

#12.

Brennan Hostettler Construction
Company Inc. By Robert E. Brennan,
President, By Clint Thompson,
Secretary, Treasurer

SPECIAL MEETING

Dated Nov. 2, 1973

Filed Nov. 21, 1973

To

Recorded in Book 6 page 145

D & K Auto or Paul Boles and
Richard Lavrenz

All that part of Lots Five (5) and Six (6) of Block Nine (9), lying West of the right of way of the Chicago, Rock Island and Pacific Railway Company, of Burnham's Addition to Emmetsburg, and

real estate situated in Palo Alto County, Iowa, to-wit:

A parcel of land in the Southwest Quarter of Section 19, Township 96 North, Range 32 West of the 5th P.M. in the Town of Emmetsburg, Palo Alto County, Iowa, described as follows:

Beginning at the intersection of the south line of Eighth Street and a line parallel with and 20 feet westerly of the centerline of the main track of the Chicago, Rock Island and Pacific Railroad Company; thence southerly along said parallel line a distance of 265 feet, more or less, to the north line of Main Street; thence westerly along said north line of Main Street a distance of 125 feet, more or less, to a line parallel with and 145 feet westerly of said centerline of the main track; thence northerly along said parallel line a distance of 265 feet, more or less, to said south line of Eighth Street; thence Easterly along said south line of Eighth Street a distance of 125 feet, more or less, to the point of beginning.

Chicago, Rock Island and Pacific Railroad Company reserves an easement on, over and across that portion of the premises lying easterly of a line being 10 feet westerly from and parallel with the centerline of Grantor's sidetrack for railroad right of way and for the purpose of clearance for railroad equipment operated on Grantor's sidetrack lying immediately easterly of the premises as said track is now located or as may hereafter be located, to have and to hold as long as deemed necessary for Grantor's purposes. Existing nonrailroad structures, or portions thereof, to the extent some are within the easement area, shall not be rebuilt if substantially damaged or destroyed. No new nonrailroad structures shall be permitted within the easement area except as otherwise provided herein.

Richard Lavrenz and Paul R. Boles, Grantees, their successors and assigns, agree that a portion of the premises herein conveyed shall be maintained as an unobstructed sight zone to provide a clear view between rail traffic on adjacent tracks, or between rail, pedestrian and vehicular traffic approaching the railroad crossing in Main Street. Said zone is to be all that part of the premises conveyed lying southeasterly of a straight line which begins at a point on the centerline of Main Street 100 feet westerly of its intersection with the centerline of Chicago, Rock Island and Pacific Railroad Company's main track and terminates at a point on the centerline of Chicago, Rock Island and Pacific Railroad Company's main track 100 feet northerly of its intersection with the centerline of Main Street. This covenant shall run with the land conveyed and be binding upon the Grantees, their successors and assigns.

Chicago, Rock Island and Pacific Railroad Company reserves an easement for the continued maintenance, operation and use of all existing conduits sewers, water mains, gas lines, electric power lines, communication lines, wires and other utilities and easements of any kind whatsoever on said premises, whether owned, operated, used or maintained by the Chicago, Rock Island and Pacific Railroad Company, its licenses or others, and whether or not of record, with reasonable right of entry for the purpose of repairing, reconstructing and replacing same; and

Reserves unto itself, its successors and assigns, all coal, oil, gas, casinghead gas and all ores and minerals of every kind and nature underlying the surface of said premises, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine take remove and market any and all such products in any manner which will not damage structures on the surface of said premises.

The Board of Directors of Brennan-Hostettler Construction Company, Inc., met in special session at the Corporation's place of business in Emmetsburg, Iowa, on Nov. 2, 1973. Directors, Robert E. Brennan and Clint Thompson were present; none were absent. On motion duly made and seconded, the following resolution was unanimously adopted:

Resolved, that the President, Robert E. Brennan, and the Secretary are hereby authorized and empowered on behalf of the Corporation to sell that property described as: (Description of property set out in the Caption of this abstract).

to D & K Auto or Paul Boles and Richard Lavrenz for the sum of \$26,500.00 and to execute said Deeds and any and all instruments that may be necessary in connection with said sale.