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Register of Deeds, Douglas County, NE
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2005066386

Document Prepared by/Returned to: Northern Natural Gas Co., ATTN: ROW Dept., P.O. Box 3330, Omaha, NE 68103-0330

44901-5

MODIFICATION AND AMENDMENT OF EASEMENT GRANT

This instrument made and entered into this 6th day of June, 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 GOTTSCH FAMILY FARMS, a Nebraska general partnership (hereinafter referred to as "Owner", whether one or more).

WITNESSETH THAT:

WHEREAS, Northern is the holder of an Easement granted by Robert Gottsch, et al., on the 10th day of January, 1973, covering the following described premises in Douglas County, Nebraska:

A strip of land 50 feet in width located in Northeast Quarter (NE¹/₄) Section 13, Township 15 North, Range 10 East, more particularly described as follows:

Commencing at the Northeast corner of Section 13; thence South along the East line of Section and centerline of State Highway 31, 370.62 feet to the beginning of centerline to be described: Thence North 89°02' West 75 feet; thence North 0°58' East 111.5 feet; thence North 6°33' West 235.5 feet; thence North 88°35' West 1361.7 feet; thence North 1°25' East 25 feet to the point of termination. Said point being on the Section line, 1473.7 feet West of the Northeast corner of said Section 13; and

which Easement was recorded the the 5th day of March, 1973, in Book 519 of Miscellaneous Records at Page 443, and the centerline of said Easement was amended by an Amendment of Easement Grant dated the 23rd day of March, 1977, and recorded the 10th day of May, 1977, in Book 580 of Miscellaneous Records at Page 340, 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 4-inch pipeline (NEB44901) 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:

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1. That Northern's Easement shall be amended to provide for the construction, operation, inspection, repair, replacement, resizing, protection, alteration, moving or removing of one (1) additional pipeline

2. That the southern most border of the entire easement, as described in the original easement granted on the 10th day of January, 1973, will be reduced by thirteen feet (13'). Said reduction will move the southern border of the easement thirteen feet (13') to the north and will reduce the entire easement from fifty feet (50') in width to thirty-seven feet (37') in width. The remaining borders will remain as originally granted, as shown on Exhibit "B" attached hereto and, by this reference made part hereof.

3. All other conditions of Easement dated January 10, 1973, remain in full force and effect.

4. 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.

5. 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.

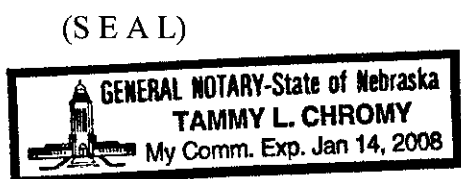
"NORTHERN"
NORTHERN NATURAL GAS COMPANY

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

"OWNER"
GOTTSCH FAMILY FARMS
By Brett A. Gottsch
Brett A. Gottsch
General Partner

STATE OF Nebraska)
)SS
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 6th day of June, 2005, by **Brett A. Gottsch**, General Partner, for Gottsch Family Farms, a Nebraska limited partnership, on behalf of the partnership.

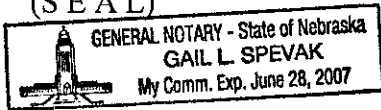


Tammy L. Chromy
Notary Public
My Commission Expires 1-14-08

STATE OF NEBRASKA)
)SS
 COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 7th day of June, 2005, by **Glen R. Hass**, *Agent and Attorney-in-Fact*, for Northern Natural Gas Company, a Delaware corporation, on behalf of the corporation.

(SEAL)



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

Exhibit "A"

That part of the Northeast Quarter of Section 13, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Commencing at the southeast corner of the Northeast Quarter of Section 13; Thence South 87°52'03" West (bearings referenced to the Nebraska State Plane System (South Zone)) for 50.00 feet along the south line of the Northeast Quarter to the west right of way line of State Highway #31 (204th Street) and the TRUE POINT OF BEGINNING;

Thence South 87°52'03" West for 2573.20 feet to the southwest corner of the Northeast Quarter of Section 13;

Thence North 02°38'28" West for 193.36 feet along the west line of the Northeast Quarter of Section 13 to the east right of way line of Skyline Drive;

Thence North 31°18'21" East for 118.19 feet along said east right of way line;

Thence North 02°38'25" West for 2283.63 feet along the east right of way line to the south right of way line of Blondo Street;

Thence North 87°45'52" East for 556.40 feet along said south right of way line;

Thence South 02°13'01" East for 98.80 feet;

Thence North 87°46'59" East for 528.00 feet;

Thence North 02°13'01" West for 165.00 feet to the north line of the Northeast Quarter of Section 13;

