

**Cartersville Elevator, Inc.  
21822 & 21823 180<sup>th</sup> Street**

***Figure 1***

Looking at the property west of the existing facilities on the south side of 180<sup>th</sup> Street



June 15, 2021, J. Robbins

***Figure 2***

Looking at facilities on the north side of 180<sup>th</sup> Street



June 15, 2021, J. Robbins

**Figure 3**

Looking at facilities located on the south side of 180<sup>th</sup> Street



June 15, 2021, J. Robbins

**Figure 4**

Looking at the new office constructed in 2020



June 15, 2021, J. Robbins



**Figure 5**

Looking at the parcel owned by Cartersville Elevator Inc. to the west of the existing facilities on the north side of 180<sup>th</sup> Street



June 15, 2021, J. Robbins

APPLICATION FOR CHANGE OF ZONE  
CERRO GORDO COUNTY, IOWA

Name and Mailing Address of Applicant(s):

CARTERSVILLE ELEVATOR, GARY WENNER HRS LLC  
21823 160th ST BOS BUDDY HOLLY P  
ROSELLE IA 50429 CLEAR LAKE 50428

Applicant(s) are the:  Owner(s)  Contract Purchaser(s) of the property described.

Present zoning district of described property is A-1 3 M2

Proposed zoning district for described property M-1

Reasons for re-zoning:

REMOVE MIXED ZONING

Name and Addresses of the owners of all properties lying within five hundred (500) feet of any part of the property proposed to be changed are as follows:

An official survey by a Registered Land Surveyor is attached.

This property is developed and a plat, developed by a Registered Land Surveyor, is attached which shows the location of all buildings on the site along with all dimensions and distances.

This property is undeveloped and a rough draft or schematic drawing of the area is attached.

Other information is also attached which may be pertinent to this request.

Filing fee attached. (\$200.00 – check made payable to Cerro Gordo County)

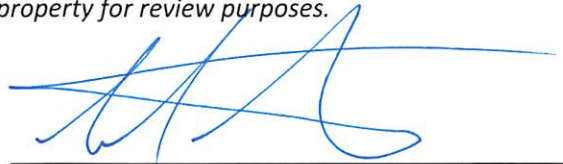
*I (We) understand that this application cannot be withdrawn from consideration by either the Planning & Zoning Commission or Board of Supervisors once notice has been given as required.*

*I (We) understand that if this application is denied by the Board of Supervisors, then no new petition covering the same property and additional property can be filed or considered until one year has elapsed from the date of this filing.*

*I (We) grant to the Planning & Zoning staff, members of the Planning & Zoning Commission and Board of Supervisors permission to enter onto the described property for review purposes.*

6-3-21

\_\_\_\_\_  
Dated



\_\_\_\_\_  
Owner's Signature

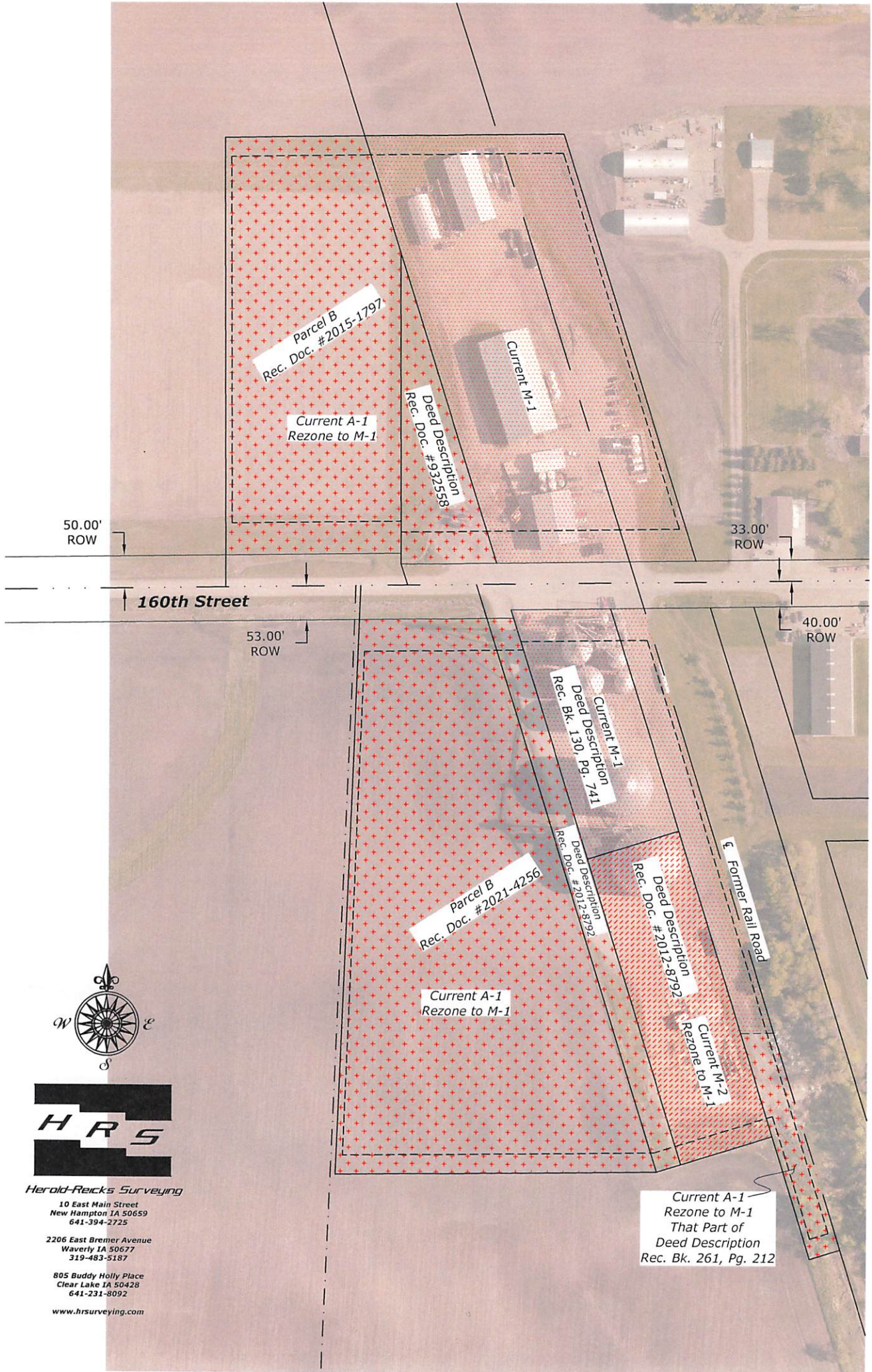
\_\_\_\_\_  
Owner's Signature



# Rezoning Exhibit

## Proposed Zoning:

M-1 Light Industrial District  
Front Yard: 50 feet  
Side Yard: 10 feet  
Rear Yard: 30 feet



**Herald-Reicks Surveying**

10 East Main Street  
New Hampton IA 50659  
641-394-2725

2206 East Bremer Avenue  
Waverly IA 50677  
319-483-5187

805 Buddy Holly Place  
Clear Lake IA 50428  
641-231-8092

[www.hrsurveying.com](http://www.hrsurveying.com)





