

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. 6117E

The **STATE OF IOWA**, pursuant to Iowa Code Section 306.45, subject to conditions listed in this easement, hereby conveys a permanent easement for railway purposes to **CBEC RAILWAY INC.**, and their heirs, assigns, and successors in interest in real estate in **Pottawattamie County, Iowa**, described as:

A parcel of land located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 74 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa, as shown on Plat of Survey Attachment E-2, attached hereto and by this reference made a part hereof, more particularly described as follows:

Commencing at the Center of said Section 18, thence S88°22'39"E 970.49 feet along the south line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 18; thence N1°37'21"E 67.93 feet to a point on the present northeasterly right of way line of Burlington Northern Railroad, the Point of Beginning; thence N42°36'47"W 170.85 feet; thence N2°15'53"W 177.24 feet; thence northerly 86.29 feet along a 1065.36 foot radius curve, concave easterly and having a chord bearing N1°48'58"E 86.27 feet; thence N5°29'09"E 73.03 feet; thence N6°10'55"E 372.51 feet; thence N83°49'05"W 25.00 feet; thence N6°10'55"E 212.73 feet; thence S83°49'05"E 35.00 feet; thence N6°10'55"E 923.52 feet; thence S83°49'05"E 22.56 feet; thence N5°39'52"E 274.87 feet; thence N1°55'47"W 334.39 feet to a point on the north line of the NE $\frac{1}{4}$ of said Section 18; thence S88°15'00"E 77.80 feet along said north line; thence southerly 440.23 feet along a 2852.50 foot radius curve, concave westerly and having a chord bearing S1°21'46"W 439.80 feet; thence S6°02'55"W 39.80 feet; thence S6°10'55"W 1642.63 feet; thence S5°28'48"W 70.45 feet; thence southeasterly 266.43 feet along a 967.87 foot radius curve, concave easterly and having a chord bearing S3°48'11"E 265.59 feet; thence S2°32'06"E 116.24 feet to the Point of Beginning, said parcel contains 226,012 square feet or 5.19 acres.

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 16th day of August, 2016.



Terry E. Branstad, Governor of Iowa

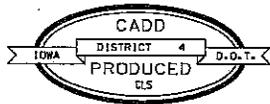


Paul D. Pate, Iowa Secretary of State

I hereby certify that the foregoing Easement is recorded in Vol. 27 Page 167 in the State Land Office.



