienholders, encumbrancers and other persons affected by this proceeding are listed on the attached Notice of Condemnation.

Purpose: The Department of Transportation desires the rights specified in the lands sought to be condemned for the improvement and/or maintenance of roads and streets within the State of Iowa.

Statement of Individual Rights: The Iowa Department of Transportation has provided the owner(s) with a statement of their individual rights and written notification as required under Sec. 6B.2A.

Good Faith Negotiations: The Applicant has made an effort to negotiate in good faith with the

in the STATE LAND C
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owner(s) to acquire the property sought to be condemned. These efforts include:

1. Provided the owner(s) with written notification at least 30 days prior to the intent to proceed with this public improvement.
2. Provided the owner(s) with a copy of the appraisal of the property sought.
3. Discussed the basis of determining value.
4. Reviewed the project design plans.
5. Discussed the contents of the acquisition contract.
6. Addressed owner's questions and concerns.
7. Provided the owner(s) with a written offer of the fair market value.

Based on these efforts, we were unable to reach an agreement.

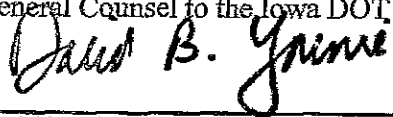
Agricultural Land: A part of the lands sought to be appropriated may be classified as Class I or Class II within an agricultural area and, if so classified, is reasonably necessary for this internal improvement.

Request: NOW, THEREFORE, the Iowa Department of Transportation hereby requests the appointment of a compensation commission of six qualified persons to view the premises and appraise the damages which the owners, lienholders, encumbrancers and other persons affected will sustain by reason of this Condemnation.

Dated at Ames, Iowa, this 3 day of November, 2011.


IOWA DEPARTMENT OF TRANSPORTATION
David S. Gorham
Special Assistant Attorney General
and General Counsel to the Iowa DOT

By



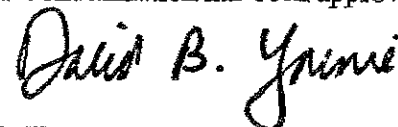
David B. Younie
Condemnation Unit Coordinator
Office of Right of Way

Filed in my office at Council Bluffs, Iowa, this 10th day of November, 2011.



Jeffrey L. Larson
Chief Judge of the 4th Judicial District
including Pottawattamie County, Iowa.

I certify that this Application for Condemnation has been approved by the Chief Judge.



Condemnation Unit Coordinator

11/17/11

FILED in the STATE LAW	DATE:
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In the Matter of the Condemnation of
Certain Rights in Land by the Iowa
Department of Transportation for the
Improvement of

Interstate Route No. 29

NOTICE

in the City of Council Bluffs

located in Pottawattamie County, Iowa

Project No. IMN-29-3(65)54--0E-78

Group "J"

TO:

Buckeye Terminals, LLC, c/o Corporation Service Company, Registered Agent, 505 5th Avenue, Suite 729, Des
Moines, Iowa

Keith Husz, 11659 192nd Street, Council Bluffs, Iowa

City of Council Bluffs, Iowa, c/o City Clerk, 209 Pearl Street, Council Bluffs, Iowa

Pottawattamie County, Iowa, c/o County Auditor, 227 South 6th Street, Council Bluffs, Iowa

and to all other persons, companies or corporations having any interest in or owning any of the following described
real estate: Part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 74 North, Range 43 West of the 5th
P.M., in the City of Council Bluffs, Pottawattamie County, Iowa.

You, and each of you, are hereby notified that the State of Iowa desires certain rights in land more specifically
described as follows and shown with reference to their location as to land affected on the plats Exhibit "A" and
Exhibit "B" attached hereto and to the Application filed with the Chief Judge of the Judicial District containing
Pottawattamie County, Iowa, and in the Office of the Sheriff of Pottawattamie County, Iowa, to which you are
referred:

The title in fee simple sought to be appropriated is in land described as follows:

Two parcels of land, identified as Tract "A" and Tract "B", located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section
18, Township 74 North, Range 43 West of the 5th P.M., in the City of Council Bluffs, Pottawattamie County, Iowa,
as shown on Acquisition Plat Exhibit "A", attached hereto and by this reference made a part hereof.