33

A-1

A-1 A-1 A-1

A-1

M-1

M-1

M-1

1ST ST

CLEVELAND ST

R-3

R-3

R-3

R-3

R-3

R-3

R-3

R-3

R-3

R-3

R-3

2ND ST

A-1

M-1

M-1

M-1

M-1

A-1

160TH ST

C-2

C-2

C-2

C-2

C-2

C-2

C-2

C-2

C-2

C-2

R-3

R-3

M-1

M-1

M-1

M-1

A-1

R-3

M-2

A-1

4

A-1

A-1

A-1

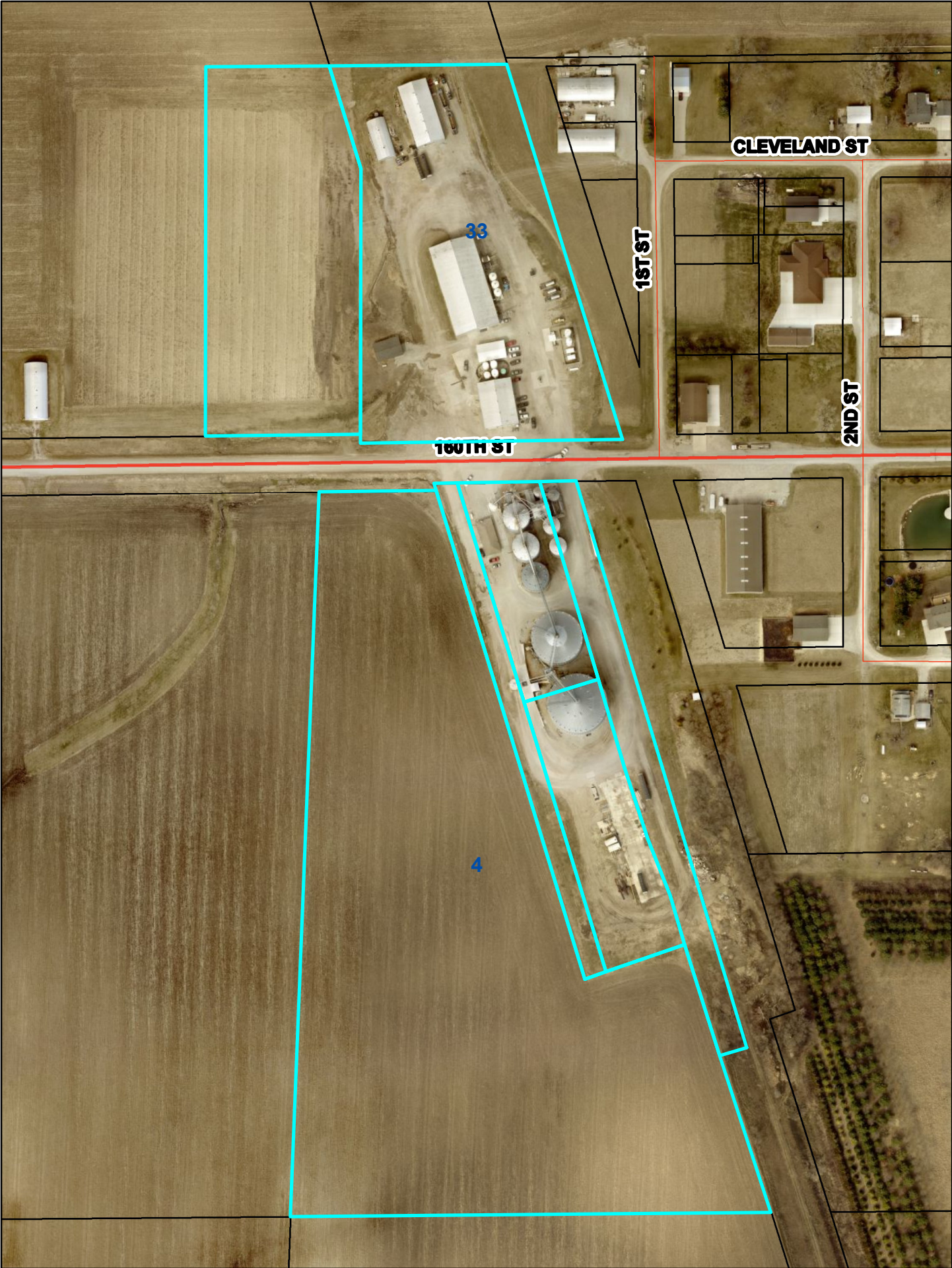
A-1

A-1

A-1

A-1





CLEVELAND ST

1ST ST

2ND ST

160TH ST

33

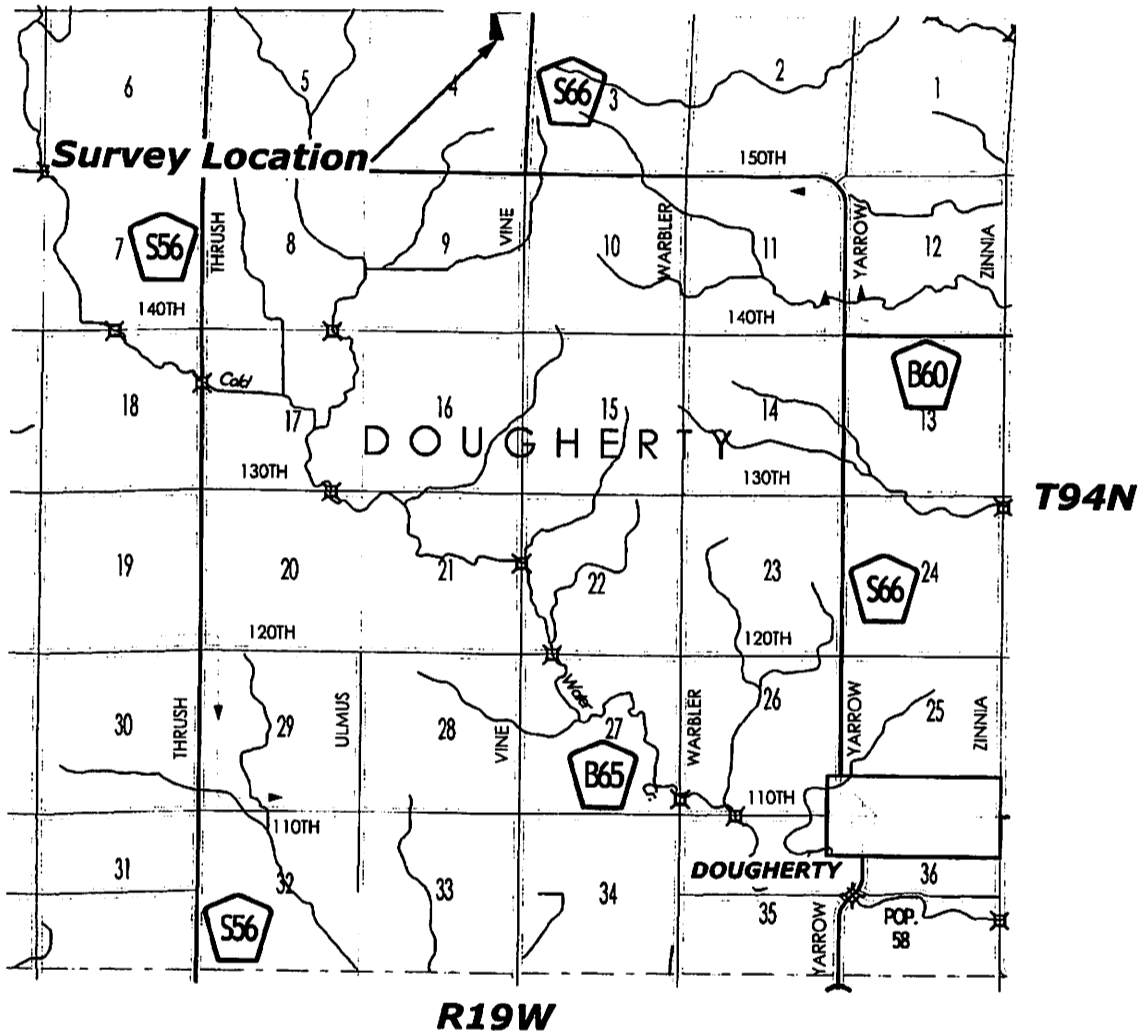
4



Number: 2021-4256  
 BK: 2021 PG: 4256  
 Recorded: 6/4/2021 at 1:08:00.0 PM  
 County Recording Fee: \$17.00  
 Iowa E-Filing Fee: \$3.00  
 Combined Fee: \$20.00  
 Revenue Tax:  
 AnnMarie Legler RECORDER  
 Cerro Gordo County, Iowa

