

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. 6071 E

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 storm 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, 211.76 feet to the true point of beginning of the herein described centerline; thence departing said western line, South 42°00'00" East, 278.26 feet to a point; thence South 88°00'00" East 278.00 feet to a point of terminus on the eastern line of Tract A, as aforementioned,

said easement contains 0.20 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 9th 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 120 in the State Land Office.

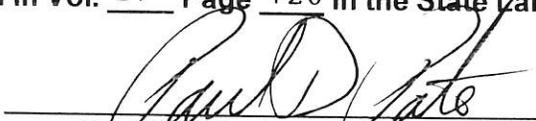
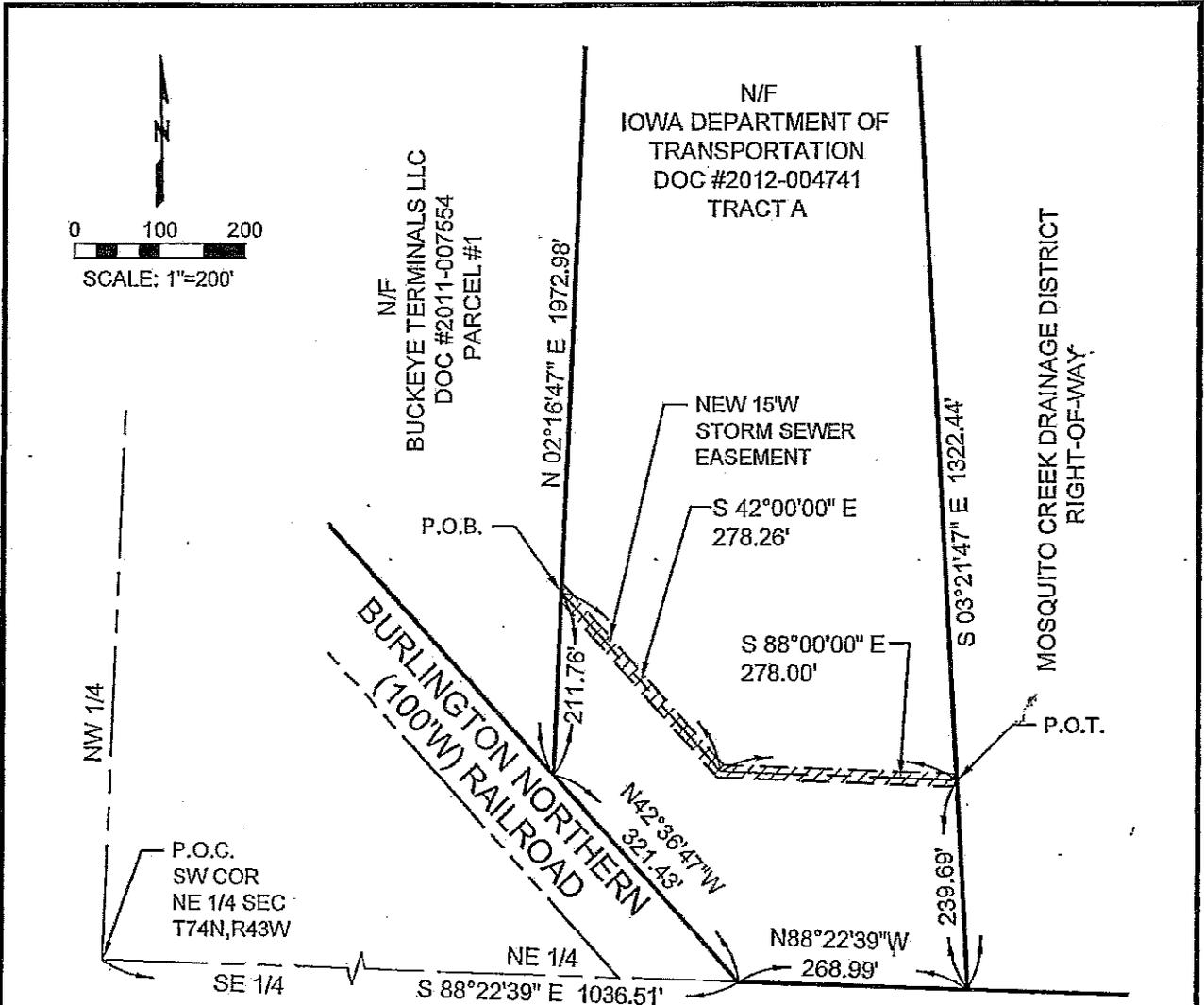

Paul D. Pate, Iowa Secretary of State

EXHIBIT "A"



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

PREPARED BY: **Farnsworth GROUP**
 20 ALLEN AVENUE, SUITE 200, ST LOUIS, MISSOURI 63119
 (314) 962-7900 / (314) 962-1253 Fax

BUCKEYE TERMINALS, LLC

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

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

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.