Book 2009 Page 1656
Document 2009 GWH-1656 Type 53 001 Pages
Date 4/27/2009 Time 9:42:31AM
Rec Amt $.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

REAL ESTATE TRANSFER - GROUNDWATER HAZARD STATEMENT
TO BE COMPLETED BY TRANSFEROR

TRANSFEROR:
Name VeraSun Dyersville, LLC

Address 110 North Minnesota Avenue, Sioux Falls, SD 57104
Number and Street or RR | City, Town or P.O. | State | Zip

TRANSFEREE:
Name RBP Acquisition III, LLC, c/o Agstar Financial Group

Address 1921 Premier Drive, Mankato, MN 56002 Attn Tim Tracy
Number and Street or RR | City, Town or P.O. | State | Zip

Address of Property Transferred:
3294 Vine Road, Dyersville, IA 52040
Number and Street or RR | City, Town, or P.O. | State | Zip

Legal Description of Property: (Attach if necessary) See Attached

1. **Wells (check one)**
   - ☐ There are no known wells situated on this property.
   - ☒ There is a well or wells situated on this property. The type(s), location(s) and legal status are stated below or set forth on an attached separate sheet, as necessary.
2. **Solid Waste Disposal (check one)**
   - ☒ There is no known solid waste disposal site on this property.
   - ☐ There is a solid waste disposal site on this property, but no notice has been received from the Department of Natural Resources that the site is deemed to be potentially hazardous.
   - ☐ There is a solid waste disposal site on this property which has been deemed to be potentially hazardous by the Department of Natural Resources. The location(s) of the site(s) is stated below or on an attached separate sheet, as necessary.
3. **Hazardous Wastes (check one)**
   - ☒ There is no known hazardous waste on this property.
   - ☐ There is hazardous waste on this property and it is being managed in accordance with Department of Natural Resources rules.

FILE WITH RECORDER

DNR form 542-0960 (February 1, 2008)

4. **Underground Storage Tanks (check one)**
   - ☒ There are no known underground storage tanks on this property. (Note exclusions such as small farm and residential motor fuel tanks, most heating oil tanks, cisterns and septic tanks, in instructions.)
   - ☐ There is an underground storage tank on this property. The type(s), size(s) and any known substance(s) contained are listed below or on an attached separate sheet, as necessary.
5. **Private Burial Site (check one)**
   - ☒ There are no known private burial sites on this property.
   - ☐ There is a private burial site on this property. The location(s) of the site(s) and known identifying information of the decedent(s) is stated below or on an attached separate sheet, as necessary.
6. **Private Sewage Disposal System (check one)**
   - ☒ There are no known private sewage disposal systems on this property.
   - ☐ There is a private sewage disposal system on this property. A certified inspector's report is provided which documents the condition of the private sewage disposal system and whether any modifications are required to conform to standards adopted by the Department of Natural Resources.
   - ☐ There is a private sewage disposal system on this property. Weather or other temporary physical conditions prevent the certified inspection of the private sewage disposal system from being conducted. The buyer has executed a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. A copy of the binding acknowledgment is provided with this form.
   - ☐ There is a private sewage disposal system on this property. The building to which the sewage disposal system is connected will be demolished without being occupied. The buyer has executed a binding acknowledgment with the county board of health to demolish the building within an agreed upon time period. A copy of the binding acknowledgment is provided with this form.

Information required by statements checked above should be provided here or on separate sheets attached hereto:

See attached

I HEREBY DECLARE THAT I HAVE REVIEWED THE INSTRUCTIONS FOR THIS FORM AND THAT THE INFORMATION STATED ABOVE IS TRUE AND CORRECT.

