

BOOK 0277 PAGE 620

DEED NOTICE
Progress Rail Services Property

This Deed Notice has been recorded with the **Cheyenne County** Register of Deeds for the purpose of protecting public health, safety and welfare and the environment.

The property, located in the County of **Cheyenne** and owned by **Progress Rail Services**, more particularly described as: **Corporation**

Lots 5, 19, 20 Sioux Industrial Tracts, a Subdivision of part of the South half of Section 36, Township 15 North, Range 50, West of the 6th P.M., Cheyenne County, Nebraska.

Parcel 8:

A tract of land situated in the Southeast Quarter of Section 34, Township 15 North, Range 50, West of the 6th P.M., Cheyenne County, Nebraska, more particularly described as follows:

With reference to the Southeast corner of Section 34, thence Northerly on the East line of the Southeast Quarter of said Section, a distance of 211.12 feet to the True Point of beginning, thence continuing Northerly on said East line a distance of 987.09 feet, thence a deflection angle left of 101° 49' 56" a distance of 1116.39 feet, thence a deflection angle left of 77° 58' 50", a distance of 959.35 feet to the point of intersection with the South line of the Southeast Quarter of Section 34, thence a deflection angle left of 89° 39' 40", on said South line, a distance of 489.97 feet, thence a deflection angle left of 19° 15' 15", a distance of 639.81 feet to the point of beginning. Excepting Therefrom:

A tract of land situated in the Southeast Quarter of Section 34, Township 15 North, Range 50, West of the 6th P.M., Cheyenne County, Nebraska, described as follows:

With reference to the Southeast corner of Section 34, thence Northerly on the East line of the Southeast Quarter of said Section, a distance of 948.21 feet to the True Point of Beginning, thence continuing Northerly on said East line a distance of 250.00 feet, thence a deflection angle left of 101° 49' 56", a distance of 1116.39 feet, thence a deflection angle left of 112° 13' 48", a distance of 629.49 feet, thence a deflection angle left of 57° 46' 12", a distance of 443.93 feet, thence a deflection angle left of 78° 10' 04", a distance of 345.34 feet, thence a deflection angle right of 78° 10' 04", a distance of 312.24 feet to the point of beginning.

A legal description of the entire property owned by Progress Rail has been attached to this Deed Notice.

As used herein, the term "Owner" shall mean at any given time the then current title holder of the Property.

Corporation,
NOW THEREFORE **Progress Rail Services**, 1600 Progress Drive, Albertville, Alabama 35950, pursuant to the approved *Remedial Action Plan* developed in accordance with the *Remedial Action Plan Monitoring Act* (RAPMA), hereby notices the public and future landowners of the following conditions:

1. The existence of a closed solid waste disposal area on the aforementioned property.
2. Solid waste material contained within this area consists of various construction debris, general refuse, scrap metal and debris. The depth of the material ranges from



approximately three feet below surface grade to 15 feet below surface grade. The site consists of approximately 0.5 acres located in the southwest quarter of the southwest quarter of the southwest quarter of Section 34, Township 51 North, Range 50 West, Cheyenne County, Nebraska. There are no monitoring systems associated with this site, however, posted signage defines the limits of the disposal area.

3. As required under Title 132 Chapter 3, 005.09, no person shall excavate, disturb the final cover or remove any deposited materials from the area without having received prior approval from the NDEQ. In addition;

- Surface and subsurface soils found on the Property must be managed in accordance with the requirements of the RAP and other applicable state and federal laws.
- Groundwater which is migrating under the Property shall not be used for any domestic purpose.

This Deed Notice shall run with the Property and shall be binding upon all future owners, successors, lessees or assigns and their authorized agents, employees, or persons acting under their direction and control, and shall continue until the NDEQ or its successor approves removal of this Deed Notice. A copy of this Deed Notice will be provided to all future owners, heirs, successors, lessees, assigns and transferees by the person transferring the interest.

The undersigned person executing this Deed Notice is the Owner, or has the express written permission of the Owner, and represents and certifies that he or she is duly authorized and has been empowered to execute and deliver this Deed Notice.

IN WITNESS WHEREOF, the said Owner of the above-described Property has caused this Deed Notice to be executed on this 11th day of December, 2003.

