

Appears to affect lot 13

32-256

MODIFICATION & AMENDMENT OF EASEMENT GRANT

THIS INSTRUMENT made and entered into as of the 27th day of August 1962, by and between EDITH A. WESTCOTT hereinafter referred to as "Grantor" and NORTHERN NATURAL GAS COMPANY, a Delaware corporation, hereinafter referred to as "Grantee".

WITNESSETH THAT:

WHEREAS there has heretofore been executed an Easement Grant to Grantee, covering the following described premises in Sarpy County, State of Nebraska:

The North half of the Northwest Quarter (N/2 of NW/4) of Section 35, Township 14 North, Range 13 East, containing 75 acres more or less, and the lot 13 in Section 35, Township 14 North, Range 13 East.

which Easement Grant has been recorded in Book 14 of Miscellaneous in Page 207 in the office of the Register of Deeds for Sarpy County, Nebraska,

and

WHEREAS pursuant to the authority contained in said Easement Grant, Grantee has constructed and currently operates and maintains an 8-inch natural gas pipeline through and across the premises above described, and

WHEREAS Grantor has acquired, platted and recorded a subdivision known as Crestaire Addition, being a subdivision of the South half of the Northwest Quarter (S/2 of NW/4) Section 35, Township 14 North, Range 13 East, Sarpy County, Nebraska, and has requested that Grantee modify its Easement with respect to said Crestaire Addition which is described as follows:

beginning at the Northwest corner of Lot 13, NW/4, which point is also 1737.80 feet plus West of the Southeast corner of the North half of the Northwest Quarter (N/2 of NW/4) of said Section 35; thence South along the West line of Lot 13, NW/4, assuming the West line to run due North and South a distance of 969.47 feet; thence South 72 degrees 47 minutes East a distance of 439.97 feet; thence North 57 degrees 45 minutes East a distance of 166.25 feet; thence North 14 degrees 37 minutes 30 seconds East a distance of 147.7 feet; thence North 16 degrees 31 minutes 30 seconds East a distance of 36.75 feet; thence South 75 degrees 07 minutes 30 seconds East a distance of 36.75 feet; thence South 75 degrees 07 minutes 30 seconds East a distance of 90.54 feet; thence North 16 degrees 31 minutes 30 seconds East a distance of 36.75 feet.

FILED FOR RECORD IN SARPY COUNTY, NEBRASKA, IN BOOK 14 OF MISCELLANEOUS IN PAGE 207 AND RECORDED IN BOOK 14 OF MISCELLANEOUS IN PAGE 207.

thence North 86 degrees 06 minutes 30 seconds East
 a distance of 228.98 feet; thence South 89 degrees
 55 minutes 30 seconds West a distance of 164.95 feet;
 thence South 00 degrees 04 minutes 30 seconds East
 a distance of 164.95 feet; thence South 89 degrees
 47 minutes 30 seconds West a distance of 240.00 feet;
 thence South 84 degrees 34 minutes 30 seconds West
 a distance of 273.4 feet; thence North 00 degrees
 12 minutes 30 seconds West a distance of 190.5 feet;
 thence South 89 degrees 55 minutes 30 seconds West
 a distance of 371.6 feet to the point of beginning.

WHEREAS, the parties hereto desire to more clearly define their
 rights under the above-mentioned Easement Grant and further to modify
 and amend said Easement Grant 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. Grantee shall and by these presents does release and quitclaim
 Grant only as it pertains to the Crestaire Addition described as follows:

Beginning at the Northwest corner said Tax Lot 7B1A
 which point is also 1757.80 feet plus West of the
 Southeast corner of the North half of the North
 Quarter (N/2 of NW/4) of said Section 35; thence
 South along the West line of said Tax Lot 7B1A to
 the West line of said Tax Lot 7B1A a distance
 of 969.47 feet; thence South 72 degrees 47 minutes
 East a distance of 439.97 feet; thence North 87 degrees
 45 minutes East a distance of 416.22 feet; thence
 North 14 degrees 37 minutes 30 seconds East a distance
 of 147.7 feet; thence North 16 degrees 21 minutes 30
 seconds East a distance of 46.75 feet; thence South
 75 degrees 03 minutes 30 seconds East a distance of
 58.65 feet; thence North 86 degrees 48 minutes 30
 seconds East a distance of 90.54 feet; thence North
 16 degrees 29 minutes 30 seconds East a distance of
 87.21 feet; thence North 06 degrees 06 minutes 30
 seconds East a distance of 228.98 feet; thence South
 89 degrees 55 minutes 30 seconds West a distance of
 118.7 feet; thence South 00 degrees 04 minutes 30
 seconds East a distance of 164.95 feet; thence South
 89 degrees 47 minutes 30 seconds West a distance of
 240.00 feet; thence South 84 degrees 34 minutes 30
 seconds West a distance of 273.4 feet; thence North
 00 degrees 12 minutes 30 seconds West a distance of
 190.5 feet; thence South 89 degrees 55 minutes 30
 seconds West a distance of 371.6 feet to the point of
 beginning.

