

MODIFICATION AND AMENDMENT OF EASEMENT GRANT

This instrument made and entered into this 2<sup>nd</sup> day of AUGUST, 1991, by and between NORTHERN NATURAL GAS COMPANY, a Delaware corporation (hereinafter referred to as "Northern"), and WESTERN HILLS PARTNERSHIP (hereinafter referred to as "Owners").

WITNESSETH THAT:

WHEREAS, Northern is the holder of an Easement granted by Emil A. Fricke on the 9th day of March, 1951, covering the following described premises in Sarpy County, Nebraska:

The Northwest Quarter of Section 22, Township 14 North, Range 12 East;

which Easement grant was recorded the 23rd day of August, 1951, in Book 15 of Miscellaneous Records at Page 43 in the Office of the Register of Deeds for Sarpy County, Nebraska (hereinafter referred to as "Easement"); and

WHEREAS, pursuant to the authority contained in the Easement, 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 the Easement, Owners are present owners of the following described premises (hereinafter referred to as "Owned Premises"):

Part of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 22, Township 14 North, Range 12 East of the 6th P.M., described as follows: Commencing at the northwest corner of said NW $\frac{1}{4}$  of Section 22; thence S00°05'22"E (assumed bearing) along the West line of said NW $\frac{1}{4}$  of Section 22, a distance of 33 feet to the point of intersection of the West line of said NW $\frac{1}{4}$  of Section 22 and the South right-of-way line of Giles Road, said point also being the Point of Beginning; thence S89°58'08"E along said South right-of-way line of Giles Road, a distance of 2625.94 feet to a point on the East line of said NW $\frac{1}{4}$  of Section 22; thence S00°05'15"E along said East line of the NW $\frac{1}{4}$  of Section 22, a distance of 2611.31 feet to the southeast corner of said NW $\frac{1}{4}$  of Section 22; thence N89°55'55"W along the South line of said NW $\frac{1}{4}$  of Section 22, a distance of 2625.85 feet to the southwest corner of said NW $\frac{1}{4}$  of Section 22; thence N00°05'42"W along said West line of the NW $\frac{1}{4}$  of Section 22, a distance of 2609.62 feet to the Point of Beginning; containing 157.365 acres, more or less, also known as Western Hills.

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 86 feet in width, the centerline 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 the Easement all of its rights in and to the Owned Premises EXCEPT the strip of land described in Paragraph 1 above, upon which strip 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.
3. The Owners 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 on the land upon which Northern has reserved its Easement rights, without the written consent of Northern.

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"

"OWNERS"

NORTHERN NATURAL GAS COMPANY

WESTERN HILLS PARTNERSHIP

By [Signature]  
Name: Edwin R. Peck, Jr.  
Title: Agent and Attorney-in-Fact

By [Signature]  
Title: General Partner



ATTEST:  
By [Signature]  
Name: Linda F. Jenkins  
Title: Assistant Secretary

FILED SAMPY CO. RE.  
By INSTRUMENT NUMBER  
91-17551  
Title

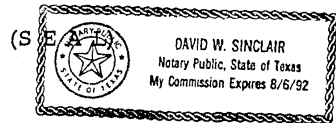
91 NOV -5 PM 2:13

STATE OF TEXAS )  
                          )SS  
COUNTY OF HARRIS)

[Signature]  
REGISTER OF DEEDS

On this 14<sup>th</sup> day of OCTOBER, 1991, before me a Notary Public duly commissioned and qualified in and for said county and state, personally came EDWIN R. PECK, JR., the Agent and Attorney-in-Fact of Northern Natural Gas Company, who is personally known to me to be the identical person whose name is affixed to the above instrument in the capacity stated, and 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 Houston, in said county and state, the date aforesaid.

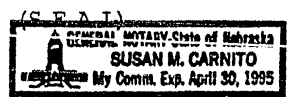


[Signature]  
Notary Public  
My Commission Expires 8-6-92

STATE OF                    )  
                                  )SS  
COUNTY OF                )

On this 2nd day of August, 1991, before me a Notary Public duly commissioned and qualified in and for said county and state, personally came [Signature], the General Partner of Western Hills Partnership, who are personally known to me to be the identical persons whose names are affixed to the above instrument in the capacity stated, 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.

