

MODIFICATION AND AMENDMENT OF EASEMENT GRANT

THIS INSTRUMENT, made and entered this 15th day of June, 1959, by and between NORTHERN NATURAL GAS COMPANY, a Delaware corporation, with principal office at 2223 Dodge Street, Omaha, Nebraska, hereinafter called "Northern" and CORNHUSKER HOMES CO., a Nebraska corporation, with principal office in Douglas County, Nebraska, hereinafter called "Cornhusker Homes Co."

WITNESSETH THAT:

WHEREAS, Northern is the owner of the following easement grants in Douglas County, Nebraska, to wit:

Easement dated April 17, 1951, recorded August 21, 1951, in Book 263 at Page 589 of the Miscellaneous Records in the Register of Deeds Office of Douglas County, Nebraska,

Easement dated August 5, 1940, recorded August 30, 1940, in Book 148 at Page 229 of the Miscellaneous Records in the Register of Deeds Office of Douglas County, Nebraska,

Easement dated April 18, 1951, recorded August 21, 1951, in Book 263 at Page 587 of the Miscellaneous Records in the Register of Deeds Office of Douglas County, Nebraska;

and,

WHEREAS, pursuant to the authority contained in said easement grants, Northern has constructed and currently operates and maintains a 16-inch and a 4-inch natural gas pipeline through and across the premises described in the above easements; and,

WHEREAS, Cornhusker Homes Co., has platted and subdivided certain parcels of real estate within the boundaries of said easements, which subdivisions are known as Westridge (as platted in two separate plattings) and Westridge Replat; and,

WHEREAS, such easements cover the platted areas referred to above and, in addition thereto, said easements encompass areas outside of such platted and subdivided areas; and,

WHEREAS, the parties hereto desire to modify and amend said easement grants so each party may realize full enjoyment of its respective interests; and,

WHEREAS, the parties have agreed by separate instrument that Northern shall modify its 16-inch pipeline by placing casing thereon at

certain points and shall remove its present 4-inch pipeline and install a 4-inch pipeline, with casing thereon, at certain points,

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements hereinafter set forth, it is agreed by and between Northern and Cornhusker Homes Co., as follows:

1. Northern shall and by these presents does hereby limit its rights-of-way under the above described easement grants, insofar as the same fall within the platted areas above described, to three (3) strips of land, referred to as Strips A, B and C, which strips reflect the area to which such easements are modified within said platted areas. There are attached hereto and made a part hereof maps marked Exhibit "1" and Exhibit "2." Exhibit "1" sets forth the limits of Northern's easements and the platted areas above referred to as the same appear within the area covered by such easements and further indicates three strips, identified as Strips A, B and C, which strips reflect the area to which such easements are modified as the same appear within the platted areas. Exhibit "2" is a map of such platted areas showing lots by number, roadways and other features of such areas and further shows the same strips referred to in Exhibit "1" referring to the same as Strips A, B and C and showing which numbered lots are affected by such strips. Said strips are further identified as affecting the following lots within such platted areas:

STRIP A (Northern's 16-inch pipeline)

A strip of land 100 feet in width, 50 feet on either side of Northern's 16-inch pipeline, which 100 foot strip is identical with Cornhusker Drive. No lots are affected by Strip A.

STRIP B (Northern's present 4-inch pipeline)

A strip of land 100 feet in width, 50 feet on either side of Northern's existing 4-inch pipeline which 100-foot strip affects the following lots:

411, 410, 409 and 408, which are also affected by Strip C; Lots 378, 377, 379, 380, 374, 373, 372, 355, 356, 357, 358, 348, 347, 346, 337, 338, 339, 325, 324, 323, 318, 319, 320; Lots 634, 633, 632, 660 and 665, which are also affected by Strip A; Lots 664, 663, 662 which are also affected by Strip C; Lot 45.

STRIP C (Northern's 4-inch pipeline as relocated)

A strip of land varying in width as herein described:

A strip 25 feet in width occupying the rear 25 feet of the following lots, the pipeline to be 10 feet inside the rear lot lines of such lots except Lot 411:

Lots 411, 410, 409, 408, which are also affected by Strip B; Lots 407, 406, 405, 404, 403, 402, 401, 400, 399, 398, 397, 396, 395, 394, 393, thence into Lot 392, 30 feet, more or less, from the southwest lot line thereof, at which point said strip turns in a northeasterly direction and becomes 30 feet in width, 15 feet on either side of the pipeline, which, commencing as such 30-foot strip, proceeds through Lots 22 and 23 in the following manner:

Seven feet inside Lot 23, adjacent and parallel to the line dividing Lots 22 and 23; eight feet within Lot 22, adjacent and parallel to the lot line dividing Lots 22 and 23 (the point at which said pipeline is to be located) and from such pipeline a further 15 feet inside said Lot 22;

Thence turning in a northwesterly direction, across Westridge Drive and entering Lot 600 a distance of 13 feet, more or less, thence northeasterly;

Said strip encompasses the rear 10 feet of Lots 601, 602 and 603, said 10-foot strip being adjacent and parallel to the line dividing such lots and Lot 600, and the northwesterly 20 feet of Lot 600, adjacent and parallel to such dividing lot line, (the pipeline to be located 5 feet inside Lot 600 and parallel to such line);