Signature: _____ (Transferor or Agent) Telephone No.: (605) 978-7000

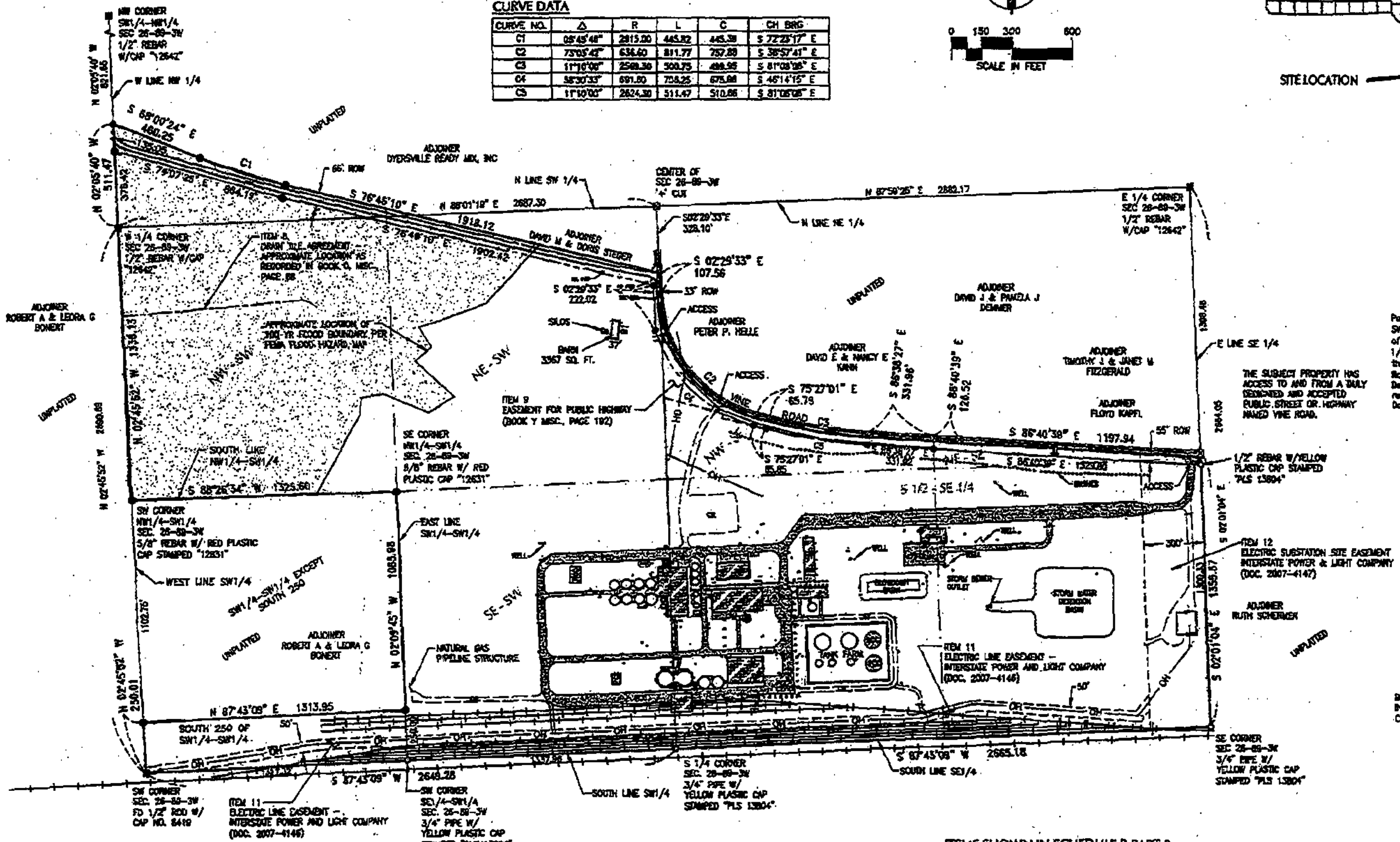
FILE WITH RECORDER

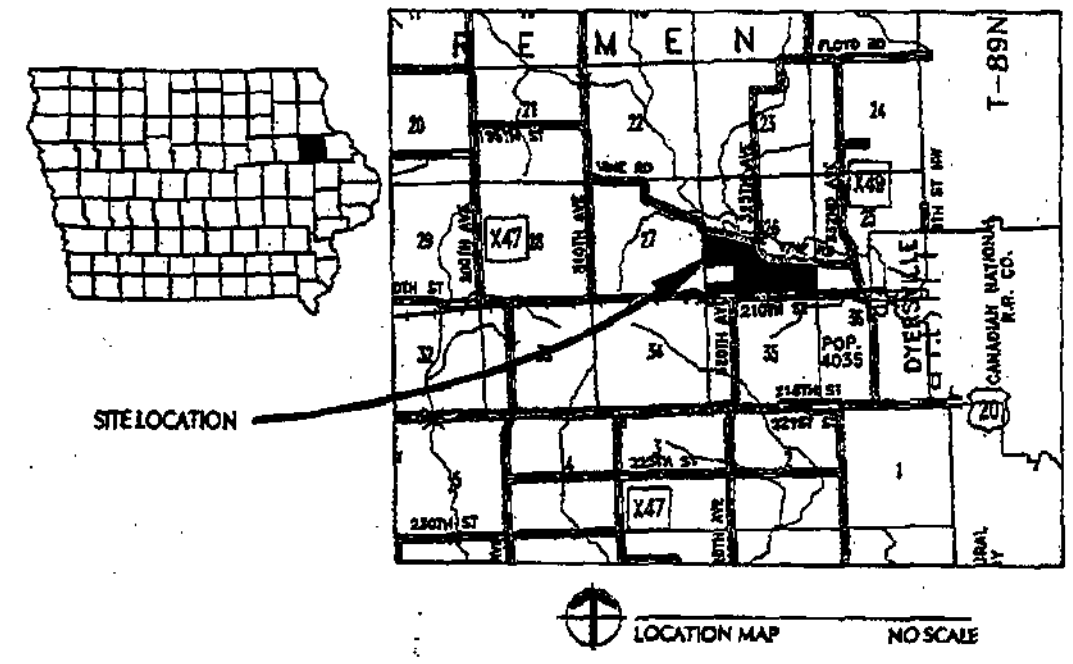
DNR form 542-0960 (February 1, 2009)