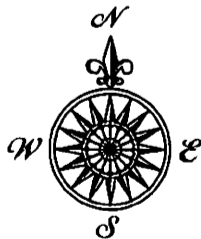
Index Legend
Prepared by & Returned to: Mark D. McClenathan, PLS 24510
HRS, LLC - 805 Buddy Holly Place, Clear Lake IA 50428
Proprietor: Paul J. Smith & Patricia F. Smith
Requested By: Gary Weiner, Cartersville Elevator
County: Cerro Gordo
Section(s)-Township-Range: 4-T94N-R19W
Allquot Part(s): NE 1/4 - NE 1/4

Plat of Survey  
**Parcel B in the NE 1/4 - NE 1/4 of  
 Section 4 - T94N - R19W, Cerro Gordo County, Iowa.**



**Basis of Bearing:**  
 The Coordinate Basis for this survey and the subsequent Basis of Bearing is the Iowa State Plane Coordinate System North Zone (1401), Horizontal Control NAD 83 (2011), Vertical Control NAVD88 (Geoid 12A). Control was acquired by localizing into the Cerro Gordo County GPS Control System utilizing Points 101, 102, 103, 114, 115, 116, 117, 306 and 307 and projected from Point 115. Scale factor 1.000090937 applied. Projection Point: Northing = 3,809,796.54' Easting = 5,032,582.48'

**Notes:**  
 See Sheet 1 for Location Map.  
 See Sheet 2 for Survey Details.  
 See Sheet 3 for Legal Description.



**Map Not to Scale**  
 Map Courtesy of the Iowa Department of Transportation  
<http://www.iowadot.gov/maps/>

LEGEND	
▲	= Section Corner Found
⊙	= Set 5/8"Ø Rebar w/BPC PLS 24510
●	= Fd. 5/8"Ø Rebar w/BPC PLS 13644
○	= Fd. 5/8"Ø Iron Pin
—	= Survey Boundary Line
RPC, YPC, OPC, BPC	= Red, Yellow, Orange, Blue Plastic Cap
(0.00')	= Recorded Dimension

Survey was completed on May 5, 2021. FB: CG 17A, Pg. 8 LAJ | Project Number: 2021-324 | Sheet: 1

**HRS** Herold-Reicks  
 Surveying

New Hampton Waverly Clear Lake  
 641-394-2725 319-483-5187 641-231-8092  
[www.hrsurveying.com](http://www.hrsurveying.com)

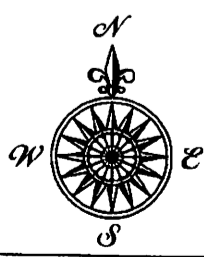
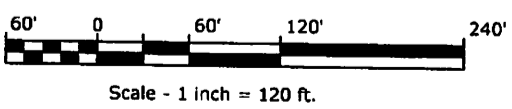
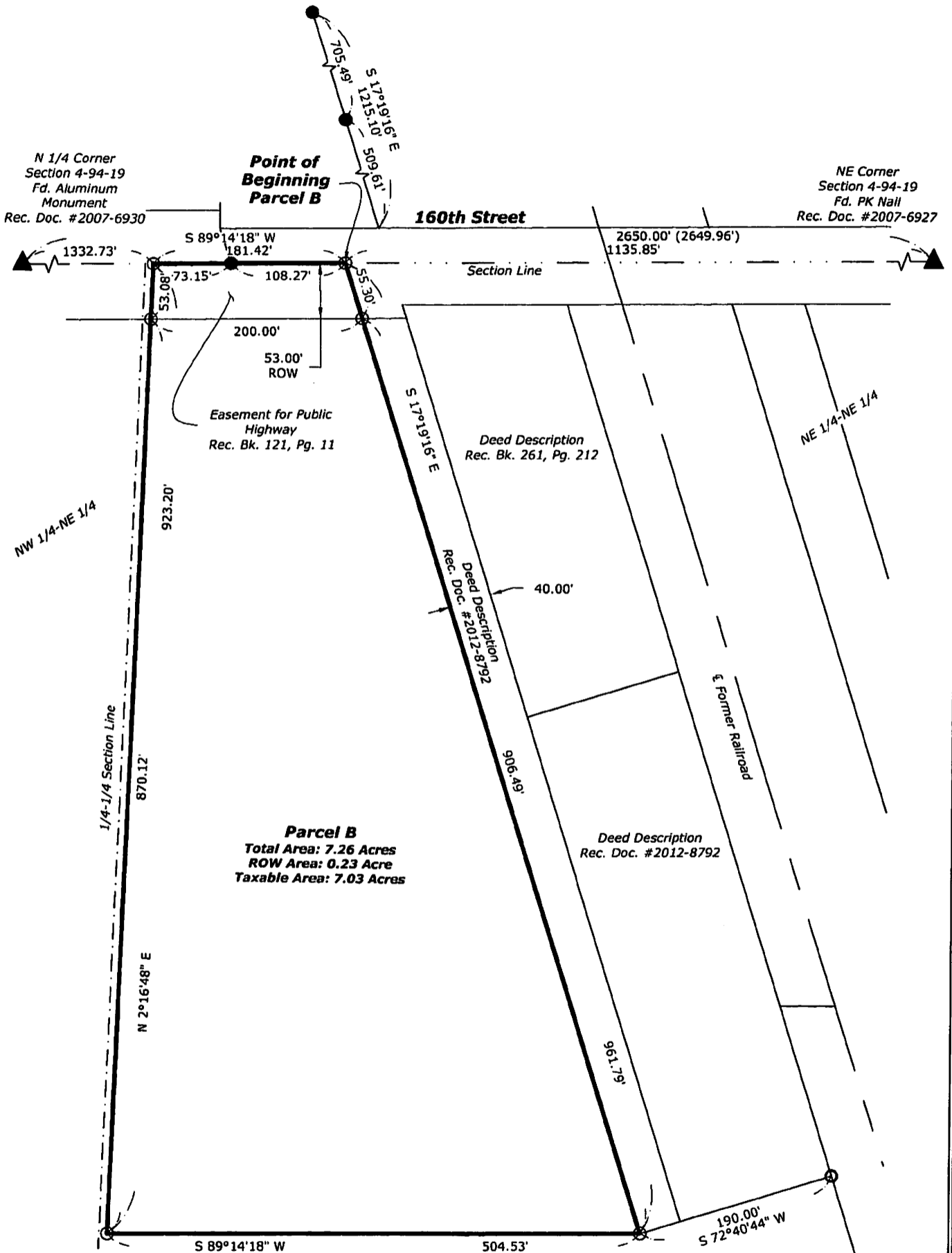


I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Mark D. McClenathan Date: 6-4-21  
 License number 24510  
 My license renewal date is December 31, 2021.  
 Sheets covered by this seal: 1-3

