

BOOK 314 PAGE 117

AMENDMENT OF AGREEMENT  
AND PARTIAL RELEASE OF PIPE LINE RIGHT OF WAY

WHEREAS, on August 24, 1956 a certain Partial Release, and Modification of Right of Way Agreement was entered into by and between Socony Mobil Oil Company, Inc., a New York corporation, and Western Electric Company, Incorporated, a New York corporation, which instrument was thereafter filed for record on September 17, 1956 and duly recorded in Book 313 of Misc. ~~Page 23~~ in the Register of Deeds' office, Douglas County, Nebraska, which agreement reference is hereto made for all purposes;

and

WHEREAS, on April 24, 1958, Socony Mobil Oil Company, Inc., entered into a certain agreement with the State of Nebraska wherein it was agreed that Socony Mobil Oil Company, Inc., should, among other covenants, relocate its pipe line and facilities to meet specifications on a new State Highway (formerly known as "L" Street), Project No. F-446 (5), and in this operation Socony Mobil Oil Company, Inc. changed the location of the pipe line on the property of Western Electric Company, Incorporated; and

WHEREAS, the parties to the aforesaid agreement and partial release, dated August 24, 1956, desire to amend said agreement and partial release insofar and insofar only as said agreement pertains to the legal description of the lands retained therein by Socony Mobil Oil Company, Inc., as a pipe line easement;

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged by Western Electric Company, Incorporated, the said Western Electric Company, Incorporated, does hereby grant to Socony Mobil Oil Company, Inc., such right, title and interest to vest in Socony Mobil Oil Company, Inc., a pipe line right of way easement to conform with the legal description hereinafter set out as amending the legal description set forth in the Agreement and Partial Release dated August 24, 1956 by and between the parties hereto. For and in consideration of the aforesaid grant, Socony Mobil Oil Company, Inc., does hereby release such right, title and interest as was retained by Socony Mobil Oil Company, Inc., in the aforesaid Agreement dated August 24, 1956, insofar as said agreement describes the pipe line easement retained therein.

It is understood and agreed by and between the parties hereto that the legal description contained in said Agreement dated August 24, 1956, wherein Socony Mobil Oil Company, Inc., released certain lands in Douglas County, Nebraska, excepting therefrom a portion of said lands, which description reads:

All that part of Section 9, Township 44N, Range 12E, Douglas County, Nebraska, and, all of that part of East Half of Section 31,

Township 15N, Range 12E, lying South of Union Pacific Railroad right-of-way, Douglas County, Nebraska,

EXCEPTING THEREFROM:

The following described Fifty (50) foot wide pipe line route: The point of beginning being 33' West of the SE corner of the NE 1/4 of Sec. 6-T14N-R12E. of the 6th P.M., Douglas County, Nebraska; thence North along the West line of 120th Street a distance of 241.8'; thence N 53°40' W a distance of 180.5'; thence N 35°10' W a distance of 68.2' to the North line of said Sec. 6-14-12 which point is also 217.7' West of the NE corner of Sec. 6; thence continuing, now in Sec. 31-15-12, N 35°10' W a distance of 647.9' to the South property line of the UPRR; thence S 89°32' W along the South line of said UPRR a distance of 701.8'; thence N 60°28' W leaving the UPRR property line a distance of 50' to meet again with the South property line of UPRR; thence S 89°32' W along the South line of the UPRR a distance of 1135.8' thence S 0°28' E a distance of 50'; thence N 89°32' E a distance of 1122.4'; thence S 60°28' E a distance of 50'; thence N 89°32' E a distance of 689'; thence S 35°10' E a distance of 586.8' to the North line of Sec. 6, T14-12 which point is also 278.8' West of the NE corner of Sec. 6; thence continuing S 35°10' E, now in Sec. 6, a distance of 111.3'; thence S 53°40' E a distance of 163.5'; thence South a distance of 2385.6'; thence East a distance of 50' to point of beginning."

be and is hereby amended to read:

Northeast Quarter of Section 6, Township 14N, Range 12E, Douglas County, Nebraska, and all of that part of East Half of Section 31, Township 15N, Range 12E., lying South of Union Pacific Railroad right-of-way, Douglas County, Nebraska,

EXCEPTING THEREFROM:

