

49-49

MODIFICATION AND AMENDMENT OF EASEMENT GRANT

This instrument made and entered into this 18th day of June, 1974, by and between NORTHERN NATURAL GAS COMPANY, a Delaware Corporation, (hereinafter referred to as "Northern") and Continental Western Corporation, (hereinafter referred to as "Owners").

WITNESSETH THAT:

WHEREAS, Northern is the holder of an Easement Grant covering the following described premises in Sarpy County, Nebraska:

Northeast Quarter (NE-1/4) Section Twenty-eight (28), Township Fourteen (14) North, Range Eleven (11) East.

which Easement Grant has been recorded in Book 29 of Miscellaneous at Page 453 in the Office of the Register of Deeds 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, Owners are present owners of the following described premises:

All the property described above.

FILED FOR RECORD 1-27-76 AT 1:45 P M, IN BOOK 49 OF Misc. Rec.
PAGE 49 Carl L. Hibbel REGISTER OF DEEDS, SARPY COUNTY, NEB. 12.50

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 aforescribed Easement Grant, to a strip of land Sixty-six feet in width across the property of the Owners as last described above, the center-line 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 its said Easement Grant all of the above-described property of the owners except the strip of land described in Paragraph 1 above, upon which strip said Easement

Rec # 51703 X

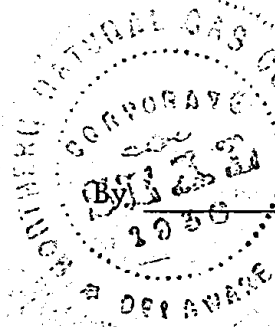
49-49A

Grant is retained as herein modified.

3. That Grantor 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 Grantee has reserved its Easement rights without the written consent of the Grantee.


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.

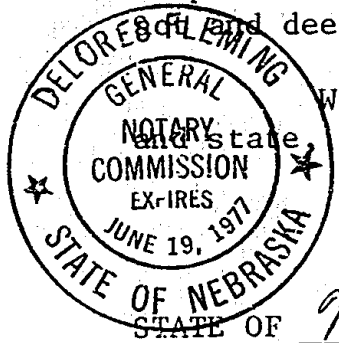
 "NORTHERN"
Don Deenther
Vice President
Attest R. H. Wood
Assistant Secretary

"OWNERS"

CONTINENTAL WESTERN CORPORATION
[Signature]
President


STATE OF NEBRASKA)
COUNTY OF DOUGLAS)

On this 28th day of June, A.D., 19 74, before me a Notary Public duly commissioned and qualified in and for said county and state, personally came Don Deenther, Vice President, and R. H. Wood, 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.



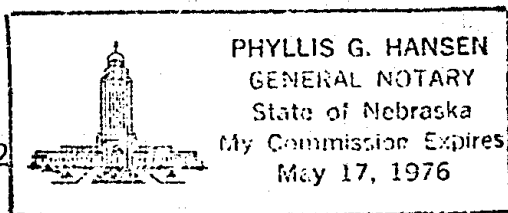
WITNESS my hand and official seal Delores Fleming, in said county and state, the date aforesaid.

Delores Fleming

STATE OF Nebraska :
COUNTY OF Darwin : SS.

On this 18th day of June, A.D., 19 74, before me, a Notary Public in and for said County in said State, personally appeared J. R. Swenson to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Phyllis G. Hansen



49-49 B

NW CORNER OF THE
NE 1/4 OF SECTION 28,
T14N, R11E, OF THE 6TH
P.M. OF SARPY COUNTY,
NEBRASKA

N 89° 59' 51" E
53.40'

S 00° 17' 07" E
33.00'

DEDICATED COUNTY ROAD

POINT OF BEGINNING

SOUTH R.O.W LINE OF THE
COUNTY ROAD

33'

66'

NW 1/4 OF SEC. 28-14-11

NE 1/4 OF SEC. 28-14-11

SCALE 1"=400'

S 00° 17' 07" E
2649.87'

CENTER OF SECTION
28 T14N, R11E OF THE
6TH P.M. OF SARPY
COUNTY, NEBRASKA

N 89° 59' 10" E
61.76'

SOUTH LINE OF NE 1/4

Book _____ Page _____

Date MARCH 29, 1974

Job Number 7-25
CORONADO

LAMP RYNEARSON & ASSOCIATES, INC.
engineers surveyors

FORTY-SIX TEN DODGE STREET
OMAHA, NEBRASKA 68132
TELEPHONE 402-338-6030

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LEGAL DESCRIPTION

A 66 foot wide Northern Natural Gas Line Easement in the NE 1/4 of Section 28, T 14 N, R 11 E of the 6th P.M., Sarpy County, Nebraska, the centerline being more particularly described as follows: Beginning at a point on the South R.O.W. line of a dedicated county road which is N 89° 59' 51" E, 53.40 feet and S 00° 17' 07" E, 33.00 feet of the NW corner of the NE 1/4 of said Section 28; thence S 0° 17' 07" E, 2649.87 feet to the South line of said NE 1/4 of Section 28, said point being N 89° 59' 10" E, 61.78 feet of the center of said Section 28. (The North line of the NE 1/4 of said Section 28 being assumed N 89° 59' 51" E in direction.)