Said parcels are described as follows:

Pottawattamie County Project No. IMN-29-3(65)54--0E-78
Buckeye Terminals, LLC (Parcel 384A)
Continued on next page

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TRACT "A": Commencing at the Center of said Section 18; thence S88°22'39"E, 1036.63 feet along the south line of the SW¼ NE¼ of said Section 18 to a point on the present northeasterly right of way line of the Burlington Northern Railroad, the Point of Beginning; thence N42°36'47"W, 321.43 feet along said northeasterly right of way line; thence N2°16'47"E, 1973.20 feet to a point on the present westerly right of way line of Interstate Route No. 29; thence S37°05'35"E, 514.75 feet along said westerly right of way line to a point on the present westerly right of way line of the Mosquito Creek Drainage Ditch; thence along said westerly right of way line for the following 2 courses: S2°21'35"E, 485.47 feet; S3°21'47"E, 1322.43 feet to a point on the south line of the SW¼ NE¼ of said Section 18; thence N88°22'39"W, 268.99 feet along said south line to the Point of Beginning; said parcel contains 774,721 square feet.

and,

TRACT "B": Commencing at the Center of said Section 18; thence S88°22'39"E, 782.38 feet along the south line of the SW¼ NE¼ of said Section 18, the Point of Beginning; thence N33°14'32"W, 504.61 feet to a point on the present southwesterly right of way line of Burlington Northern Railroad; thence S42°36'47"E, 577.87 feet along said southwesterly right of way line to a point on the south line of the SW¼ NE¼; thence N88°22'39"W, 114.68 feet along said south line to the Point of Beginning; said parcel contains 23,740 square feet.

In connection with this condemnation proceeding it is specifically provided as follows:

1. Any and all improvements, including monitoring wells, located wholly within the land sought in fee simple title, are condemned in their entirety.
2. The State of Iowa shall have a right of temporary easement in the NW¼ NE¼ of Section 18, Township 74 North, Range 43 West of the 5th P.M., in the City of Council Bluffs, Pottawattamie County, Iowa, for the specific purpose of access, in land described as follows and as shown on Exhibit "B" attached hereto and by reference made a part hereof:

Commencing at the N¼ Corner of said Section 18; thence S2°09'34"W, 100.00 feet along the west line of the NE¼ of said Section 18; thence S88°14'58"E, 105.60 feet to the Point of Beginning; thence continuing S88°14'58"E, 201.32 feet to a point on the present westerly right of way line of Interstate Route No. 29; thence along said present westerly right of way line for the following 4 courses: S71°07'48"E, 51.58 feet; S65°23'30"E, 242.78 feet; S44°30'37"E, 316.09 feet; S37°06'35"E, 5.90 feet; thence S2°16'47"W, 96.88 feet; thence N31°53'00"W, 145.82 feet; thence N46°27'38"W, 243.31 feet; thence N64°07'10"W, 230.33 feet; thence N89°17'54"W, 155.35 feet; thence N37°44'32"W, 39.33 feet; thence N63°32'55"W, 58.10 feet to the Point of Beginning.

3. Any farm field drainage tile, or outlets, which are located within the land being acquired under this proceeding, and are damaged or destroyed by highway construction, shall be relocated, replaced or restored by the condemner and at no expense to the condemnees, and the State of Iowa shall have a right of temporary easement as necessary over condemnees' remaining property for the specific purpose of effecting such relocation, replacement or restoration.
4. The area sought to be appropriated by temporary easement, for the specific purpose of access and for relocating, replacing, or restoring tile, if any, are reserved to the condemnees until the actual date said areas are required for construction of this highway improvement. Also, said temporary easement rights shall terminate immediately upon completion of the operations for which said rights are sought and in no event later than the completion of this highway improvement.
5. Condemner hereby gives notice of condemnees' five-year right to renegotiate construction or maintenance damages not apparent at the time of the Condemnation as required by the Code of Iowa, Section 6B.52.