Thence said strip proceeds in a northwesterly direction along the rear lot line of Lots 603, 604, 605, 606, 607, 608, 609 and proceeds along the northeast lot line of Lot 612; (which latter lot is also affected by Strip A);

Thence said strip crosses Cornhusker Drive and enters Lot 666, which is also affected by Strip A, proceeds along the northeast lot line thereof, and proceeds along the rear lot lines of Lots 664 and 663 and 662, which three lots are also affected by Strip B;

Thence said strip turns and proceeds in a northerly direction across Papillion Parkway to and across Big Papio Creek to the limits of said platted area;

Said strip, from Lot 603 and following, is 20 feet within the described lots, said pipeline being 5 feet within and parallel to said lot lines and said strip is also 10 feet inside Papillion Parkway adjacent and parallel with said lot lines.

2. There further appears, on said Exhibits "1" and "2," two strips of land, both identified as Strip A-1. With respect to such strips A-1, Cornhusker Homes Co., or the present owners of the lots affected by such strips, by their signatures appended hereto and acknowledged as provided by law, for and in consideration of the release of Northern's

easement rights on such portion of such lots as fall without such ~~strips~~
~~strips~~ Strips A, B or C, above referred to, herewith covenant and agree
 for themselves, their heirs, executors, administrators, successors or
 assigns, that until such time as Northern Natural Gas Company, its successors
 or assigns shall execute and record a written release of this covenant, no
 dwelling, garage or habitable structure of any kind shall be erected in the
 areas identified as Strips A-1, the same being strips 65 feet in width on
 either side of and parallel to the North and South boundaries, respectively,
 of Cornhusker Drive. Said strips and such covenant are further identified
 as affecting the following lots within such platted areas:

The following lots north of Cornhusker Drive
 are thus affected:

536, 535, 529, 528, 527, 645, 646, 647, 648,
 649, 650, 651, 652, 653, 656, 657, 658, 659;
 Lots 660 and 665, which are also affected by
 Strip B; Lot 666, which is also affected by
 Strip C.

The following lots south of Cornhusker Drive
 are thus affected:

446, 445, 444, 443, 442, 483, 484, 485, 486,
 513, 514, 515, 516, 643, 642, 641, 640, 639,
 638, 637, 636, 635; Lots 634, 633 and 632,
 which are also affected by Strip B; Lots 631
 and 611, which are also affected by Strip C;
 612.

Failure of the present owner of any such numbered lot to execute this
 instrument shall void Northern's release of easement rights with respect
 to such numbered lot.

3. Northern shall and by these presents does hereby release
 from the easement grants above described all lands described therein
except the strips of land referred to in Paragraph 1 above and the
 area falling outside said platted areas; said easement grants as herein
 modified and amended shall remain in full force and effect as to such
 strips and the area outside said platted areas. This release shall not
 release the covenant referred to in Paragraph 2, above.

4. Cornhusker Homes Co. shall not build, create or construct
 any obstruction, building or other structure, nor permit the same to
 be built, constructed or created, anywhere on said lands, described above,
 upon which Northern has reserved its easement rights.

This instrument and the covenants and agreements herein
 contained shall extend to and be binding upon the heirs, executors,

The undersigned owners of all lots affected by Strips A-1 as identified in Paragraph 2, supra, hereby consent and agree for themselves, their heirs, executors, administrators, successors or assigns, to the foregoing covenant and agreement (Cornhusker Homes Co. owning Lots 442, 443, 444, 445, 446, 483, 484, 485, 486, 513, 514, 515, 516, 527, 528, 529, 535, 536, 611, 612, 631, 632, 634 and 645:

Name of Owner Lot Numbers

MORIN CONSTRUCTION CO. Attest:
 By: Edward C. Morin Mary C. Morin
 President Secretary
 639, 640,
 641, 642

MARSHALL-HANNIBAL CO. Attest:
 By: Russell L. Hannibal Jack W. Marshall
 President Secretary
 646, 647,
 648, 649

THORNTON CONSTRUCTION CO. Attest:
 By: L. D. Thornton W. D. Thornton
 President Secretary
 653, 660

TUDAY INVESTMENT CO.
 By: Ed W. Delehant June Delehant
 President Secretary
 666

Joseph Krupicka Agnes Krupicka
 husband and wife
 633

Howard E. Gates Birdie F. Gates
 husband and wife
 635, 636, 657

Myron Tarnoff Helen Tarnoff
 husband and wife
 637, 658, 659

Robert R. Root Luthea Ann Root
 husband and wife
 638

Virgil H. Hassel Dorothy A. Hassel
 husband and wife
 643

Name of Owner

Lot Numbers

Russell L. Hannibal Lois I. Hannibal
Russell L. Hannibal Lois I. Hannibal
husband and wife

650, 651, 652

Wesley M. Weidenbacher, Jr. Hattie J. Weidenbacher
Wesley M. Weidenbacher, Jr. Hattie J. Weidenbacher
husband and wife

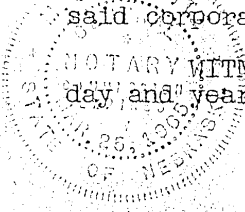
656

Henry True, Jr. Gloria A. True
Henry True, Jr. Gloria A. True
husband and wife

665

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On the 15 day of June, 1959, before me the undersigned, a Notary Public in and for said County, personally appeared EDWARD C. MORIN, Jr., President of Morin Construction Co.; RUSSELL L. HANNIBAL, President of Marshall-Hannibal Co.; L. A. THORNTON, President of Thornton Construction Co. and JOHN W. DELEHANT, President of I-Jay Investment Co., and they did severally acknowledge that they did each execute the foregoing instrument as the President of their respective corporations, and that their execution of said instrument was their voluntary act and deed as such officer and the voluntary act and deed of said corporations, and each did acknowledge that his execution of the foregoing instrument was with due authority of the Board of Directors of each said corporation.



