



MISC 2005133704



OCT 24 2005 10:33 P 3

2 misc 40⁵⁰ CC-73608 (A)

FEE	FB
BKP	C/O COMP: B
DEL	SCAN FV

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 10/24/2005 10:33:30.75



2005133704

Document Prepared by/Return to: Josh Kritenbrink 402-398-7618
 Northern Natural Gas Company, 1111 South 103rd Street, Omaha, NE 68124-1000

49301-86

MODIFICATION AND AMENDMENT OF EASEMENT GRANT

This instrument made and entered into this 19th day of October, 2005, by and between NORTHERN NATURAL GAS COMPANY, a Delaware corporation, with principal offices at 1111 South 103rd Street, Omaha, Nebraska 68124-1000 (hereinafter referred to as "Northern"), and MANCHESTER RIDGE, L.L.C., a Nebraska limited liability company (hereinafter referred to as "Owner", whether one or more).

WITNESSETH THAT:

WHEREAS, Northern is the holder of an Easement granted by Thure C. and Elaine Carlson, husband and wife on the 11th day of January, 1962, covering the following described premises in Douglas County, Nebraska:

The East 16.25 acres of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 9, Township 15 North, Range 11 East; and

which Easement was recorded the the 21st day of March, 1962, in Book 378 of Miscellaneous Records at Page 43, 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 16-inch pipeline (NEB49301) 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.

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 shall, and by these presents does, hereby limit its right-of-way under the Easement across the Owned Premises only to a strip of land 90 feet in width, the centerline of which strip shall be the present location of Northern's existing 16-inch pipeline NEB49301 (hereinafter referred to as "Pipeline Right-of-Way").

2. That Northern shall, and by these presents does, hereby release from the Easement all of its rights in and to the Owned Premises EXCEPT the Pipeline Right-of-Way described in Paragraph 1 above, upon which Pipeline Right-of-Way the Easement is retained in full force and effect, with all rights (including, without limitation, multiple line rights) originally granted to Northern in the Easement; and EXCEPT Northern retains its right of ingress to and egress from the Pipeline Right-of-Way, to which right the Owned Premises shall remain subject.

✓ 15279

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

"OWNER"
MANCHESTER RIDGE, L.L.C.

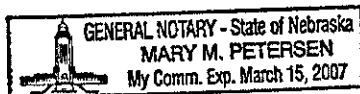
By Glen R. Hass
Glen R. Hass
Agent and Attorney-in-Fact

By Patrick G. Day
Patrick G. Day
Managing Partner

STATE OF NE)
)SS
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 19 day of Oct, 2005, by **Patrick G. Day**, Managing Partner, for Manchester Ridge, L.L.C., a Nebraska limited liability company, on behalf of the company.

(S E A L)

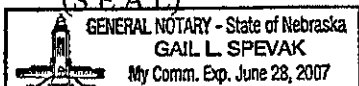


Mary M. Petersen
Notary Public
My Commission Expires _____

STATE OF NEBRASKA)
)SS
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 21st day of October, 2005, by **Glen R. Hass**, Agent and Attorney-in-Fact, for Northern Natural Gas Company, a Delaware corporation, on behalf of the corporation.

(S E A L)



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

EXHIBIT "A"

A tract of land located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows;

