Alliance Pipeline
99 Wards Lane
Suite 121
Mankato, MN 56001
(EN)

DELAWARE COUNTY IOWA
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DEBORAH L. PEYTON
DELAWARE CO. RECORDER
26.00

Prepared by:

Kenneth Goulart, Iowa Land Manager, 3343 Southgate Ct. SW, Suite 201, Cedar Rapids, IA 52404 (319) 362-0699

Tract No. IA-DE-0391

ALLIANCE PIPELINE L.P.

AMENDMENT TO EASEMENT AND RIGHT-OF-WAY AGREEMENT

WHEREAS, by that certain Easement and Right-of-Way Agreement (the "Easement") dated August 26, 1999, by Bernadette Ryan and Bernadette A. Ryan Trustee, Michael Ryan Trustee and John Ryan Trustee of the Trust Established Under Article VI of the last Will and Testament of Joseph A. Ryan ("Grantor") has granted to Alliance Pipeline L.P., a Delaware limited partnership, having its principal place of business at 400, 605 – 5th Avenue SW, Calgary, Alberta, Canada T2P 3H5 ("Grantee"), an exclusive right-of-way and perpetual easement, for the purposes of surveying, laying, constructing, inspecting, maintaining, operating, repairing, altering, reconstructing, removing, and abandoning in place, a pipeline, together with all fittings, cathodic protection equipment, pipeline markers, and all other equipment and appurtenances thereto for the transportation of natural gas and associated liquids or substances; such Easement filed and recorded at the office of the Delaware County Recorder on September 14, 1999;

WHEREAS, said Easement provides, *inter alia*, that, unless otherwise expressly provided for therein, Grantee shall construct and install its pipeline in a manner consistent with the Agricultural Impact Mitigation Agreement ("AIMA") entered into between Grantee and the Iowa Attorney General's Office, the Iowa Department of Agriculture and Land Stewardship, and the Office of Consumer Advocate, on September 2, 1997 and September 3, 1997;

WHEREAS, the AIMA requires that Grantee install its pipeline with a minimum of five feet of topcover where it crosses Agricultural Lands, and the property crossed by the Easement comprises Agricultural Lands as defined in the AIMA;

WHEREAS, the AIMA permits Grantee and Grantor to change the mitigative requirements contained in the AIMA by mutual agreement and the parties desire to waive the requirement of the AIMA that such changes be negotiated in advance of construction; and

WHEREAS, Grantor and Grantee desire by this Amendment to amend the Easement to provide for a minimum topcover requirement other than that provided for under the AIMA, as it applies to the Agricultural Lands crossed by the Easement.

WHEREFORE, for and in consideration of the sum of $10.00 (Ten or more dollars), in hand paid, the mutual promises of the parties, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and Grantee agree as follows:

BR MJR TR QLP

1. Notwithstanding any requirement of the AIMA to the contrary, Grantee shall install its pipeline with a minimum depth of topcover of thirty-six (36) inches on Agricultural Lands (as defined in the AIMA) crossed by the Easement.

2. All other provisions of the Easement shall remain unaffected by this Amendment.

3. This Amendment may be executed in counterparts, each of which shall be considered an original for all purposes, provided, however, that all such counterparts shall together constitute one and the same instrument.

IN WITNESS WHEREOF, the Grantor has executed this Amendment as of the 15 day of August, 2000.

Bernadette Ryan
Bernadette Ryan

Bernadette A. Ryan
Bernadette A. Ryan Trustee of the Trust Established Under Article VI of the last Will and Testament of Joseph A. Ryan

Michael J Ryan
Michael Ryan Trustee of theTrust Established Under Article VI of the last Will and Testament of Joseph A. Ryan

John Ryan
John Ryan Trustee of the Trust Established Under Article VI of the last Will and Testament of Joseph A. Ryan

ACKNOWLEDGMENT

Acknowledgment for the Amendment to easement and right-of-way agreement signed by the grantors on August 15, 2000.

INDIVIDUAL:

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

This instrument was acknowledged before me on August 15, 2000 by Bernadette Ryan.

NOTARIAL SEAL IOWA DEAN E. COX, JR. MY COMMISSION EXPIRES 12-22-2000

Notary Public

REPRESENTATIVE CAPACITY:

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

This instrument was acknowledged before me on August 15, 2000 by Bernadette A. Ryan Trustee of the Trust Established Under Article VI of the last Will and Testament of Joseph A. Ryan.

NOTARIAL SEAL IOWA DEAN E. COX, JR. MY COMMISSION EXPIRES 12-22-2000

Notary Public

REPRESENTATIVE CAPACITY:

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

This instrument was acknowledged before me on August 15, 2000 by Michael Ryan Trustee of the Trust Established Under Article VI of the last Will and Testament of Joseph A. Ryan.

NOTARIAL SEAL IOWA DEAN E. COX, JR. MY COMMISSION EXPIRES 12-22-2000

Notary Public

ACKNOWLEDGMENT

Acknowledgment for the Amendment to easement and right-of-way agreement signed by the grantors on August 15, 2000.