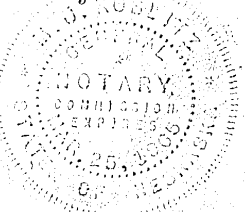
NOTARY WITNESS my hand and Notarial Seal at Omaha, Nebraska on the day and year last above written.

M. J. Rabbitt
Notary Public

My Commission Expires: April 25, 1965

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On the 15 day of June, 1959, before me the undersigned, a Notary Public in and for said County, personally appeared each and all of the individual persons who executed the foregoing instrument on Pages 6 and 7 thereof (excepting only those persons who executed said instrument on behalf of the following corporations: Morin Construction Co., Marshall-Hannibal Co., Thornton Construction Co. and I-Jay Investment Co.), each and all of the foregoing persons being personally known to me to be the identical persons who executed the foregoing instrument, and they did jointly and severally acknowledge their execution of said instrument as their voluntary act and deed.



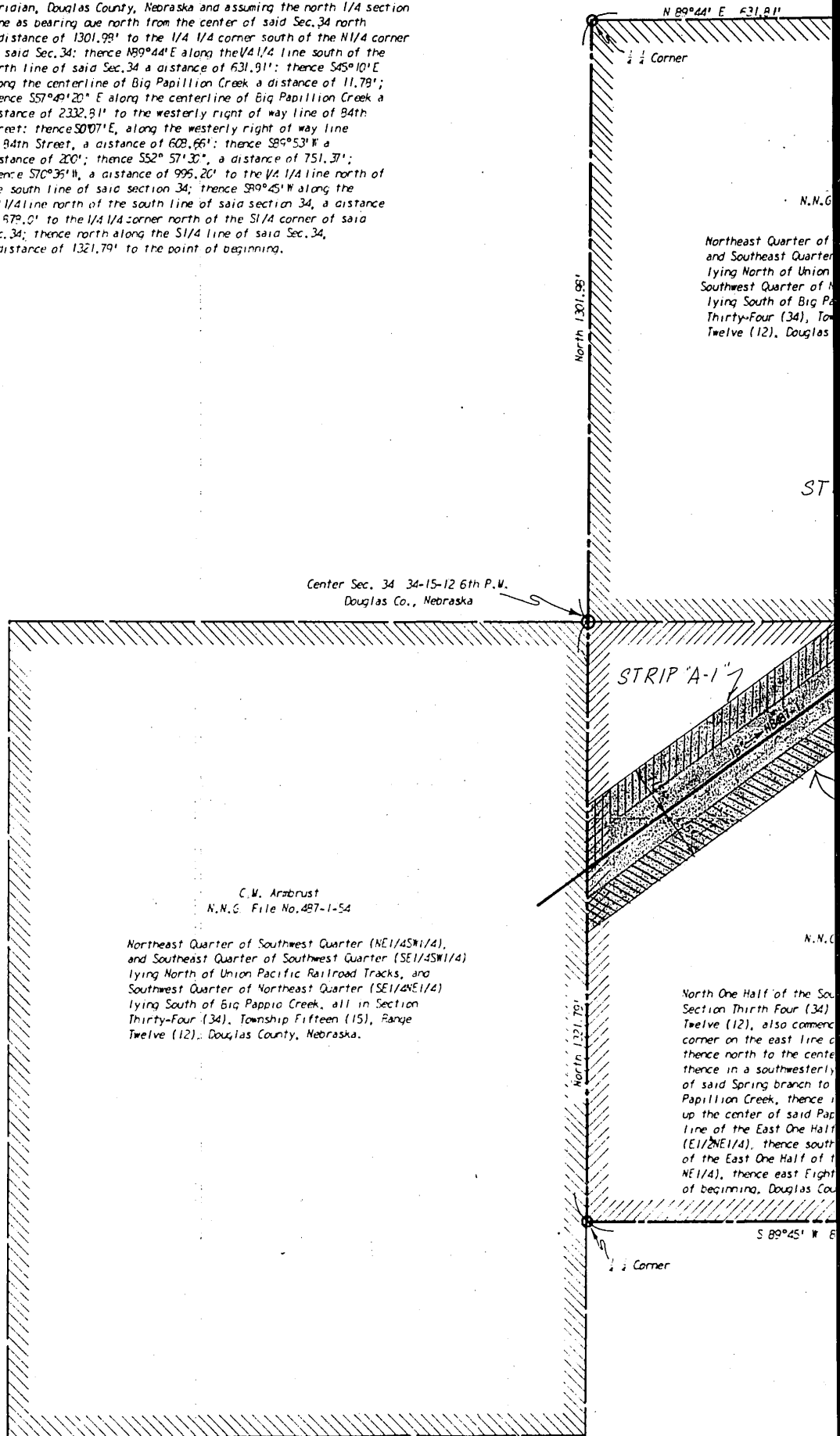
WITNESS my hand and Notarial Seal at Omaha, Nebraska on the day and year last above written.

