

Roll 723 Image 10397-10400

Document 496 Type EASMT Pages 4  
Date 7/11/2012 Time 2:34 PM  
Rec Amt \$22.00

PATRICK F GILL, AUDITOR AND RECORDER  
WOODBURY COUNTY IOWA

The Instrument Drafted By: RECORDING INFORMATION ABOVE  
Kevin Heeren  
Qwest Corporation, d/b/a/ CenturyLink QC  
1801 California Street Suite 900  
Denver, Colorado 80202  
(515) 263-7408

Return to:  
E Derek Westenberg  
Ulteig Engineers, Inc.  
5701 S Corporate Place  
Sioux Falls, SD 57108  
(605) 323-2306

### EASEMENT AGREEMENT

The undersigned **BJ'S ENTERPRISES, LC** (Grantor), for and in consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto **Qwest Corporation, d/b/a CenturyLink QC** whose address is 1801 California Street, Suite 900, Denver, Colorado 80202, and its successors, assigns, affiliates, lessees, licensees, and agents, a perpetual non-exclusive easement to construct, modify, add to, maintain, and remove underground telecommunications cables, as Grantee may require upon, over, under and across the following described property situated in the County of Woodbury, State of Iowa, which the Grantor owns or in which Grantor has an interest to wit:

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.  
LEGAL DESCRIPTION IS ON PAGE THREE

Grantor further conveys to Grantee the right of ingress and egress to and from the Easement Area during all periods of construction, maintenance, installation, reinforcement, repair and removal over and across Grantor's lands with the right to clear and keep cleared all trees and other obstructions as may be necessary for Grantee's use and enjoyment of the Easement Area.

Grantee shall indemnify Grantor for all damages caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges herein granted. Grantee shall have no responsibility for environmental contamination, which is either pre-existing or not caused by Grantee.

Grantor reserves the right to occupy, use and cultivate the Easement Area for all purposes not inconsistent with the rights herein granted.

Grantor covenants that Grantor is the fee simple owner of the Easement Area or has an interest in the Easement Area. Grantor will warrant and defend title to the Easement Area against all claims.

Grantor hereby covenants that no excavation, structure or obstruction will be constructed, or permitted on the Easement Area and no change will be made by grading or otherwise that would adversely affect Grantee's use and enjoyment of the Easement Area.

The rights, conditions and provisions of this Agreement shall run with the land and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

R/W # 1A030712Dw01

Page 1 of 4

Initials VCH

Dated this 3 day of July, 2012.

BJS ENTERPRISES, LC  
By William E. Shaw  
William E. Shaw

Its Vice President

STATE OF IOWA }  
COUNTY OF ~~WOODBURY~~ Page }ss

The foregoing instrument was acknowledged before me this 3 day of July, 2012 by  
William E. Shaw of BJS ENTERPRISES, LC, a limited liability corporation, on behalf of the corporation.

