

95-05191

PARTIAL RELEASE AND GRANT OF RIGHT OF WAY

KNOW ALL MEN BY THESE PRESENTS that WILLIAMS PIPE LINE COMPANY, (formerly Williams Brothers Pipe Line Company), a Delaware Corporation with its principal place of business in Tulsa, Oklahoma, party of the first part, hereinafter called Grantor, for and in consideration of One Dollar (\$1.00) in hand paid Delmar E. Dietz Farms, LTD., a Limited Partnership, parties of the second part, hereinafter called Grantee, and the covenants hereinafter contained to be kept by Grantee, does hereby release, quit claim, and convey unto the said Grantee with the intent to extinguish, all of its right, title and interest acquired by that certain Right of Way Agreement executed by John Schobert and Bertha L. Schobert, his wife, on the 20th day of November, 1945, and filed for record in the office of the County Clerk of Sarpy County, Nebraska on the 14th day of February, 1946, in Book 12 of Misc. at Page 605 and by that certain Right of Way Agreement executed by John Schobert and Bertha L. Schobert, his wife on the 22nd day of April, 1946 and filed for record on the 13th day of May, 1946, in Book 12 of Misc. at Page 687 in the office of the County Clerk of Sarpy County, Nebraska and assigned to Williams Brothers Pipe Line Company by Conveyance and Assignment dated March 15, 1966, and filed for record in the office of the said County Clerk, in Book 126 of Deeds at Page 277, in and to the following and no other described land in the County of Sarpy and the State of Nebraska:

The West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 30, Township 14 North, Range 13 East of the 6th P.M., except a tract of land containing 0.61 acres, more or less, and described as follows: Commencing at a point on the North line of said Section 30, which is 11.80 feet East of the North Quarter corner of said Section 30; thence East along the North line of said Section 30, a distance of 130 feet; thence South 205 feet; thence West 130 feet; thence North 205 feet to the Point of Beginning; all angles being 90°00'. The North 33 feet of this Tract is in the County road.

The whole of the Tract conveyed in this paragraph being known as Tax Lot 3A of said Section 30; and a part of the Northwest Quarter (NW $\frac{1}{4}$) of Section 30, Township 14 North, Range 13 East of the 6th P.M., described as follows: Beginning at the Northwest corner of said Section 30, and running thence South 11 $\frac{1}{4}$ rods; thence East 144 rods 8 $\frac{1}{2}$ links to the East line of said Northwest Quarter (NW $\frac{1}{4}$); thence North 11 $\frac{1}{4}$ rods to the North line of said Section 30; thence West 142 rods 16 $\frac{1}{2}$ links to the Point of Beginning, known as Tax Lot 4 of said Section 30, and

The West Half of the East Half of the Northeast Quarter (W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 30, Township 14 North, Range 13 East of the 6th P.M., known as Tax Lot Two (2) of said Section 30,

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EXCEPTING AND RESERVING unto Grantor, its successors and assigns, all right, title and interest acquired by virtue of the aforementioned Right of Way Agreements in and to the following described parcel or strip of land:

A strip of land 100 feet in width lying in that part of a tract of land located in the Northeast Quarter (NE $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of Section 30, Township 14 North, Range 13 East of the 6th Principal Meridian, Sarpy County, Nebraska described herein; said strip being : feet Northeastly of and 50 feet Southwestly of the axis of the No. 5-12" pipeline of Williams Pipe Line Company, described as follows:

Commencing at the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of Section 30; thence N 89°19'27" W (assumed bearing) along the South line of the Northeast Quarter (NE $\frac{1}{4}$) of Section 30, a distance of 2336.76 feet to the Point of Beginning; thence N 05°56'52" W, a distance of 364.72 feet; thence N 20°28'57" W, a distance of 860.24 feet; thence N 58°20'38" W, a distance of 2773.72 feet to a Point of Intersection with the North line of the Northwest Quarter (NW $\frac{1}{4}$) of Section 30, said point being 19.68 feet East of the Northwest Corner of the Northwest Quarter (NW $\frac{1}{4}$) of Section 30, said point also being the Point of Terminus.

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The sidelines of said 100 foot wide strip shall be extended or shortened to terminate on the property lines of the land first described herein, as shown on the attached Exhibit "A".

Note: For this legal description the North line of Section 30, Township 14 North, Range 13 East of the Sixth Principal Meridian, Sarpy County, Nebraska, is assumed to bear N 90°00'00" W.