Plat of Survey

**Parcel B in the NE 1/4 - NE 1/4 of Section 4 - T94N - R19W, Cerro Gordo County, Iowa.**



LEGEND	
	= Section Corner Found
	= Set 5/8"Ø Rebar w/BPC PLS 24510
	= Fd. 5/8"Ø Rebar w/BPC PLS 13644
	= Fd. 5/8"Ø Iron Pin
	= Survey Boundary Line
RPC, YPC, OPC, BPC = Red, Yellow, Orange, Blue Plastic Cap	
(0.00') = Recorded Dimension	



Plat of Survey

**Parcel B in the NE 1/4 - NE 1/4 of  
Section 4 - T94N - R19W, Cerro Gordo County, Iowa.**

**Legal Description:**

**Parcel B** in the Northeast Quarter of the Northeast Quarter of Section 4, Township 94 North, Range 19 West of the 5<sup>th</sup> P.M., Cerro Gordo County, Iowa, and more particularly described as follows:

Commencing at the Northeast Corner of said Section;

Thence **South 89°14'18" West, 1135.85 feet** along the North Line of said Quarter-Quarter Section to the West Line of a Deed Description as recorded in Document #2012-8792, on File in the Cerro Gordo County Recorder's Office, Mason City, Iowa, and the Point of Beginning;

Thence **South 17°19'16" East, 961.79 feet** along said West Line to the Southwest Corner of said Deed Description;

Thence **South 89°14'18" West, 504.53 feet**;

Thence **North 02°16'48" East, 923.20 feet** to the North Line of said Quarter Quarter Section;

Thence **North 89°14'18" East, 181.42 feet** along said North Line to the Point of Beginning.

Containing **7.26 Acre(s)**, including 0.23 Acre(s) of 160th Street Right-of-Way, subject to any easements recorded or unrecorded.

Note: The Bearings and Distances indicated in this Legal Description are to the Monuments "Found or Set" as indicated on the attached "Plat of Survey" and the calls along the courses in this Description are to those Monuments as indicated.

References are hereby made to the Recorded Documents as indicated on this Plat of Survey.

Doc. #: 2015-1797

Type: ISUR

Pages: 3

Date: 04/02/2015

Time: 10:14 AM

R: \$15.00 - T: \$0.00 - M: \$1.00 - C: \$1 - N: \$0

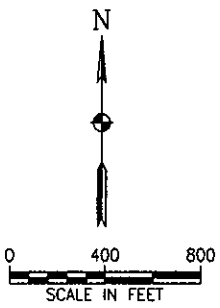
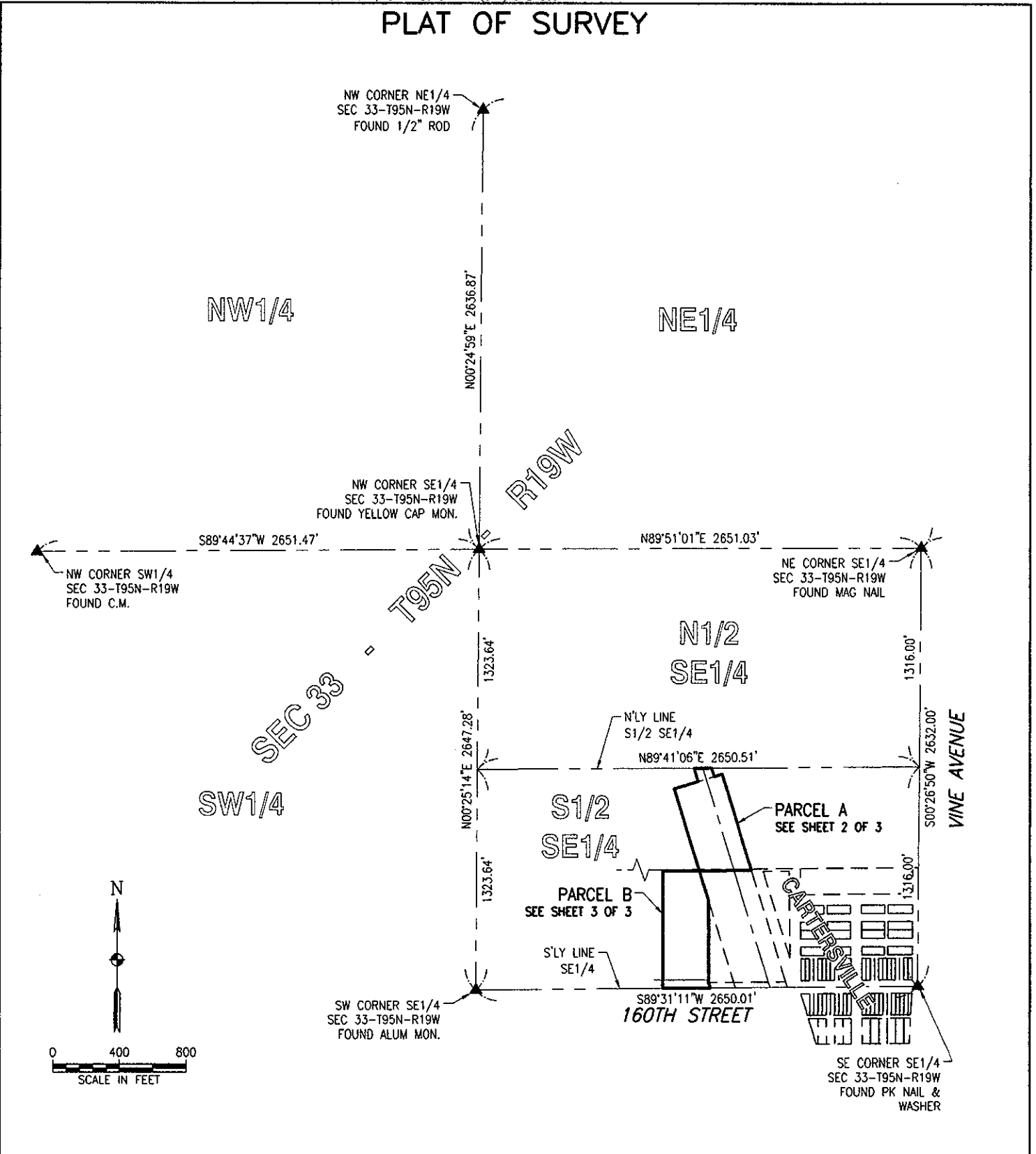
Pymt: Check

Colleen Pearce, Cerro Gordo County Recorder

AUD

PREPARED BY: BRIAN J. DIEHL L.S. 13644 10 SUMAC MASON CITY, IOWA 50401 -- (641) 512-8004

# PLAT OF SURVEY

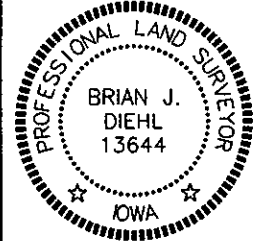


SURVEY REQUESTED BY:  
MR. GARY WEINER  
FOR:  
CARTERSVILLE ELEVATOR, INC.  
21823 160TH STEET  
ROCKWELL, IOWA 50469  
PROPRIETOR PARCEL A:  
CARTERSVILLE ELEVATOR, INC.  
PROPRIETOR PARCEL B:  
JOHN R. MCLAUGHLIN REVOCABLE TRUST AND  
SUSAN L. MCLAUGHLIN REVOCABLE TRUST

**LEGEND**  
SET 5/8" ROD WITH BLUE  
L.S. CAP NO. 13644 ..... ○  
FOUND SECTION CORNER  
AS NOTED..... ▲  
RECORD ..... ( )