M. J. Rabbitt
Notary Public

My Commission Expires: April 25, 1965

DESCRIPTION OF PLATTED AREA ON EASEMENTS HELD BY NORTHERN IN WESTRIDGE ADDITION

Beginning at the center of Sec. 34-T15N-R12E of the 6th Principle Meridian, Douglas County, Nebraska and assuming the north 1/4 section line as bearing due north from the center of said Sec. 34 north a distance of 1301.98' to the 1/4 1/4 corner south of the N1/4 corner of said Sec. 34; thence N89°44'E along the 1/4 1/4 line south of the north line of said Sec. 34 a distance of 631.91'; thence S45°10'E along the centerline of Big Papillion Creek a distance of 11.79'; thence S57°49'20" E along the centerline of Big Papillion Creek a distance of 2332.31' to the westerly right of way line of 84th Street; thence S00°07'E, along the westerly right of way line of 84th Street, a distance of 608.66'; thence S8°°53'W a distance of 200'; thence S52° 57' 30", a distance of 751.37'; thence S70°35'W, a distance of 995.20' to the 1/4 1/4 line north of the south line of said section 34; thence S89°45'W along the 1/4 1/4 line north of the south line of said section 34, a distance of 579.0' to the 1/4 1/4 corner north of the S1/4 corner of said Sec. 34; thence north along the S1/4 line of said Sec. 34, a distance of 1321.79' to the point of beginning.



C.M. Arabrust
N.N.G. File No. 487-1-54

Northeast Quarter of Southwest Quarter (NE1/4SW1/4), and Southeast Quarter of Southwest Quarter (SE1/4SW1/4) lying North of Union Pacific Railroad Tracks, and Southwest Quarter of Northeast Quarter (SE1/4NE1/4) lying South of Big Pappio Creek, all in Section Thirty-Four (34), Township Fifteen (15), Range Twelve (12), Douglas County, Nebraska.

N.N.G.

Northeast Quarter of and Southeast Quarter lying North of Union Pacific Railroad Tracks, and Southwest Quarter of Northeast Quarter lying South of Big Pappio Creek, all in Section Thirty-Four (34), Township Fifteen (15), Range Twelve (12), Douglas County, Nebraska.

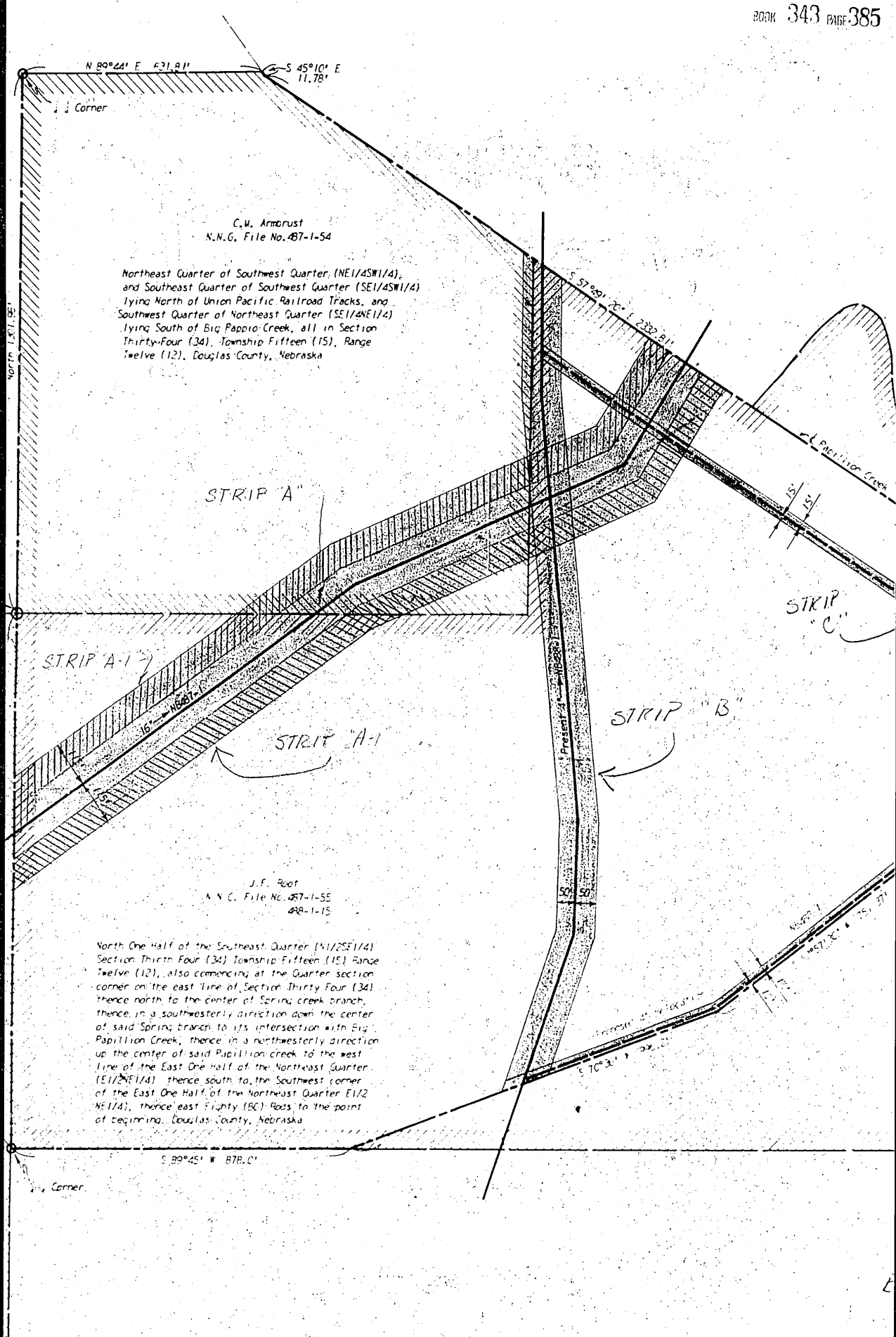
N.N.G.

