EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the **CITY OF COUNCIL BLUFFS, GRANTOR**, for Ten and No/100 Dollars ($10.00), and other valuable considerations, to it paid by **BNSF RAILWAY COMPANY,** a Delaware corporation, whose address for purposes of this instrument is 2301 Lou Menk Drive, GOB-3W, Fort Worth, Texas 76131-2830, its successors and assigns, collectively referred to herein as **GRANTEE**, and the promises of the Grantee hereinafter specified, does hereby grant, sale, convey and forever warrant unto the Grantee, subject to the terms and conditions hereinafter set forth, a perpetual **NON-EXCLUSIVE EASEMENT** to have to and to hold for purposes of construction, place, operate, maintain, alter, renew, improve and remove electrical lines above, below and on the surface of the premises situated in Pottawattamie County, State of Iowa, as described in **Exhibit "A"** attached hereto and made a part hereof. A print showing the type, size, and location of the area described in Exhibit A, is marked as **Exhibit "B"**, attached hereto and made a part hereof.

The foregoing easement is made subject to and upon the following express conditions:

1. The Grantor, on behalf of itself, or its successors and assigns, may grant additional uses within the easement area that do not interfere with the uses of the property by the Grantee. The Grantor on behalf of itself, its successors and assigns, covenants and agrees that these additional uses shall in no way impede or deny the access granted herein.

2. Grantee shall have the right, but not the obligation, to remove all trees, brush and other vegetation from the above-described easement. In addition to and not in limitation of the foregoing, Grantee shall have the right, but not the obligation, to use, maintain, repair and improve (by the application of gravel or other surfacing material) that certain roadway situated on the premises.

3. This easement shall be binding upon and inure to the benefit of the heirs, executors, administrators, assigns and successors of Grantor and Grantee.

4. Grantee shall make no excavation or change in grade without prior consultation with Grantor. All proposed changes will need to comply with prevailing USACE requirements for excavation within the levee critical area.

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereunto belonging to Grantee for its use and enjoyment for the purposes aforesaid and for no other purpose whatsoever subject to the terms and conditions hereinbefore stated.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be signed by its authorized officer on the _____ day of _____, 20____.

GRANTOR:

_____

a**,** _____

By:_____

Name: _____

Title: _____

Date:_____

STATE OF _____)
)ss.
COUNTY OF _____)

This instrument was acknowledged before me on the _____ day of _____, 20__, by (name of person acknowledged if an individual). [[Or if by a corporation]]] _____(name of person), (title of person) of _____, a(n) _____ (state of incorporation), on behalf of said _____ (corporation if a corporation).

WITNESS my hand and notarial seal on this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires: _____

Easement Exhibits:
Exhibit A: Legal Description
Exhibit B: Plat

EXHIBIT "A"

LEGAL DESCRIPTION

A STRIP OF LAND 20 FEET IN WIDTH BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4), SECTION 07, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 07;

THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 07, NORTH 88 DEGREES 35 MINUTES 09 SECONDS WEST, 1944.66 FEET TO A POINT WHERE THE EAST LINE OF BNSF RAIL ROAD RIGHT-OF-WAY INTERSECTS THE SAID SOUTH LINE OF THE NORTHEAST QUARTER;

THENCE ALONG SAID EAST LINE, NORTH 06 DEGREES 49 MINUTES 48 SECONDS WEST, 112.93 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID EAST LINE, NORTH 06 DEGREES 49 MINUTES 48 SECONDS WEST, 22.28 FEET;