AND FURTHER EXCEPTING AND RESERVING unto Grantor, the right of ingress and egress and the right to use temporary work space as desired, on, over, and across the above described released tract.

TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns forever.

It is strictly understood that nothing herein contained shall in anywise diminish Grantor's right, title, and interest, in and to the tract of land above excepted unto Grantor.

It is further understood and agreed that the said Grantee will not erect, construct, or create any building, improvement, structure, or obstruction of any kind either on, above, or below the surface of the ground on the strip or tract of land above excepted unto Grantor, or change the grade or elevation thereof, or cause or permit these things to be done by others, without the express written permission of Grantor. The Grantee shall assume, indemnify, and save harmless the Grantor, its successors and assigns, from all cost, loss, damage, expense, or claim of any

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nature arising from any acts of the Grantee so permitted by the Grantor or from the existence of any construction so permitted. The covenants contained in this paragraph shall constitute covenants running with the land and shall be binding upon and inure to the benefit of the parties hereto, their personal representatives, heirs, successors, and assigns.

In consideration of One Dollar and other consideration paid by Williams, the aforementioned Right of Way Agreement is hereby amended by Grantee, to grant Williams, its successors and assigns the right within the land excepted and reserved above, to construct, install, operate, maintain, replace, repair, and remove such pipeline and underground communications systems as Williams may from time to time require for pipeline communications or transmission of communications for or by others. Such communications systems shall consist of underground conduits, cables, and other appurtenances, together with the rights of ingress and egress over and across the above described released tracts.

The conduits and cables will be placed in an existing pipeline. Any appurtenances not capable of being installed in the pipeline will be buried at a depth equal to the pipeline containing the communications system.

It is further understood and agreed that Grantor may clear any trees, shrubs, or other landscape objects from the reserved tract at any time or times it desires. Grantee is not entitled to any compensation for such items removed.

It is further understood and agreed that Grantor is hereby released from the covenants contained in the aforesaid Right of Way Agreement as to the lands herein released from the burdens thereof.

IN WITNESS WHEREOF, we hereunto set our hands and seals on the day and year below our signatures indicated.

(SEAL)

GRANTOR:

WILLIAMS PIPE LINE COMPANY

By

Andrew S. Nimick, Supervisor
Real Estate & Claims
Attorney-in-Fact

Date April 17, 1995

95-05191C

GRANTEES:

DELMAR E. DIETZ FARMS, LTD.,
A LIMITED PARTNERSHIP

By

Betty J. Hein
Date April 11, 1995

STATE OF OKLAHOMA

COUNTY OF TULSA

)
) SS
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Before *, the undersigned, a Notary Public in and for the county and state aforesaid, on this 17th day of April, 1995, personally appeared Andrew S. Nimick, Supervisor, Real Estate and Claims, who being by me duly sworn, did say that he is the Attorney-in-Fact for Williams Pipe Line Company, a Delaware corporation, by virtue of a March 17, 1994, Power of Attorney filed for record March 23, 1994, in the County of Tulsa, State of Oklahoma, in Book 5607 at Page 1157, as Document 94034421, and that the seal affixed to this instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, and said Andrew S. Nimick acknowledged said instrument to be the free act and deed of said corporation.

In testimony whereof, I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.

David J. Gibson
Notary Public

My Commission Expires:

May 6, 1998

Counter S
Verify M
C.E. J
Proof W
Film _____
Map _____
Fee # 30 50

95-05191
AM 10:44
REGISTERED
RECORDS

95-05191D

STATE OF Missouri)
COUNTY OF Scout) SS

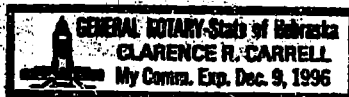
Before me, the undersigned, a Notary Public in and for the County aforesaid on this 17th day of April, 1995, personally appeared Betty J. Neuner, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes as herein set forth.

Witness my hand and official seal.

Clarence R. Carrell
Notary Public

My Commission Expires:

Dec. 9, 1996



STATE OF _____)
COUNTY OF _____) SS

On this _____ day of _____, 19____, before me appeared _____, to me personally known, who, being by me duly sworn, did say that he is the _____ of _____ and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its _____, and said _____ acknowledged said instrument to be the free act and deed of said corporation.

In testimony whereof, I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.