North One Half of the Southeast Quarter of Section Thirty-Four (34), Township Fifteen (15), Range Twelve (12), also commencing at the east line of said Spring branch to Big Papillion Creek, thence north to the center of said Spring branch, thence up the center of said Spring branch to the center of said Papillion Creek, thence south along the East One Half (E1/2NE1/4), thence south of the East One Half of the Northeast Quarter (NE1/4), thence east Eighty feet to the point of beginning, Douglas County, Nebraska.

Center Sec. 34 34-15-12 6th P.W.
Douglas Co., Nebraska

STRIP "A-1"

S 89°45' W 8...



C. W. Armbrust
 N.N.G. File No. 487-1-54

Northeast Quarter of Southwest Quarter (NE1/4SW1/4),
 and Southeast Quarter of Southwest Quarter (SE1/4SW1/4)
 lying North of Union Pacific Railroad Tracks, and
 Southwest Quarter of Northeast Quarter (SE1/4NE1/4)
 lying South of Big Papilio Creek, all in Section
 Thirty-Four (34), Township Fifteen (15), Range
 Twelve (12), Douglas County, Nebraska

STRIP "A"

STRIP "A-1"

STRIP "A-1"

STRIP "B"

STRIP "C"

J. F. Root
 N.N.G. File No. 487-1-55
 488-1-15

North One Half of the Southeast Quarter (N1/2SE1/4)
 Section Thirti Four (34) Township Fifteen (15) Range
 Twelve (12), also commencing at the Quarter section
 corner on the east line of Section Thirty Four (34)
 thence north to the center of Spring creek branch,
 thence in a southwesterly direction down the center
 of said Spring branch to its intersection with Big
 Papillion Creek; thence in a northwesterly direction
 up the center of said Papillion creek to the west
 line of the East One half of the Northeast Quarter
 (E1/2NE1/4) thence south to the Southwest corner
 of the East One Half of the Northeast Quarter E1/2
 NE1/4, thence east Eighty (80) Paces to the point
 of beginning, Douglas County, Nebraska

S 89°45' W 878.01'