Thence North 87°47'54" East for 1339.41 feet along said north line to the west right of way line of State Highway #31 (204th Street);

Thence south along said west right of way for the next ten (10) courses;

- 1) Thence South 07°56'16" East for 464.43 feet;
- 2) Thence South 13°58'11" East for 199.06 feet;
- 3) Thence South 02°22'39" East for 181.50 feet;
- 4) Thence South 00°55'16" West for 173.79 feet;
- 5) Thence South 05°18'47" East for 195.26 feet;
- 6) Thence South 02°22'39" East for 500.00 feet;
- 7) Thence South 01°23'23" East for 290.04 feet;
- 8) Thence South 04°58'48" East for 110.11 feet;
- 9) Thence South 02°22'39" East for 300.00 feet;
- 10) Thence South 04°46'53" East for 238.50 feet to the Point of Beginning;

Contains 148.65 acres.

EXCEPT FOR THE FOLLOWING DESCRIBED REAL ESTATE:

LEGAL DESCRIPTION

That part of the Southeast Quarter of the Northeast Quarter TOGETHER WITH that part of the Northeast Quarter of the Southeast Quarter of Section 13, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Commencing at the northeast corner of the Northeast Quarter of the Southeast Quarter of Section 13;

Thence South 87°52'03" West (bearings referenced to the Final Plat of SKYLINE COUNTRY 2ND ADDITION, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska) for 50.00 feet along the north line of the Northeast Quarter of the Southeast Quarter of Section 13 to the west right of way line of 204th Street (Highway 31) and the TRUE POINT OF BEGINNING;

Thence South 01°02'27" West for 52.32 feet along said west right of way line to the north right of way line of Veterans Drive as dedicated in the Final Plat of SKYLINE COUNTRY 2ND ADDITION;

Thence along a curve to the right (having a radius of 40.00 feet and a long chord bearing South 44°20'00" West for 54.86 feet) for an arc length of 60.45 feet along said north right of way line;

Thence South 87°37'33" West for 120.30 feet along said north right of way line;
Thence South 85°59'36" West for 243.24 feet along said north right of way line;
Thence North 88°57'33" West for 50.00 feet along said north right of way line to the west end thereof;

Thence South 01°02'28" West for 55.02 feet along said west end of Veterans Drive to the northwest corner of Lot 4, SKYLINE COUNTRY 2ND ADDITION;

Thence along a curve to the right (having a radius of 1000.00 feet and a long chord bearing North 81°06'47" West for 25.24 feet) for an arc length of 25.24 feet;

Thence North 01°15'14" West for 68.31 feet;

Thence North 02°59'26" West for 196.60 feet;

Thence North 87°00'34" East for 226.85 feet;

Thence North 02°59'26" West for 50.00 feet;

Thence North 87°00'34" East for 251.51 feet to the east right of way line of 204th Street;

Thence South 04°46'53" East for 176.40 feet along said east right of way line to the Point of Beginning.

Contains 2.70 acres.

AND FURTHER EXCEPT FOR THE FOLLOWING DESCRIBED REAL ESTATE:

All those certain lots or parcels of land conveyed by Gottsch Family Farms to the STATE OF NEBRASKA DEPARTMENT OF ROADS in that certain Warranty Deed dated May 21, 2003, and recorded September 4, 2003, as instrument 2003167064, and being further described as follows:

A TRACT OF LAND LOCATED IN PART OF SECTION 13, TOWNSHIP 15 NORTH, RANGE 10 EAST OF THE SIXTH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE SOUTHERLY ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13 A DISTANCE OF 752.508 METERS (2468.85 FEET); THENCE WESTERLY DEFLECTING 90 DEGREES, 00 MINUTES, 00 SECONDS RIGHT A DISTANCE OF 17.671 METERS (57.98 FEET) TO THE WEST LINE OF EXISTING STATE HIGHWAY NO. 31 RIGHT-OF-WAY; THENCE WESTERLY DEFLECTING 00 DEGREES, 47 MINUTES, 50 SECONDS LEFT A DISTANCE OF 10.301 METERS (33.80 FEET); THENCE NORTHERLY DEFLECTING 90 DEGREES, 59 MINUTES, 23 SECONDS RIGHT A DISTANCE OF 161.608 METERS (530.21 FEET); THENCE NORTHERLY DEFLECTING 02 DEGREES, 01 MINUTES, 14 SECONDS LEFT A DISTANCE OF 148.625 METERS (487.61 FEET); THENCE NORTHERLY DEFLECTING 01 DEGREES, 34 MINUTES, 04 SECONDS RIGHT A DISTANCE OF 200.002 METERS (656.17 FEET); THENCE NORTHERLY DEFLECTING 02 DEGREES, 31 MINUTES, 03 SECONDS RIGHT A DISTANCE OF 77.058 METERS (252.81 FEET); THENCE NORTHERLY DEFLECTING 17 DEGREES, 10 MINUTES, 16 SECONDS LEFT A DISTANCE OF 24.009 METERS (78.77 FEET); THENCE NORTHERLY DEFLECTING 12 DEGREES, 06 MINUTES, 29 SECONDS RIGHT A DISTANCE OF 56.872 METERS (186.59 FEET); THENCE NORTHERLY DEFLECTING 09 DEGREES, 06 MINUTES, 05 SECONDS LEFT A DISTANCE OF 71.890 METERS (235.86 FEET); THENCE NORTHERLY DEFLECTING 18 DEGREES, 07 MINUTES, 11 SECONDS LEFT A DISTANCE OF 17.702 METERS (58.08 FEET) TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE EASTERLY DEFLECTING 120 DEGREES, 11 MINUTES, 22 SECONDS RIGHT ALONG THE NORTH LINE OF THE NORTHEAST QUARTER A DISTANCE OF 62.697 METERS (205.70 FEET) TO THE NORTHEAST CORNER OF THE NORTHEAST QUARTER AND THE POINT OF BEGINNING. CONTAINING AN AREA OF 2.491 HECTARES (6.16 ACRES) MORE OR LESS, WHICH INCLUDES 1.716 HECTARES (4.25 ACRES) MORE OR LESS, PREVIOUSLY OCCUPIED AS PUBLIC HIGHWAY.

AND FURTHER EXCEPT THE FOLLOWING DESCRIBED REAL ESTATE:

All those certain lots or parcels of land convey by Gottsch Family Farms, to the City of Elkhorn in that certain Partnership Warranty Deed dated August 8, 2003, and recorded August 22, 2003, as instrument 2003158953, and being further described as follows:

A tract of land located in the North Half (N1/2) of Section 13, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Commencing at the North Quarter corner of said Section 13; thence North 82°34'47" East a distance of 63.00 feet; thence South 07°25'11" East a distance of 66.00 feet to a point on the existing right of way line, said point also being the point of beginning; thence North 82°34'47" East a distance of 559.58 feet on said right of way line; thence South 07°33'19" East, a distance of 33.22 feet; thence South 66°11'33" West a distance 203.75 feet; thence South 20°12'26" West a distance of 377.41 feet; thence South 28°54'47" West a distance of 73.02 feet; thence South 00°00'00" East a distance of 25.00 feet; thence South 90°00'00" West a distance of 80.00 feet; thence South 30°03'51" West a distance of 34.69 feet; thence South 82°24'54" West a distance of 38.11 feet to a point on the existing right of way line; thence North 07°52'11" West on said right of way line a distance of 526.02 feet to the point of beginning.

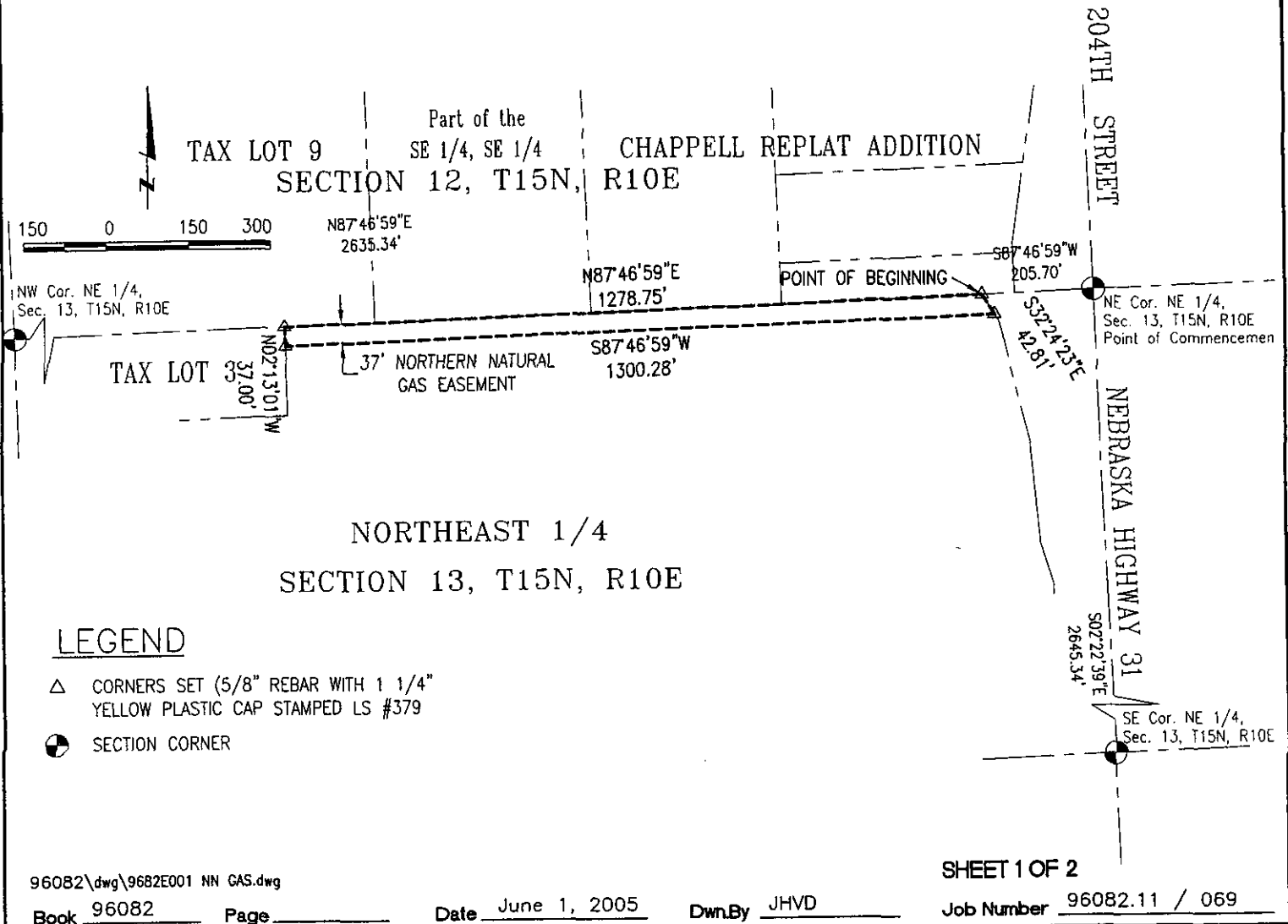
Exhibit "B"

