

24/403.  
11 11MODIFICATION AND AMENDMENT OF EASEMENT GRANT

This instrument made and entered into this 25<sup>th</sup> day of August, 19  , by and between NORTHERN NATURAL GAS COMPANY, a Delaware corporation, (hereinafter called "Northern") and Emanuel Erabik and Mildred Erabik, his wife, (hereinafter called "Grantors").

## WITNESSETH, THAT:

WHEREAS, there has heretofore been executed an Easement Grant to Northern covering the following described premises in Sarpy County, Nebraska:

Tax Lots 13A2, 13A1 and 13A 3A in the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 21, Township 14, Range 13, more particularly described as follows, to-wit: Beginning at a point 3 rods North of the Southeast (SE) corner of the Northeast Quarter (NE $\frac{1}{4}$ ) of Said Section 21, running thence West 1320 feet; thence North 2425.4 feet; thence East 1320 feet; thence South 2425.4 feet to the place of beginning, containing 73.63 acres, more or less

which Easement Grant has been recorded in Book 8 of Miscellaneous at Page 246 in the Office of the County Clerk 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 pipeline through and across the premises above described; and

WHEREAS, of the premises described in said Easement Grant, Grantors are present owners of the following described premises: That part of Tax Lot 13A in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 21, Township 14 North, Range 13 East, Sarpy County, Nebraska, described as follows: Beginning at a point 718.05 feet South of the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 21 and on the West line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 21; thence North 89° 57' East 400 feet; thence North and parallel to the West line of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 21 528.5 feet; thence North 89° 30' East 988.76 feet along a line parallel to the North line of said Section 21 to a point 193.05 feet South of the Northeast corner of said Section 21 and on the East line of said Section 21; thence South 0° 24' East along the East line of said Section 21 a distance of 583.51 feet; thence South 89° 30' West 932.83 feet; thence South 89° 57' West 400 feet to a point on the West line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 21; thence North 55.0 feet to the point of beginning.

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.

Entered in Northern's files and Recorded in the Registrar of Deeds office in Sarpy County, Nebraska  
 day 25<sup>th</sup> of August, 19   at 11:30 AM, Esther Ruff, County Clerk    EC

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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 so much of its right-of-way under the aforescribed Easement Grant as it pertains to that part of Tax Lot 13A in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 21, Township 14 North, Range 13 East, Sarpy County, Nebraska lying North of a line described as beginning: 580 feet South of the Northwest corner of said Tax Lot 13A; thence East a distance of 400 feet; thence deflecting 0° 27' left a distance of 932.83 feet to the East line of Tax Lot 13A, to a strip of land across such tract, which strip shall be 50 feet in width and the centerline of which strip shall be the present location of Northern's 16-inch pipeline. Such strip is described as follows: Beginning at a point 525 feet South and 385.37 feet East of the Northwest corner of said Tax Lot 13A said point being on the South line of a piece of property owned by Northern Natural Gas Company; thence continuing East a distance of 14.63 feet; thence North along the East line of said property owned by Northern Natural Gas Company a distance of 100.33 feet; thence deflecting 158° 45' right a distance of 167.29 feet; thence deflecting 110° 48' right a distance of 53.48 feet; thence deflecting 69° 12' right a distance of 58.95 feet to the point of beginning. 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 Grant described above that part of Tax Lot 13A in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 21, Township 14 North, Range 13 East, Sarpy County, Nebraska lying North of a line described as beginning 580 feet South of the Northwest corner of said Tax Lot 13A; thence East a distance of 400 feet; thence deflecting 0° 27' left a distance of 932.83 feet to the East line of Tax Lot 13A, except the strip of land 50 feet in width described in Paragraph 1. above, upon which strip said Easement Grant is retained.

3. That Grantors shall not build, create or construct, any obstruction, building or other structure anywhere on the strip of land upon which Northern has reserved its easement rights, which strip is described in Paragraph 1. above.

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4. That said Easement Grant hereintofore described except as herein modified and amended shall remain in full force and effect.

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"

"GRANTORS"

*[Signature]*  
Vice President  
*[Signature]*  
Secretary

*[Signature]*  
*[Signature]*

STATE OF NEBRASKA }  
COUNTY OF DOUGLAS } 88

On this 25th day of January, A.D. 1959, before me, a Notary Public in and for said County, personally appeared [Signature] to me personally known, who being by me duly sworn advised that he is [Signature] of said corporation, that the seal was signed and sealed on behalf of said corporation and said instrument of directors and the said [Signature] acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

*[Signature]*  
Notary Public in and for said County  
PATRICIA FANEY  
Notary Public  
Douglas Co., Neb.  
Commission Expires  
November 12, 1960

STATE OF NEBRASKA }  
COUNTY OF } 88

On this 6th day of March, A.D. 1959, before me, the undersigned duly commissioned and qualified authority in and for said county and state, personally came [Signature] and [Signature] to me known to be the identical persons whose names ARE subscribed to the foregoing instrument as Grantors and duly acknowledged the execution of the same as THEIR voluntary act and deed.