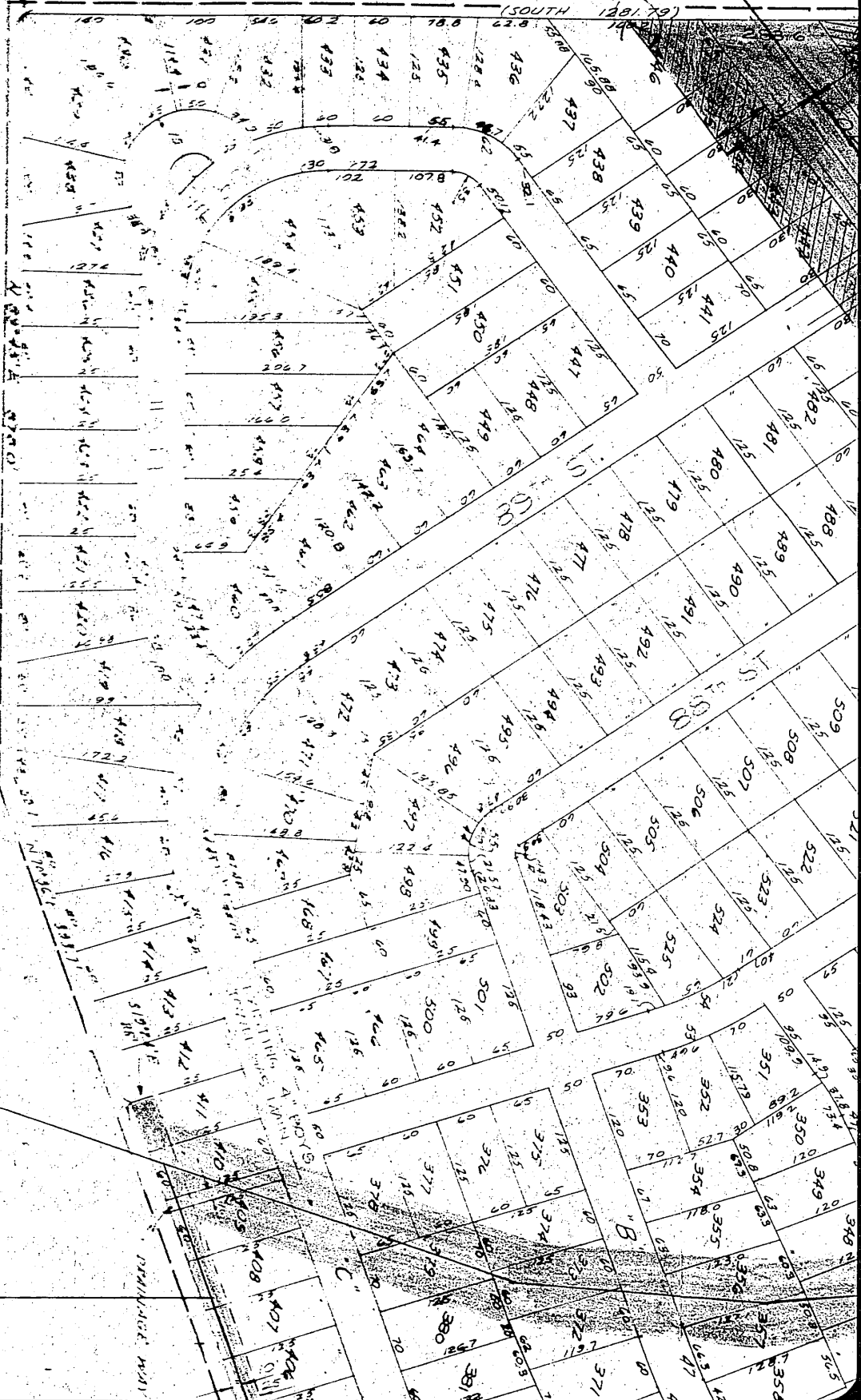
Corner

UNPLATTED

EXISTING

SETEACH LINE

(SOUTH 1281.79)



UNPLATTED

NORTH

NORTH

POINT OF BEGINNING
CENTER OF
SEC. 34-15-12

ED

EXISTING 16" HP. GAS MAIN.

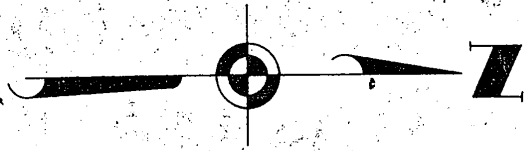
SETBACK LINE

89TH ST.



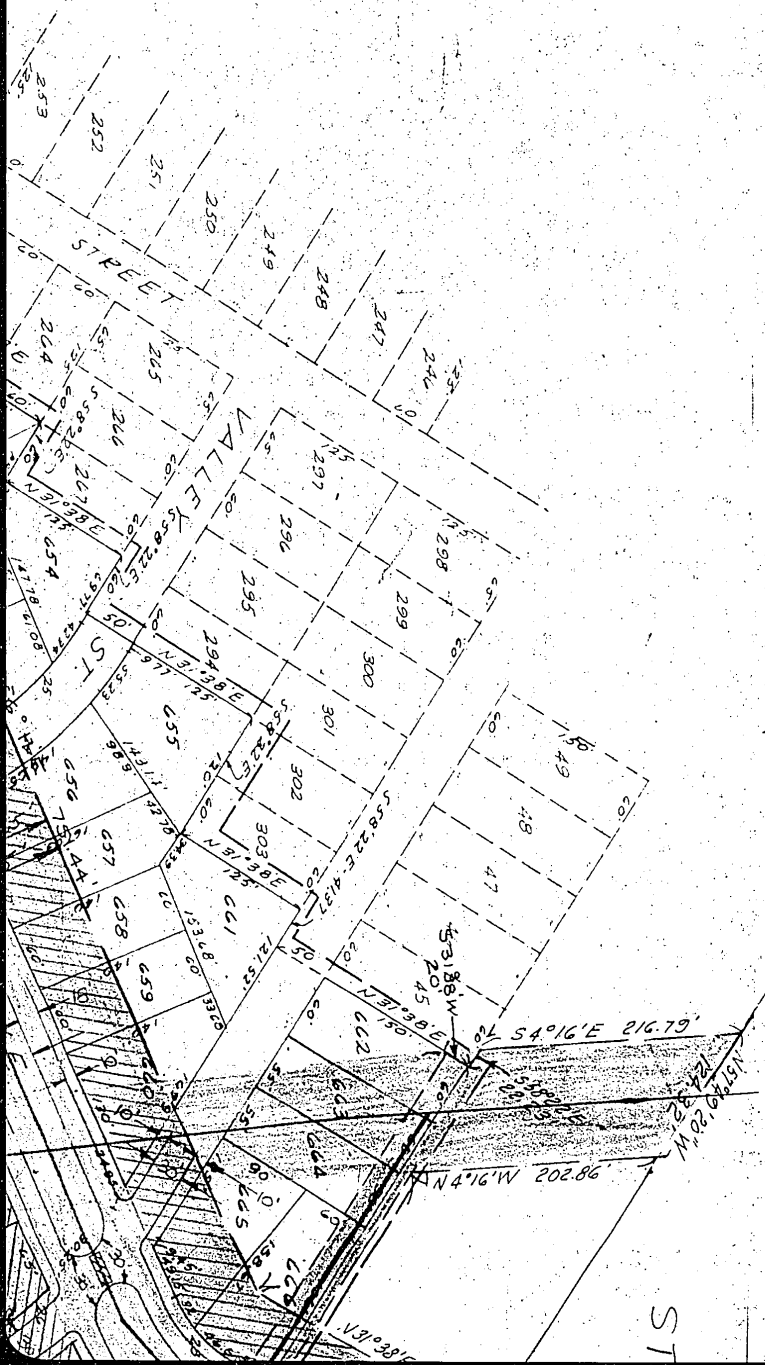
NO. 1110567 600 MAIN EYEWEY

SCALE: 1" = 100'

