

COMPILED

5481

EASEMENT

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14 15
Bluffs
J. L. Coe

THIS INSTRUMENT, made and entered into this 26
day of August, 1978, between ROBERT L. MC INTYRE
and DORIS MC INTYRE, husband and wife, of Council Bluffs, Iowa,
and ROBERT W. MOORE and LYNN MOORE, husband and wife, of Norman,
Oklahoma, (hereinafter referred to as GRANTORS, and COUNCIL BLUFFS
INDUSTRIAL FOUNDATION, INC., an Iowa corporation of Council Bluffs,
Iowa, (hereinafter referred to as GRANTEE).

WITNESSETH: That GRANTOR, in consideration of Ten
Dollars (\$10.00), to it in hand paid by GRANTEE, the receipt
whereof is hereby acknowledged, has given, granted and conveyed,
and by these presents does give, grant and convey unto GRANTEE,
its successors 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
gage railroad trackage on, over, and across the premises described
on Exhibit "1", dated August 22, 1978 (attached hereto and
made a party hereof);

RESERVING, however, unto GRANTOR, its successors, assigns
and licensees the right to operate, maintain and renew such
vehicular crossing, pipelines, 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 GRANTEE for the purposes herein specified.

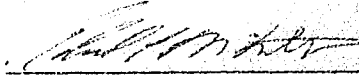
TO HAVE AND TO HOLD the said right, license, privilege
and easement unto GRANTEE, its successors and assigns forever,
subject, however, to the condition that if at any time hereafter,
the railroad trackage on the premises described in said Exhibit "1"
shall cease being used and shall be removed by GRANTEE, its
successors and assigns, then the said right, license, privilege
and easement herein granted shall cease and determine and
immediately thereupon revert and revest in GRANTOR, its successors
and assigns, without any further or other conveyances from said
GRANTEE, or its successors or assigns.

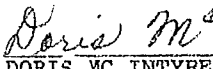
COMPARED

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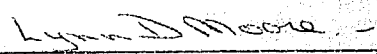
Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be signed in the method and manner prescribed by law the day and year first above written.


ROBERT L. MC INTYRE


DORIS MC INTYRE

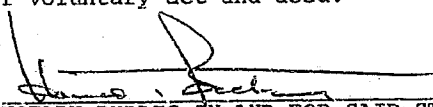

ROBERT W. MOORE


LYNN MOORE

ACKNOWLEDGEMENT

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) ss.

On this 26 day of August, 1978, before me, a notary public in and for said State, personally appeared ROBERT L. MC INTYRE and DORIS MC INTYRE, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.


NOTARY PUBLIC IN AND FOR SAID STATE
HAROLD T. BECKMAN

STATE OF OKLAHOMA)
COUNTY OF Oklahoma) ss.

On this 29 day of August, 1978, before me, a notary public in and for said State, personally appeared ROBERT W. MOORE and LYNN MOORE, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that

COMPARED

EXHIBIT "1"

DESCRIPTION

RAIL EASEMENT

McINTYRE TO ~~COUNCIL BLUFFS~~ INDUSTRIAL FOUNDATION, INC.

A part of the SW 1/4, NW 1/4 of Section 12, T 74 N, R 44 W of the 5th Principal Meridian, Pottawattomie County, Iowa, in the city of Council Bluffs which is more particularly described as follows:

Commencing at the West 1/4 corner of said Section 12, thence East 33.00 feet; thence N 00°12'00" E, 509.10 feet to a point of beginning; thence East 110.00 feet; thence N 84°48'15" W, 110.42 feet; thence S 00°12'00" W, 10.00 feet to the point of beginning. Said easement contains 550 square feet (0.013 acres) and is subject to a products pipeline easement along the West 33.00 feet.

NOTE: The South line of the NW 1/4 of Section 12 is assumed to bear due East and West.



I hereby certify that this plot, map, survey or report was made by me or under my direct personal supervision and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Signed

F. W. MANN, L.S. Iowa Reg. No. 4328

Date

Aug 27, 1918

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