IOWA DEPARTMENT OF TRANSPORTATION

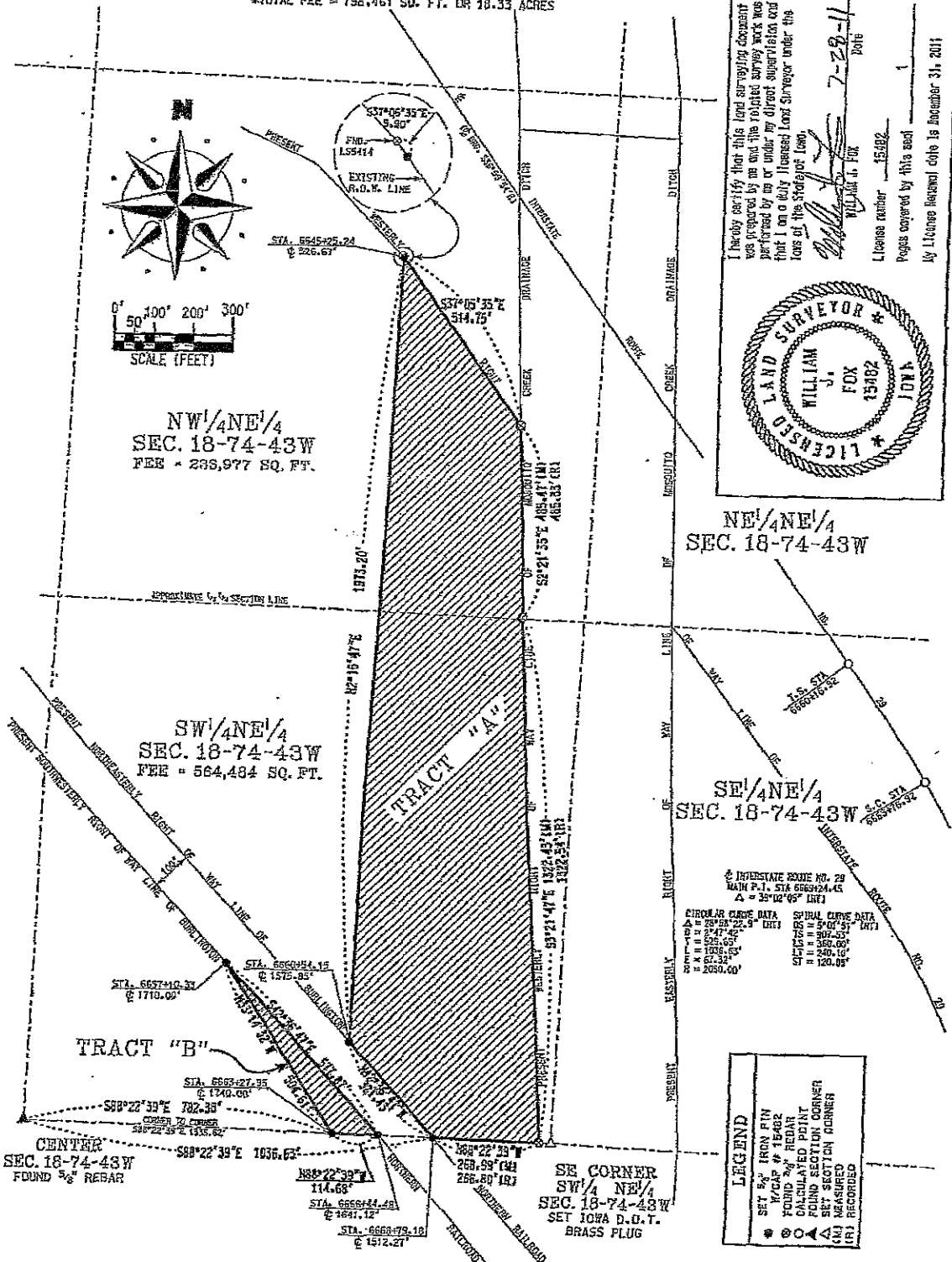


ACQUISITION PLAT
EXHIBIT "A"

COUNTY POTTAWATTAMIE STATE CONTROL NO. _____
 PROJECT NO. IMN-29-3(65)64--0E-78 PARCEL NO. 384A
 SECTION 18 TOWNSHIP 74N RANGE 43W
 ROW - FEE 798,461 SQ. FT., EASE _____ AC, EXCESS - FEE _____ AC
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE _____
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ SIDE ROAD _____ SIDE _____
 ACQUIRED FROM BUCKEYE TERMINALS, LLC

TRACT "A" NW 1/4 NE 1/4 SECTION 18-74-43W = 233,977 SQ. FT.
 TRACT "A" SW 1/4 NE 1/4 SECTION 18-74-43W = 540,744 SQ. FT.
 TRACT "B" SW 1/4 NE 1/4 SECTION 18-74-43W = 23,740 SQ. FT.