- NOTES**
- 1) THIS SURVEY IS LOCATED IN THE SE1/4 OF SECTION 33-T95N-R19W OF THE 5TH P.M., CERRO GORDO COUNTY, IOWA.
  - 2) THE S'LY LINE OF THE SE1/4 WAS ASSUMED TO BEAR S89°31'11"W USING GPS
  - 3) TOTAL AREA OF PARCEL A ..... 4.01 ACRES  
TOTAL AREA OF PARCEL B ..... 4.33 ACRES  
LESS R.O.W. .... 0.32 ACRE
  - 4) DATE OF SURVEY: FEBRUARY 24, 2015

**BRIAN J. DIEHL, P.L.S.**  
**LAND SURVEYING SERVICES**  
10 SUMAC  
MASON CITY, IA 50401  
641-512-8004  
brianjdiehlpls@gmail.com

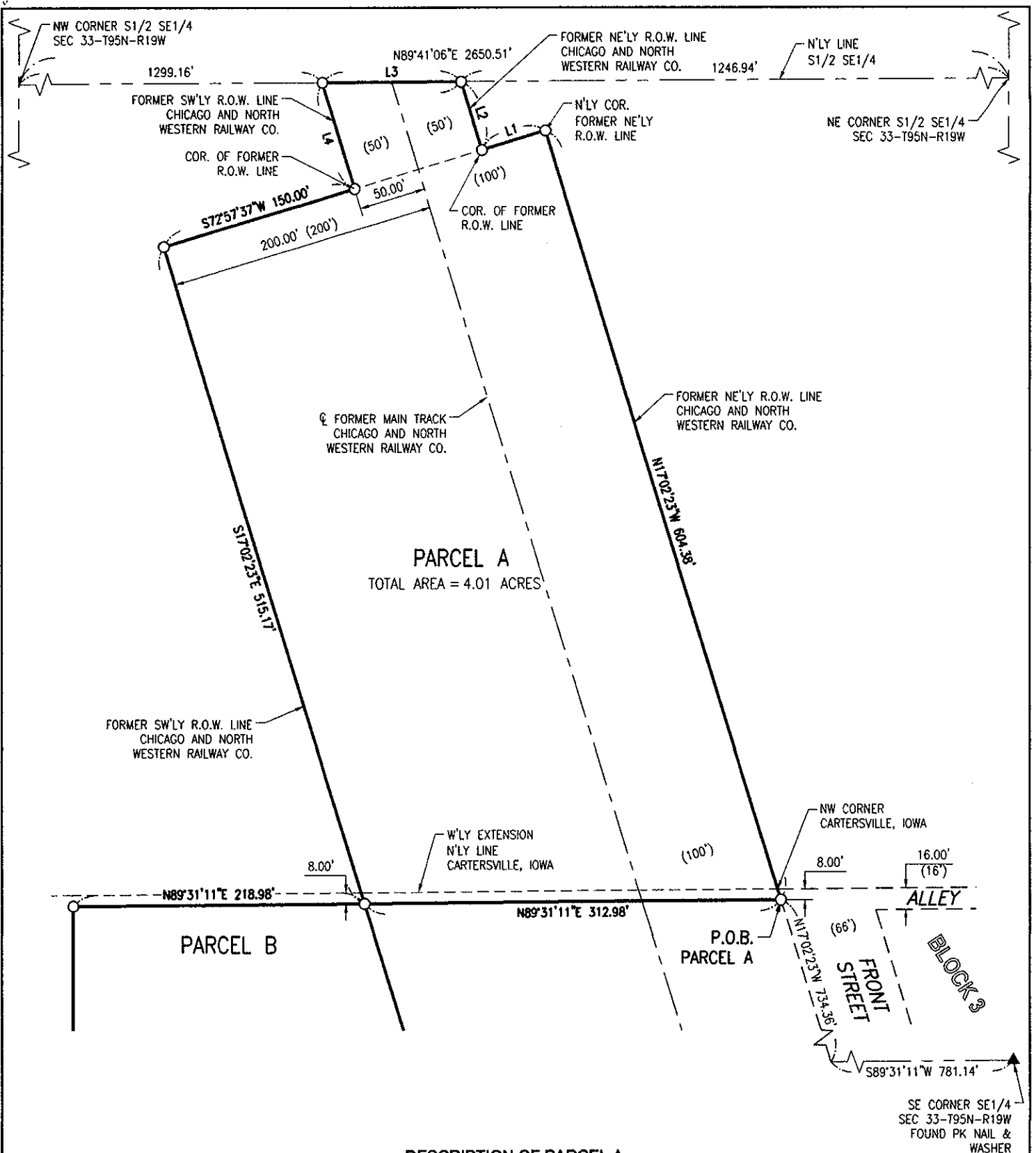


I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

*[Signature]*  
Brian J. Diehl  
License number 13644.  
My license renewal date is December 31, 2015  
Sheets covered by this seal: 3