The following described approximate (50) foot wide pipe line route: The point of beginning being 301.5' North and 100' West of the SE corner of the NE 1/4 of Section 6, T14N, R12E., of the 6th P.M., Douglas County, Nebraska; thence North parallel to the East line of Sec. 6, a distance of 127.2'; thence Northeast a distance of 632.27' to a point 75' West of the East line of Sec. 6, thence East 42' perpendicular to the East line of Sec. 6, to a point 33' West of the said East line of Sec. 6; thence North parallel to the East line of Sec. 6, a distance of 1,359.3'; thence N 53°40' W a distance of 180.5'; thence N 35°10' W a distance of 68.2' to the North line of said Sec. 6, T14N, R12E which point is also 217.7' West of the NE corner of Sec. 6; thence continuing, now in Section 31, T15N, R12E, N 35°10' W a distance of 647.9' to the South property line of the UPRR; thence S 89°32' W along the South line of said UPRR a distance of 701.8'; thence N 60°28' W leaving the UPRR property line a distance of 50' to meet again with the South property line of UPRR; thence S 89°32' W along the South line of the UPRR a distance of 1,135.8'; thence S 0°28' E a distance of 50'; thence N 89°32' E a distance of 1,122.4'; thence S 60°28' E a distance of 50'; thence N 89°32' E a distance of 689'; thence S 35°10' E a distance of 586.8' to the North line of Sec. 6, T14N, R12E which point is also 278.8' West of the NE corner of Sec. 6; thence continuing S 35°10' E, now in Sec. 6, a distance of 111.3'; thence S 53°40' E a distance of 163.5'; thence South parallel to the East line of Sec. 6 a distance of 1,283.1'; thence S 45°0' W a distance of 59.4' to a point 125' West of the East line of Sec. 6; thence SW a distance of 632.27' to a point 150' West of the East line of Sec. 6; thence South parallel to the East line of Sec. 6 a distance of 204.93' to a point on the North right-of-way line of "L" Street; thence Northeast along a curve with radius of 350.83', said curve being the North right-of-way of "L" Street and West right-of-way of 120th Street, a distance of 92.65' to the point of beginning (said excepted tract as shown on the attached Print No. B-1261, marked Exhibit A, and by the reference made a part hereof).

It is understood and agreed that except as herein modified to wit, the said legal description, the Agreement and Partial Release dated August 24, 1956, by and between the parties hereto, the covenants, rights and obligations of the parties shall remain in full force and effect and unaltered in any respect.

THIS AGREEMENT shall be binding on the heirs, representatives, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 13 day of August, 1958.

SOCONY MOBIL OIL COMPANY, INC.

*H. K. Phipps*  
By *H. K. Phipps*  
H. K. Phipps, Attorney-in-Fact

WITNESSES:

WESTERN ELECTRIC COMPANY, INCORPORATED

*William H. Frame*  
Secretary

By *A. H. ...*  
Vice President

STATE OF KANSAS )

COUNTY OF SEDGWICK ) SS.

BE IT REMEMBERED, that on this 13 day of August, 1958, before me, a notary public within and for the County and State aforesaid, personally appeared H. K. Phipps, Attorney-in-Fact for Socony Mobil Oil Company, Inc. under and by virtue of that certain written power of attorney dated February 7, 1956, which empowers the said H. K. Phipps, inter alia, to execute instruments terminating or modifying leases and agreements such as the within and foregoing Amendment of Agreement and Partial Release of Pipe Line Right of Way for and on behalf of said corporation, the said H. K. Phipps being personally known to me and known to me to be the Attorney-in-Fact for said corporation under the power of attorney aforesaid, and the same person who executed the foregoing Amendment of Agreement and Partial Release of Pipe Line Right of Way, and he duly acknowledged the execution thereof for and on behalf of and as the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

Notary Public

My Commission Expires: May 1, 1962

STATE OF NEW YORK )

COUNTY OF NEW YORK ) SS.

On this 13 day of August, 1958, before me, a notary public duly commissioned and qualified in and for said County, personally came the above named

H. V. SCHMIDT AND Norman R. Frame of WESTERN ELECTRIC COMPANY, INCORPORATED, and are personally known to me to be the identical persons whose names are affixed to the above Amendment of Agreement and Partial Release of Pipe Line Right of Way as Secretary and Vice President AND Secretary of said corporation, and they acknowledged the instrument to be their voluntary act and deed, and the voluntary act and deed of said corporation.

