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PREPARED BY: CARL H. ROGERS, JR. PHONE: (712) 366-9009  
1688 ROLLING HILLS LOOP, COUNCIL BLUFFS, IOWA 51503

#### LEGAL DESCRIPTION:

A PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, IN THE CITY OF COUNCIL BLUFFS, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 12, THENCE NORTH 90°00'00" EAST, 33.00 FEET; THENCE ALONG THE EAST RIGHT OF WAY OF SOUTH 11TH STREET, NORTH 00°12'00" EAST, 70.00 FEET; THENCE NORTH 90°00'00" EAST, 103.02 FEET TO THE POINT OF BEGINNING; THENCE NORTH 90°00'00" EAST, 449.10 FEET; THENCE NORTH 90°00'00" EAST, 430.00 FEET; THENCE SOUTH 00°00'00" WEST, 449.10 FEET; THENCE ALONG THE NORTH RIGHT OF WAY OF 34TH AVENUE SOUTH 90°00'00" WEST, 630.00 FEET TO THE POINT OF BEGINNING.

AND

A PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, IN THE CITY OF COUNCIL BLUFFS, WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 12, THENCE NORTH 90°00'00" EAST, 33.00 FEET; THENCE ALONG THE EAST RIGHT OF WAY OF SOUTH 11TH STREET, NORTH 00°12'00" EAST, 70.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°12'00" EAST, 449.10 FEET; THENCE NORTH 90°00'00" EAST, 101.42 FEET; THENCE SOUTH 00°00'00" WEST, 449.10 FEET; THENCE ALONG THE NORTH RIGHT OF WAY OF 34TH AVENUE SOUTH 90°00'00" WEST, 123.21 FEET TO THE POINT OF BEGINNING.

EXCEPT FOR

A PARCEL OF LAND CONVEYED TO THE CITY OF COUNCIL BLUFFS AT INSTRUMENT NO. 2011-04805 FILED APRIL 14, 2011 IN THE RECORDS OFFICE OF POTTAWATTAMIE COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 12, THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, SOUTH 89°07'08" EAST, 33.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SOUTH 11TH STREET, THENCE ALONG SAID EAST RIGHT OF WAY LINE, NORTH 02°04'52" EAST, 70.00 FEET TO THE NORTH RIGHT OF WAY LINE OF 34TH AVENUE, THENCE ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH 89°07'08" EAST, 88.57 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 02°04'52" EAST, 25.00 FEET; THENCE SOUTH 89°07'08" EAST, 27.00 FEET; THENCE SOUTH 02°04'52" WEST, 25.00 FEET, TO A POINT ON SAID NORTH RIGHT OF WAY; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, NORTH 89°07'08" WEST, 27.00 FEET TO THE TRUE POINT OF BEGINNING.

2012-19706

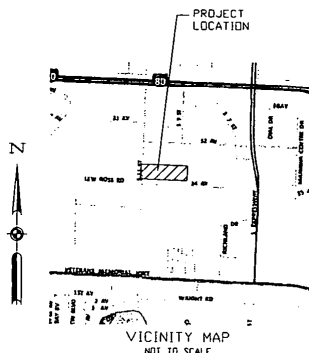
RECORDER JOHN SCIORTINO

POTTAWATTAMIE COUNTY, IA

FILE TIME: 12/27/2012 12:02:59 PM

REC: 15.00AUD: T TAX:

RMA: 1.00ECM: 1.00



#### I HEREBY CERTIFY TO:

KEO, LLC  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY  
TITLECORE, LLC

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENT FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 400, 500, 6, 10, 1100, 1150, 14, 16, 200, 250.

AND ALSO,

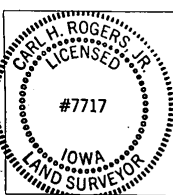
I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

CARL H. ROGERS, JR.

LICENSE NUMBER: 7717

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2012.

NUMBER OF SHEETS COVERED BY THIS SEAL: SHEET 1 OF 3, SHEET 2 OF 3, AND SHEET 3 OF 3



#### ALTA/ACSM LAND TITLE SURVEY

OF A PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE FIFTH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, IN THE CITY OF COUNCIL BLUFFS.