*TOTAL FEE = 798,461 SQ. FT. OR 18.33 ACRES



I hereby certify that this land surveying document was prepared by me and the related survey work was performed by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

William J. Fox
 License number 15,082
 Expires 7-28-11
 My License Renewal Date is December 31, 2011

LICENSED LAND SURVEYOR
 WILLIAM J. FOX
 15082
 IOWA

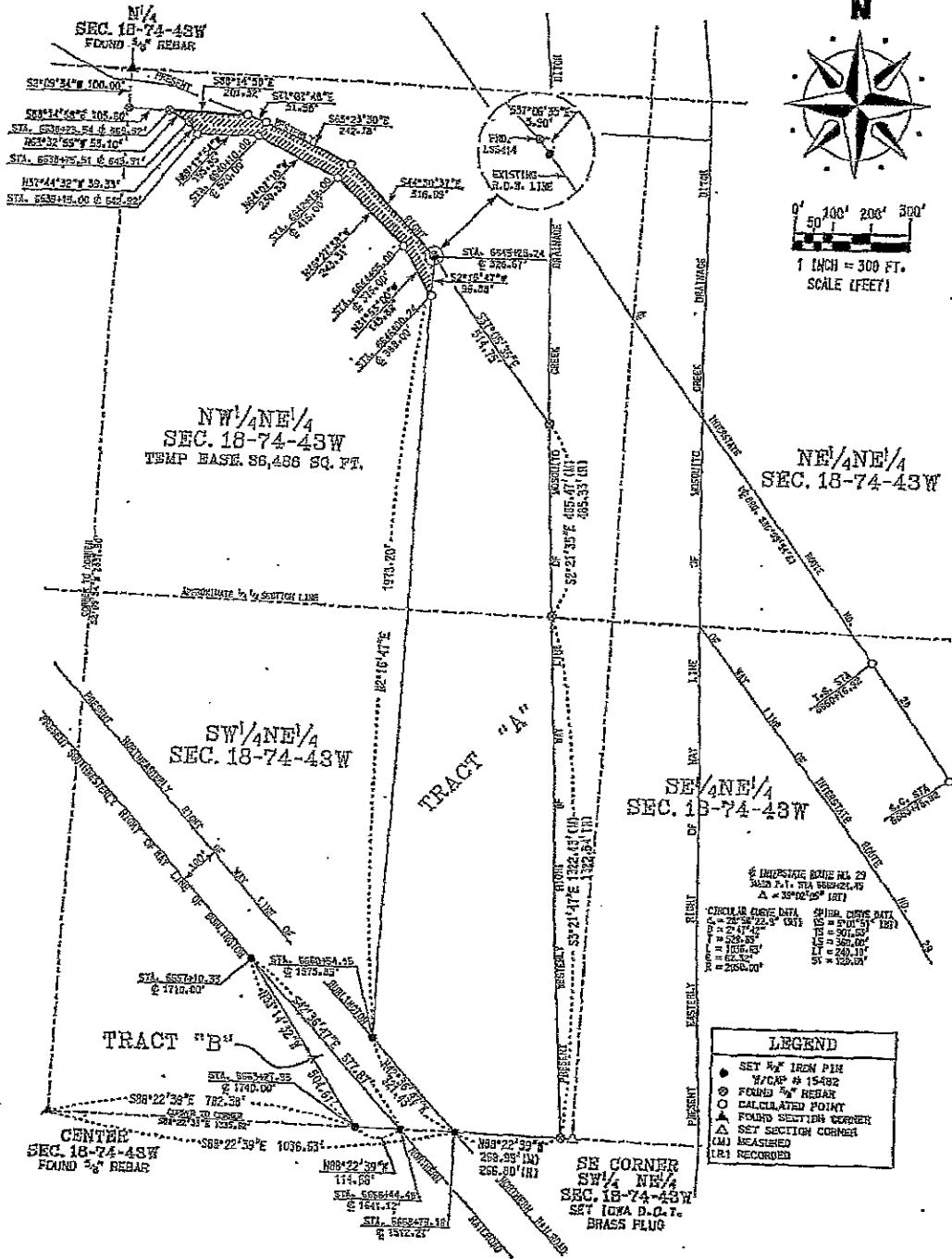
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EXHIBIT "B"