Witness My Hand and Official Seal

Jennifer French  
Notary Public  
My commission expires: 2-26-15



R/W # 1A030712 Dwo1 Job # E.295112

Exchange Sioux City County Woodbury

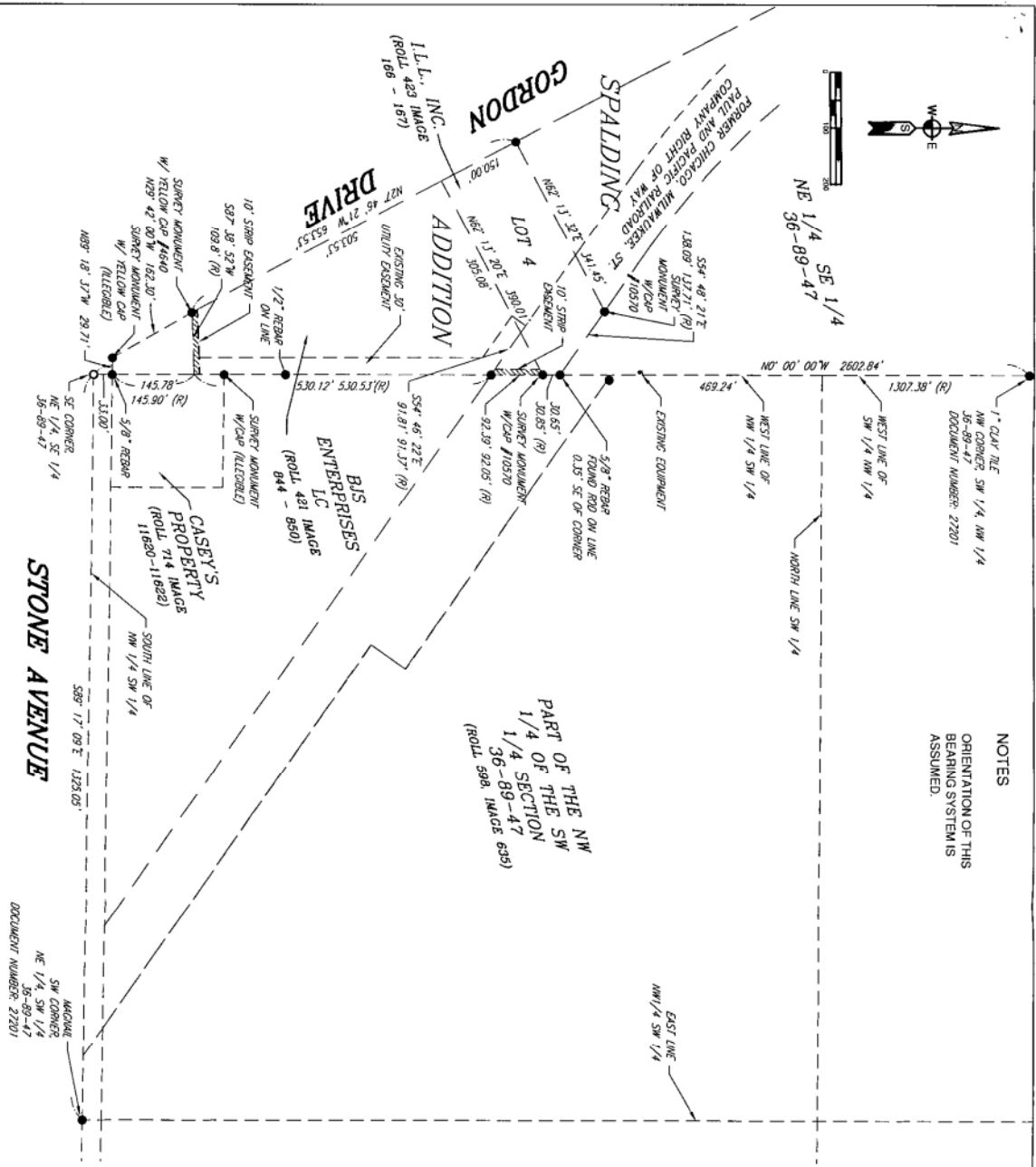
1/4 Section SE Section 35 Township 89N Range 47W of the 5th P.M.



NE 1/4 SE 1/4  
36-89-47

NOTES  
ORIENTATION OF THIS BEARING SYSTEM IS ASSUMED.

EXHIBIT "A"  
EASEMENT EXHIBIT  
CENTURY LINK QC  
JOB NO. E.295112  
CITY OF SIOUX CITY  
WOODBURY COUNTY, IOWA



SURVEYOR'S CERTIFICATE  
I HEREBY CERTIFY THAT THIS EASEMENT EXHIBIT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

ERIC D. MEYER  
DATE 5/24/12

IOWA LICENSE NUMBER 21003  
(THIS PAGE ONLY IS COVERED BY THIS SEAL)

LEGEND  
● (R) EXISTING PROPERTY LINE  
○ (R) EXISTING EASEMENT LINE  
○ FOUND SURVEY MONUMENT  
○ RECORD DIMENSION  
○ MONUMENT SET  
○ (5/8" REBAR, CAPPED PLS #21003)



