

THIS INSTRUMENT, made and entered into as of the 6th day of March, 1963, by and between NORTHERN NATURAL GAS COMPANY, a Delaware corporation with principal offices at 2223 Dodge Street, Omaha, Nebraska, (hereinafter referred to as "Grantee"), and CORNHUSKER HOMES COMPANY, a Nebraska corporation, with principal offices at 7117 "Q" Street, Omaha, Nebraska, (hereinafter referred to as "Grantor").

WITNESSETH THAT:

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

South Half of the Northeast Quarter of the Southeast Quarter (S/2 of NE/4 of SE/4) and the West Half of the Southeast Quarter (W/2 of SE/4) of Section Three (3), Township Fourteen (14) North, Range Twelve (12) East of the 6th P.M.

which easement grant was granted by Frank J. Pinney, single, on October 21st, 1940, and was recorded October 23rd, 1940 in Book 149 of Miscellaneous at Page 583 in the Office of the Register of Deeds, Douglas County, Nebraska; and

WHEREAS, pursuant to the authority contained in said easement grant, Northern has constructed and is currently operating and maintaining a 4-inch natural gas pipeline and a 2-inch natural gas pipeline in and through the above described premises; and

WHEREAS, Grantor has platted a subdivision known as Mockingbird Heights upon an area owned by it described as follows:

Beginning at a point 33 feet Northerly and 33 feet Easterly of the Southwest corner of the Southeast Quarter (SE/4) of Section 3; thence North $0^{\circ}26'29''$ West (assumed bearing) 33 feet East of and parallel to the West line of the Southeast Quarter (SE/4) of Section 3 a distance of 2,395.18 feet; thence North $88^{\circ}52'53''$ East along the State Highway right-of-way a distance of 1,273.70 feet; thence South $0^{\circ}10'42''$ East along the East line of the Northwest Quarter of the Southeast Quarter (NW/4 of SE/4) of Section 3 a distance of 489.55 feet; thence South $89^{\circ}16'26''$ East along the North line of the South Half of the Northeast Quarter of the Southeast Quarter (S/2 of NE/4 of SE/4) of Section 3 a distance of 1,220.81 feet; thence South $0^{\circ}08'53''$ West along the West line of the Northern Natural Gas Border Station a distance of 50 feet; thence South $89^{\circ}16'26''$ East along the South line of the Northern Natural Gas Border Station a distance of 50 feet; thence South $0^{\circ}08'53''$ West 33 feet West of and parallel to the East line of the Southeast Quarter (SE/4) of Section 3 a distance of 605.40 feet; thence South $89^{\circ}22'39''$ West a distance of 138.46 feet; thence North $89^{\circ}12'34''$ West a distance of 180.00 feet; thence North $89^{\circ}35'29''$ West a distance of 300.00 feet; thence North $89^{\circ}12'34''$ West along the South line of the Northeast Quarter of the Southeast Quarter (NE/4 of SE/4) of Section 3 a distance of 648.53 feet; thence South $0^{\circ}06'27''$ East along the East line of the Southwest Quarter of the Southeast Quarter (SW/4 of SE/4) of Section 3, a distance of 1,288.20 feet; thence North $89^{\circ}13'25''$ West along the South line of the Southeast Quarter (SE/4) of Section 3 a distance of 1,261.17 feet to the point of beginning; and

WHEREAS, the parties desire to more clearly define their right under the above-mentioned Easement Grant and further desire to modify and to 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. Grantee shall, and by these presents does, restrict the Easement Grant above described to strips of land "A", and "B", and "C" the widths of which shall be as hereinafter set out, such strips described as follows:

Strip "A";

A strip of land, 40 feet in width, 20 feet on either side of the 4" pipeline centerline described as follows: Commencing at the Southeast corner of the Northeast Quarter of the Southeast Quarter (NE/4 of SE/4) of Section 3; thence North $89^{\circ}12'34''$ West along the South line of the Northeast Quarter of the Southeast Quarter (NE/4 of SE/4) of Section 3 a distance of 1080.0 feet to the point of beginning; thence North $18^{\circ}28'18''$ West a distance of 579.0 feet; thence North $0^{\circ}48'18''$ West a distance of 180.0 feet to the North line of the Northeast Quarter of the Southeast Quarter (NE/4 of SE/4) of Section 3, and the point of termination. Said point being located South $0^{\circ}10'42''$ East a distance of 659.35 feet, and South $89^{\circ}16'32''$ East a distance of 49.9 feet from the Northeast corner of the Northwest Quarter of the Southeast Quarter (NW/4 of SE/4) of Section 3, all located in the Northeast Quarter of the Southeast Quarter (NE/4 of SE/4) of Section 3, Township 14 North, Range 12 East, Douglas County, Nebraska.