COUNTY POTTAWATTAMIE STATE CONTROL NO. _____
 PROJECT NO. IMN-29-3165154-0E-7B PARCEL NO. 884A
 SECTION 18 TOWNSHIP 74N RANGE 43W
 ROW - FEE _____ SQ. FT. EASE _____ AC. TEMPORARY EASEMENT _____ SQ. FT.
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE _____
 ACQUIRED FROM BUCKEYE TERMINALS, LLC TO STA. _____ SIDE ROAD _____ SIDE _____

TEMPORARY EASEMENT FOR ACCESS



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In the Matter of the Condemnation
of Certain Rights in Land by the
Iowa Department of Transportation
for the Improvement of

No. 29
in the City of Council Bluffs
located in Pottawattamie County, Iowa

**REPORT OF
COMPENSATION
COMMISSION**

Project No. IMN-29-3(65)54-0E-78 Group "J"

TO: Jeff Danker, Sheriff of Pottawattamie County, Iowa

We, the undersigned, being duly-appointed and qualified Commissioners appointed to assess the damages sustained by the owners, lienholders, encumbrancers and other persons interested in the appropriation of certain specified rights as set forth and described in the Notice of Condemnation filed in the above-entitled matter, respectfully report as follows.

That we proceeded to view the respective premises at the time or times fixed in the notice to persons interested therein and do hereby assess and appraise the damages which the respective persons will sustain by reason of the appropriation as follows:

	Land and Improvements	Consequential Damages	Condemnee's Total Award	Condemnee's Attorney Fees and Costs
Parcel 384A	\$ _____	\$ _____	\$ 687,375	\$ _____
Buckeye Terminals, LLC	\$ _____	\$ _____	\$ _____	\$ _____
Pottawattamie County Treasurer	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
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	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____	\$ _____

Value of Condemnee's dwelling:

Respectfully reported at Council Bluffs, Iowa, this 15 day of February, 2012.
Carey M. Jensen
Bill Smith
Richard J. Johnson

I certify that the above amounts are legally payable to each claimant and that the claim is correct and just and that payment has not been received.

Filed in my office at Council Bluffs, Iowa, this 15 day of Feb., 2012.
Jeff Danker
 Sheriff of Pottawattamie County, Iowa

Recorded in the STATE
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 Document No. 6069E
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SHERIFF'S CERTIFICATION AS TO AWARDS AND COSTS

In the matter of the Condemnation
Of Certain Rights in Land by the
IOWA DEPT. OF TRANSPORTATION
FOR THE IMPROVEMENT OF NO.19
IN THE CITY OF COUNCIL BLUFFS
LOCATED IN POTTAWATTAMIE
COUNTY, IOWA

THE ORIGINAL CERTIFIED APPLICATION FOR CONDEMNATION IS RECORDED
IN INSTRUMENT NUMBER 2011-015271 AND DATED 11/23/2011

TO: IOWA DEPARTMENT OF TRANSPORTATION

I certify that the commissioners in the above-entitled cause convened at Council Bluffs,
Iowa on the 15th day of February 2012, and said commissioners did on the 15th day of
February 2012, file their report in my office, awarding damages as follows:

Buckeye Terminals, LLC
Pottawattamie County Treasurer

TOTAL DAMAGES AWARDED: \$687,375.00

I certify that the costs incident to this proceeding are taxed as listed below:

Sheriff's Fees (summoning & attending commissioners)	100.00
Commissioners Costs	1,063.27
Processing Fees & Mileage	70.00
Publication costs	23.39
FEEES DUE POTT. CO. SHERIFF	<u>\$1,256.66</u>

JEFFEREY D. DANKER, SHERIFF
Pottawattamie County

in the STATE LAND
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