Paul D. Pate, Iowa Secretary of State



IOWA DEPARTMENT OF TRANSPORTATION

PLAT OF SURVEY

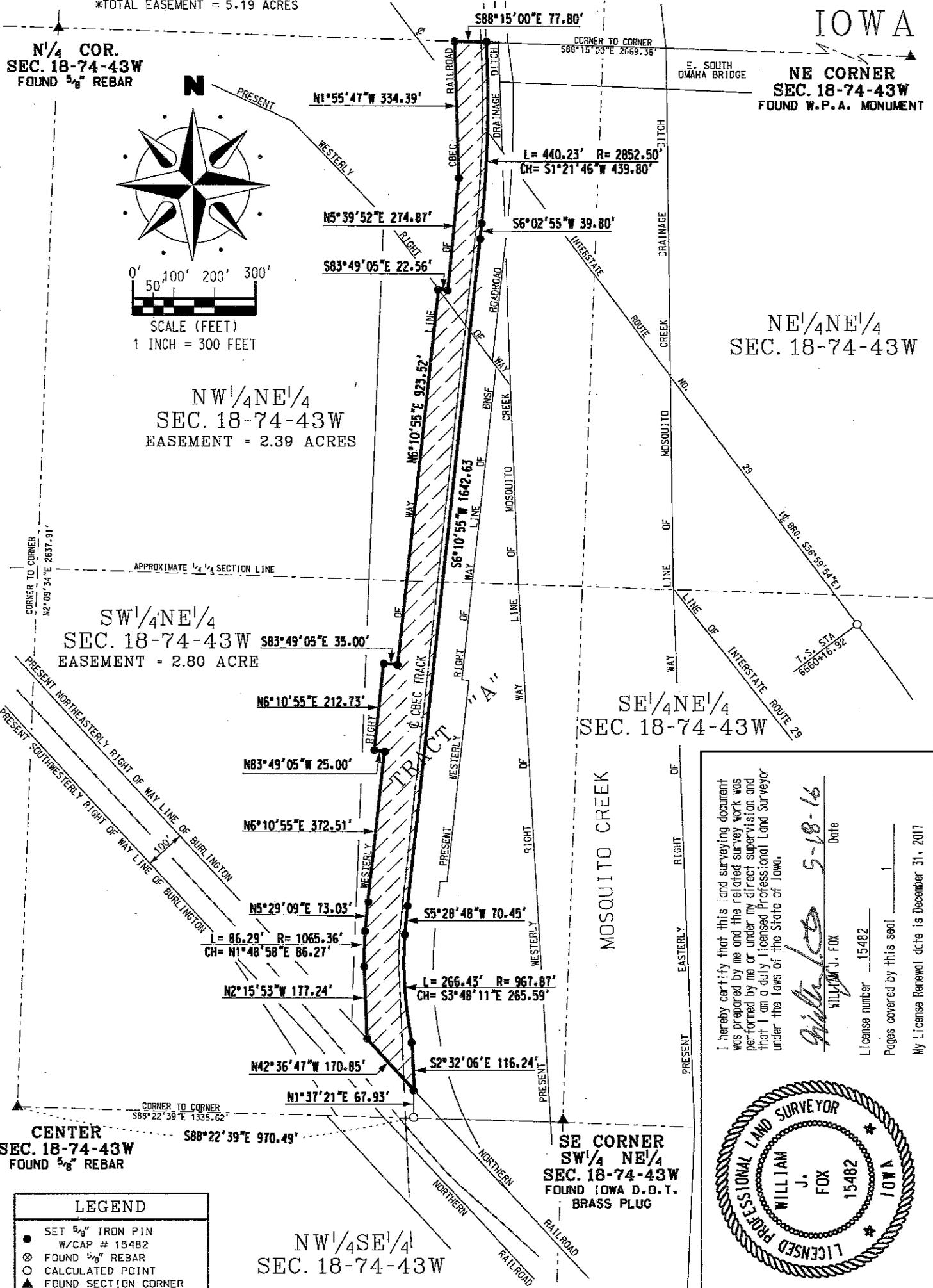
ATTACHMENT E-2



COUNTY POTTAWATTAMIE STATE CONTROL NO. _____
 PROJECT NO. IMN-29-3(65)54--0E-78 PARCEL NO. 00
 SECTION 18 TOWNSHIP 74N RANGE 43W
 ROW - FEE _____ SQ. FT., EASE * 5.19 AC, EXCESS - FEE _____ AC
 ACQUIRED ACCESS RIGHTS FROM STA. _____ TO STA. _____ MAIN LINE _____ SIDE _____
 ACQUIRED FROM STATE OF IOWA
 CONVEY TO CBEC RAILWAY INC.

* NW¹/₄ NE¹/₄ SECTION 18-74-43W = 2.39 ACRES
 SW¹/₄ NE¹/₄ SECTION 18-74-43W = 2.80 ACRES
 *TOTAL EASEMENT = 5.19 ACRES

CITY OF COUNCIL BLUFFS, IOWA



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
 WILLIAM J. FOX
 License number 15482
 Date 5-18-16
 Pages covered by this seal 1
 My License Renewal date is December 31, 2017



LEGEND	
●	SET 5/8" IRON PIN W/CAP # 15482
⊙	FOUND 5/8" REBAR
○	CALCULATED POINT
▲	FOUND SECTION CORNER