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JUN 06 2005 10:28 P 4

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
6/6/2005 10:28:29.29



2005064491

Document Prepared by/Returned to: Northern Natural Gas Co., ATTN: ROW Dept., P.O. Box 3330, Omaha, NE 68103-0330

44901-6

MODIFICATION AND AMENDMENT OF EASEMENT GRANT

This instrument made and entered into this 16th day of May, 2005 by and between NORTHERN NATURAL GAS COMPANY, a Delaware corporation, with principal offices at 1111 South 103rd Street, Omaha, Nebraska 68124 (hereinafter referred to as "Northern"), and the CITY OF ELKHORN, NEBRASKA, a Municipal Corporation (hereinafter referred to as "Owner", whether one or more).

WITNESSETH THAT:

WHEREAS, Northern is the holder of an Easement granted by Robert Gottsch, et al., on the 10th day of January, 1973, covering the following described premises in Douglas County, Nebraska:

A strip of land 50 feet in width located in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) Section 12, Township 15 North, Range 10 East, more particularly described as follows:

Commencing at the Southeast Corner of Section 12; thence West along the South line of Section 12 1473.7 feet to the beginning of centerline to be described; thence North 1°25' East 25 feet; thence North 88°35' West 464.5 feet to the point of termination on the East property line of the Town Border Station lot, which point is 25 feet North and 464.5 feet West of beginning.

And further grant to Grantee, its successors and assigns the right, privilege and easement to construct, operate and maintain gas measuring and regulating facilities upon the below described parcel of land:

Commencing at the Southeast Corner of said Section 12; thence West along the South line of said Section 12, 1938.2 feet to the point of beginning; thence continuing West along said South line 117.5 feet to the East right of way line of County road thence Northeasterly along said County road right of way line 77 feet; thence Easterly along a line 75 feet from and parallel to the South line of said Section 12, 100 feet; thence Southerly 75 feet to the point of beginning.

which Easement was recorded the the 5th day of March, 1973, in Book 519 of Miscellaneous Records at Page 435, in and for Douglas County, Nebraska (hereinafter referred as "Easement" whether one or more); and

WHEREAS, pursuant to the authority contained in the Easement, Northern has constructed and currently operates and maintains a 4-inch pipeline (NEB44901) through and across the premises above-described; and

WHEREAS, of the premises described in the Easement, Owner is present owner of the following described premises (hereinafter referred to as "Owned Premises"):

See Exhibit "A" attached hereto
and, by this reference, made part hereof

MISC 50
FEE 20.00 FB 01-6000
BKP 12-15-10 COMP
DEL SCAN FV
#14778

WHEREAS, the parties hereto desire to more clearly define their rights under the Easement and further desire to modify and amend the Easement in certain respects.

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements hereinafter set forth, it is agreed by and between the parties hereto as follows:

- 1. That Northern's Easement shall be amended to provide for the construction, operation, inspection, repairing, replacement, resizing, protection, alteration, moving or removing of one (1) additional pipeline.
- 2. All other conditions of Easement dated January 10, 1973, remain in full force and effect.
- 3. The Owner shall not build, create, construct, nor allow to be built, created, or constructed, any hard, gravel, or similar surface road, any improvements or structures of any nature, nor alter the grade or permit such alteration, anywhere within the Pipeline Right-of-Way without the written consent of Northern. Northern shall have the right to clear and keep cleared from within the Pipeline Right-of-Way all trees, brush, undergrowth, buildings, structures, improvements or other obstructions, and, Northern shall not be liable for loss, cost, or damage caused on the Pipeline Right-of-Way by keeping the Pipeline Right-of-Way clear of such trees, brush, undergrowth, buildings, structure, improvements, and other obstructions in the exercise of its rights hereunder.
- 4. The Owner shall allow Northern to establish aboveground marking along the centerline of the location of Northern's pipeline(s).

This instrument and the covenants and agreements herein contained shall extend to and be binding upon the heirs, executors, administrators, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this instrument the day and year first above written.

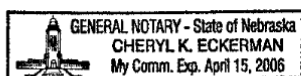
"NORTHERN"
 NORTHERN NATURAL GAS COMPANY
 By Glen R. Hass
 Glen R. Hass
 Agent and Attorney-in-Fact

"OWNER"
 CITY OF ELKHORN, NEBRASKA
 By Phillip Klein
 Phillip Klein
 Mayor

STATE OF Nebraska)
)SS
 COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 16 day of MAY, 2005, by **Phillip Klein**, Mayor, for the City of Elkhorn, Nebraska, on behalf of the city.

(SEAL)

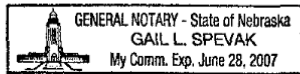


Cheryl K. Eckerman
 Notary Public
 My Commission Expires 4-15-06

STATE OF NEBRASKA)
)SS
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 1st day of June, 2005, by **Glen R. Hass**, *Agent and Attorney-in-Fact*, for Northern Natural Gas Company, a Delaware corporation, on behalf of the corporation.

(SEAL)



Gail L. Spevak
Notary Public
My Commission Expires 6-28-07

Exhibit "A"

ALL OF TAX LOT 9 AND THAT PART OF TAX LOT 10 LYING EAST AND SOUTH OF COUNTY ROAD 102-B (SKYLINE DRIVE), LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 10 EAST OF THE SIXTH P.M., DOUGLAS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER SOUTHEAST QUARTER, THIS ALSO BEING THE SOUTHEAST CORNER OF SAID TAX LOT 9; THENCE N89°41'18"W (ASSUMED BEARING) ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER SOUTHEAST QUARTER, A DISTANCE OF 690.77 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD 102-B, AS SURVEYED BY PHILIP A. BURKE, L.S. 221, ON JUNE 7, 1978, AND APPROVED BY THE DOUGLAS COUNTY BOARD OF COMMISSIONERS ON JUNE 13, 1978; THENCE N07°44'45"E ON SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1318.01 FEET; THENCE S84°39'12"E CONTINUING ON SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 187.97 FEET TO A POINT ON THE WEST LINE OF TAX LOT 8, AS LOCATED IN SAID SOUTHWEST QUARTER SOUTHEAST QUARTER; THENCE S00°08'25"W ON SAID WEST LINE, A DISTANCE OF 303.79 FEET TO THE SOUTHWEST CORNER OF SAID TAX LOT 8, THIS ALSO BEING THE NORTHWEST CORNER OF SAID TAX LOT 9; THENCE S89°19'49"E ON THE SOUTH LINE OF SAID TAX LOT 8, A DISTANCE OF 329.32 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER SOUTHEAST QUARTER, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID TAX LOT 8 AND THE NORTHEAST CORNER OF SAID TAX LOT 9; THENCE S00°09'01"W ON SAID EAST LINE, A DISTANCE OF 984.59 FEET TO THE POINT OF BEGINNING.