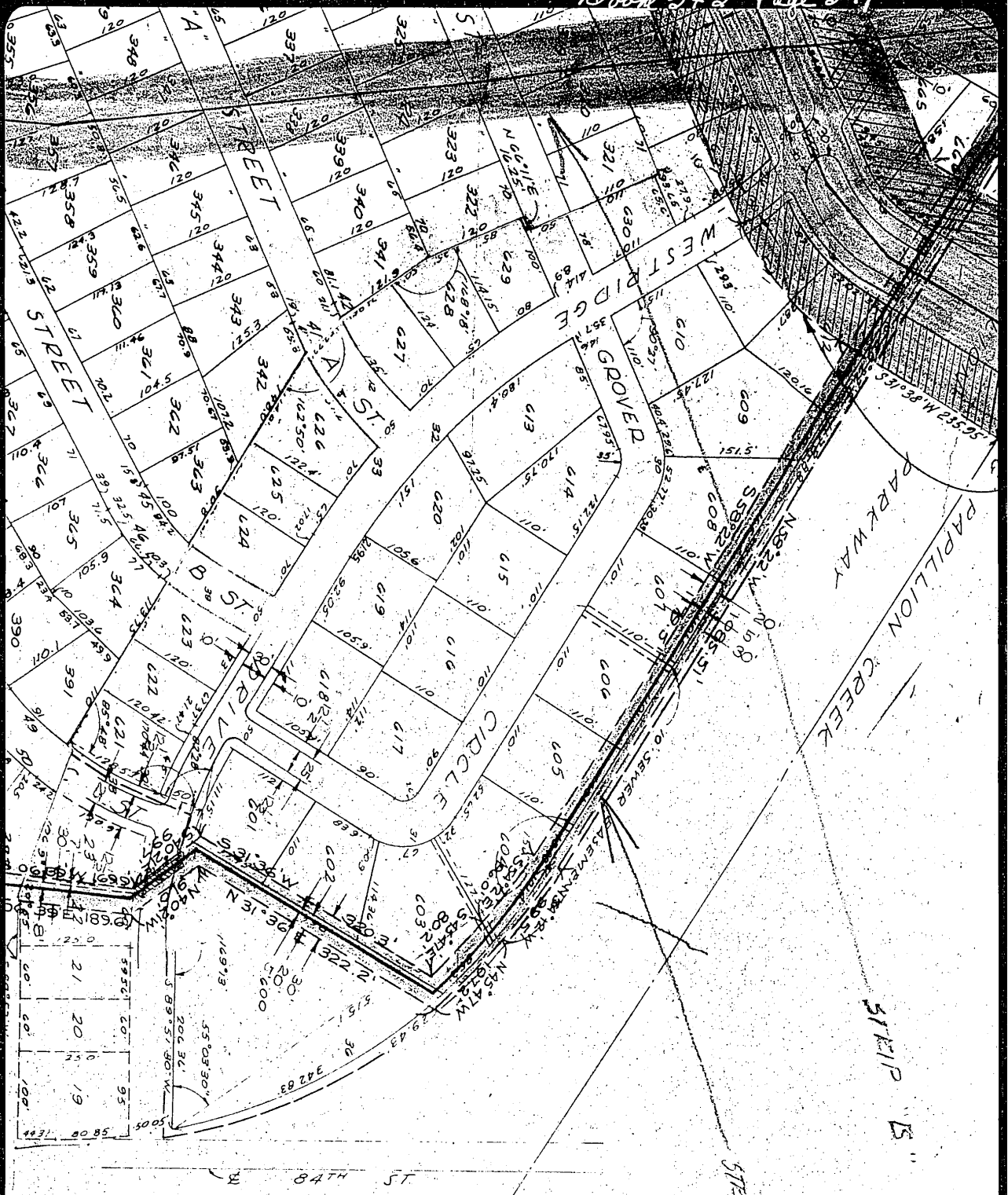



WESTPRIIDGE

LOTS 312 THROUGH 536 INCLUSIVE
A SUBDIVISION OF A PART OF SEC. 34, T.15-N.
R.12-E OF THE 6TH PM, DOUGLAS CO. NEBR.
ALSO LOTS 500 THROUGH 536 INCLUSIVE