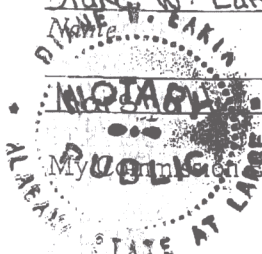
John R. Grace, SVP
 Progress Rail Services Corporation
 1600 Progress Drive - P.O. Box 1037
 Albertville, Alabama 35950

STATE OF ~~NEBRASKA~~ Alabama
 COUNTY OF ~~CHEYENNE~~ Marshall

The foregoing instrument was acknowledged before me this December 11, 2003, by John R. Grace of Progress Rail, as Sr. Vice President on behalf of the corporation. Services Corporation

Diane W. Eakin
 Notary Public

Diane W. Eakin



County, Alabama

My Commission Expires: June 30, 2005

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Cheyenne County Clerk

Legal Description

Lots 5, 19, 20 Sioux Industrial Tracts, a Subdivision of part of the South half of Section 36, Township 15 North, Range 50, West of the 6th P.M., Cheyenne County, Nebraska.

Parcel 6:

A tract of land in the Southeast Quarter of Section 35, Township 15 North, Range 50, West of the 6th P.M., Cheyenne County, Nebraska, described as follows:

Commencing at the Southeast corner of said Section 35; thence North along the East line of said Southeast Quarter for 1755.91 feet to a point on the North line of a strip of land 30 feet wide as described in Deed Book 112, Page 341, recorded in the Register of Deeds in the Cheyenne County Courthouse; thence North 89° 30' 32" West, a deflection angle left of 89° 30' 32" along the North line of said strip of land, for 449.47 feet to the point of beginning on the West line of tract 21, Sioux Industrial Tracts, as surveyed, plotted, and recorded; thence continuing North 89° 30' 32" West, for 568.67 feet; thence North 0° 25' 28" East, for 30.00 feet; thence South 89° 30' 32" East, for 138.93 feet to a point of curvature of a 9° 30' 22" curve to the left; thence Northeasterly along said curve, for 478.94 feet to a point on the West line of said Sioux Industrial Tracts; thence South 0° 35' 34" West along said West line, for 210.49 feet to the point of beginning.

Parcel 7:

A tract of land in the Southeast Quarter of Section 35, Township 15 North, Range 50, West of the 5th P.M., Cheyenne County, Nebraska, described as follows:

Commencing at the Southeast corner of said Section 35; thence North along the East line of said Southeast Quarter, for 1755.91 feet to a point on the North line of a strip of land 30 feet wide as described in Deed Book 112, Page 341, recorded in the Register of Deeds in the Cheyenne County Courthouse; thence North 89° 30' 32" West, a deflection angle left of 89° 30' 32" along the North line of said strip of land, for 449.47 feet to a point on the West line of Sioux Industrial Tract, as surveyed, plotted and recorded; thence North 0° 35' 34" East along said West line, for 336.83 feet to the point of beginning at the Southwest corner of tract 20, of said Sioux Industrial Tracts; thence North 0° 35' 34" along said West line, for 360.12 feet to the Northwest corner of tract 5, of said Sioux Industrial Tracts; thence North 89° 26' 00" West along the Westerly extension of the North line of said tract 5, for 339.98 feet to a point of curvature of a 10.0 foot radius curve to the left; thence Southwesterly along said curve, for 23.61 feet to a point of tangency; thence South 44° 45' 05" East, for 487.81 feet to the point of beginning.

Parcel 8:

A tract of land situated in the Southeast Quarter of Section 34, Township 15 North, Range 50, West of the 6th P.M., Cheyenne County, Nebraska, more particularly described as follows:

With reference to the Southeast corner of Section 34, thence Northerly on the East line of the Southeast Quarter of said Section, a distance of 211.12 feet to the True Point of beginning, thence continuing Northerly on said East line a distance of 987.09 feet, thence a deflection angle left of

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101° 49' 56" a distance of 1116.39 feet, thence a deflection angle left of 77° 58' 50", a distance of 959.35 feet to the point of intersection with the South line of the Southeast Quarter of Section 34, thence a deflection angle left of 89° 39' 40", on said South line, a distance of 489.97 feet, thence a deflection angle left of 19° 15' 15", a distance of 639.81 feet to the point of beginning. Excepting Therefrom:

A tract of land situated in the Southeast Quarter of Section 34, Township 15 North, Range 50, West of the 6th P.M., Cheyenne County, Nebraska, described as follows:

With reference to the Southeast corner of Section 34, thence Northerly on the East line of the Southeast Quarter of said Section, a distance of 948.21 feet to the True Point of Beginning, thence continuing Northerly on said East line a distance of 250.00 feet, thence a deflection angle left of 101° 49' 56", a distance of 1116.39 feet, thence a deflection angle left of 112° 13' 48", a distance of 629.49 feet, thence a deflection angle left of 57° 46' 12", a distance of 443.93 feet, thence a deflection angle left of 78° 10' 04", a distance of 345.34 feet, thence a deflection angle right of 78° 10' 04", a distance of 312.24 feet to the point of beginning.