ALTA/ACSM LAND TITLE SURVEY
VERASUN DYERSVILLE, LLC
DELAWARE COUNTY, IOWA

CURVE DATA

CURVE NO.	Δ	R	L	C	CH BRG
C1	05°45'46"	2815.00	445.82	445.38	S 72°23'17" E
C2	73°05'42"	636.60	811.77	757.89	S 38°57'41" E
C3	11°10'00"	2569.30	500.75	499.95	S 81°03'08" E
C4	58°30'33"	691.00	705.25	675.88	S 46°14'15" E
C5	11°10'00"	2624.30	511.47	510.66	S 81°05'08" E





○ SET 1/2" REBAR WITH A YELLOW PLASTIC CAP STAMPED "PLS 13804", UNLESS NOTED.

● FOUND 5/8" REBAR WITH A RED PLASTIC CAP STAMPED "LS 12631".

■ FOUND 1/2" REBAR WITH A YELLOW PLASTIC CAP STAMPED "LS 12642", UNLESS NOTED.

● FOUND NAIL W/WASHER STAMPED "LS 12631".

⊠ FOUND '+' CUT

THE SOUTH LINE OF THE SE 1/4 IS ASSUMED TO HAVE A BEARING OF S 87°43'09" W FOR THE PURPOSE OF THIS SURVEY WHICH MATCHES SURVEYS OF RECORD.

DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.

INFORMATION SHOWN AS (00) IS RECORD INFORMATION.

TOTAL AREA

227.73 ACRES

PARKING

54 REGULAR
1 HANDICAP
55 TOTAL

FLOOD ZONE

BASED ON A REVIEW OF FEMA FLOOD INSURANCE RATE MAP WITH AN EFFECTIVE DATE OF JULY 22, 1980, COMMUNITY PANEL NUMBER 190593 0004 A THE SUBJECT PROPERTY APPEARS TO HAVE LAND LOCATED IN THE 100 YEAR FLOOD ZONE. (AS SHOWN)

ZONING

I-3 (INDUSTRIAL DISTRICT)

RESTRICTIONS PER CITY OF DYERSVILLE

MINIMUM LOT AREA – NONE
MINIMUM LOT WIDTH – NONE
FRONT SETBACK – 40 FEET
SIDE SETBACK – NONE
REAR SETBACK – 15 FEET
MAXIMUM HEIGHT – NOT TO EXCEED DISTANCE TO NEAREST RIGHT-OF-WAY

ITEMS SHOWN IN SCHEDULE B PART 2
EXCEPTIONS OF TITLE COMMITMENT

4. ELECTRIC TRANSMISSION LINE EASEMENT RECORDED AUGUST 14, 1944 IN BOOK F MISC., PAGE 534. THE EAST AND WEST HIGHWAY REFERRED TO IN THIS DOCUMENT IS LOCATED SOUTH OF SECTION 26 AND DOES NOT EFFECT SUBJECT PROPERTY.

6. ELECTRIC TRANSMISSION LINE EASEMENT RECORDED JUNE 16, 1954 IN BOOK I MISC., PAGE 29 IS CANCELED WITH NEW EASEMENT RECORDED AUGUST 31, 1987 IN BOOK Z MISC., PAGE 48. (SEE ITEM 10)

7. ELECTRIC TRANSMISSION LINE EASEMENT RECORDED JULY 11, 1955 IN BOOK I MISC., PAGE 234 IS CANCELED WITH NEW EASEMENT RECORDED AUGUST 31, 1987 IN BOOK Z MISC., PAGE 48. (SEE ITEM 10)

8. DRAIN TILE AGREEMENT RECORDED OCTOBER 26, 1972 IN BOOK O MISC., PAGE 68 DOES EFFECT SUBJECT PROPERTY. LOCATION SHOWN ABOVE IS APPROXIMATE BASED ON DESCRIPTION.

9. EASEMENT FOR PUBLIC HIGHWAY RECORDED JUNE 11, 1957 IN BOOK Y MISC., PAGE 192 DOES EFFECT SUBJECT PROPERTY. THERE ARE ERRORS IN THIS DOCUMENT AS IT DOES NOT CLOSE BY OVER 500 FEET. THIS EASEMENT DOES NOT MATCH THAT SHOWN IN DOC. 2006-3366 AND DOES NOT MATCH CURRENT CONDITIONS. BOTH EASEMENTS ARE SHOWN.