EASEMENT EXHIBIT

LEGAL DESCRIPTION

A permanent easement for construction and maintenance of gas lines and related facilities over that the Northeast Quarter of Section 13, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, described as follows:

SEE ATTACHED SHEET FOR COMPLETE LEGAL DESCRIPTION



Lamp, Rynearson & Associates, Inc.

14710 West Dodge Road, Suite 100
Omaha, Nebraska 68154-2027

WWW.LRA-INC.COM

(Ph) 402.496.2498
(Fax) 402.496.2730

EASEMENT EXHIBIT

LEGAL DESCRIPTION

A permanent easement for construction and maintenance of gas lines and related facilities over that part of the Northeast Quarter of Section 13, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Commencing at the northeast corner of the said Northeast Quarter of Section 13;

Thence South 87°46'59" West (bearings referenced to the Final Plat of SKYLINE COUNTRY, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska) for 205.70 feet along the north line of said Northeast Quarter of Section 13 to a 5/8" x 24" rebar with a 1 1/4" yellow plastic cap stamped: LS 379 in the west right of way line of Nebraska Highway 31 (204th Street) and the TRUE POINT OF BEGINNING;

Thence South 32°24'23" East for 42.81 feet along said west right of way line to a 5/8" x 24" rebar with a 1 1/4" yellow plastic cap stamped: LS 379;

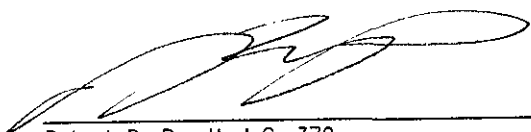
Thence South 87°46'59" West for 1300.28 feet parallel with and 37.00 feet south of the north line of the said Northeast Quarter of Section 13 to a 5/8" x 24" rebar with a 1 1/4" yellow plastic cap stamped: LS 379 in the east line of Tax Lot 3;

Thence North 02°13'01" West for 37.00 feet along the east line of said Tax Lot 3 to a 5/8" x 24" rebar with a 1 1/4" yellow plastic cap stamped: LS 379 in the north line of the Northeast Quarter of Section 13;

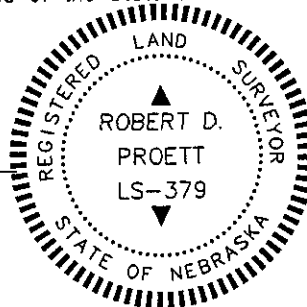
Thence North 87°46'59" East for 1278.75 feet along said north line to the Point of Beginning.
Contains 1.095 acres.

SURVEYOR'S CERTIFICATION

I hereby certify that this plat, survey or report was made by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.



Robert D. Proett, L.S. 379



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Book 96082

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Date June 1, 2005

Dwn.By JHVD

SHEET 2 OF 2

Job Number 96082.11 / 069



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