

MODIFICATION AND AMENDMENT OF EASEMENT GRANT

This instrument made and entered into this 10 day of October, 1979, by and between NORTHERN NATURAL GAS COMPANY, a Delaware Corporation, (hereinafter referred to as "Northern") and Turtle Creek Joint Venture

(hereinafter referred to as "Owners").

WITNESSETH THAT:

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

Southwest Quarter (SW<sup>4</sup>) Section Ten (10) Township Fourteen (14) North, Range Twelve (12) East.,

which Easement Grant has been recorded in Book 263 of \_\_\_\_\_ at Page 597 in the Office of the Register of Deeds for Douglas County, Nebraska; and

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

WHEREAS, of the premises described in said Easement Grant, Owners are present owners of the following described premises:

See attached sheet for description.

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 one hundred feet in width across the property of the Owners as last described above, ~~the center-line of which strip shall be the present location of Northern's 16 inch pipeline.~~ (\*) A plat showing the location of said strip of land is attached hereto as Exhibit "A" and is, by this reference, made a part hereof.

2. That Northern shall, and by these presents does, hereby release from its said Easement Grant all of the above-described property of the owners except the strip of land described in Paragraph 1 above, upon which strip said Easement (\*) except lots 110, 127 and 128,

Grant is retained as herein modified.

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.

By "NORTHERN"  
*R. L. Andsager*

"OWNERS"  
By: Turtle Creek Joint Venture  
By: Turtle Creek, Inc. a Nebraska Corporation  
*Gene D. Svensen*  
Gene D. Svensen, President

Attest *Robert L. Stumbo*

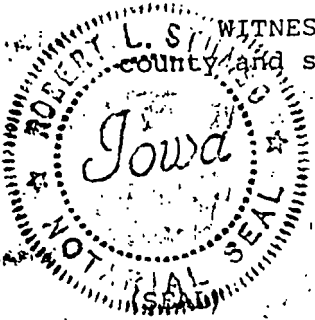
*William A. Dell*

STATE OF IOWA :  
  : SS.  
COUNTY OF POLK :

On this 10 day of October, A.D., 1979, before me a Notary Public duly commissioned and qualified in and for said county and state, personally came R. L. Andsager, Des Moines Area Manager of NORTHERN NATURAL GAS COMPANY, who is personally known to me to be the identical person whose name is affixed to the above instrument as Des Moines Area Manager of said corporation, and that as Des Moines Area Manager being authorized to execute the foregoing instrument on behalf of NORTHERN NATURAL GAS COMPANY, he acknowledged the said instrument to be his free and voluntary act and deed and the free and voluntary act and deed of said corporation.

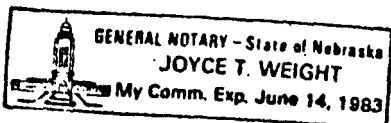
WITNESS my hand and official seal at Des Moines, Iowa, in said county and state, the date aforesaid.

*Robert L. Stumbo*  
Notary Public



STATE OF Nebraska :  
COUNTY OF Douglas : SS.

On this 18 day of September, A.D., 1979, before me, a Notary Public in and for said County in said State, personally appeared Gene D. Svensen to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that said instrument executed the same as his voluntary act and deed.



*Joyce T. Weight*

BLK 22

~~Lot 20 in Bay Meadows, a subdivision platted and recorded in Douglas County, Nebraska, and~~

The Southwest Quarter of Section 10, Township 14, North Range 12 East of the Sixth Principal Meridian, in Douglas County, Nebraska, except the following parcels:

That part of the Southwest Quarter of Section 10, Township 14 North, Range 12, East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows: Beginning at a point on the North line of the said Southwest Quarter, being 470.02 feet North 89°59'30" West of the Center of said Section 10, said point also being on the West right of way line of 91st Street; thence continuing North 89°59'30" West 558.56 feet along the North line of said Southwest Quarter to a point of intersection with the centerline of the Northern Natural Gas Company easement; thence South 4°59'30" East, 399.12 feet along said easement centerline; thence South 89°59'30" East, 115.44 feet along a line 397.6 feet South and parallel to the North line of said Southwest Quarter; thence North 50°58'09" East, 313.73 feet; thence South 89°59'30" East, 130.00 feet along a line 200.00 feet South of and parallel with the North line of the said Southwest Quarter to a point of intersection with a curve; thence on a curve to the right, an arc length of 203.98 feet (radius being 594.41 feet, long chord 202.98 feet, chord bearing North 9°50'22" East) to the point of beginning. AND EXCEPT

That part of the Southwest Quarter of Section 10, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows: Beginning at a point on the North line of said Southwest Quarter being 1144.0 feet North 89°59'30" West of the center of said Section 10; thence continuing North 89°59'30" West along the North line of said Southwest Quarter 500.63 feet, thence South 0°00'30" West, 397.6 feet; thence South 89°59'30" East, 535.42 feet along a line 397.6 feet South of and parallel with the North line of the said Southwest Quarter to a point being 115.0 feet from the centerline of the Northern Natural Gas Company easement, as measured perpendicular to said easement centerline, thence North 4°59'30" West, 399.12 feet along a line being 115.0 feet West of and parallel with (measured perpendicular to) said easement centerline to the point of beginning. AND EXCEPT

That part of the Southwest Quarter of Section 10, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows: Beginning at a point on the North line of said Southwest Quarter, being 1028.58 feet North 89°59'30" West of the Center of said Section 10; being where the centerline of the Northern Natural Gas Company Easement intersects the North line of the said Southwest Quarter; thence continuing North 89°59'30" West along the North line of said Southwest Quarter, 115.42 feet; thence South 4°59'30" East, 399.12 feet along a line 115.00 feet West of and parallel with (Measured perpendicular to) said Easement centerline; thence South 89°59'30" East, 115.42 feet along a line 397.6 feet South of and parallel with the North line of said Southwest Quarter, to said easement centerline; thence North 4°59'30" West, 399.12 feet along said easement centerline to the point of beginning. AND EXCEPT

That part conveyed to Omaha Public Power District by Warranty Deed filed May 3, 1974, in Book 1501 at Page 383. AND EXCEPT

**POOR INSTRUMENT FILED**

BOOK ~~1591~~ PAGE ~~202~~

BOOK 622 PAGE 623

That part conveyed to Omaha Belt Railway Co., by Warranty Deed filed December 8, 1885, in Book 64, Page 157. AND EXCEPT

That part conveyed to Omaha and North Platte Railway Company, by Warranty Deed, filed January 13, 1886, in Book 64, at Page 498. AND EXCEPT

That part conveyed to Chicago, Burlington & Quincy Railroad Company, by Warranty Deed, filed December 28, 1936 in Book 644 at Page 353. AND EXCEPT

That part conveyed to City of Ralston, by Warranty Deeds, filed May 13, 1957, in Book 1016, Page 507; Warranty Deed filed June 1, 1961, in Book 1117, Page 547; and Warranty Deed June 1, 1962, in Book 1151 at Page 89.

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C. HARVEY HESTER  
REGISTER OF DEEDS  
GOUGAS COUNTY, NEBR.  
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