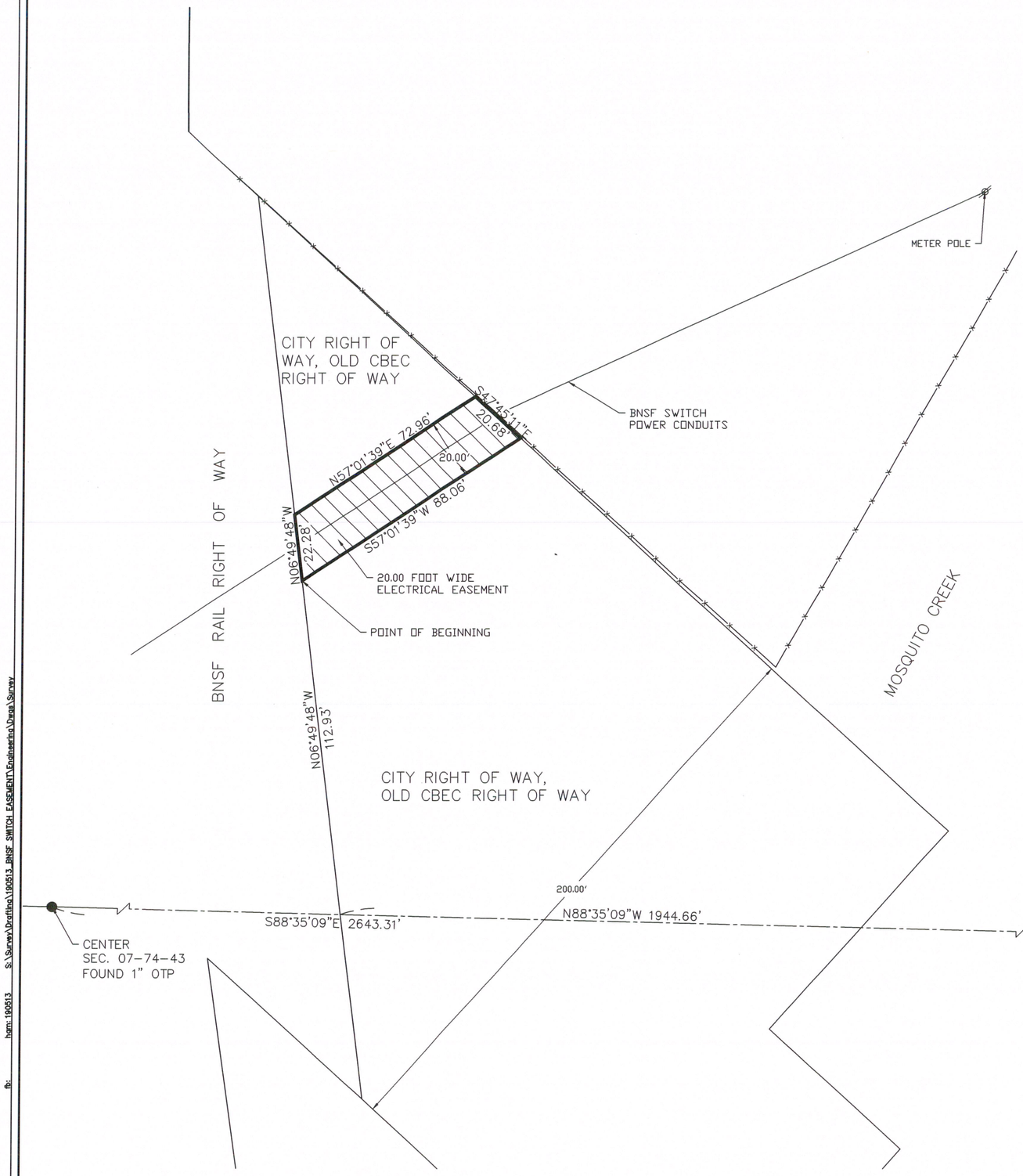
THENCE NORTH 57 DEGREES 01 MINUTE 39 SECONDS EAST, 72.96 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE OLD CBEC RAILWAY LINE, WHICH IS NOW THE CITY OF COUNCIL BLUFFS RIGHT-OF-WAY LINE;

THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE SOUTH 47 DEGREES 45 MINUTES 11 SECONDS EAST, 20.68 FEET;

THENCE SOUTH 57 DEGREES 01 MINUTE 39 SECONDS WEST, 88.06 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS AN AREA OF 1,610 SQUARE FEET (0.037 ACRE) MORE OR LESS.

EXHIBIT "B"



LEGAL DESCRIPTION

A STRIP OF LAND 20 FEET IN WIDTH BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4NE1/4), SECTION 07, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

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SAID PARCEL CONTAINS AN AREA OF 1,610 SQUARE FEET (0.037 ACRE) MORE OR LESS.

PROFESSIONAL LAND SURVEYOR
MELVIN G. SAMPLES
10569
IOWA

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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

MELVIN G. SAMPLES — AUGUST 16, 2017 DATE

LICENSE NUMBER 10569

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2018.

PAGES OR SHEETS COVERED BY THIS SEAL:

SHEET 1 OF 1

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hgm
ASSOCIATES INC.
640 FIFTH AVENUE COUNCIL BLUFFS, IOWA
PHONE: (712) 323-0530

NSE drawn
NSF designed
MGS approved
AUG.-17 date
date revision

project BNSF RAIL WAY
BNSF ELECTRICAL EASEMENT
client IOWA DEPARTMENT OF TRANSPORTATION
sheet EASEMENT EXHIBIT

project no. 190513
sheet 1 OF 1

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