

**COMPARED**

EASEMENT

16749

THIS INSTRUMENT, Made and entered into this 9<sup>th</sup> day

of JULY, 1964, between the COUNCIL BLUFFS

INDUSTRIAL FOUNDATION, INC., an Iowa Corporation, party of the

first part, and the CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY,  
an Illinois Corporation, party of the second part:

WITNESSETH: That said party of the first part, in consideration of Ten and No/100 Dollars (\$10.00), to it in hand paid by  
party of the second part, the receipt whereof is hereby acknowledged,  
has given, granted and conveyed, and by these presents does  
give, grant and convey unto said party of the second part, its suc-  
cessors and assigns, the right, license, privilege and easement to  
enter upon and use for railroad purposes, and to construct, maintain,  
operate, repair, renew and remove standard gauge railroad trackage on,  
over, and across the premises described on Exhibits "A" and "B"  
dated May 15, 1964 (attached hereto and made a part hereof);

RESERVING, however, unto said party of the first part, its  
successors, assigns, and licensees the right to operate, maintain  
and renew such vehicular crossings, pipe lines, electric transmission  
lines, water lines, sewer lines and other facilities of like character  
as may exist upon, under or over said premises as of the date hereof,  
and from time to time construct, operate, maintain and renew such  
additional facilities of the same character, or relocate existing  
facilities, in such manner as will not interfere with the use of  
the premises by party of the second part for the purposes herein  
specified.

TO HAVE AND TO HOLD the said right, license, privilege and  
easement unto said party of the second part, its successors and as-  
signs forever, subject, however, to the condition that if at any  
time hereafter, the railroad trackage on the premises described in  
said Exhibits "A" and "B" shall cease being used and shall be re-  
moved by party of the second part, its successors and assigns, then

STATE OF IOWA, Polk County

Filed for record the

16th day of July, 1964  
in book 13 page 77  
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Recd  
Filing Fee  
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the said right, license, privilege and easement herein granted shall cease and determine and immediately thereupon revert and vest in the party of the first part, its successors and assigns without any further or other conveyances from said party of the second part, or its successors or assigns.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by its President and attested by its Secretary-Treasurer, and its corporate seal to be affixed the day and year first above written.

COUNCIL BLUFFS INDUSTRIAL FOUNDATION, INC.

BY President (Charles Everest)

Attest: Secretary-Treasurer (Millard Krasne)

STATE OF Iowa) SS.  
COUNTY OF Pottawattamie)

On this 9<sup>th</sup> day of JULY, A. D. 1968, before me, a Notary Public in and for said county, personally appeared Charles Everest, to me personally known, who, being by me duly sworn, did say that he is President of said Corporation, COUNCIL BLUFFS INDUSTRIAL FOUNDATION, INC., that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and said Charles Everest acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it voluntary executed.

Notary Public in and for said county

COMPARED

TRACT #1

That part of the Northwest Quarter (NW<sub>1</sub>) of Section Twelve (12), Township Seventy-four (74) North, Range Forty-four (44) West of the Fifth Principal Meridian, Pottawattamie County, Iowa, described, viz:

Beginning at the Northeast corner of property conveyed to Marlor, Inc., by deed dated August 2, 1962, recorded in book 1316 at page 61 in the Recorder of Deeds Office of Pottawattamie County, Iowa, which point is 534.73 feet distant North 13 degrees 53 minutes 17 seconds West of the Southeast corner of said Northwest Quarter (NW<sub>1</sub>) of Section Twelve (12); thence West along the North line of said Marlor property, and the Westerly prolongation of its North line, 1694.59 feet to a point that is 909.13 feet distant North 57 degrees 36 minutes 43 seconds East from the Southwest corner of said Northwest Quarter (NW<sub>1</sub>) of Section Twelve (12); thence North 63 degrees 37 minutes 30 seconds West 52.05 feet; thence Northerly along the arc of a circular curve to the right having a radius of 371.765 feet, the last-described course for its initial tangent, and a central angle of 83 degrees 49 minutes 50 seconds, 543.94 feet; thence North 0 degrees 12 minutes 00 seconds East 1422.07 feet to a point that is 300.00 feet distant South 0 degrees 12 minutes 00 seconds West of the North line of said Northwest Quarter (NW<sub>1</sub>) of Section Twelve (12); thence North 89 degrees 54 minutes 30 seconds East parallel with the North line of said Northwest Quarter (NW<sub>1</sub>) of Section Twelve (12) 59.00 feet; thence South 0 degrees 12 minutes 00 seconds West, 1472.19 feet; thence Southerly along the arc of a circular curve to the left having a radius of 346.765 feet, the last-described course for its initial tangent, and a central angle of 83 degrees 49 minutes 50 seconds, 507.36 feet; thence South 33 degrees 37 minutes 50 seconds East tangent to the curve in the preceding course described, 50.62 feet to a point on the Westerly prolongation of the South line of property conveyed to Leonard S. Shoen by Deed dated June 18, 1963, recorded in book 1330 at page 346 in the Recorder of Deeds Office of Pottawattamie County, Iowa; thence East along said Westerly prolongation of the South line of said Shoen property, and along its South line and its Easterly prolongation, 1663.21 feet to a point on the Westerly line of the right of way for Iowa State Highway Route 192; thence Southeasterly along said Highway right of way line, being the arc of a circular curve to the right having a radius of 1645.0 feet, an initial tangent that bears South 22 degrees 16 minutes 33 seconds East, and a central angle of 0 degrees 50 minutes 11 seconds, 20.93 feet to the point of beginning aforesaid, comprising an area of 2.115 acres, more or less.

(For the purpose of the bearings in the calls hereinabove given the South line of said Northwest Quarter (NW<sub>1</sub>) of Section Twelve (12) is taken as a Due East and West line.)

EXHIBIT A

26 foot wide Railroad Land Track Right of Way

Lah. Dept.  
Chicago RR. Co.  
Chicago, Ill.  
May 15, 1964  
DYZ

TRACT #2

That part of the Northwest Quarter (NW<sub>1/4</sub>) of Section Twelve (12), Township Seventy-four (74) North, Range Forty-four (44) West of the Fifth Principal Meridian, Pottawattamie County, Iowa, described, viz:

Beginning on the Westerly prolongation of the North line of property conveyed to Marlor, Inc. by Deed dated August 2, 1962, recorded in Book 1316 at Page 81 in the Recorder of Deeds Office of Pottawattamie County, Iowa, at a point that is 969.13 feet distant North 57 degrees 36 minutes 48 seconds East from the Southwest corner of said Northwest Quarter (NW<sub>1/4</sub>) of Section Twelve (12); thence from said true point of beginning West along the Westerly prolongation of the North line of said Marlor Property, 750.56 feet to a point on the East line of a 33.00 foot wide pipe line easement; thence North 0 degrees 12 minutes 00 seconds East along the East line of said pipe line easement 25.00 feet to a point on the Westerly prolongation of the South line of property conveyed to Leonard S. Shoen by Deed dated June 16, 1962, recorded in Book 1336 at Page 348 in the Recorder of Deeds Office of Pottawattamie County, Iowa; thence East along said Westerly prolongation of the South line of said Shoen Property, 615.33 feet; thence Southeasterly along the arc of a circular curve to the left having a radius of 371.765 feet, an initial tangent that bears South 70 degrees 24 minutes 26 seconds East, and a central angle of 13 degrees 13 minutes 24 seconds, 85.80 feet, thence South 83 degrees 37 minutes 50 seconds East tangent to the curve in the preceding course described, 52.05 feet to the true point of beginning aforesaid; comprising an area of 0.384 acres, more or less.

(For the purpose of the Bearings in the calls hereinabove given the South line of said Northwest Quarter (NW<sub>1/4</sub>) of Section Twelve (12) is taken as a Due East and West line.)

EXHIBIT "B"

25 foot wide Railroad Tail Track

Land Dept.

CB&Q RR. Co.

Chicago, Ill.

May 15, 1964

DVZ.