Notary Public

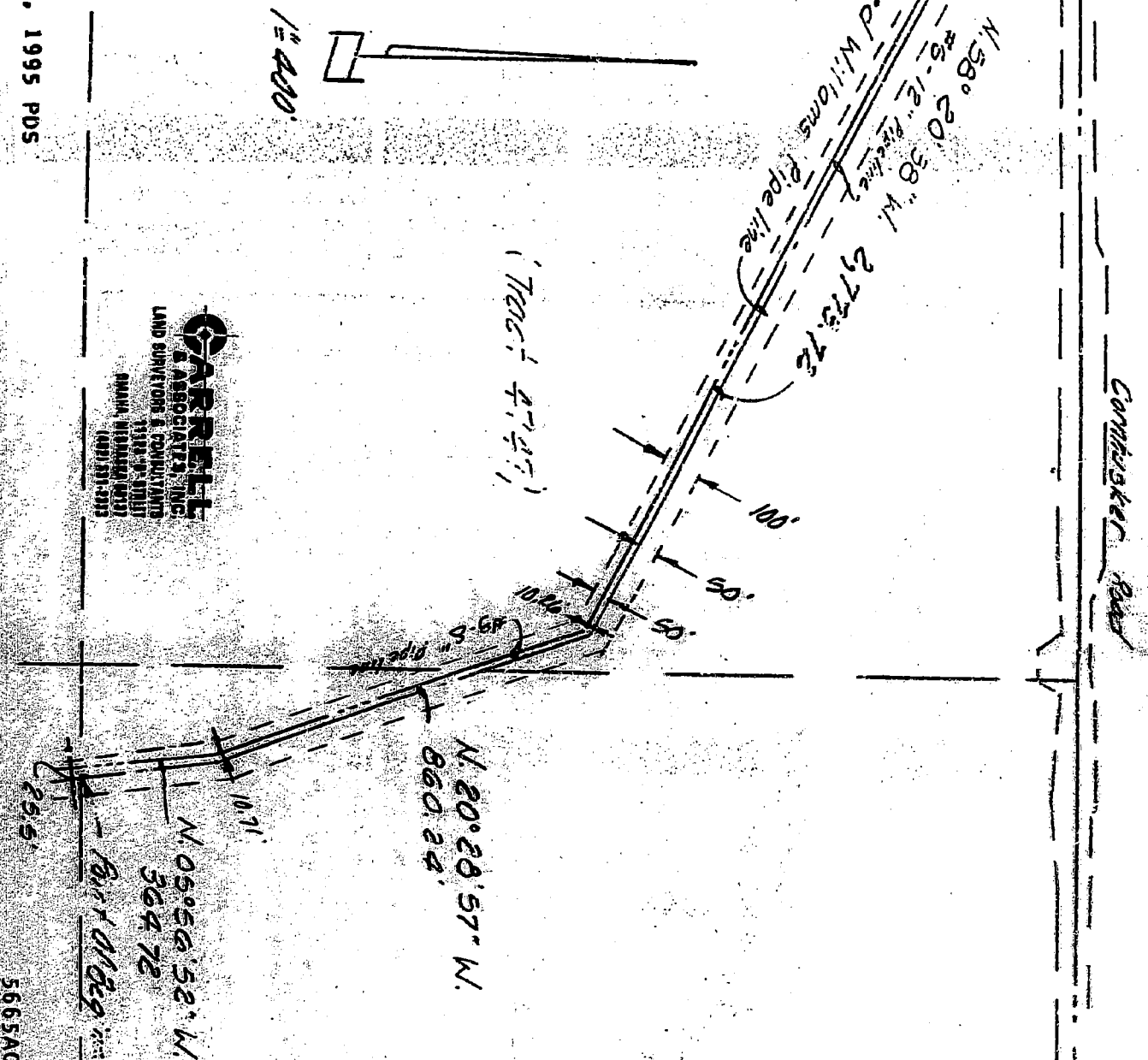
My Commission Expires:

This instrument was drafted by
Williams Pipe Line Company,
a Delaware Corporation,
P.O. Box 3448,
Tulsa, Oklahoma 74101
(918) 588-3295

95 05191E

REVISED: MARCH 23, 1995 PDS

CARRILL
 & ASSOCIATES, INC.
 LAND SURVEYORS & CONSULTANTS
 13120 N. 19TH AVE.
 SUITE 100
 DENVER, CO 80227
 (303) 751-1000



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