

W.O. No.: 01099643
Line No.: WIB18101
Tract No.:

CATHODIC PROTECTION EASEMENT AMENDMENT

For and in consideration of Ten and No/100 dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned (hereinafter referred to as Grantor, whether one or more), hereby bargains, grants, conveys, and warrants to NORTHERN NATURAL GAS COMPANY, a Delaware corporation, with principal offices at 1111 South 103rd Street, Omaha, Nebraska 68124 (hereinafter referred to as Grantee), the perpetual right, privilege, and easement to construct, maintain, and operate a cathodic unit, ground bed, and above or below ground appurtenances thereto, on, over or under, across, and through a 5 and 15-foot wide Easement Area running parallel to the Right of Ways to County Highway F and County Highway FA, more particularly described in Exhibit A "Easement Exhibit" (Easement Area) on the following described property situated in the County of La Crosse and the State of Wisconsin (hereinafter referred to as the "Premises"), to-wit:

Southeast Quarter of the Southwest Quarter of the Southwest Quarter (SE¼ SW¼ SW¼) of Section 35, Township 16 North, Range 7 West

WHEREAS, a Cathodic Protection Easement was entered into on August 15, 2017 by the Grantor and the Grantee and recorded at the La Crosse County Wisconsin Register of Deeds on August 17, 2017, as Document Number 1698190,

WHEREAS, said Premises are encumbered by a *Stewardship Grant and Management Contract for Non-Profit Land Acquisition* (Grant Contract) for Project No. HA2-114, recorded by the La Crosse County, Wisconsin Register of Deeds on November 5, 2008 as Document number 1512374, and which the Grantor assumed obligations to in an *Assignment of Stewardship Grant and Management Contract* signed by Grantor on December 13, 2012, recorded in the Office of the Register of Deeds for La Crosse County, Wisconsin on December 19, 2012 as Document No. 1612374, requiring written approval prior to any conveyance to a third party,

WHEREAS, said Premises are further encumbered by a *Conservation Easement* (Conservation Easement) held by Mississippi Valley Conservancy Inc., (Conservation Easement Holder) and signed by the Grantor on December 14, 2012 and recorded in the Office of the Register of Deeds for La Crosse County, Wisconsin on December 19, 2012 as Document No. 1612381, requiring written approval prior to any installation of utility systems or extensions of existing utility systems,

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WHEREAS, the Grantor and the Grantee desire, intend, and share the common purpose to ensure compliance with the aforementioned Grant Contract and Conservation Easement and at this time would like to Amend the Cathodic Protection Easement in order to incorporate the following restrictions pertaining to the Premises and extinguish all rights conveyed in that Cathodic Protection Easement recorded on August 17, 2017, as document number 1698190.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, an easement across the Easement Area for the purpose of surveying and clearing the Easement Area of brush, trees, and obstructions, and for excavating, constructing, operating, inspecting, repairing, replacing, protecting, altering, moving, or removing the property of Grantee located thereon, in whole or in part, at the will of the Grantee.

It is further agreed as follows:

1. Grantor has obtained written approval to grant this Cathodic Protection Easement from the Wisconsin Department of Natural Resources (DNR) pursuant to Essential Provision 1b of that certain *Stewardship Grant and Management Contract for Non-Profit Land Acquisition* (Grant Contract) for Project No. HA2-114, recorded by the La Crosse County, Wisconsin Register of Deeds on November 5, 2008 as Document number 1512374, and which the Grantor assumed obligations to in *Assignment of Stewardship Grant and Management Contract* signed by Grantor on December 13, 2012, recorded in the Office of the Register of Deeds for La Crosse County, Wisconsin on December 19, 2012 as Document No. 1612374,
2. Grantor has obtained written approval to grant this Cathodic Protection Easement from Mississippi Valley Conservancy pursuant to paragraph 6 of a *Conservation Easement* signed by the Grantor on December 14, 2012 and recorded in the Office of the Register of Deeds for La Crosse County, Wisconsin on December 19, 2012 as Document No. 1612381,
3. Grantee may install one aboveground rectifier and associated structures in a location within the Easement Area and mutually agreeable to Grantor and Conservation Easement Holder. The rectifier and associated structure(s) will not exceed five (5) feet in height, five (5) feet in length and two (2) feet deep front-to-back.
4. That in the exercise of its rights hereunder, Grantee shall: (a) restore the ground surface as nearly as practicable to the original contour which existed immediately prior to the commencement of any work; (b) repair in a good and workmanlike manner all fences and drainage and irrigation systems which are cut or disturbed by Grantee; and (c) restore vegetation with seed or species mix approved by the Grantor and Conservation Easement Holder within 15 days of the completion of any ground disturbance. The Grantee shall have the right from time to time to cut or clear trees, brush, or other obstructions on said Easement Area that might interfere with the operation or maintenance of Grantee's facilities, though Grantee has no obligation to do so.
5. That Grantor shall have the right to use and enjoy the surface of the Easement Area for conservation and public recreational purposes as permitted by the Grant Contract and Conservation Easement which will not interfere with the use of the Easement Area by the Grantee for any of the purposes hereinabove granted, it being understood that no building, structure, improvement, or obstruction, shall be placed within, under, or upon the Easement Area, without the express written consent of the Grantee, and, to the extent that written permission has not been given, Grantee shall have the right to clear and keep cleared from within the Easement Area all trees, brush, undergrowth, buildings, structures, improvements, or other obstructions, including, after Grantee's property has been installed. Clearing of all trees, brush, undergrowth, buildings, structures, improvements, or other obstructions, shall leave the ground surface as nearly as practicable in its prior condition.

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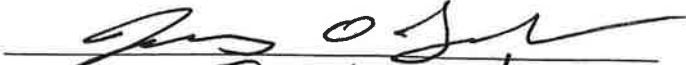
6. That this instrument may be executed in counterparts, but which together shall constitute one and the same instrument.
7. That the rights of the Grantee may be assigned in whole or in part.
8. That this instrument contains the entire agreement of the parties; that there are no other or different agreements or understandings between the Grantor and the Grantee or its agents; and that the person securing this easement on behalf of the Grantee is without authority to make any agreement concerning this easement which is not set forth herein.
9. **TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS AGREEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED, AND AGREES ANY SUCH ACTIONS MAY NOT IN ANY EVENT BE CONSOLIDATED TOGETHER.**

It is understood and agreed that this easement and all rights, privileges, and obligations created herein shall run with the land and shall inure to the benefit of and be binding upon the legal representatives, heirs, executors, administrators, successors, and assigns of the parties hereto.

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Signed and delivered this 11 day of October, 2017.


GRANTORS:


Print Name: Jay Odegaard

STATE OF WISCONSIN)
)SS
COUNTY OF La CROSSE)

The foregoing instrument was acknowledged before me this 11th day of October, 2017, by Jay Odegaard

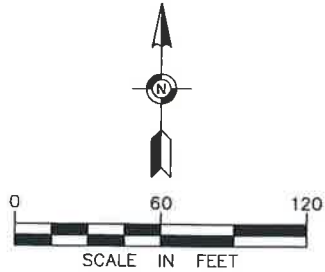
(SEAL)