IN WITNESS my hand and official seal, at New York City in said County, this 13 day of August, 1958.

Notary Public

My Commission Expires:

*Agnes A. Dillon*  
AGNES A. DILLON  
Notary Public, State of New York  
No. 20-5,044,225 Qualified in Orange Co.  
Cerk. filed in New York County  
Term Expires March 30, 1960

138 To S. North T.L.

134 To S. North T.L.



R.R. ROW

R.R. ROW

1135.8

S89°32'W

1132.1

701.8

S89°32'W

Pipe line

289.8

End Sta. 44+80

P.I. Sta. 39+89.7

P.I. Sta. 39+7.7

P.I. Sta. 32+44.3

217.7

175.0

Calculated

P.I. Sta. 25+37.2

P.I. Sta. 28+44.3

STATION EQUATION  
1410 W. 1250' E. 1250' N. 1250' W.

P.I. Sta. 15+61

P.I. Sta. 9+25.1

51.550

Road ROW

L ST. EXTENDED

Sta. 5+02.1  
Relocation

Point of Begin

NE Cor of the NW 1/4  
Sec. 6 T15N R12E

RIGHT-OF-WAY DESCRIPTION

The following described approximate (50) foot wide pipe line routes the point of beginning being 301.5' north and 100' west of the SE corner of the NE 1/4 of Section 6, T15N, R12E of the 60' P.M., Douglas County, Nebraska; thence north parallel to the east line of Section 6, a distance of 127.2'; thence northeast a distance of 632.27' to a point 75' east of the east line of Section 6, thence east 42' perpendicular to the east line of Section 6 to a point 13' west of the east line of Section 6; thence north parallel to the east line of Section 6 a distance of 1,350.3'; thence N89° 10' W a distance of 180.5'; thence N35° 10' W a distance of 48.2' to the north line of said Section 6, T15N, R12E which point is also 217.71' west of the NE corner of Section 6; thence continuing, now in Section 11, T15N, R12E, N35° 10' W a distance of 647.97' to the south property line of the UPRR; thence S89° 32' W along the south line of said UPRR a distance of 781.8'; thence N60° 28' W leaving the UPRR property line a distance of 50' to meet again with the south property line of UPRR; thence S89° 32' W along the south line of the UPRR a distance of 1,135.8'; thence S0° 28' E a distance of 50'; thence N89° 32' E a distance of 1,122.1'; thence S60° 28' E a distance of 50'; thence N89° 32' E a distance of 689'; thence S35° 10' E a distance of 586.8' to the north line of Section 6, T15N, R12E which point is also 278.8' west of the NE corner of Section 6; thence continuing S35° 10' E, now in Section 6, a distance of 111.3'; thence S35° 10' E a distance of 163.5'; thence south parallel to the east line of Section 6 a distance of 1,283.1'; thence N45° 45' W a distance of 59.4' to a point 125' west of the east line of Section 6; thence S7' a distance of 512.27' to a point 150' west of the east line of Section 6; thence south parallel to the east line of Section 6 a distance of 204.93' to a point on the north right-of-way line of "L" Street; thence northeast along a curve with radius of 350.83', said curve being the north right-of-way of "L" Street and west right-of-way of 120th Street, a distance of 92.65' to the point of beginning.

EXHIBIT A

DATE	DR.	CH.	APP.	DESCRIPTION
LIST OF REVISIONS				
<b>SOCONY MOBIL OIL COMPANY, INC.</b>				
<b>CENTRAL PIPE LINES DIVISION</b>				
PIPELINE RIGHT OF WAY ON WESTERN ELECTRIC PROPERTY, SEC. 6 T15N R12E & SEC. 31 T15N R12E DOUGLASS CO., NEBRASKA				
ENGINEERING DEPARTMENT				WICHITA, KANSAS
PROJ. NO.	DR. ADH	CH. JWP	APP. OM	DATE 7-21-38
SCALE 1" = 60'	No. B-1261			

RECORDED BY INSTRUMENT BOOK AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLASS COUNTY, NEBRASKA  
26 DAY Aug 1938 AT 2:33 P.M. THOMAS J. O'CONNOR, REGISTER OF DEEDS