#### SURVEYOR'S NOTES:

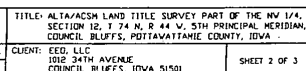
- LEGAL DESCRIPTION AND EASEMENTS PROVIDED BY TITLECORE, LLC, IN A COMMITMENT FOR TITLE INSURANCE FILE NO. 12-114947
- CURRENT ZONING CLASSIFICATION IS I-2, GENERAL INDUSTRIAL DISTRICT. BUILDING MINIMUM SETBACK REQUIREMENTS ARE:  
FRONT YARD: 15 FEET  
INTERIOR YARD: 10 FEET  
STREET SIDE YARD: 10 FEET  
REAR YARD: 10 FEET  
MAXIMUM HEIGHT: 75 FEET
- PARCEL SURVEYED CONTAINS 17.002 ACRES, MORE OR LESS.
- PARCEL SURVEYED IS SUBJECT TO AN ASSIGNMENT OF EASEMENT FROM NATIONAL COOPERATIVE REFINERY ASSOCIATION TO ALPHA RESOURCE, L.L.C. FILED APRIL 16, 1998 IN BOOK 98 PAGE 43373, RECORDS OF POTTAWATTAMIE COUNTY, IOWA. REFER TO NOTES 12 AND 17.
- OWNERSHIP OF LAND VESTED IN T.K. O'NEILL FAMILY PARTNERSHIP L.L.P. THE ADDRESS OF THE PROPERTY IS COMMONLY KNOWN AS 1012 34TH AVENUE, COUNCIL BLUFFS, IOWA 51501.
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED APPROXIMATELY FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS AND SHOULD BE VERIFIED BY RESPECTIVE UTILITY COMPANIES BEFORE CONSTRUCTION. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. CONTACT "IOWA ONE CALL" AT 800-292-8989 FOR UTILITIES LOCATION BEFORE DIGGING.

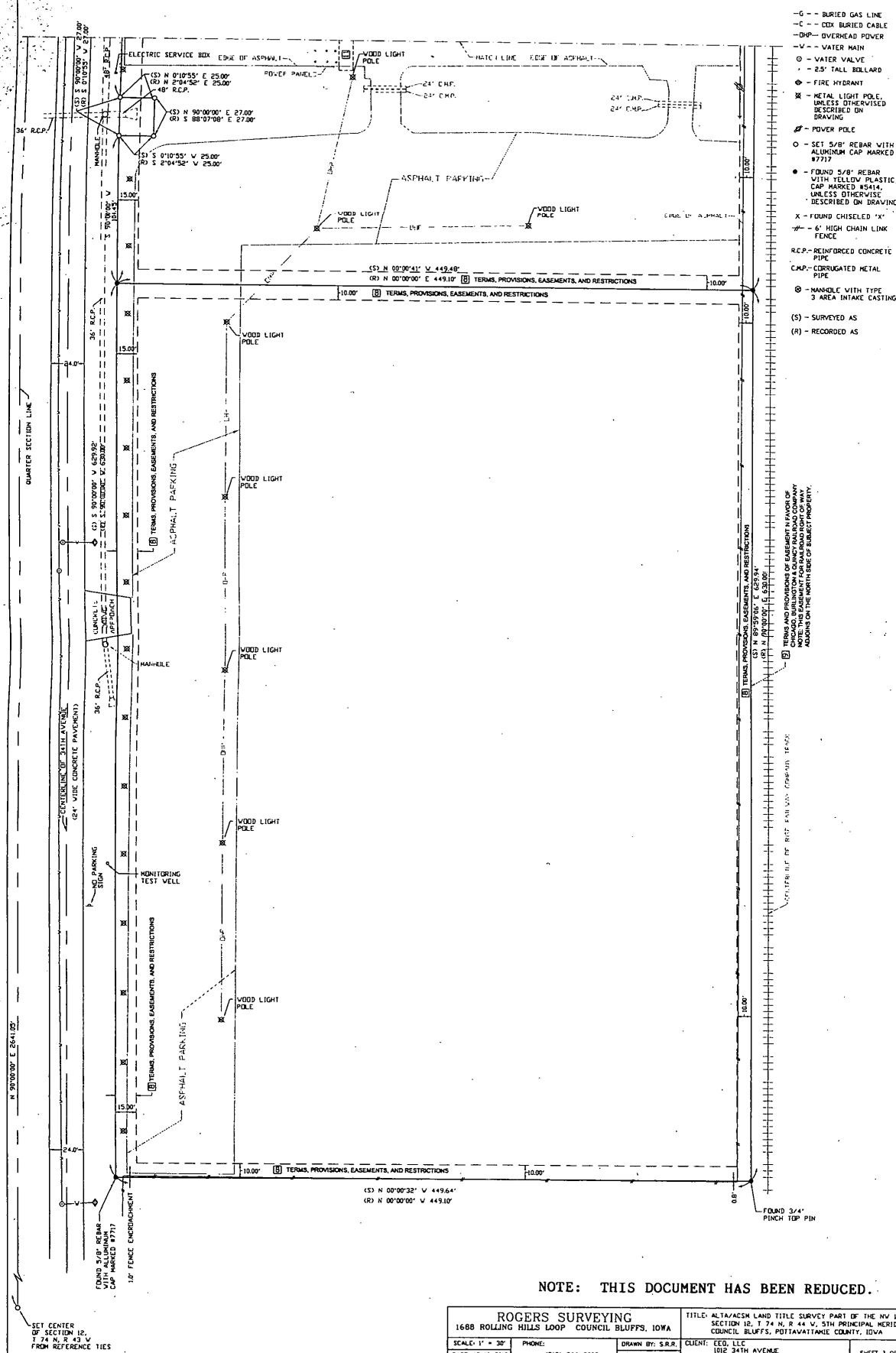
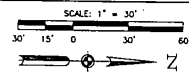
#### AGREEMENTS AND EASEMENTS NOTED IN SCHEDULE "B" - SECTION II, COMMITMENT FOR TITLE INSURANCE BY NUMBER IN SCHEDULE:

- TERMS, PROVISIONS, EASEMENTS AND RESTRICTIONS AS SET FORTH IN CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND EASEMENTS AFFECTING COUNCIL BLUFFS INDUSTRIAL FOUNDATION, INC. SITES, DATED MARCH 27, 1962 AND FILED APRIL 8, 1962 IN BOOK 1307 PAGE 13, RECORDS OF POTTAWATTAMIE COUNTY, IOWA.
- EASEMENT RESERVED BY COUNCIL BLUFFS INDUSTRIAL FOUNDATION, INC., OVER, UNDER, ACROSS AND THROUGH A STRIP OF GROUND TEN FEET IN WIDTH ADJOINING THE SIDE, FRONT AND REAR PROPERTY LINES OF ALL TRACTS FOR THE INSTALLATION, OPERATION, MAINTENANCE OR REMOVAL OF UTILITIES, HOWEVER, WHEN THE SIDE, FRONT OR REAR PROPERTY LINE DOES NOT CONSTITUTE A COMMON BOUNDARY WITH OTHER LAND IN THE INDUSTRIAL SITE, SUCH EASEMENT SHALL BE 15 FEET IN WIDTH.
- AMENDMENT TO RESTRICTIVE COVENANTS FILED JULY 11, 1962 IN BOOK 1311, PAGE 375.
- TERMS AND PROVISIONS OF EASEMENT IN FAVOR OF CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY, FILED JULY 16, 1964 IN BOOK 1367 PAGE 249, RECORDS OF POTTAWATTAMIE COUNTY, IOWA, FOR RAILROAD PURPOSES, AND TO CONSTRUCT, MAINTAIN, OPERATE, REPAIR, RENEW AND REMOVE STANDARD GAGE RAILROAD TRACKAGE ON, OVER AND ACROSS PART OF SUBJECT PROPERTY. NOTE: THIS EASEMENT FOR RAILROAD RIGHT OF WAY ADJOINS ON THE NORTH SIDE OF SUBJECT PROPERTY.
- TERMS AND PROVISIONS OF EASEMENT IN FAVOR OF IOWA POWER AND LIGHT COMPANY, FILED AUGUST 20, 1984 AT INSTRUMENT NO. 86-3747, RECORDS OF POTTAWATTAMIE COUNTY, IOWA, FOR A TRACT 10 FEET IN WIDTH ACROSS A PORTION OF SUBJECT PROPERTY.
- TERMS AND PROVISIONS OF EASEMENT IN FAVOR OF IOWA POWER AND LIGHT COMPANY, FILED JANUARY 6, 1989 AT INSTRUMENT NO. 89-14016, RECORDS OF POTTAWATTAMIE COUNTY, IOWA, FOR A TRACT 10 FEET IN WIDTH ACROSS A PORTION OF SUBJECT PROPERTY.
- TERMS AND PROVISIONS OF RIGHT OF WAY AGREEMENT IN FAVOR OF THE NATIONAL COOPERATIVE REFINERY ASSOCIATION FILED DECEMBER 6, 1963 IN BOOK 1351 AT PAGE 303, RECORDS OF POTTAWATTAMIE COUNTY, IOWA, ACROSS A PORTION OF SUBJECT PROPERTY TO LAY, MAINTAIN, OPERATE, RE-LAY AND REMOVE AT ANY TIME, A PIPELINE OR PIPELINES FOR THE TRANSPORTATION OF OIL OR OIL PRODUCTS, GAS AND WATER, WITH RIGHTS OF INGRESS AND EGRESS. (SEE NOTE NUMBER 4)
- EASEMENT IN FAVOR OF UNKNOWN RECIPIENT AS DESCRIBED IN SURVEY FILED MARCH 28, 1997 AT INSTRUMENT NO. 97-35335, RECORDS OF POTTAWATTAMIE COUNTY, IOWA.