March 18, 2015  
Date  
17.00 ck



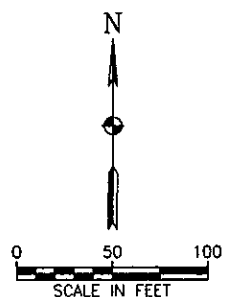


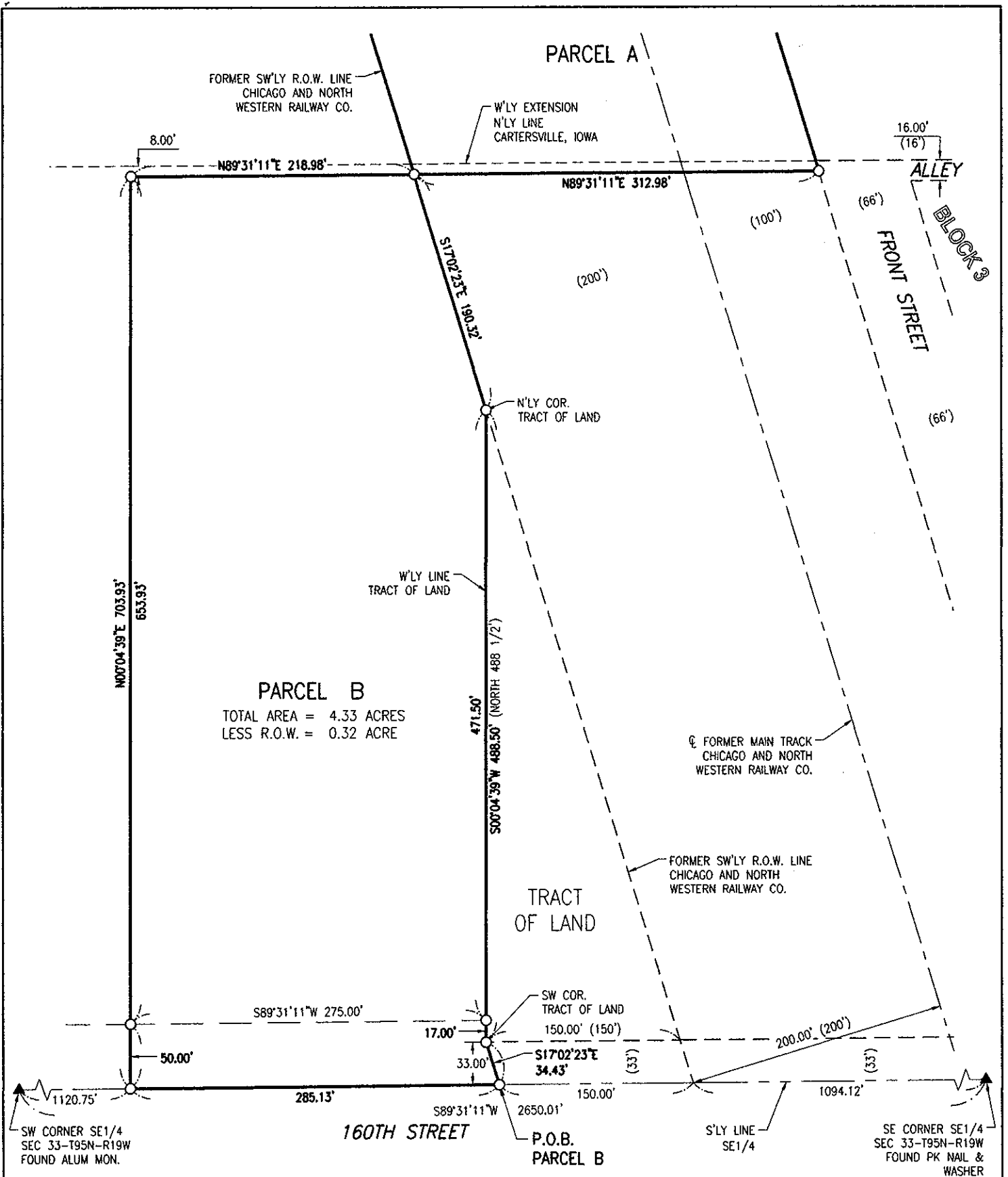
**DESCRIPTION OF PARCEL A**

That part of the Southeast Quarter of Section 33, Township 95 North, Range 19 West of the 5th P.M., Cerro Gordo County, Iowa, said part being a part of the former right of way of the Chicago and North Western Railway Company and described as follows: Commencing at the Southeast Corner of said Southeast Quarter; thence S 89° 31' 11" W, 781.14 feet along the Southerly line of said Southeast Quarter to a point on the Southerly extension of the former Northeastery right of way line of said Chicago and North Western Railway Company, said point being 100.00 feet Northeastery, measured at a right angle, from the former main track of said Chicago and North Western Railway Company; thence N 17° 02' 23" W, 734.36 feet along said Southerly extension and along said former Northeastery right of way line to a point 8.00 feet Southerly, measured at a right angle, from the Northwest Corner of Cartersville, Iowa, said point also being the Point of Beginning; thence continuing N 17° 02' 23" W, 604.38 feet along said former Northeastery right of way line to the most Northerly Corner of said Northeastery right of way line; thence S 72° 57' 37" W, 50.00 feet along said former right of way line to a point 50.00 feet Northeastery, measured at a right angle, from said former main track; thence N 17° 02' 23" W, 52.65 feet along said former Northeastery right of way line to a point on the Northerly line of the South Half of said Southeast Quarter; thence S 89° 41' 06" W, 104.42 feet along said Northerly line to a point on the former Southwesterly right of way line of said Chicago and North Western Railway Company, said point being 50.00 feet Southwesterly, measured at a right angle, from said former main track; thence S 17° 02' 23" E, 82.70 feet along said former Southwesterly right of way line to a Corner of said right of way; thence S 72° 57' 37" W, 150.00 feet along said former right of way line to a point 200.00 feet Southwesterly, measured at a right angle, from said former main track; thence S 17° 02' 23" E, 515.17 feet along said former Southwesterly right of way line to a point 8.00 feet Southerly, measured at a right angle, from the Westerly extension of the Northerly line of said Cartersville, Iowa; thence N 89° 31' 11" E, 312.98 feet along a line parallel with said Northerly line to the Point of Beginning; said Parcel A containing 4.01 acres subject to any easements of record.

**BRIAN J. DIEHL, P.L.S.**  
**LAND SURVEYING SERVICES**  
 10 SUMAC  
 MASON CITY, IA 50401  
 641-512-8004  
 brianjdiehlpls@gmail.com

LINE TABLE		
LINE #	BEARING	LENGTH
L1	S72°57'37"W	50.00'
L2	N17°02'23"W	52.65'
L3	S89°41'06"W	104.42'
L4	S17°02'23"E	82.70'

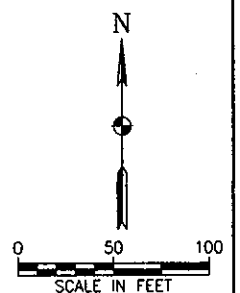




**DESCRIPTION OF PARCEL B**

That part of the Southeast Quarter of Section 33, Township 95 North, Range 19 West of the 5th P.M., Cerro Gordo County, Iowa described as follows: Commencing at the Southeast Corner of said Southeast Quarter; thence S 89° 31' 11" W, 1094.12 feet along the Southerly line of said Southeast Quarter to a point on the Southerly extension of the former Southwesterly right of way line of the Chicago and North Western Railway Company, said point being 200.00 feet Southwesterly, measured at a right angle, from the former main track of said Chicago and North Western Railway Company; thence continuing S 89° 31' 11" W, 150.00 feet along said Southerly line to the Point of Beginning; thence continuing S 89° 31' 11" W, 285.13 feet along said Southerly line; thence N 00° 04' 39" E, 703.93 feet to a point 8.00 feet Southerly, measured at a right angle, from the Westerly extension of the Northerly line of Cartersville, Iowa; thence N 89° 31' 11" E, 218.98 feet along a line parallel with said Northerly line to a point on said former Southwesterly right of way line; thence S 17° 02' 23" E, 190.32 feet along said former Southwesterly right of way line to the most Northerly Corner of that tract of land described in the Tax Deed filed April 12, 1993 in Book 93 Page 2558 in the Office of the Cerro Gordo County Recorder; thence S 00° 04' 39" W, 488.50 feet (recorded as North, 488 1/2') along the Westerly line of said tract of land to the Southwest Corner of said tract of land, said point being 33.00 feet Northerly, measured at a right angle, from said Southerly line; thence S 17° 02' 23" E, 34.43 feet along a line parallel with said former Southwesterly right of way line to the Point of Beginning; said Parcel B containing 4.33 acres subject to existing public road right of way across the Southerly 50.00 feet and also subject to any other easements of record.

**BRIAN J. DIEHL, P.L.S.**  
**LAND SURVEYING SERVICES**  
 10 SUMAC  
 MASON CITY, IA 50401  
 641-512-8004  
 brianjdiehlpls@gmail.com





TAX DEED

KNOW ALL MEN BY THESE PRESENTS:

That the following described real estate, viz:

Beginning at the West line of the C & NW RR and North line of Highway, Thence W 150', N 488 1/2' to RR, Thence Sly to Beg., in the SE of the SE Section 33-95-19 West of the 5th P.M., Cerro Gordo County, Iowa

#12-33-477-003-00

RECORDED

1993 APR 12 AM 10:49

93-2558 COLLEEN PEARCE CERRO GORDO CO. MASON CITY, IOWA

situated in the County of Cerro Gordo and State of Iowa, was subject to taxation for the year(s) A.D. 19 83/84, 84/85, 85/86, 19\_\_\_\_, 19\_\_\_\_, and the taxes assessed thereon for the year 86/87, 87/88, 88/89, 89/90, 90/91 said remained due and unpaid at the date of the sale hereinafter named; and the Treasurer of said County, having on the 22nd day of June, A.D. 19 87, by virtue of the authority in him vested by law, at (XXXXXXXXXXXX) the sale begun and publicly held on the 3rd day of June, A.D. 19 87, exposed to public sale at the office of the county treasurer in the county aforesaid, in substantial conformity with all the requirements of the statute, the real property above described, for the payment of the taxes, interest and costs then due and remaining unpaid on said property, and at the time and place aforesaid Cartersville Elevator, Inc., of the County of Cerro Gordo and State of Iowa, having offered to pay the sum of twenty five and no/100 Dollars and Cents, being the whole amount of taxes, interest and costs then due and remaining unpaid on said property, for