Steve Fildes, General Manager, District Sales - Fargo, Minnesota  
3701 South Grand Avenue, Suite 200  
Sioux Falls, South Dakota 57108  
Phone: 605.323.2306 Fax: 605.323.2308  
Web: www.ulteig.com

EXHIBIT "A"  
EASEMENT EXHIBIT  
CENTURY LINK QC  
JOB NO. E.295112  
CITY OF SIOUX CITY  
WOODBURY COUNTY, IOWA

Project Number: A1220887  
Date: 5/22/12  
Drawn By: EDM  
Approved By: EDM  
Sheet: 1 of 2

**LEGAL DESCRIPTION**

ALL THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 89 NORTH, RANGE 47 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN SIOUX CITY, WOODBURY COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 FOR 178.90 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 67 DEGREES 39 MINUTES 58 SECONDS WEST FOR 110.42 FEET TO THE EASTERLY LINE OF GORDON DRIVE; THENCE NORTH 27 DEGREES 45 MINUTES 23 SECONDS WEST ALONG THE EASTERLY LINE FOR 593.53 FEET; THENCE NORTH 62 DEGREES 14 MINUTES 30 SECONDS EAST FOR 395.37 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE FORMER CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY; THENCE SOUTH 54 DEGREES 42 MINUTES 01 SECONDS EAST ALONG SAID LINE FOR 91.37 FEET TO THE EAST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE SOUTH 0 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID LINE FOR 530.53 FEET TO THE POINT OF BEGINNING. (SAID DESCRIBED PARCEL CONTAINS 129,000 SQUARE FEET OR 2.961 ACRES, MORE OR LESS.)

AND

ALL THAT PART OF THE FORMER CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY RIGHT OF WAY IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 89 NORTH, RANGE 47 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN SIOUX CITY, WOODBURY COUNTY, IOWA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 35; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 FOR 178.90 FEET; THENCE CONTINUING NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG SAID LINE FOR 530.53 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID FORMER RAILROAD RIGHT OF WAY AND THE POINT OF BEGINNING; THENCE NORTH 54 DEGREES 42 MINUTES 01 SECONDS WEST ALONG SAID LINE FOR 91.37 FEET; THENCE NORTH 62 DEGREES 14 MINUTES 30 SECONDS EAST FOR 84.276 FEET TO THE EAST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE SOUTH 00 DEGREES 00 MINUTES 00 WEST FOR 92.05 FEET TO THE POINT OF BEGINNING.

SAID DESCRIBED PARCEL CONTAINS 3.432 SQUARE FEET OR 0.078 ACRES, MORE OR LESS.

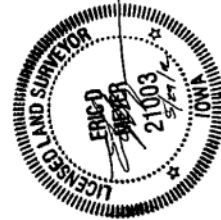
**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS EASEMENT EXHIBIT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

  
ERIC D. MEYER  
DATE 5/29/12

IOWA LICENSE NUMBER 21003

(THIS PAGE ONLY IS COVERED BY THIS SEAL.)



Star File, Research, Layout, Detail Labels, Maps - Minnesota  
5701 South Country Road, Suite 200  
Sioux Falls, South Dakota 57108  
Phone: 605.323.2308 Fax: 605.323.2308  
Web: www.ulteig.com



**EASEMENT DESCRIPTION**

THE SOUTH 10 FEET OF SAID PROPERTY AS DESCRIBED IN ROLL 421 IMAGE 945 IN THE OFFICE OF THE WOODBURY COUNTY RECORDER SIOUX CITY, IOWA.

AND

THE EAST 10 FEET OF SAID PROPERTY AS DESCRIBED IN ROLL 423 IMAGE 170 IN THE OFFICE OF THE WOODBURY COUNTY RECORDER SIOUX CITY, IOWA.

EXHIBIT "A"  
EASEMENT EXHIBIT  
CENTURY LINK QC  
JOB NO. E 295112  
CITY OF SIOUX CITY  
WOODBURY COUNTY, IOWA

Project Number: R12-00687  
Created: 5/22/2012  
Drawn By: EJM  
Approved By: EJM  
1 of 2