10. ELECTRIC TRANSMISSION LINE EASEMENT RECORDED AUGUST 31, 1987 IN BOOK Z MISC., PAGE 48 MAY OR MAY NOT EFFECT SUBJECT PROPERTY. EASEMENT IS NOT SHOWN AS IT IS UNDEFINABLE.

11. ELECTRIC LINE EASEMENT RECORDED DECEMBER 31, 2007 AS DOCUMENT 2007-4146 DOES EFFECT SUBJECT PROPERTY AS SHOWN.

12. ELECTRIC SUBSTATION SITE EASEMENT RECORDED DECEMBER 31, 2007 AS DOCUMENT 2007-4147 DOES EFFECT SUBJECT PROPERTY AS SHOWN.

SCHEDULE A
TITLE DESCRIPTION:

Parcel "R" located in the South 250 feet of the SW 1/4 SW 1/4; the SE 1/4 SW 1/4; the NW 1/4 SW 1/4; that part of the NE 1/4 SW 1/4 lying South of the former railroad right-of-way; that part of the SW 1/4 NW 1/4 lying South of the former railroad right-of-way; that part of the SE 1/4 NW 1/4 lying South of the former railroad right-of-way; that part of the NW 1/4 SE 1/4 lying South of the centerline of Vine Road; that part of the NE 1/4 SE 1/4 lying South of the centerline of Vine Road; and the S 1/2 SE 1/4, all in Section 26, Township 89 North, Range 3 West of the Fifth P.M., Delaware County, Iowa, as reflected in that certain Plat of Survey dated September 12, 2006, and recorded with the Delaware County Recorder on September 12, 2006, in Book 2006, Page 3366, as Document No. 2006-3366.

PROPRIETOR

VERASUN DYERSVILLE, LLC

TITLE COMMITMENT

THIS SURVEY IS IN REFERENCE TO FIRST AMERICAN TITLE INSURANCE COMPANY – TITLE COMMITMENT NO. NCS-373303-008-CHI2 EFFECTIVE DATE: OCTOBER 28, 2008

BOUNDARY INFORMATION IS BASED ON A RETRACEMENT OF PLAT OF SURVEY DOCUMENTED IN BOOK 2006, PAGE 3366 AS DOCUMENT NO. 2006-3366 RECORDED IN THE DELAWARE COUNTY RECORDER'S OFFICE.

SURVEYOR'S CERTIFICATION

The undersigned, being a duly Licensed Land Surveyor under the laws of the State of Iowa, License No. 13804, hereby certifies to RBF Acquisition III, LLC, a Delaware limited liability company, VeraSun Dyersville, LLC, a Delaware limited liability company, Old Republic National Title Insurance Company (No title commitment reviewed) and First American Title Insurance Company the following:

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes Items 1, 2, 3, 4, 6, 7(a), 7(b)(1), 8, 9, 10, 11(a), and 13 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, the undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Iowa, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

I further 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.

For Yaggy Colby Associates

Dated this 8TH day of APRIL, 2009.

Daryl Effler

13804
License Number

My license renewal date is December 31, 2010.

Sheets covered by this seal: 2

215 N. Adams, Mason City, Iowa
641-424-6344

YAGGY COLBY ASSOCIATES
ENGINEERS • ARCHITECT
SURVEYORS • PLANNER
LANDSCAPE ARCHITECT
215 NORTH ADAMS
MASON CITY, IOWA

ALTA/ACSM LAND TITLE SURVEY
VERASUN DYERSVILLE, LLC
DELAWARE COUNTY, IOWA

PROJECT NUMBER	10715
COMPUTER FILE	10715alta.dwg
DATE	02/11/09
DRAWN BY	ALH
CHECKED BY	DE
REVISIONS	
SHEET NUMBER	1
OF	2 SHEETS

LEGAL DESCRIPTION

Parcel "R" located in the South 250 feet of the SW 1/4 SW 1/4; the SE 1/4 SW 1/4; the NW 1/4 SW 1/4; that part of the NE 1/4 SW 1/4 lying South of the former railroad right-of-way; that part of the SW 1/4 NW 1/4 lying South of the former railroad right-of-way; that part of the SE 1/4 NW 1/4 lying South of the former railroad right-of-way; that part of the NW 1/4 SE 1/4 lying South of the centerline of Vine Road; that part of the NE 1/4 SE 1/4 lying South of the centerline of Vine Road; and the S 1/2 SE 1/4; all in Section 26, Township 89 North, Range 3 West of the Fifth P.M., Delaware County, Iowa, as reflected in that certain Plat of Survey dated September 12, 2006, and recorded with the Delaware County Recorder on September 12, 2006, in Book 2006, Page 3366, as Document No. 2006-3366.