ST



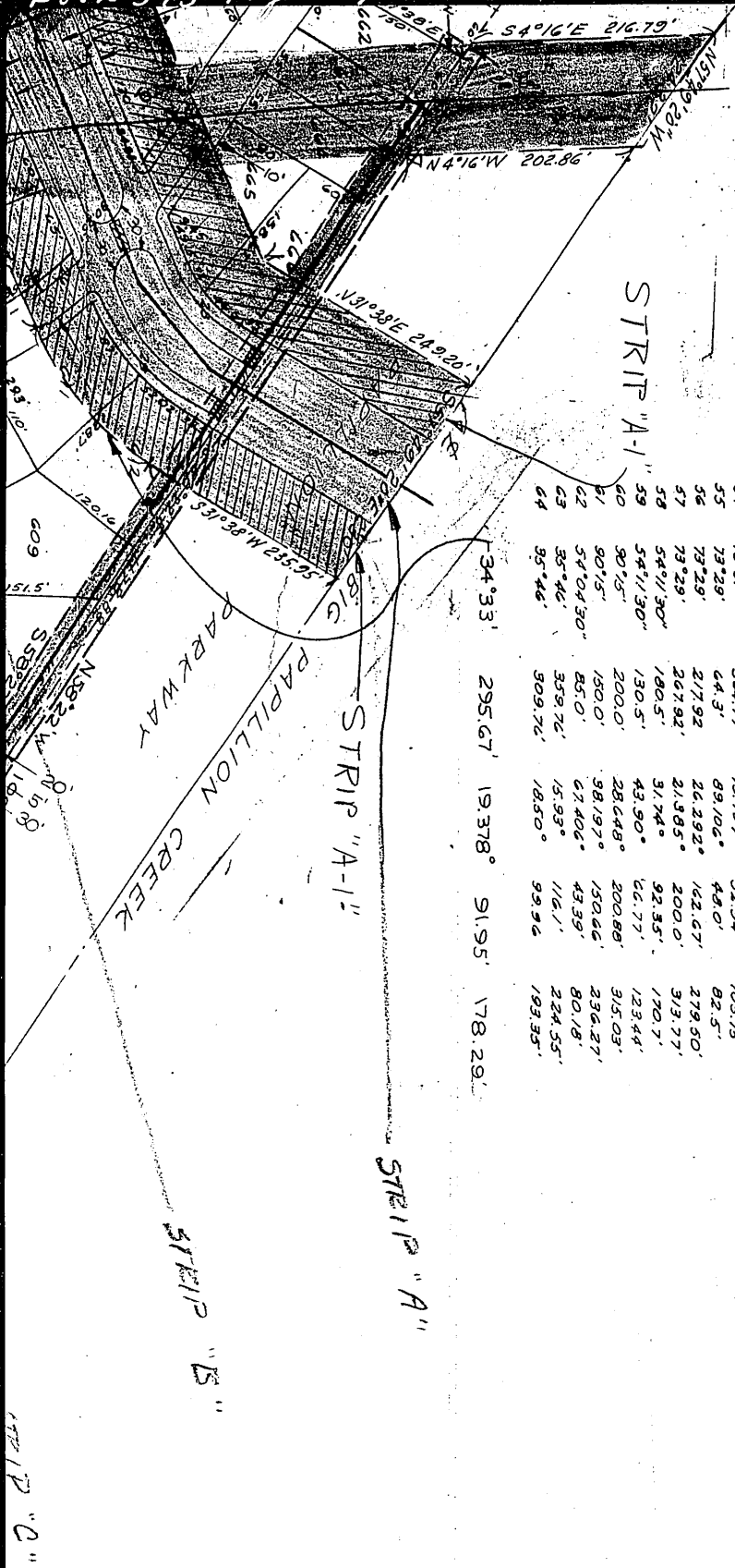
LEGEND:
 GAS PIPE ENGAGEMENT.

STEP "E"

STEP "C"

84TH ST

DLDS



STRIP "A-1"

	Δ	R	D	T	L
41	84°34'	416.17'	18.748°	90.11'	177.48'
42	24°24'	366.77'	15.622°	79.30'	156.21'
43	12°00'	501.90'	18.98°	51.73'	63.23'
44	12°00'	251.90'	22.745°	26.48'	32.36'
45	17°15'30"	279.52'	20.50°	42.41'	84.19'
46	15°15'30"	329.52'	17.39°	50.0'	99.24'
47	10°11'	638.66'	8.977°	56.90'	113.51'
48	10°11'	688.66'	8.32°	61.36'	122.4'
49	15°37'	318.63'	17.981°	43.69'	86.85'
50	15°37'	368.63'	15.543°	52.55'	100.50'
51	17°39'	498.1'	11.503°	77.26'	153.3'
52	17°39'	448.1'	12.786°	69.50'	138.04'
53	16°31'	414.77'	13.814°	60.20'	119.57'
54	16°31'	364.77'	15.707°	52.94'	105.15'
55	13°29'	217.92'	26.292°	162.67'	278.50'
56	13°29'	267.92'	21.585°	200.0'	313.77'
57	13°29'	267.92'	21.585°	200.0'	313.77'
58	54°11'30"	130.5'	43.90°	16.77'	123.44'
59	54°11'30"	180.5'	31.74°	92.35'	170.7'
60	90°15'	200.0'	28.648°	200.88'	315.03'
61	90°15'	150.0'	98.197°	150.66'	236.27'
62	54°04'30"	85.0'	67.406°	43.39'	80.18'
63	35°46'	359.72'	15.93°	116.1'	224.55'
64	95°46'	909.76'	18.50°	99.96'	193.35'

34°33' 295.67' 19.378° 91.95' 178.29'