

STATE OF IOWA  
Filed for record the 18<sup>th</sup> day of May  
1979 at 11:16 a.m. and recorded  
in Book 24 Page 21781

COMPARED

5481

7-12-68  
EASEMENT

11:16

COMPARED

John Sciortino  
Recorder  
Dennis Bush  
Deputy

THIS INSTRUMENT, made and entered into this 26<sup>th</sup>

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 part 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.

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COMPARED

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  
ROBERT L. MC INTYRE

Doris Mc Intyre  
DORIS MC INTYRE

Robert W. Moore  
ROBERT W. MOORE

Lynn 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.

Harold T. Beckman  
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

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COMPARED

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they executed the same as their voluntary act and deed.

*S. V. Truitt*  
NOTARY PUBLIC IN AND FOR SAID STATE  
S. V. TRUITT

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**COMPARED**

EXHIBIT "1"

F. W. MANN & ASSOCIATES  
1016 Military Avenue  
Council Bluffs, Iowa 51501  
(712) 323-2727

May 16, 1984

DESCRIPTION  
RAIL EASEMENT

McINTYRE TO BURLINGTON NORTHERN RAILROAD

Commencing at the West  $\frac{1}{4}$  corner of Section 12 T74N, R44W; thence N  $90^{\circ}00'00''$  E, 33.00'; thence N  $00^{\circ}12'00''$  E, 544.1 feet to the point of beginning; thence N  $90^{\circ}00'00''$  E, 110.00 feet; thence N  $84^{\circ}48'15''$  W, 110.42 feet; thence S  $00^{\circ}12'00''$  W 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 feet.

NOTE: the South line of the Northwest  $\frac{1}{4}$  of Section 12 is assumed to bear due East and West.

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