to a strip of land 30 feet in width, the centerline of which shall be
 Grantee's present 8-inch pipeline, the location of which pipeline center-
 line is more particularly described as follows:

Beginning at a point on the West property line of
 Crestaire Subdivision 684.72 feet South of the North-
 west corner of Tax Lot 7B1A; thence in a North-
 easterly direction 225.00 feet to a point on the
 North property line of Crestaire Subdivision
 225.00 feet East of the Northwest corner of Tax Lot 7B1A
 and there terminating.

2. Grantee shall and by these presents does hereby release
from its Easement Grant 10' of the land

Beginning at the southeast corner said (125' x 111')
which point is 111' 57' 80" feet plus 62' 62" feet
Southeast corner of the lot 17' 62" feet North
Quarter (1/2 of NW 1/4) of Section 35, Township 35
South, along the West line of said lot a line assuming
the west line to run due North a distance
of 959' 47' feet thence South 77 degrees 37' minutes
East a distance of 391' 37' feet thence North 47 degrees
45' minutes East a distance of 369' 25' feet thence
North 4 degrees 37' minutes 30' seconds East a distance
of 147' 7' feet thence North 89 degrees 27' minutes 30'
seconds East a distance of 467' 5' feet thence North
75 degrees 05' minutes 30' seconds East a distance of
584' 65' feet thence North 86 degrees 48' minutes 40'
seconds East a distance of 300' 54' feet thence North
16 degrees 25' minutes 10' seconds East a distance of
687' 21' feet thence North 06 degrees 06' minutes 30'
seconds East a distance of 122' 25' feet thence South
89 degrees 35' minutes 00' seconds West a distance of
1187' 7' feet thence South 90 degrees 00' minutes 30'
seconds East a distance of 164' 9' feet thence North
89 degrees 37' minutes 00' seconds West a distance of
240' 00' feet thence South 24 degrees 34' minutes 30'
seconds East a distance of 273' 24' feet thence North
00 degrees 12' minutes 30' seconds West a distance of
190' 25' feet thence South 89 degrees 35' minutes 30'
seconds West a distance of 371' 6' feet to the point of
beginning.

EXCEPT for the 30 foot strip of land described in paragraph 1 above, upon
which land said Easement Grant is retained.

3. That Grantor shall not build, create, construct, nor allow to
be built, created or constructed, any hard surface road, building, or other
structure, nor alter the grade or permit such alteration anywhere on the
land upon which Grantee has reserved its Easement rights without the written
consent of the Grantor.

4. Notwithstanding any limitations stated or implied in the
original Easement Grant, Grantee shall and by these presents does have the
right, privilege and authority to lay, construct, maintain, operate,
inspect, alter, repair, remove, change the size of, replace or relocate at
any time or from time to time, one or more additional pipelines at such
locations upon the 10' foot strip of land described in paragraph 1 above,
choose. For each additional line which Grantee constructs upon said strip
it shall pay Grantor the consideration agreed to in the original Easement
Grant within a reasonable time subsequent to the completion of the con-
struction thereon.

5. That said Easement Grant hereinafore described as herein modified and amended shall remain in full force and effect as to the land described in paragraph 1 above.

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 agreement the day and year first above written.

GRANTOR

GRANTOR

NORTHERN NATURAL GAS COMPANY

Edith A. Westcott

Vice President

Assistant Secretary

IN THE PRESENCE OF:

William G. Gammell
Frank B. Korb

STATE OF NEBRASKA :
COUNTY OF DOUGLAS : SS

On this 24 day of August A.D. 1963 before me a Notary Public duly commissioned and qualified in and for said county and state, personally came W. B. Stewart Vice President and Edith A. Westcott Assistant Secretary of NORTHERN NATURAL GAS COMPANY, who are personally known to me to be the identical persons whose names are affixed to the above instrument as Vice President and Assistant Secretary of said corporation, and they acknowledged the said instrument to be their free and voluntary act and deed and the free and voluntary act and deed of said corporation.

WITNESS my hand and official seal at State in said county and state, the date aforesaid.

STATE OF Nebraska :
COUNTY OF Douglas : SS

On this 26 day of August A.D. 1963 before me a Notary Public in and for said County in said State, personally appeared Edith A. Westcott to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

Constance J. Zink

