

see exhibit

7-130T  
11-14-1

BOOK 503 PAGE 323

MODIFICATION AND AMENDMENT OF EASEMENT GRANT

This instrument made and entered into this 9th day of September, 1971, by and between NORTHERN NATURAL GAS COMPANY, a Delaware corporation, (hereinafter referred to as "Northern") and PONDEROSA DEVELOPMENT CO., (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:

Tax Lot Nine (9) in Section Eleven (11), Township Fourteen (14), Range Twelve (12), described by metes and bounds as follows: Beginning at a point 33 feet East of the Southwest corner of the North Half of the Southeast Quarter (N 1/2 SE 1/4) of said Section Eleven (11); thence North 975 feet to the South line of Ralston Avenue in First Addition to Ralston; thence East along the South line of Ralston Avenue and same extended 1,898.5 feet to center line of 74th Street; thence North 77.5 feet to centerline of Thayer Avenue; thence East 678.3 feet to the West line of 72nd Street; thence South 1052.5 feet to a point 33 feet West of the Southeast corner of the North Half of the Southeast Quarter (N 1/2 SE 1/4) of Section Eleven (11), thence West 2576.8 feet to place of beginning, containing 58.88 acres.

which Easement Grant has been recorded in Book 129 of Miscellaneous on Page 585 in the Office of the Register of Deeds for Douglas County, Nebraska; and

WHEREAS, said Easement Grant has been subsequently modified by Partial Release of Easement dated March 26, 1968, recorded in Book 462 of Miscellaneous at Page 275 in the Office of the Register of Deeds for Douglas County, Nebraska and by Partial Release of Easement dated January 10, 1969, recorded in Book 472 of Miscellaneous at Page 739 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 4-inch pipeline through and across the premises above-described; and

WHEREAS, of the premises described in said Easement Grant, Owners warrant that they are the sole owners of the following described premises; hereinafter referred to as the "Owned Premises":

Lots 53 through 58 inclusive of Tax Lot 9 in Section Eleven (11), Township Fourteen North (14N), Range Twelve East (12E).

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 aforesaid described Easement Grant, across the Owned Premises only to a strip of land, the location and width of which strip is shown on plat marked Exhibit "A", attached hereto 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 Owned Premises EXCEPT the strip of land described in Paragraph One above, upon which strip said Easement Grant is retained as herein modified.

3. That Owners 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 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"

NORTHERN NATURAL GAS COMPANY

By [Signature]  
Vice President  
Attest: [Signature]  
Assistant Secretary

"OWNERS"

PONDEROSA DEVELOPMENT CO.

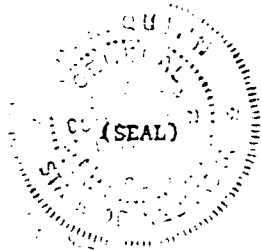
By [Signature]  
President  
Attest: [Signature]  
Secretary

STATE OF NEBRASKA:

COUNTY OF DOUGLAS:

On this 20<sup>th</sup> day of September, A.D., 19 71,  
 before me a Notary Public duly commissioned and qualified in and for said  
 county and state, personally came J. B. Hara, Vice  
 President and J. H. Hara, 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 in Omaha, in said county  
 and state, the date aforesaid.



[Signature]  
 Notary Public

STATE OF Nebraska  
 COUNTY OF Douglas

On this 9<sup>th</sup> day of September, A.D., 19 71, before  
 me, a Notary Public duly commissioned and qualified in and  
 for said County, personally came the above named Bert P. Allen,  
Robert J. Hara,  
 President, Secretary, of PONDEROSA DEVELOPMENT CO. who are personally known to me to be  
 the identical persons whose names are affixed to the above instrument as  
its President and its Secretary of said Corporation, and they  
 acknowledged the instrument to be their voluntary act and deed, and the volun-  
 tary act and deed of said corporation.

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



"MY COMMISSION EXPIRES  
 MARCH 22, 1975"

[Signature]  
 Notary Public



14.00

ENTERED IN RECORD INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA

1971

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