

AGREEMENT

THIS AGREEMENT, entered into by and between WILLIAMS PIPE LINE COMPANY, a Delaware corporation with its principal place of business in Tulsa, Oklahoma, hereinafter referred to as "Williams", WOODBINE DEVELOPMENT CORPORATION, a Nebraska corporation, hereinafter referred to as "Woodbine", and SANITARY AND IMPROVEMENT DISTRICT NO. 313, DOUGLAS COUNTY, NEBRASKA, a body corporate and politic, hereinafter referred to as "District 313", WITNESSETH:

WHEREAS, Williams is the owner of one 8-inch and one 12-inch pipeline and a pipeline easement 100 feet in width across the Southwest Quarter of the Southeast Quarter (SW 1/4 SE1/4) of Section 10, Township 14 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described in that certain Partial Release of Right of Way recorded June 3, 1980, in the Office of the Register of Deeds of Douglas County, Nebraska, in Book 634 at Page 255, and (aka Lots 5-7, 21-26, 32-44, 106 & 107, Woodbine.)

WHEREAS, the terms of said Partial Release of Right of Way prohibit the construction of any building, improvement, structure or obstruction on or below the surface of the ground, or grade changes on the said 100 feet wide easement without the express written permission of Williams, and

WHEREAS, Woodbine is the owner of the above-described property now platted as Woodbine, a Subdivision, in Douglas County, Nebraska, and

WHEREAS, the above-described property, now platted as Woodbine, a Subdivision, is within the boundaries of SID 313, and Woodbine and SID 313 have requested permission to construct the following:

- (a) Two (2) concrete streets across Williams' existing pipelines and easement; and
- (b) Two (2) sanitary sewer crossings and two (2) storm sewer crossings of Williams' pipelines and easement;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and the promises made herein by Woodbine and SID 313 to Williams, it is agreed:

1. Williams grants SID 313 permission to construct the following items:

T-4759

- (a) A 25 foot wide concrete street with curb, within Monroe Street, according to the recorded plat of Woodbine, a Subdivision, in Douglas County, Nebraska, provided at least 24 inches of dirt cover shall be maintained between the top of Williams' shallowest pipeline and the bottom base course of the street.
- (b) A second 25 foot wide concrete street with curb, within 87th Street, according to the recorded plat of Woodbine, a Subdivision in Douglas County, Nebraska, provided at least 24 inches of dirt cover shall be maintained between the top of Williams' shallowest pipeline and the bottom base course of the street.
- (c) A 24 inch R.C.P. storm sewer with two (2) curb drain inlets across Williams' easement, said sewer to be constructed along the northerly edge of said Monroe Street. Construction of the storm sewer shall be permitted above Williams' existing pipelines, provided a minimum of 12 inches of dirt fill, after settlement, shall be maintained between the bottom of the sewer and the top of Williams' shallowest pipeline.
- (d) A 48 inch R.C.P. storm sewer with three (3) curb drain inlets across Williams' easement, said sewer to be constructed along the westerly edge of said 87th Street. Construction of the storm sewer shall be permitted above Williams' existing pipelines, provided a minimum of 12 inches of dirt fill, after settlement, shall be maintained between the bottom of the sewer and the top of Williams' shallowest pipeline.
- (e) An 8 inch sanitary sewer pipe across Williams' easement below the paved portion of said Monroe Street. The sanitary sewer shall be constructed a minimum of 12 inches below the bottom of Williams' deepest pipeline.
- (f) An 8 inch sanitary sewer pipe across Williams' easement below the paved portion of said 87th Street. The sanitary sewer shall be constructed a minimum of 12 inches below the bottom of Williams' deepest pipeline.
- (g) One manhole for the above described sanitary sewer in Monroe Street in Williams' easement, provided the manhole is constructed on the easterly 5 feet of Williams' easement.

2. SID 313 shall construct and install within Williams' easement a 30 inch reinforced concrete tube, approximately 200 feet in length, for the exclusive use of Williams in the exercise of its easement rights. SID 313 shall install said tubing a minimum of 36 inches below the planned grade. It shall be installed parallel to and within 16 feet East of Williams' easterly most pipeline. The tubing shall be installed from the Northwest corner of Lot 33, Woodbine, a Subdivision, under 87th Street, across the Northeast corner of Lot 106, Woodbine, a Subdivision, under Monroe Street, to the Southeast corner of Lot 6, Woodbine, a Subdivision.

3. SID 313 agrees to notify Williams at least 72 hours prior to commencing construction of those things listed under Item #1 and shall likewise provide 72 hours notice before commencing construction of the tubing described in Item #2. Williams shall be responsible for locating and staking its facilities upon proper notification by SID 313.

4. SID 313 agrees to be fully responsible for the repair or replacement of the street, curbs, sanitary sewers and storm sewers in the event same are damaged or destroyed by Williams in the exercise of its easement rights. Further, Woodbine and SID 313 shall assume, protect, indemnify and hold Williams Pipe Line Company harmless from and against all claims or suits of any kind whatsoever, and any and all attendant expense, including court costs and attorney's fees, arising out of the construction or existence of the things herein permitted.

5. The terms of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and to their successors and assigns.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on the day and year below our signatures indicated.

WILLIAMS PIPE LINE COMPANY,

By [Signature] Vice President

Date: 10/1/80

WOODBINE DEVELOPMENT CORPORATION,

[Signature] President

Date: 9-22-80

Attest:  
[Signature]  
Assistant Secretary

Attest:  
[Signature]



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SANITARY AND IMPROVEMENT DISTRICT  
NO. 313, DOUGLAS COUNTY, NEBRASKA,

Attest:

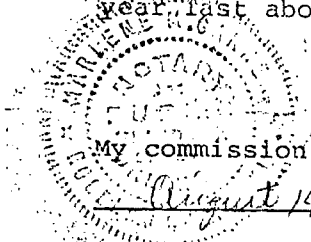
John C. Perry  
Clerk

By [Signature]  
Chairman

STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF TULSA )

On this 2nd day of October, 1980, before me appeared R. A. Wilkens, to me personally known, who being by me duly sworn did say that he is the Vice President of Williams Pipe Line Company, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said R. A. Wilkens acknowledged said instrument to be the free act and deed of said corporation.

In testimony whereof, I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.



Marlene H. Garner  
Notary Public

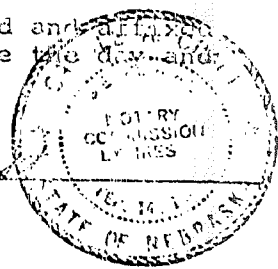
My commission expires:  
August 14, 1982

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

On this 22nd day of September, 1980, before me appeared E. M. Hallett, to me personally known, who being by me duly sworn did say that he is the President of Woodbine Development Corporation, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and said E. M. Hallett acknowledged said instrument to be the free act and deed of said corporation.

In testimony whereof, I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.

Carole A. Cress  
Notary Public



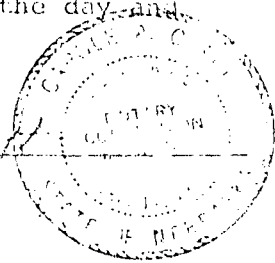
STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

On this 22nd day of September, 1980, before me, a Notary Public in and for said County and State, personally appeared

Gerald G. Hayek and John E. Derry personally known to me to be the Chairman and Clerk, respectively, of Sanitary and Improvement District No. 313, Douglas County, Nebraska, and the identical persons who executed the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said District.

In witness whereof, I have set my hand and seal the day and year last above written.

*Charles A. Crompton*  
Notary Public



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