Parcel 9:

A tract of land situated in the Southeast Quarter of Section 36, Township 15 North, Range 50, West of the 6th P.M. Cheyenne County, Nebraska, more particularly described as follows:

With reference to the Southeast corner of Section 36, thence Northerly on the East line of said Section a distance of 120.00 feet, thence a deflection angle left of 89° 45' 30", a distance of 118.40 feet, thence a deflection angle right of 89° 44' 30", a distance of 1588.65 feet, to the True Point of Beginning, thence continuing Northerly on an extension of the last described course, a distance of 526.95 feet to the point of curvature of a curve to the left said curve having a radius of 87.00 feet and a central angle of 89° 31' 30", thence Northerly on the arc of said curve, a distance of 135.94 feet to the point of tangency of said curve, thence continuing Westerly, tangent to the last described curve, a distance of 607.60 feet to the point of curvature of a curve to the left, said curve having a radius of 229.40 feet and a central angle of 39° 36' 00", thence Southerly on the arc of said curve, a distance of 158.55 feet to the point of compound curvature with a curve to the right, said curve having a radius of 228.40 feet and a central angle of 39° 23' 38", thence Southwesterly on the arc of said curve a distance of 157.72 feet to the point of tangency of said curve, thence continuing Westerly, tangent to the last described curve, a distance of 16.68 feet to the point of intersection with the Northerly extension of the East line of Tract 26, Sioux Industrial Tracts as previously recorded, thence Southerly on said East line and its Northerly extension a distance of 515.00 feet to the Southeast corner of said Tract 28, thence a deflection angle left of 90° 02' 25" on the Easterly extension of the South line of said Tract 28, a distance of 1004.30 feet to the point of beginning.

Parcel 10:

Lot 25, Sioux Industrial Tracts:

A tract of land situated in the South half of Section 36, Township 15 North, Range 50, West of the 6th P.M., Cheyenne County, Nebraska, more particularly described as follows:

Commencing at the East Quarter corner of Section 36; then, West along the East/West centerline of Section 36, a distance of 1,121.00 feet; then, a deflection angle to the left 90° 03' 22", a distance of 956.60 feet; then, a deflection angle to the right of 89° 57' 35", a distance of 1600.00 feet to the point of beginning; then, continuing along said line for a distance of 630.0 feet; then, a

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deflection angle to the right of $90^{\circ} 00' 00''$, a distance of 630.00 feet; then, a deflection angle to the right of $90^{\circ} 00' 00''$, a distance of 280.00 feet, to the point of beginning.

Parcel 11:

Lot 26, Sioux Industrial Tracts:

A tract of land situated in the South half of Section 36, Township 15 North, Range 50, West of the 6th P.M., Cheyenne County, Nebraska, more particularly described as follows:

Commencing at the East Quarter corner of Section 36; then, West along the East/West centerline of Section 36, a distance of 1121.0 feet; then a deflection angle to the left of $90^{\circ} 03' 22''$, a distance of 956.6 feet; then, a deflection angle to the right of $89^{\circ} 57' 35''$, a distance of 970.0 feet, to the point of beginning; then, continuing along said line for a distance of 630.0 feet; then, a deflection angle to the right of $90^{\circ} 00' 00''$, a distance of 280.0 feet; then, a deflection angle to the right of $90^{\circ} 00' 00''$, a distance of 630.00 feet; then, a deflection angle to the right of $90^{\circ} 00' 00''$, a distance of 280.0 feet, to the point of beginning.

Parcel 12:

Lot 27, Sioux Industrial Tracts:

A tract of land situated in the South half of Section 36, Township 15 North, Range 50, West of the 6th P.M., Cheyenne County, Nebraska, more particularly described as follows:

Commencing at the East Quarter corner of Section 36, then, West along the East/West centerline of Section 36, a distance of 1121.0 feet, then, a deflection angle to the left of $90^{\circ} 00' 00''$, a distance of 956.6 feet; then, a deflection angle to the right of $89^{\circ} 57' 35''$, a distance of 360.0 feet, to the point of beginning; then, continuing along said line for a distance of 610.0 feet, then a deflection angle to the right of $90^{\circ} 00' 00''$, a distance of 280.0 feet; then, a deflection angle to the right of $90^{\circ} 00' 00''$, a distance of 436.6 feet, to the point of curvature with a 285 foot radius curve to the left and continuing Northeasterly along said curve, for a chord distance of 182.60 feet; then, South on a line parallel with and 610.0 feet East of the West line of said lot, a distance of 339.4 feet to the point of beginning.