Strip "B";

A strip of land, 40 feet in width, 20 feet on either side of the 4" pipeline centerline described as follows: Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter (NW/4 of SE/4) of Section 3; thence South $0^{\circ}10'42''$ East along the East line of the Northwest Quarter of the Southeast Quarter (NW/4 of SE/4) of Section 3 a distance of 534.35 feet to the point of beginning; thence North $30^{\circ}41'42''$ West a distance of 377.0 feet; thence North $19^{\circ}59'18''$ East a distance of 44.0 feet to the point of termination. Said point being located South $0^{\circ}10'42''$ East a distance of 169.80 feet, and South $88^{\circ}52'53''$ West a distance of 175.41 feet from the Northeast corner of the Northwest Quarter (NW/4) of Section 3, all located in the Northwest Quarter of the Southeast Quarter (NW/4 of SE/4) of Section 3, Township 14 North, Range 12 East, Douglas County, Nebraska.

Strip "C";

A strip of land, the North and South boundaries of which are hereinafter set out and defined as North and South of a line which is the centerline of the 2-inch existing pipeline described as follows: Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter (NW/4 of SE/4) of Section 3; thence South $0^{\circ}10'42''$ East along the East line of the Northwest Quarter of the Southeast Quarter (NW/4 of SE/4) of said Section a distance of 659.35 feet; thence South $89^{\circ}16'26''$ East a distance of 49.70 feet; thence South $2^{\circ}52'42''$ West a distance of 10.00 feet to the point of beginning of the line to be described; thence South $89^{\circ}38'42''$ East a distance of 872.00 feet; thence South $87^{\circ}20'42''$ East a distance of 318.00 feet to the point of termination, said point of termination being located 83.00 feet North $89^{\circ}16'26''$ West and 615.40 feet North $0^{\circ}28'53''$ East of the Southeast corner of the Northeast Quarter of the Southeast Quarter (NE/4 of SE/4) of Section 3, Township 14 North, Range 12 East, Douglas County, Nebraska. The width of Strip C shall be 10.00 feet North and 20.00 feet South of the line described above across lots 215, 216 and 217 and 20.00 feet North and 10.00 feet South of the line described above across all other affected lots.

A drawing showing the location of the foregoing Strips A, B and C is attached hereto as Exhibit 1, and by this reference is made a part hereof.

2. Grantee shall, and by these presents does, hereby release from the Easement Grant described above all of the land described therein EXCEPT for Strips A, B and C, upon which strips said Easement Grant, as herein modified and amended, shall remain in full force and effect.

3. Grantor shall not, within Strips A, B or C, construct or install, nor permit to be constructed or installed, any building, above or below ground structure, or hard surfaced area (other than is shown on Exhibit 1) nor alter the grade or permit such grade alteration without the written consent of Grantee.

4. Notwithstanding any limitations stated or implied in the original Easement Grant, Grantee shall, and by these presents does have the right, privilege, easement and authority to lay, construct, maintain, operate, inspect, alter, repair, remove, change the size of, replace or relocate at any time or from time to time, one or more additional pipelines at such locations within Strips A, B and C as it may choose. For each additional line which Grantee constructs upon Strips A, B and C, it shall pay Grantor the consideration agreed to in the original Easement Grant within a reasonable time subsequent to the completion of construction thereon.

THIS INSTRUMENT and the covenants and agreements herein contained shall extend to and be binding upon the successors, assigns and grantees of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

GRANTOR

GRANTEE



CORNHUSKER HOMES COMPANY
By: [Signature]
President
Attest: [Signature]
Secretary

NORTHERN NATURAL GAS COMPANY
By: [Signature]
Vice President
Attest: [Signature]
Assistant Secretary

IN THE PRESENCE OF:

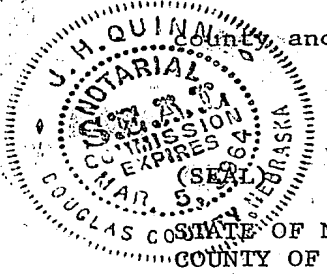
STATE OF NEBRASKA :
COUNTY OF DOUGLAS : ss.

On this 12th day of March, A.D., 1963, before me a Notary Public duly commissioned and qualified in and for said county and state personally came [Signature], Vice President, and [Signature], 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 [Signature], in said county and state, the date aforesaid.

[Signature]
Notary Public

My commission expires: March 5, 1964



STATE OF NEBRASKA: ss.
COUNTY OF DOUGLAS:

On this 25th day of February, A.D., 1963, before me a Notary Public duly commissioned and qualified in and for said county and state personally came [Signature], President, and [Signature], Secretary of CORNHUSKER HOMES COMPANY, who are personally known to me to be the identical persons whose names are affixed to the above instrument as President and 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 _____, in said county and state, the date aforesaid.

[Signature]
Notary Public

My commission expires: 2-18-65



RECEIVED

1963 MAR 28 AM 10 30

THOMAS J. SCHMIDT
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

Embodied in
for Record in the Office of the
Deeds of said County and
Book 394 of mas
Page 681

Thomas J. Schmidt
Register of Deeds

By Northern Trust Co
2-2-23
74/37-681/425

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