Beginning at the Northeast corner of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, said point also being the Southeast corner of Lot 38, Manchester Ridge, a subdivision located In the East Half of said SW Quarter of Section 9, said point also being on the West line of Lot 7, The Willows, a subdivision located in the SE Quarter of said Section 9; thence S02°56'9"E (assumed bearing) along the West line of said The Willows and the Southerly extension thereof, said line also being the East line of said SW $\frac{1}{4}$ of Section 9, a distance of 1320.37 feet to the Southeast corner of said SW $\frac{1}{4}$ of Section 9; thence S87°35'20"W along the South line of said SW $\frac{1}{4}$ of Section 9, a distance of 538.76 feet to the point of intersection of said south line of the SW $\frac{1}{4}$ of Section 9, and the Southerly extension of the East line of Lot 8, said Manchester ridge; thence N02°56'39"W along said Southerly extension of the East line of Lot 8, Manchester Ridge, a distance of 50.00 feet to the Southeast corner of said Lot 8, Manchester Ridge, said point also being on the North right-of-way line of Blondo Street; thence N87°35'20"E, a distance of 237.75 feet; thence N02°24'28"W, a distance of 185.94 feet ; thence Southwesterly on a curve to the left with a radius of 75.00 feet, a distance of 38.48 feet, said curve having a long chord which bears S64°14'14"W, a distance of 38.06 feet; thence Northwesterly on a curve to the right with a radius of 165.00 feet, a distance of 203.90 feet, said curve having a long chord which bears S84°56'21"W, a distance of 191.17 feet; thence Northwesterly on a curve to the left with a radius of 75.00 feet, a distance, of 15.09 feet, said curve having a long chord which bears N65°25'18"W, a distance of 15.06 feet to a point on said East line of Lot 8, Manchester Ridge; thence N02°56'39"W along said East line of Lot 8, Manchester Ridge and also the East right-of-way line of Patrick Avenue a distance of 52.21 feet; thence Southeasterly on a curve to the right with a radius of 125.00 feet, a distance of 44.58 feet, said curve having a long chord which bears S69°52'33"E, a distance of 44.34 feet; thence Northeasterly on a curve to the left with a radius of 115.00 feet, a distance of 142.11 feet, said curve having a long chord which bears N84°56'21"E, a distance of 133.24 feet; thence Northeasterly on a curve to the right with a radius of 125.00 feet, a distance of 35.35 feet, said curve having a long chord which bears N57°38'18"E, a distance of 35.23 feet; thence N28°13'31"E, a distance of 7.81 feet; thence N10°25'55"W, a distance of 82.73 feet; thence Northwesterly on a curve to the left with a radius of 75.00 feet, a distance of 59.05 feet, said curve having a long chord which bears N32°59'21"W, a distance of 57.54 feet, thence Northwesterly on a curve to the right with a radius of 125.00 feet, a distance of 39.11 feet, said curve having a long chord which bears N46°35'01"W, a distance of 38.95 feet; thence S87°03'21"W, a distance of 142.20 feet to a point on the East line of Lot 9, said Manchester Ridge; thence N02°56'39"W along said East line of Lot 9, Manchester Ridge and also along the East line of Lots 16 thru 25, said Manchester Ridge, inclusive, a distance of 877.72 feet to the Southwest corner of Lot 35 said Manchester Ridge; thence N87°35'13"E along the South line of said Lot 35, Manchester Ridge, and also the South right-of-way line of South 175th street, and also the South line of Lots 36, 37 and 38, said Manchester Ridge, a distance of 538.7 feet to the Point of Beginning.

And also together with;

A tract of land located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section, 9, Township 15 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, more particularly described as:

Commencing at the Southeast corner of said SW $\frac{1}{4}$ of Section 9; thence S87°35'20"W (assumed bearing) along the South line of said SW $\frac{1}{4}$ of Section 9, a distance of 538.76 feet to the point of intersection of said South line of the SW $\frac{1}{4}$ of Section 9, and the Southerly extension of the East line of Lot 8, Manchester Ridge, a subdivision located In the East Half of said SW $\frac{1}{4}$ of Section 9; thence N02°56'39"W along said Southerly extension of the East line of Lot 8, Manchester Ridge, a distance of 50.00 feet to the Southeast corner of said Lot 8, Manchester Ridge, said point also being on the North right-of-way line of Blondo Street, said point also being the Point of Beginning; thence continuing N02°56'39"W along the East line of said Lot 8, Manchester Ridge, a distance of 168.86 feet; thence Southeasterly on a curve to the right with a radius of 75.00 feet, a distance of 15.09 feet, said curve having a long chord which bears S65°25'18"E, a distance of 15.06 feet; thence Northeasterly on a curve to the left with a radius of 165.00 feet, a distance of 203.90 feet, said curve having a long chord which bears N84°56'21"E, a distance of 191.17 feet; thence Northeasterly on a curve to the right with a radius of 75.00 feet, a distance of 38.48 feet, said curve having a long chord which bears N64°14'14"E, a distance of 38.06 feet; thence S02°24'28"E, a distance of 185.94 feet; thence S87°35'20"W, a distance of 237.75 feet to the Point of Beginning.

Now known as Manchester Ridge 2nd Addition Lots 1 Thru 51 Inclusive