

487-1-40

45-157

MODIFICATION AND AMENDMENT OF EASEMENT GRANT

This instrument made and entered into this 13 th day of March, 1972, by and between NORTHERN NATURAL GAS COMPANY, a Delaware Corporation, (hereinafter referred to as "NORTHERN") and OVERLAND HILLS, a Partnership, (hereinafter referred to as "OWNER").

## WITNESSETH THAT:

WHEREAS, Northern is the holder of an Easement Grant covering the following described premises in Sarpy County, Nebraska:

The Southwest Quarter (SW $\frac{1}{4}$ ) of Section Twenty-seven (27), and the North Three Quarters of the West Half of the Northwest Quarter (N $\frac{3}{4}$  W $\frac{1}{2}$  NW $\frac{1}{4}$ ) of Section Thirty-four (34), all in Township Fourteen (14) North, Range Twelve (12), East of the 6th P.M., in Sarpy County, Nebraska,

which Easement Grant has been recorded in Book 15 of Misc.

at Page 40, in the Office of the Register of

Deeds for Sarpy County, Nebraska; and

WHEREAS, pursuant to the authority contained in said Easement Grant, Northern has constructed and currently operates and maintains a 16-inch and 2-inch pipeline through and across the premises above described; and

WHEREAS, of the premises described in said Easement Grant, Owner is the present owner of the following described premises:

All the property described above.

WHEREAS, the parties hereto desire to more clearly define their rights under such Easement Grant and further desire 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. That Northern shall, and by these presents does, hereby limit its right-of-way under the aforescribed Easement Grant, to a strip of land 100 feet in width over the 16-inch pipeline and 45 feet in width over a 2-inch pipeline over and across the property of the Owner as last described above, the centerline of the 100 foot strip shall be the present location of Northern's 16-inch pipeline, and the North line of the 45 foot strip shall be 25 feet North of Northern's 2-inch pipeline. A plat is attached hereto as Exhibit "A".

2. That Northern shall, and by these presents does, hereby release from its said Easement Grant all of the above described property of the Owner except the strip of land described in Paragraph 1 above, upon which strip said Easement Grant is retained as herein modified.

FILED FOR RECORD 4-13-72 AT 8:00 P.M. IN BOOK 45 OF Misc. Recs.

PAGE 157 Carl L. Hildebrand REGISTER OF DEEDS, SARPY COUNTY, NEB.

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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 Grantee.

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 NATURAL GAS COMPANY

OVERLAND HILLS

By W.B. Haas  
Vice President

By John P. Kelly  
Partner

William B. Haas  
Assistant Secretary

Raymond L. Lemke  
Partner  
Kenneth L. Stahl  
Partner



STATE OF NEBRASKA )  
( ss.  
County of Douglas )

On this 6th day of April, 1972, before me a Notary Public duly commissioned and qualified in and for said county and state, personally came W.B. Haas Vice President, and William B. Haas 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 Omaha in said County and State, the date aforesaid.

Violet L. Shradar  
State of Nebraska  
General Notary Public  
Commission Expires  
February 15, 1975

Violet L. Shradar  
Notary Public

STATE OF NEBRASKA )  
( ss.  
County of Sarpy )

On this 13th day of March, 1972, before me, a Notary Public in and for said County and State, personally appeared RAYMOND L. LEMKE, KENNETH L. STAHL and JOHN P. KELLY, Partners of OVERLAND HILLS, A Partnership, who are personally known to me to be the identical persons whose names are affixed to the above instrument, 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 Partnership.

Witness my hand and official seal at Papillion in said County and State, the date aforesaid.



Marion E. Porter  
Notary Public

