

Prepared By/Return To:

Katie Johnson, Iowa Department of Transportation, Office of Right of Way, 800 Lincoln Way, Ames, IA 50010 (515)239-1633  
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. 6129

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:

A parcel of land located in the NW¼ SE¼ and the SW¼ NE¼ of Section 7, Township 74 North, Range 43 West of the 5<sup>th</sup> P.M. Pottawattamie County, Iowa, as shown on Plat of Survey Attachment C-4, attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing at the Center of said Section 7, thence S88°31'49"E 550.58 feet along the north line of the NW¼ SE¼ of said Section 7 to the Point of Beginning; thence N7°51'00"W 97.39 feet to a point on the southwesterly right of way line of CBEC Railway; thence along said southwesterly right of way for the following (3) courses, S42°20'11"E 133.17 feet; S88°31'49"E 9.81 feet; S47°45'11"E 23.21 feet; thence S7°51'00"E 802.61 feet to a point on the northerly right of way line of Primary Road No. IA 92; thence S47°27'31"W 63.85 feet along said northerly right of way line; thence N7°51'00"W 420.58 feet; thence N14°51'43"W 389.10 feet; thence N7°51'00"W 63.98 feet to the Point of Beginning, said parcel contains 59,707 square feet or 1.37 acres.

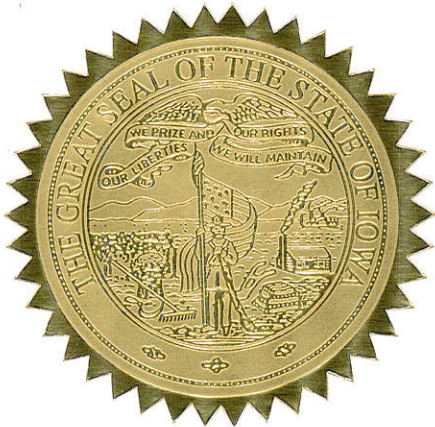
Direct access between the above described parcel of land and Primary Road No. IA 92 & U.S. 275 will be prohibited.

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.

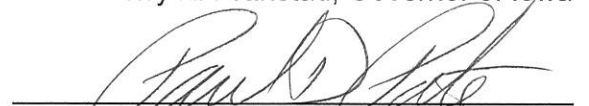
Declaration of Value Filing is not required, as the State of Iowa is the Grantor and exempt from such filing by Section 428A.2(6) of the Code of Iowa.

**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.

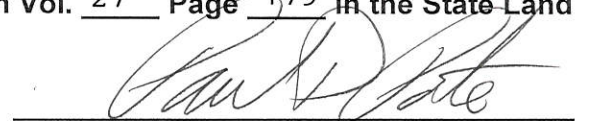


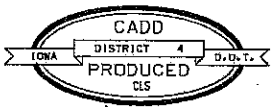
I, **Terry E. Branstad**, Governor of the State of Iowa, have caused this instrument to be issued and the Great Seal of the State of Iowa to be affixed at Des Moines, on this 15<sup>th</sup> day of September, 2016.

  
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 179 in the State Land Office.