Parcel 13:

Lot 28, Sioux Industrial Tracts:

A tract of land situated in the South half of Section 36, Township 15 North, Range 50, West of the 6th P.M., Cheyenne County, Nebraska, more particularly described as follows:

Commencing at the East Quarter corner of Section 36, then, West along the East/West centerline of Section 36, a distance of 1121.0 feet; then, a deflection angle to the left of $90^{\circ} 03' 22''$, a distance of 476.6 feet to the point of beginning; then, continuing along said line for a distance of 480.0 feet; then, a deflection angle to the right of $89^{\circ} 57' 35''$, a distance of 360.0 feet; then, a deflection angle to the right of $90^{\circ} 00' 00''$, a distance of 339.4 feet to the point of intersection with a 285 foot radius curve to the left; then Northeasterly along said curve for a chord distance of 172.8 feet; then, Easterly, along a line parallel with and 480.0 feet North of South line of said lot, a distance of 261.1 feet to the point of beginning.

Further Excepting - From All Previous Descriptions

Any part deeded to Railroad Car Service Corporation within corporation Warranty deed dated January 23, 1981, and recorded January 23, 1981, in Book 112, Page 341, more particularly described as follows:

A strip of land 30 feet wide situated in the South half of Section 35, Township 15 North, Range 50, West of the 6th P.M., Cheyenne County, Nebraska, the centerline of which is more particularly described as follows:

With reference to the Southwest corner of Section 36; thence, Northerly on the West line of said section, a distance of 1740.91 feet to the point of beginning; thence, a deflection angle to the right of 90° 29' 28", a distance of 5266.56 feet to the point of intersection with the East line of Section 36, said point being 883.63 feet Southerly from said East quarter corner of Section 36 and the termination of said 30.00 foot wide strip of land.

Parcel 14:

A tract of land situated in the North half of the South half of Section 31, Township 15 North, Range 49, West of the 6th P.M., Cheyenne County, Nebraska, more particularly described as follows:

With reference to the West Quarter corner of Section 31; thence, Easterly on the North line of the South half of Section 31, a distance of 660.0 feet to the true point of beginning; thence, continuing Easterly on the North line, a distance of 4353.13 feet to the point on the West right of way line of the Burlington-Northern Railroad; thence, a deflection angle right of 103° 24' 18", a distance of 114.85 feet to the point of curvature of a curve to the right, with a central angle of 79° 20' 33", and a radius of 736.44 feet; thence, a deflection angle right of 31° 03' 16" to the long chord of said curve; thence, Southwesterly on the arc of said curve, a distance of 1019.81 feet to the point of tangency of said curve; thence, Southwesterly, tangent to said curve, a distance of 117.99 feet; thence, a deflection angle right of 5° 12' 18", a distance of 3550.28 feet; thence, a deflection angle right of 90° 45' 37", a distance of 840.33 feet to the point of beginning.

Parcel 15:

A tract of land in Sections 33 and 34, in Township 15 North, Range 50, West of the 6th P.M., Cheyenne County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of said Section 34, thence South 0° 00' along the West line of Section 34, a distance of 1958.2 feet to the true point of beginning; thence, South 89° 43' East a distance of 514.0 feet; thence, South 43° 20' East, a distance of 617.0 feet; thence North 78° 54' East, a distance of 2189.0 feet; thence South 10° 52' East a distance of 802.0 feet; thence, South 74° 44' West a distance of 2413.0 feet; thence, South 86° 21' West a distance of 910.0 feet, to the West line of Section 34; thence South 84° 28' West a distance of 36.4 feet; thence, South 61° 09' West a distance of 960.5 feet; thence North 65° 01' West a distance of 215.0 feet; thence North 20° 28' West a distance of 545.0 feet; thence North 10° 13' West a distance of 115.0 feet; thence North 64° 56' West a distance of 222.0 feet; thence North 34° 15' West a distance of 225.0 feet; thence North 9° 41' East a distance of 253.0 feet; thence North 56° 31' East a distance of 1119.0 feet; thence North 76° 26' East a distance of 532.1 feet to the point of beginning.

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And all of the Grantor's rights in and to Lot 5, Sioux Industrial Tracts, a Subdivision of part of the South half of Section Thirty-six (36), Township Fifteen (15) North, Range Fifty (50), West of the 6th P.M., Cheyenne County, Nebraska, more particularly set forth in that certain Railroad Basement And Right-of-Way from Filsinger Excavating Company to Grantor and recorded in Book 265 at Page 703 of the real estate records of Cheyenne County, Nebraska.

No. 076640

<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
RA	F	BP	N	DI	CP

STATE OF NEBRASKA)
COUNTY OF CHEYENNE) SS

Date filed: 12-16-2003 2:30pm
Time filed:
Recorded in Misc Book 277 Page 620
Fee: \$ 41.00
Doc: \$ _____ Loth Liguenschud
Cheyenne County Clerk

Return to Michael P Tander Bugh
Progress Rail Services Corporation
1185 Industrial Blvd
Boaz, AL 35957