Beginning at the West line of the C & NW RR and North line of Highway, Thence W 150', N 488 1/2' to RR, Thence Sly to Beg., in the SE of the SE Section 33-95-19 West of the 5th P.M., Cerro Gordo County, Iowa

#12-33-477-003-00

which was the least quantity bid for, and payment of said sum having been made by (Cerro Gordo County) (him) to said Treasurer, the property was stricken off to (XXXXXXXXXXXX) (him) at that price; and the said Michael J Grandon, Cerro Gordo County Treasurer did, on the 9th day of March, A.D. 19 93, duly assign the certificate of the sale of the property as aforesaid and all (its) (his) right, title and interest to said property to Cartersville Elevator, Inc. of the County of Cerro Gordo and State of Iowa; and by the affidavit of Cartersville Elevator, Inc. filed in said Treasurer's Office on the 24th day of March, A.D. 19 93, it appears that notice has been given more than ninety days before the execution of these presents to Estate of George H. Sauerberg and Heirs of George H. Sauerberg of the expiration of the time of redemption allowed by law; and three years having elapsed since the date of said sale, and said property having not been redeemed therefrom:

932558

Now, I Michael J Grandon, Treasurer of said County, for the consideration of said sum to the Treasurer paid as aforesaid and by virtue of law, have granted, bargained and sold, and by these presents do grant, bargain and sell to the said Cartersville Elevator, Inc., (its) ~~his~~ heirs and assigns, the real property hereinbefore described, to have and to hold unto Cartersville Elevator, Inc., (its) ~~his~~ heirs and assigns, forever; subject, however, to all the rights of redemption provided by law.

IN WITNESS WHEREOF, I, Michael J Grandon, Treasurer as aforesaid, by virtue of the authority aforesaid, have hereunto subscribed my name on this 24th day of March, A.D. 1993

*Michael J Grandon*  
Treasurer of Cerro Gordo County, Iowa

STATE OF IOWA )  
CERRO GORDO COUNTY ) SS.

I hereby certify that before me, the undersigned, a Notary Public in and for said County, in said State, personally appeared the above named Michael J Grandon, Treasurer of said County, personally known to me to be the Treasurer of said County at the date of the execution of the above conveyance, and to be the identical person whose name is affixed to and who executed the above conveyance as Treasurer of said County, and acknowledged the execution of the same to be his voluntary act and deed as Treasurer of said County, for the purposes therein expressed.

Given under my hand and seal this 24th day of March, A.D. 1993

*Madeline S. Wright*  
Notary Public in and for the State of Iowa.



TAX DEED

TO

Entered upon transfer books and for taxation this 1st day of April, 1993

*Kenneth W. Kline*

By \_\_\_\_\_ Deputy

Filed for record, indexed and delivered to

County Auditor on this \_\_\_\_\_ day

of \_\_\_\_\_ 19 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in

Book \_\_\_\_\_ of \_\_\_\_\_, on page \_\_\_\_\_

of \_\_\_\_\_ County Records

Recorder and Auditor's Fee \$15.00 PAID.

Recorder \_\_\_\_\_ Deputy

By \_\_\_\_\_ Deputy

WHEN RECORDED RETURN TO

*Cartersville Elevator Inc.*

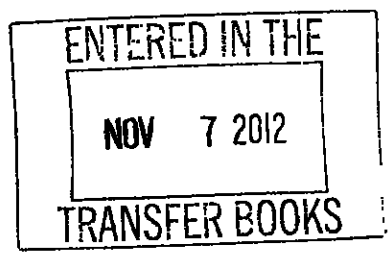
*Box 449 RRI*

*Redwood IA 50469*

39.20

Doc. #: 2012-8792  
Type: DWD  
Date: 11/06/2012  
R: \$15.00 - Tf: \$5.00 - M: \$1.00 - Tc: \$1 - N: \$0  
Rev. Stamp: \$39.20  
Rev. Stamp # 19  
Colleen Pearce, Cerro Gordo County Recorder

Pages: 3  
Time: 11:20 AM  
Pymt: Check  
County DOV # 442



**WARRANTY DEED**  
(CORPORATE GRANTOR)  
THE IOWA STATE BAR ASSOCIATION  
Official Form No. 104  
Recorder's Cover Sheet

**Preparer Information:** (Name, address and phone number)

Ralph A. Smith, 200 N Johnson Street, Charles City, IA 50616, Phone: (641) 228-4533

**Taxpayer Information:** (Name and complete address)

Cartersville Elevator, Inc., 21823 160th Street, Rockwell, IA 50469

**Return Document To:** (Name and complete address)

Ralph A. Smith, 200 N Johnson Street, Charles City, IA 50616, Phone: (641) 228-4533

*22-00*  
*John*

*Mike Swan*

**Grantors:**

Five Star Cooperative

**Grantees:**

Cartersville Elevator, Inc.

**Legal description:** See Page 2

**Document or instrument number of previously recorded documents:**





**WARRANTY DEED**  
(CORPORATE GRANTOR)

For the consideration of One  
Dollar(s) and other valuable consideration,  
Five Star Cooperative  
a corporation organized and existing under the laws of  
the State of Iowa  
does hereby Convey to  
Cartersville Elevator, Inc.

the following described real estate in Cerro Gordo County, Iowa:  
(See Attached Exhibit "A")

The Corporation hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated: 10-31-12  
By Five Star Cooperative  
a(n) the State of Iowa corporation  
By John Eichenberger Title  
John Eichenberger, Board Chairman Title

STATE OF IOWA COUNTY OF CHICKASAW

This instrument was acknowledged before me on 10-31-12  
by John Eichenberger  
as Board Chairman  
of Five Star Cooperative

ROBERT J LYNCH  
Notarial Seal - Iowa  
Commission # 115803  
Commission Expires 2-19-13

Robert J Lynch, Notary Public

# EXHIBIT A

PARCEL 1 - COMMENCING AT THE NORTHEAST CORNER OF SECTION 4, IN TOWNSHIP 94 NORTH, RANGE 19 WEST OF THE 5<sup>TH</sup> P.M.; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION 4 A DISTANCE OF 1094.4 FEET TO THE SOUTHWESTERLY BOUNDARY LINE OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY RIGHT-OF-WAY; THENCE SOUTH 16°44' EAST A DISTANCE OF 55.2 FEET ALONG SAID SOUTHWESTERLY BOUNDARY LINE TO THE SOUTH LINE OF MAIN STREET IN CARTERSVILLE, IOWA, EXTENDED WEST, FOR THE POINT OF BEGINNING; THENCE SOUTH 16°44' EAST ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY BOUNDARY LINE A DISTANCE OF 894.6 FEET TO A POINT 200 FEET NORTH 16°44' WEST OF THE SOUTHWEST CORNER OF SAID RAILROAD RIGHT-OF-WAY; THENCE NORTH 74°03' WEST A DISTANCE OF 40 FEET; THENCE NORTH 16°44' WEST A DISTANCE OF 906.6 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE COUNTY ROAD, WHICH IS ALSO MAIN STREET IN CARTERSVILLE, IOWA, EXTENDED WEST; THENCE EAST ALONG SAID SOUTH LINE OF SAID MAIN STREET EXTENDED WEST A DISTANCE OF 41.7 FEET TO THE POINT OF BEGINNING.

