

Prepared By/Return To:

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Address Tax Statements: BNSF Railway Company, 2650 Lou Menk Drive, Fort Worth Texas, 76131-2830

State of Iowa

OFFICE OF THE SECRETARY OF STATE STATE LAND OFFICE

Patent No. 6108

The **STATE OF IOWA**, subject to conditions listed in this patent, hereby conveys to **BNSF RAILWAY COMPANY**, real estate in **Pottawattamie County, Iowa**, and more particularly described as follows:

Two parcels of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 74 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa, as shown on Plat of Survey Attachment C-6, attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing at the Center of said Section 7, thence N1°48'53"E 1355.88 feet along the west line of the NE $\frac{1}{4}$ of said Section 7; thence S88°08'19"E 68.47 feet to the Point of Beginning; thence continuing S88°08'19"E 60.22 feet to a point on the southerly right of way line of Iowa Interstate Railroad; thence along said southerly right of way for the following (3) courses, southeasterly 677.08 feet along a 776.70 foot radius curve, concave northerly and having a chord bearing S85°44'42"E 655.84 feet; N71°36'58"E 508.06 feet, S15°28'08"E 26.51 feet; thence S56°43'50"W 63.77; thence N33°57'26"W 10.00 feet; thence southwesterly 1370.33 feet along a 1382.50 foot radius curve, concave southeasterly and having a chord bearing S27°39'05"W 1314.91 feet to a point on the northeasterly right of way line of CBEC Railway; thence N47°45'11"W 208.14 feet along said northeasterly right of way line; thence northwesterly 1045.49 feet along a 2805.00 foot radius curve, concave southwesterly and having a chord bearing N21°27'20"W 1039.45 feet to the Point of Beginning, said parcel contains 444,493 square feet or 10.20 acres.

And

Commencing at the Center of said Section 7, thence N1°48'53"E 1571.07 feet along the west line of the NE $\frac{1}{4}$ of said Section 7; thence S88°10'58"E 1364.95 feet to the Point of Beginning; thence

(Description continued on next page)

CONDITIONS: Authority and consideration for issuance of this patent are stated in the certificate of the **Right of Way Director of the Iowa Department of Transportation** filed with the State Land Office as provided in Iowa Code Section 9G.6. This conveyance is subject to the conditions imposed by Iowa Code Sections 306.22, 306.23, 306.24, and 306.25, including the right of a utility association, company or corporation to continue in possession of a right of way in use at the time of the sale.



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 July, 2016.

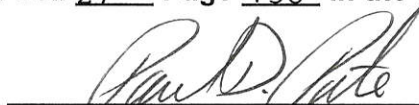


Terry E. Branstad, Governor of Iowa



Paul D. Pate, Iowa Secretary of State

I hereby certify that the foregoing Patent is recorded in Vol. 27 Page 158 in the State Land Office.



Paul D. Pate, Iowa Secretary of State

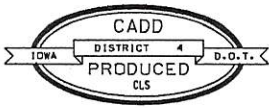
(Description continued)

S35°23'09"E 21.23 feet to a point on the southerly right of way line of the Iowa Interstate Railroad; thence S56°54'56"W 59.40 feet along said southerly right of way line; thence N36°59'57"E 62.27 feet to the Point of Beginning, said parcel contains 630 square feet or 0.01 acre.

The State retains the right of entry thereon for the purpose of constructing and maintaining the right of way fence. The fence shall be maintained for vehicle access control purposes only. The State will be held blameless and without liability for fencing private property or maintaining the same. The buyer may pasture against said fence at their own peril and the State will be held blameless and without liability for fencing private property or maintaining the same to restrain livestock.

These provisions run with the land and are binding upon buyers, their heirs, successors, and assigns.

Declaration of Value Filing is not required, as the State of Iowa is the Grantor and exempt from such filing by Section 428A.2(6) of the Code of Iowa.