  
Paul D. Pate, Iowa Secretary of State



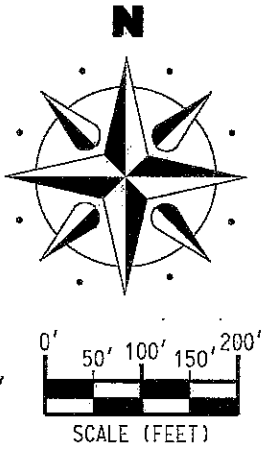
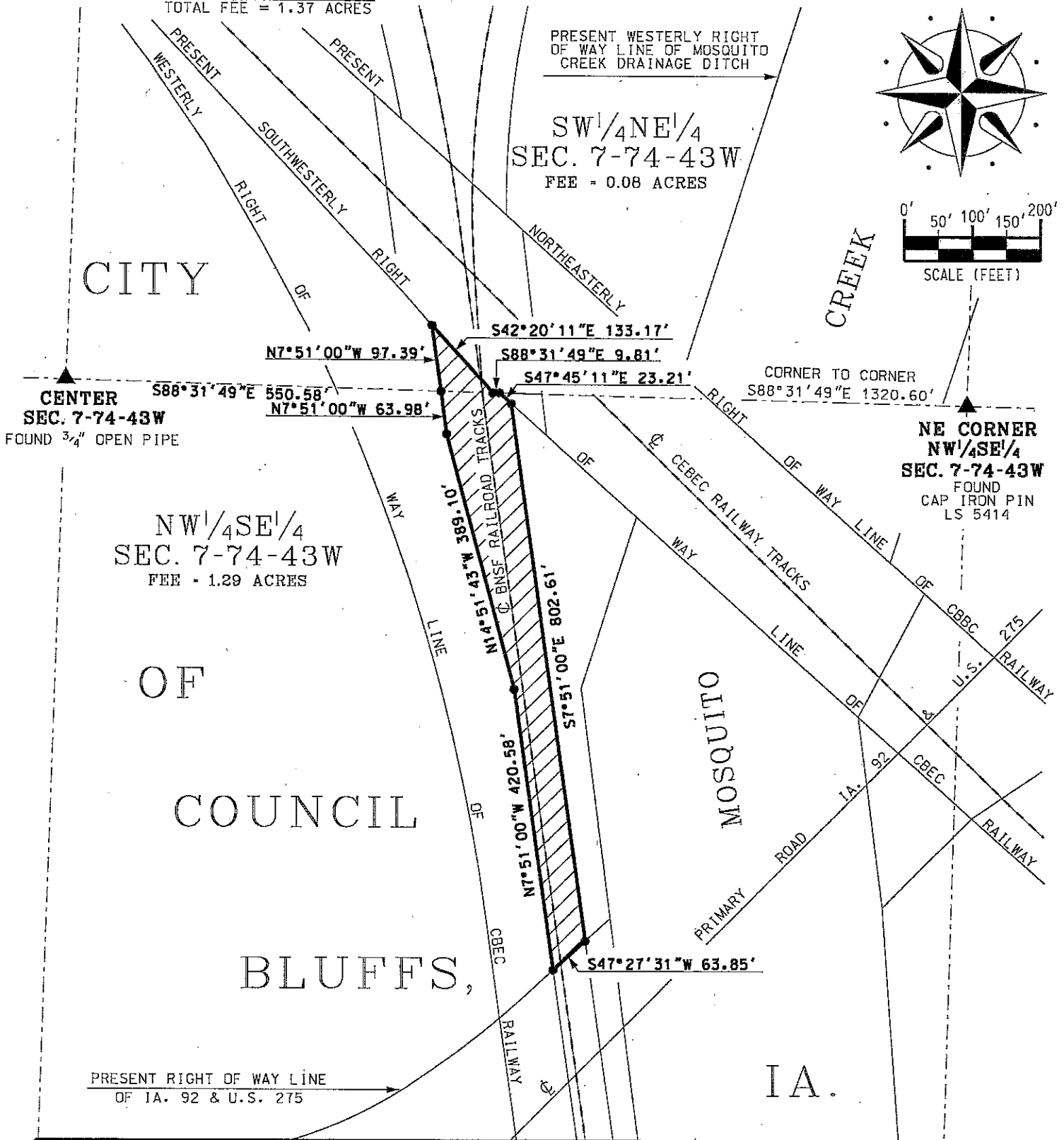
IOWA DEPARTMENT OF TRANSPORTATION

PLAT OF SURVEY  
ATTACHMENT C-4



COUNTY POTTAWATTAMIE STATE CONTROL NO. \_\_\_\_\_  
 PROJECT NO. IMN-29-3(65)54--0E-78 PARCEL NO. 00  
 SECTION 7 TOWNSHIP 74N RANGE 43W  
 ROW - FEE \*1.37 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

\* SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> SEC. 7-74-43 = 0.08 ACRES  
 NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> SEC. 7-74-43 = 1.29 ACRES  
 TOTAL FEE = 1.37 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



PRESENT WESTERLY RIGHT OF WAY LINE OF MOSQUITO CREEK DRAINAGE DITCH

PRESENT EASTERLY RIGHT OF WAY LINE OF MOSQUITO CREEK DRAINAGE DITCH

- LEGEND**
- SET 5/8" IRON PIN
  - ⊗ FOUND LOT CORNER
  - CALCULATED POINT
  - ▲ FOUND SECTION CORNER
  - △ SET SECTION CORNER