- TERMS AND PROVISIONS OF EASEMENT IN FAVOR OF COUNCIL BLUFFS INDUSTRIAL FOUNDATION, INC., AN IOWA CORPORATION, FILED NOVEMBER 20, 1978 AT INSTRUMENT NO. 79-9838, RECORDS OF POTTAWATTAMIE COUNTY, IOWA, TO ENTER FOR RAILROAD PURPOSES, AND TO CONSTRUCT, MAINTAIN, OPERATE, REPAIR, RENEW AND REMOVE STANDARD GAGE RAILROAD TRACKAGE ON, OVER AND ACROSS A PORTION OF SUBJECT PROPERTY, RESERVING UNTO GRANTOR, ITS SUCCESSORS ASSIGNS AND LICENSEE THE RIGHT TO OPERATE, MAINTAIN, AND RENEW SUCH VEHICULAR CROSSING PIPELINES, ELECTRIC TRANSMISSION LINES, WATER LINES, SEWER LINES AND OTHER FACILITIES, AS MAY EXIST UPON, UNDER, AND OVER A PORTION OF SAID PREMISES, AMONG OTHER ITEMS. REFILED MAY 18, 1984 AT INSTRUMENT NO. 84-21781.
- TERMS AND PROVISIONS OF ELECTRIC EASEMENT UNDER AND ABOVE GROUND, IN FAVOR OF MIDAMERICAN ENERGY COMPANY, FILED JUNE 4, 2002 AT BOOK 102, PAGE 93344, RECORDS OF POTTAWATTAMIE COUNTY, IOWA, FOR PURPOSE OF CONSTRUCTING, RECONSTRUCTING, OPERATING, MAINTAINING AND REMOVING LINES FOR THE TRANSMISSION AND DISTRIBUTION OF ENERGY AND FOR COMMUNICATION AND ELECTRICAL CONTROLS, TOGETHER WITH RIGHT OF INGRESS AND EGRESS, AMONG OTHER ITEMS, ACROSS A PORTION OF SUBJECT PROPERTY.
- TERMS AND PROVISIONS OF RIGHT OF WAY AGREEMENT IN FAVOR OF THE NATIONAL COOPERATIVE REFINERY ASSOCIATION, FILED MARCH 18, 1948 BOOK 982, AT PAGE 51, RECORDS OF POTTAWATTAMIE COUNTY, IOWA. (SEE NOTE NUMBER 4)

NOTE: THIS DOCUMENT HAS BEEN REDUCED.

ROGERS SURVEYING		TITLE: ALTA/ACSM LAND TITLE SURVEY PART OF THE NW 1/4, SECTION 12, T 74 N, R 44 W, 5TH PRINCIPAL MERIDIAN, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA	
1688 ROLLING HILLS LOOP, COUNCIL BLUFFS, IOWA		CLIENT: EEO, LLC, 1012 34TH AVENUE, COUNCIL BLUFFS, IOWA 51501	
PHONE: (712) 366-9009	DRAWN BY: S.R.R.	SHEET 1 OF 3	
DATE: 12-10-2012	REVISED:		





<b>ROGERS SURVEYING</b> 1680 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA		TITLE: ALTA/CASH LAND TITLE SURVEY PART OF THE NW 1/4, SECTION 12, T. 74 N, R. 44 E, 5TH PRINCIPAL MERIDIAN, COUNCIL BLUFFS, IOWA	
SCALE: 1" = 30'	PHONE: (712) 356-9009	DRAWN BY: S.R.R.	CLIENT: EED, LLC
DATE: 12-10-2012	REVISED		1012 34TH AVENUE COUNCIL BLUFFS, IOWA 51501
			SHEET 3 OF 3