L. H. W. TESTIDONY WHEREOF, I have hereunto set my hand and official seal on this 18th day of January, 1963.

*[Notary Seal]*  
January 18, 1963

*[Signature]*  
Notary Public in and for Douglas County

11-1406

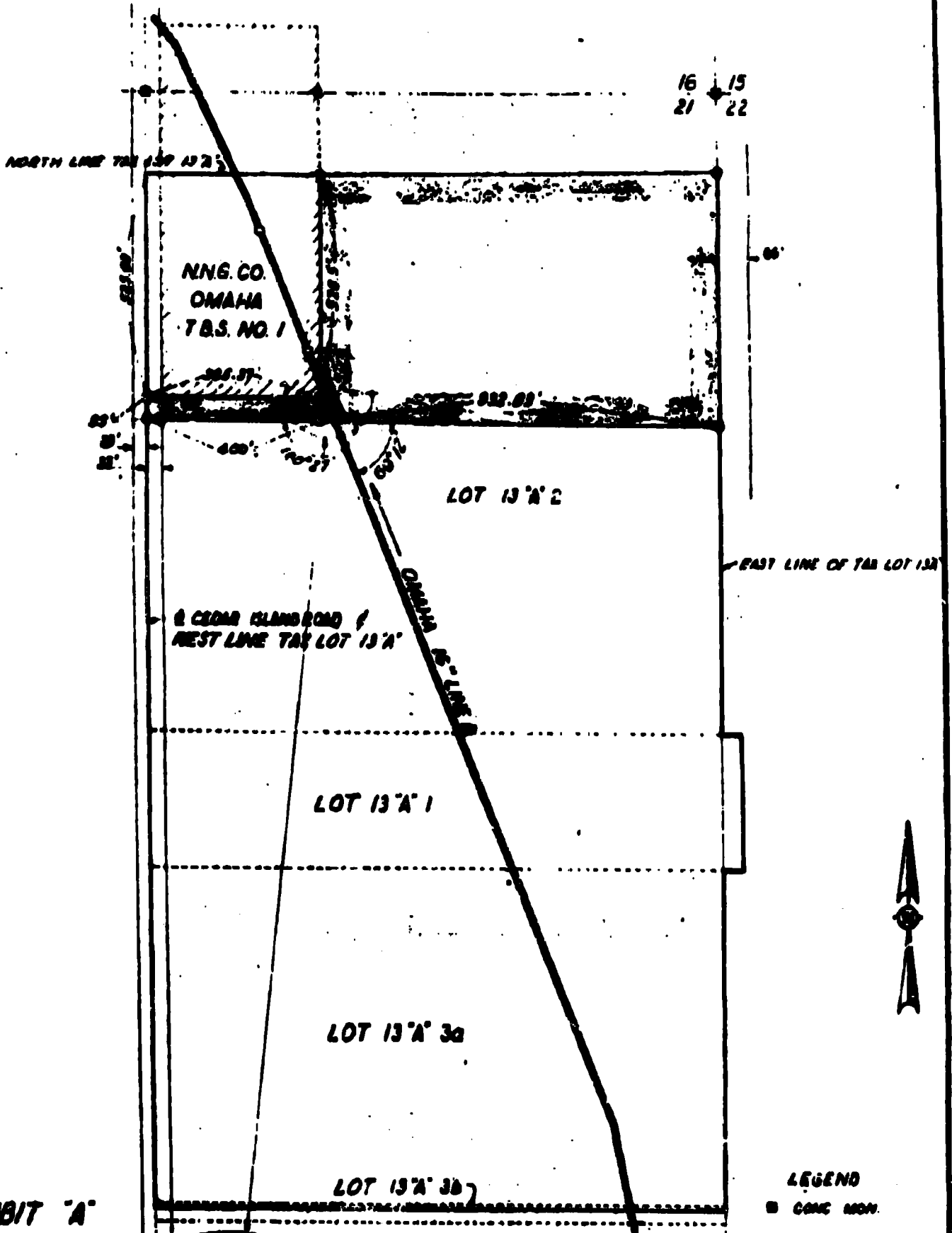
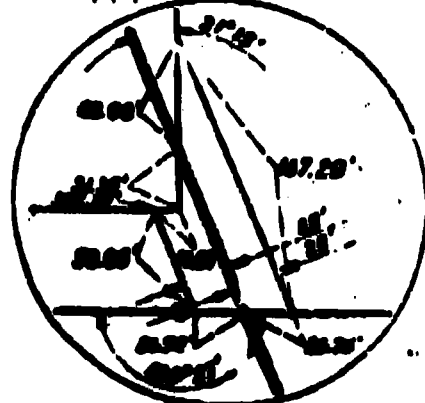


EXHIBIT 'A'

LEGEND  
 ■ CONC MON.  
 ● IRON PIN



|   |              |                |
|---|--------------|----------------|
| NORTHERN NATURAL GAS CO<br>OMAHA NEBRASKA   |              | REVISED        |
| OMAHA, NEBRASKA<br>15" LINE A<br>CROSSING TAX LOT 13'A'<br>TOWN, RISE, SARPY COUNTY |              |                |
| SCALE 1" = 100'   | DATE 1-18-39 |                |
| BY G.L.D.   | BY P.P.      | BY [Signature] |