REPRESENTATIVE CAPACITY:

STATE OF IOWA)
) ss:
DELAWARE COUNTY)

This instrument was acknowledged before me on August 15, 2000 by John Ryan Trustee of the Trust Established Under Article VI of the last Will and Testament of Joseph A. Ryan.

Notary Public



REFERENCE LINE DESCRIPTION

BEING A SIXTY (60) FOOT WIDE PERMANENT EASEMENT AND RIGHT OF WAY OVER, UNDER AND ACROSS THAT CERTAIN PARCEL OF LAND DESCRIBED AS PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 4, BEING MORE SPECIFICALLY DESCRIBED AS PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, TOWNSHIP 87 NORTH, RANGE 5 WEST, DELAWARE COUNTY, IOWA, SAID PROPERTY BEING DESCRIBED IN A DEED RECORDED IN VOLUME 2, PAGE 99 OF THE DEED RECORDS OF DELAWARE COUNTY, IOWA. SAID PERMANENT EASEMENT AND RIGHT OF WAY BEING FIFTEEN (15) FEET NORTHEASTERLY AND FORTY FIVE (45) FEET SOUTHWESTERLY OF THE FOLLOWING DESCRIBED REFERENCE LINE:

BEGINNING AT A POINT ON THE WEST LINE OF SAID PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, FROM WHICH THE SOUTHWEST CORNER OF SAID PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, BEARS SOUTH 01°39'39" EAST, A DISTANCE OF 917.19 FEET;

THENCE SOUTH 42°57'39" EAST, A DISTANCE OF 312.02 FEET TO A POINT, BEING APPROXIMATELY SIXTY FIVE (65) FEET NORTHEASTERLY OF AND PARALLEL WITH AN EXISTING 12" DOME PIPELINE THE FOLLOWING COURSES AND DISTANCES;

THENCE SOUTH 40°08'06" EAST, A DISTANCE OF 931.80 FEET TO A POINT;

THENCE SOUTH 42°53'43" EAST, A DISTANCE OF 38.00 FEET TO A POINT;

THENCE SOUTH 36°39'19" EAST, A DISTANCE OF 41.85 FEET TO THE TERMINAL POINT ON THE SOUTH LINE OF SAID PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, FROM WHICH THE SOUTHWEST CORNER OF SAID PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, BEARS SOUTH 88°56'29" WEST, A DISTANCE OF 941.74 FEET, EXTENDING OR SHORTENING AT THE SIDELINES OF SAID PERMANENT EASEMENT AND RIGHT OF WAY TO INTERSECT WITH AND TERMINATE AT SAID WEST AND SOUTH LINES OF SAID PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4. SAID REFERENCE LINE BEING A TOTAL DISTANCE OF 1323.67 FEET AND SAID PERMANENT EASEMENT CONTAINING 1.78 ACRES OF LAND.

TEMPORARY WORK SPACE DESCRIPTION

BEING TWO (2) TEMPORARY WORK SPACE EASEMENTS, THE FIRST BEING A FORTY FIVE (45) FOOT WIDE STRIP OF LAND, PARALLEL WITH AND ADJACENT TO THE NORTHEASTERLY LINE OF THE ABOVE DESCRIBED SIXTY (60) FOOT WIDE PERMANENT EASEMENT AND RIGHT OF WAY. THE SECOND BEING A TEN (10) FOOT WIDE STRIP OF LAND, PARALLEL WITH AND ADJACENT TO THE SOUTHWESTERLY LINE OF THE ABOVE DESCRIBED SIXTY (60) FOOT WIDE PERMANENT EASEMENT AND RIGHT OF WAY, BOTH EASEMENTS EXTENDING OR SHORTENING AT THEIR SIDELINES TO INTERSECT WITH AND TERMINATE AT THE EAST RIGHT OF WAY LINE OF A COUNTY ROAD, AS DEPICTED IN DETAIL "A", AND SAID SOUTH LINE OF SAID PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4. THE FIRST AND SECOND TEMPORARY WORK SPACE EASEMENTS CONTAINING 1.65 ACRES OF LAND.

ADDITIONAL TEMPORARY WORK SPACE DESCRIPTION

BEING A FIFTY (50) FOOT WIDE BY ONE HUNDRED TWENTY FIVE (125) FEET IN LENGTH (ONE HUNDRED TWENTY FIVE (125) FEET SHALL BE THE SHORTEST SIDE IN LENGTH) STRIP OF LAND, CONTIGUOUS TO SAID EAST RIGHT OF WAY LINE OF SAID COUNTY ROAD, AS DEPICTED IN DETAIL "A", CONTIGUOUS TO AND PARALLEL WITH THE NORTHEASTERLY LINE OF THE ABOVE DESCRIBED FORTY FIVE (45) FOOT WIDE TEMPORARY WORK SPACE EASEMENT, CONTAINING 0.32 ACRE OF LAND.

NOTE: BEARINGS ARE BASED ON UTM ZONE 15, AND DERIVED FROM G.P.S. METHODS.

ISSUED WITH SURVEY REV. 2 DATE: 3/24/99

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