Notary Public
My Commission Expires 8-15-20

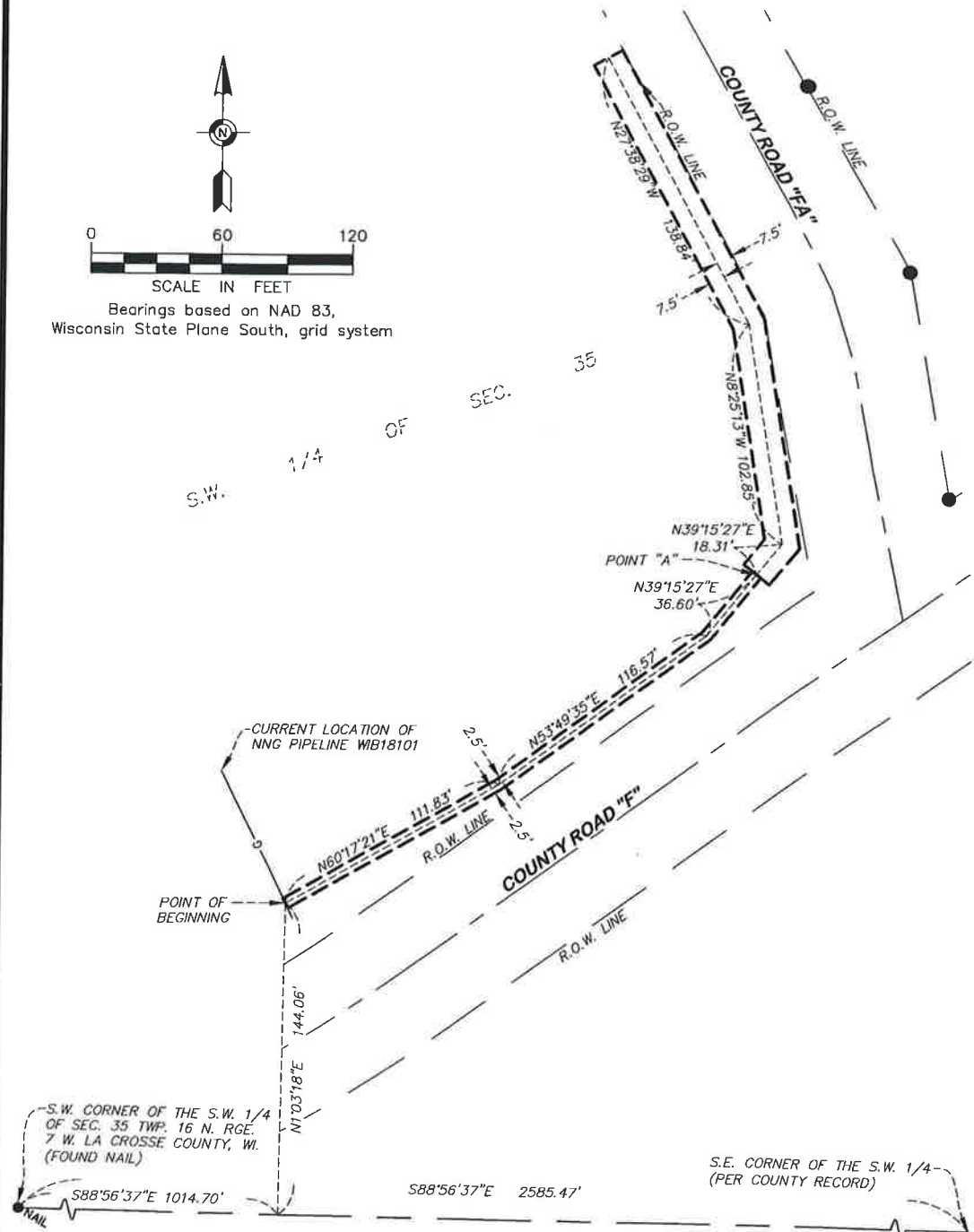
This Instrument Drafted by/Return to:
Jeff Larson
Right-of-Way Department
Northern Natural Gas Company
P. O. Box 3330
Omaha, Nebraska 68103-0330

EASEMENT EXHIBIT

-FOR-



Bearings based on NAD 83,
Wisconsin State Plane South, grid system



CERTIFICATION:

I, Eric A. Roeser, Wisconsin Registered Land Surveyor of EGAN, FIELD & NOWAK, certify that I have surveyed the property depicted hereon and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

Egan, Field & Nowak, Inc. ERIC A. ROESER
Land Surveyors

Eric A. Roeser
Eric A. Roeser ST. LOUIS PARK
Wisconsin License No. S-2899 MN
Date: August 16, 2017



SUMMARY

TOTAL EASEMENT AREA
5,225 sq. ft. / 0.1199 acres

LEGEND

- FOUND 3/4" IRON PIPE
- NAIL ● FOUND NAIL
- G- EXISTING UNDERGROUND GAS PIPELINE



Egan, Field & Nowak, Inc.
land surveyors since 1872

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EXHIBIT "A"
CATHODIC PROTECTION EASEMENT
S.W. 1/4 OF SECTION 35,
TOWNSHIP 16 N, RANGE 7 W,
LA CROSSE COUNTY, WISCONSIN



FILE NO. 01099643

SHEET 1 OF 2

G117/060