IOWA DEPARTMENT OF TRANSPORTATION

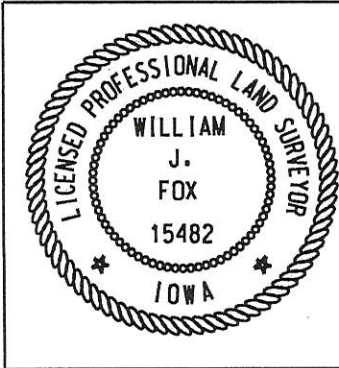
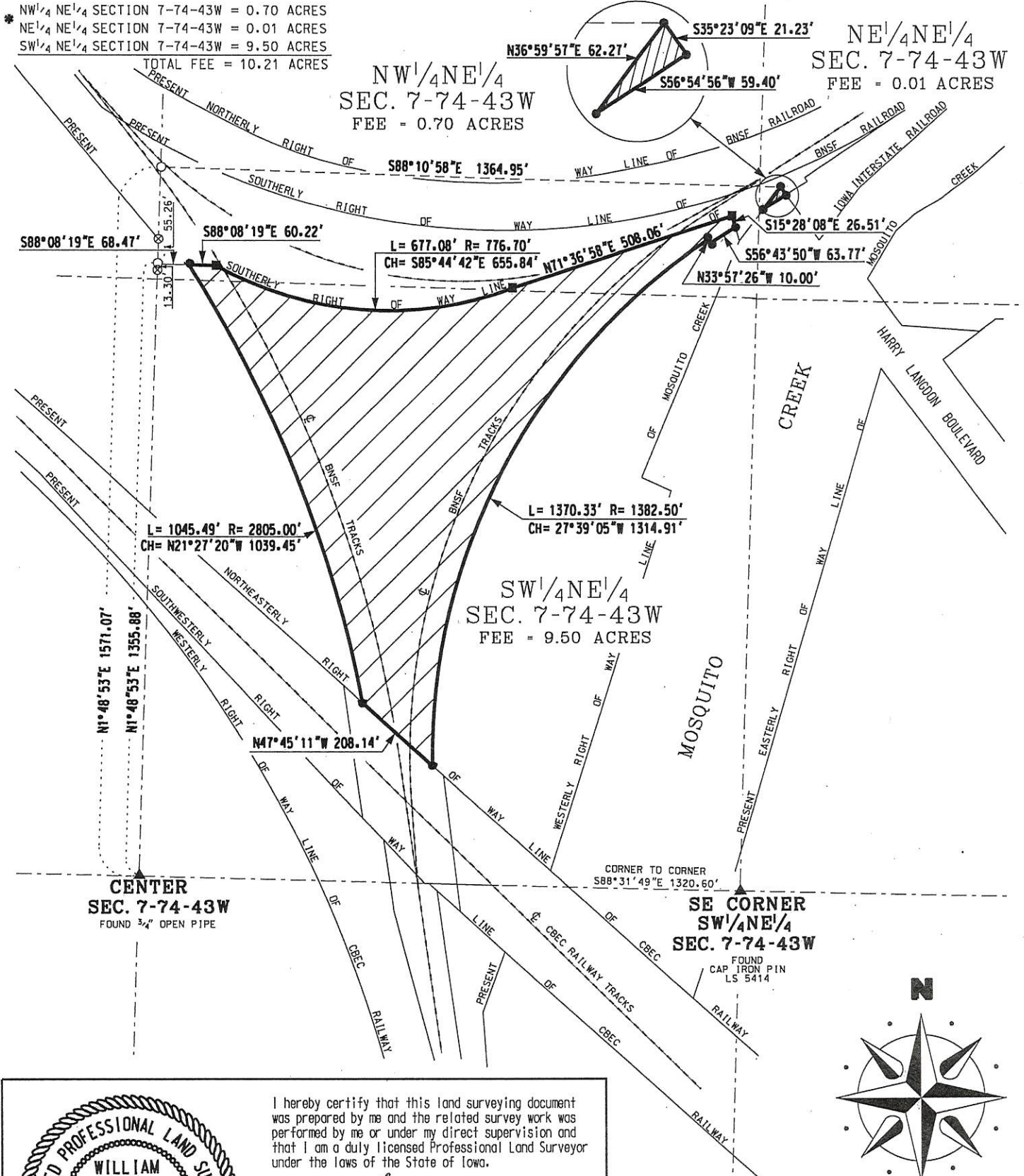


PLAT OF SURVEY
ATTACHMENT C-6

COUNTY POTTAWATTAMIE STATE CONTROL NO. _____
 PROJECT NO. IMN-29-3(65)54--OE-78 PARCEL NO. 00
 SECTION 7 TOWNSHIP 74N RANGE 43W
 ROW - FEE * 10.21 ACRES. 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 STATE OF IOWA

CONVEY TO BURLINGTON NORTHERN RAILWAY COMPANY
CITY OF COUNCIL BLUFFS, IOWA

* NW¹/₄ NE¹/₄ SECTION 7-74-43W = 0.70 ACRES
 * NE¹/₄ NE¹/₄ SECTION 7-74-43W = 0.01 ACRES
 SW¹/₄ NE¹/₄ SECTION 7-74-43W = 9.50 ACRES
 TOTAL FEE = 10.21 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 Professional Land Surveyor under the laws of the State of Iowa.

William J. Fox 5-18-16
 WILLIAM J. FOX Date

License number 15482
 Pages covered by this seal 1
 My License Renewal date is December 31, 2017

| LEGEND | |
|--------|---------------------------------------|
| ● | SET 5/8" IRON PIN WITH CAP # 15482 |
| ■ | FOUND RAILROAD TIE FENCE POST |
| ⊗ | FOUND REBAR WITH PLASTIC CAP LS 11557 |
| ○ | CALCULATED POINT |
| ▲ | FOUND SECTION CORNER |