PARCEL 2 - COMMENCING AT THE NORTHEAST CORNER OF SECTION 4, IN TOWNSHIP 94 NORTH, RANGE 19 WEST OF THE 5<sup>TH</sup> P.M.; THENCE WEST ALONG THE NORTH LINE OF SAID SECTION 4 A DISTANCE OF 947.7 FEET; THENCE SOUTH 16°29' EAST, PARALLEL TO AND 8.5 FEET PERPENDICULAR DISTANCE FROM (SOUTHWESTERLY) THE CENTERLINE OF A SIDE TRACK FOR THE GRAIN ELEVATOR 406.1 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 16°29' EAST A DISTANCE OF 165 FEET; THENCE SOUTH 18°04' EAST A DISTANCE OF 132.1 FEET; THENCE SOUTH 21°37' EAST A DISTANCE OF 107.7 FEET; THENCE SOUTH 16°39' EAST A DISTANCE OF 96.4 FEET; THENCE SOUTH 74°03' WEST A DISTANCE OF 150.3 FEET; THENCE NORTH 16°44' WEST A DISTANCE OF 500 FEET; THENCE NORTH 73°28' EAST A DISTANCE OF 139.5 FEET TO THE PLACE OF BEGINNING, ALL IN THE TOWN OF CARTERSVILLE

16-04-226-002-00

16-04-226-004-00

DEED NO. 84878

THE GRANTOR, CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY, a Delaware corporation, whose principal office is located at 165 North Canal Street, Chicago, Illinois, for the consideration of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00), conveys and quitclaims to CARTERSVILLE ELEVATOR, INC., FRANK WEINER, PRES., RR #1, Rockwell, Iowa 50469, GRANTEE, all interest in the following described real estate situated in the County of Cerro Gordo, and the State of Iowa, to wit:

That part of the Northeast Quarter of the Northeast Quarter of Section 4, Township 94 North, Range 19 West of the Fifth Principal Meridian, bounded and described as follows: Beginning at the point of intersection of the center line of the main track (now removed) of the Iowa, Minnesota and North Western Railway Company (now the Chicago and North Western Transportation Company), as said main track center line was originally located and established over and across said Section 4, and the North line of said Northeast Quarter of the Northeast Quarter of said Section 4; thence Westerly along said North line of Section 4 a distance of 64 feet, more or less, to a point distant 8.5 feet Southwesterly, measured at right angles, from the center line of Chicago and North Western Transportation Company Spur Track I.C.C. No. 32 (now removed); thence Southeasterly parallel with said Spur Track center line and the Southeasterly extension of the tangent segment thereof, a distance of 640 feet, more or less, to a point distant 9 feet Southwesterly, measured radially, from the center line of the curved segment thereof; thence Southeasterly parallel with said curved segment of said Spur Track to a point distant 50 feet Southwesterly, measured at right angles, from said original main track center line; thence Southeasterly parallel with said original main track center line to a line drawn at right angles to said original main track center line at a point thereon distant 1,091 feet Southeasterly from the intersection thereof with the North line of said Section 4; thence Northeasterly along said line at right angles to the last described course a distance of 50 feet to the center line of said original main track; thence Northwesterly along said original main track center line a distance of 1,091 feet to the point of beginning.

Excepting and Reserving, however, unto the Grantor, its lessees, licensees, successors and assigns, the right to continue to protect, maintain, operate, and use any and all existing drainage, drive-ways, conduits, sewers, water mains, gas lines, electric power lines, communication lines, wires and other utilities, and easements of any kind whatsoever on said premises, including the repair, reconstruction and replacement thereof.

By the acceptance of this conveyance, Grantee, for itself, its successors and assigns, agrees to take all steps necessary, at no expense to Grantor, to comply with any and all governmental requirements relating to land platting and use.



DEED NO. 34878

Resolution dated  
Authorization No. August 27, 1981

This conveyance is made upon the express condition that the Grantor will not pay any taxes or special assessments which may be due or delinquent upon the real estate hereinabove described.

Grantor certifies that the subject property may and shall, if released from the lien of the Indenture of Mortgage and Deed of Trust, originally executed by Chicago and North Western Railway Company and The First National Bank of Chicago, Trustee, dated as of January 1, 1939, as supplemented and amended, be automatically released from the liens of the Mortgage Indenture and Deed of Trust, Assignment of Leases and Rents, Security Agreement and Financing Statements A and B dated as of June 29, 1983 by Grantor and Midwestern Railroad Properties, Incorporated to Continental Illinois National Bank and Trust Company of Chicago and The First National Bank of Chicago, as Co-Agents, pursuant to clause (a) of Section 4.3 thereof.

THIS CONVEYANCE is made by said Chicago and North Western Transportation Company, successor Mortgagor, free from the Mortgage Lien, in accordance with the provisions of Section 2, Article VIII of the following instrument, to wit:

Indenture of Mortgage and Deed of Trust from Chicago and North Western Railway Company to The First National Bank of Chicago, Trustee, dated January 1, 1939, and effective June 1, 1944, as supplemented and amended, recorded in the office of the Recorder of Deeds in and for Cerro Gordo County, Iowa, on June 6, 1944, as Document No. 4413, in Book 133 of Land Mortgages, Page 351, and indexed in Chattel Index D1, Page C-63, as supplemented and amended.

AS FURTHER EVIDENCE of the Chicago and North Western Transportation Company's authorization to make this conveyance, it is hereby certified on behalf of the Company that the land heretofore described, and constituting part of the roadway of said Company, is no longer useful to said Company, and has been retired from use; that the aggregate fair value of all lands sold or otherwise exchanged or disposed of in accordance with the provisions of Section 2, Article VIII of said instrument above referred to, in the calendar year of

261 213

DEED NO. 84878

Resolution dated  
Authorization No. August 27, 1981

1986, as of the date hereof, including said land heretofore described,  
is not more than \$100,000.00.

DATED this 9th day of June, 1986.

Signed, Sealed and Delivered in  
Presence of:

Diane F. Kausen

Arthelia Bryant

STATE OF ILLINOIS )  
                                  ) SS  
COUNTY OF COOK )

CHICAGO AND NORTH WESTERN  
TRANSPORTATION COMPANY

By Robert W. Mickey  
Robert W. Mickey, Vice President

Attest Jeffrey A. Davis  
Jeffrey A. Davis, Asst. Secretary

I, Linda L. Greene, a Notary Public duly commissioned and qualified in and for the County and State aforesaid, DO HEREBY CERTIFY that Robert W. Mickey and Jeffrey A. Davis, to me personally known and known to me to be, respectively, --- Vice President and Assistant Secretary of CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY, a Delaware corporation, and the identical persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and being first duly sworn by me, severally acknowledged to me that they are, respectively, --- Vice President and Assistant Secretary of said corporation; that as such officers they signed, sealed and delivered said instrument in behalf of said corporation by authority and order of its Board of Directors, as the free and voluntary act and deed of said corporation, and as their own free and voluntary act; that the seal affixed to said instrument is the seal of said corporation; and that said corporation executed said instrument for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as such Notary Public, at Chicago, Illinois, this 9th of June, 1986.

Linda L. Greene  
Notary Public, in and for the County  
of Cook, in the State of Illinois  
Linda L. Greene

My Commission Expires: March 12, 1990

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July 1 1986  
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12<sup>th</sup>  
86  
Linda Kay Collins  
Marilyn Thompson, Ill.

REAL ESTATE TRANSFER  
TAX PAID 1  
STAMP #  
\$ 50  
RECORDED  
DATE COUNTY

This instrument was prepared by Chicago and North Western Transportation Company, 165 North Canal Street, Chicago, Illinois 60606.