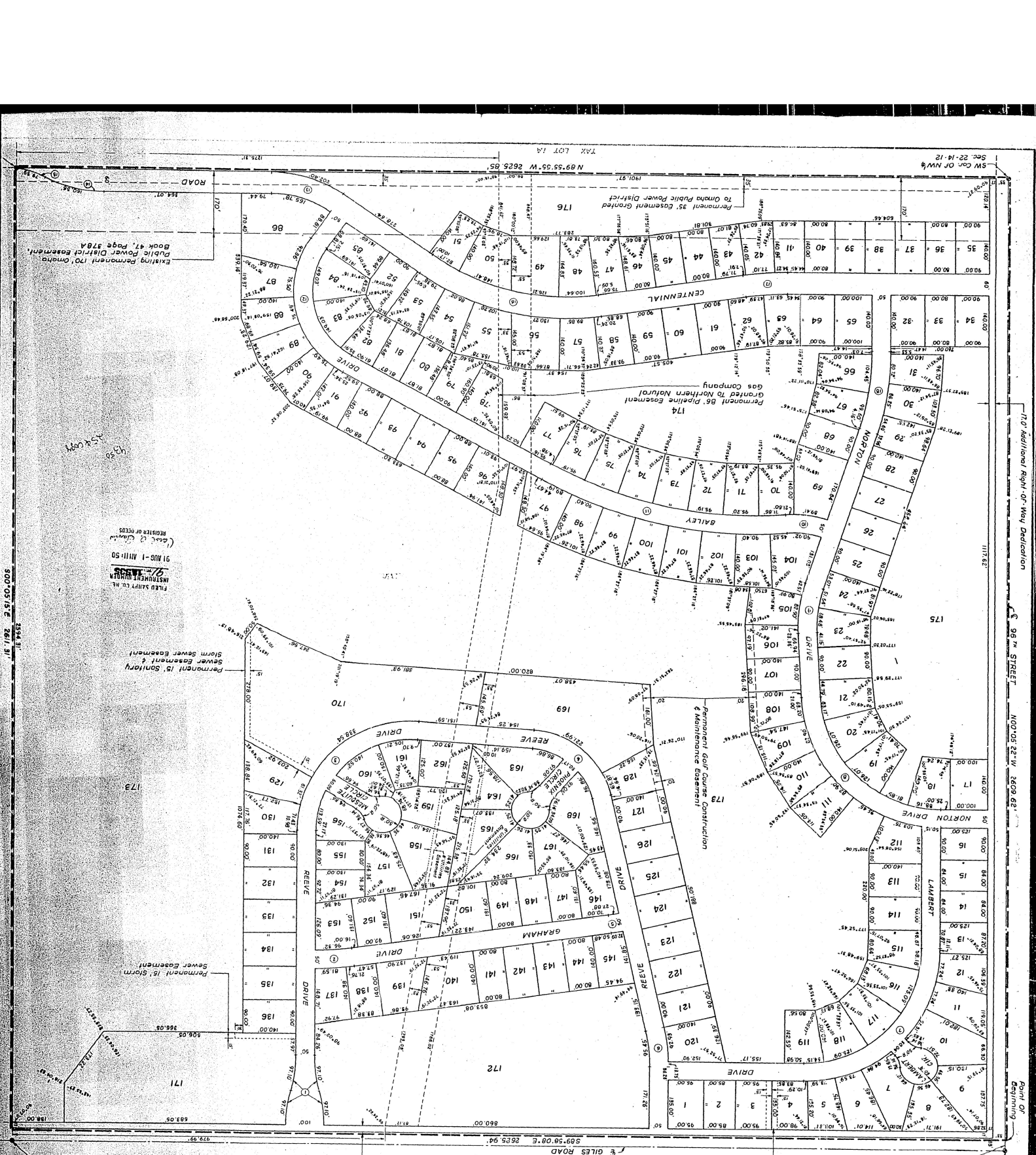
WITNESS my hand and official seal at Omaha, in said county and state, the date aforesaid.



[Signature]  
Notary Public  
My Commission Expires 4/30/95

This Instrument Drafted By:  
Right-of-Way Department  
Northern Natural Gas Company  
P. O. Box 3330  
Omaha, Nebraska 68103-0330

Proof [Signature]  
OK  
Verify  
Alined P  
Checked  
Fee \$ 45.00



SW COR OF NW 1/4 SEC 22-T14-R12

170' Additional Right-Of-Way Dedication

Permanent 35' Easement Granted To Omaha Public Power District

Permanent 66' Easement Granted To Northern Natural Gas Company

Permanent 15' Sanitary Sewer Easement

E GILES ROAD 365.94

NE COR OF NW 1/4 SEC 22-T14-R12

500'x22.2'E 33.00'

Point Of Beginning

170' Additional Right-Of-Way Dedication

91-175518

170' Additional Right-Of-Way Dedication

NE COR OF NW 1/4 SEC 22-T14-R12

500'x22.2'E 33.00'

Point Of Beginning

170' Additional Right-Of-Way Dedication

NE COR OF NW 1/4 SEC 22-T14-R12

500'x22.2'E 33.00'

Point Of Beginning

91-175518

FIELD SURVEY CO. INC.  
 INSTRUMENT 91-175518  
 91 AUG 1 AM 11:50  
 (Carl C. Clavin)  
 REGISTERED SURVEYOR

Existing Permanent 170' Omaha Public Power District Easement. Book 47, Page 378A

91-17551C

LEGAL DESCRIPTION  
NORTHERN NATURAL GAS PIPELINE EASEMENT

A Northern Natural Gas pipeline easement located in part of the NW 1/4 of Section 22, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of said Section 22; thence S89°58'08"E (assumed bearing) along the North line of said NW 1/4 of Section 22, a distance of 1558.84 feet; thence S00°01'52"W, a distance of 33.00 feet to a point on the South right-of-way line of Giles Road, said point also being the Point of Beginning; then S89°58'08"E along said South right-of-way line of Giles Road, a distance of 87.17 feet; thence S09°26'44"W, a distance of 1793.03 feet; thence S00°11'55"E, a distance of 841.62 feet to a point on the South line of said NW 1/4 of Section 22; thence N89°55'55"W along said South line of the NW 1/4 of Section 22, a distance of 86.00 feet; thence N00°11'55"W, a distance of 848.47 feet; thence N09°26'44"E, a distance of 1786.02 feet to the Point of Beginning.

Said easement contains an area of 5.201 acres, more or less.

#90074  
2-21-91

ELLIOTT & ASSOCIATES  
5316 South 132nd Street  
Omaha, NE 68137