

AMENDMENT TO RIGHTS-OF-WAY

THIS AGREEMENT, made and entered into this _____ day of _____ 2010, by and between NATURAL GAS PIPELINE COMPANY OF AMERICA LLC, a Delaware limited liability company (hereinafter referred to as ("Natural") with its principal offices at 370 Van Gordon Street, P.O. Box 281304, Lakewood, Colorado 80228-8304, and The County of Lake Illinois a body politic and corporate, 18 North County Street, Waukegan, IL 60085, acting by and through its Chair and County Board (hereinafter referred to as ("County")) .

WITNESSETH

WHEREAS, by instrument dated April 4, 1946 and recorded in Book 754, Page 346 as Document No. 589508 and by instrument dated June 20, 1946 and recorded in Book 767, Page 170 in the Records of Lake County, Illinois, Raymond Hertel and Rita Hertel , his wife did by virtue of the foregoing instruments grant, convey and warrant to Natural Gas Pipeline Company of America, a Delaware corporation (hereinafter referred to as ("NGPLOA")), its successors and assigns, a Right-of-way to construct, test, reconstruct, renew, operate, maintain, inspect, alter, repair, and remove a pipeline, or pipelines, for the transportation of gas (or any of its products), and such drips, valves, fittings, meters and other equipment and appurtenances as may be necessary or convenient for such operations over, and through the following real estate in Lake County, State of Illinois, to wit:

The West one-half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$); and the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) , Section 9, Township Forty-four (44) North, Range Ten (10) East.

WHEREAS, by instrument dated August 27, 1957 and recorded in as Document No. 963604 in the Records of Lake County, Illinois, the above referenced instruments were amended by NGPLOA to release, quitclaim and abandon all right, title and interest vested in it under said instruments, except as it pertains to the following portion of the above described real estate to wit:

The North Three Hundred (300) feet of the West One-half ($W\frac{1}{2}$) of the Southeast ($SE\frac{1}{4}$) and the North Three Hundred (300) feet of the Northeast ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$), Section Nine (9), Township Forty-four (44) North, Range Ten (10) East of the Third Principal Meridian, in Lake County, Illinois.

WHEREAS, by instrument dated September 12, 1968, John F. Philbin, Executive Director executed a Right-of-Way Agreement recorded October 7, 1968 as Document No. 1396172 in the Records of Lake County, Illinois, granting NGPLOA the right, privilege and easement to construct, operate, maintain, inspect, test, repair, alter, replace, move, remove, change the size of and abandon in place an initial pipeline and any additional pipelines for the transportation of gas, oil or other substances transportable by pipeline within the following described real estate in Lake County, State of Illinois to wit:

The Northeast Quarter of the Southeast Quarter of Section 9, Township 44 North, Range 10 East of the Third Principal Meridian, in Lake County, Illinois.

Also – The West Half of the Southeast Quarter of Section 9, Township and Range aforesaid (except that part thereof described as follows, to wit: Commencing at the center of said Section 9; thence East 989.85 feet, more or less, to the Southeast corner of the West 30 acres of the Southwest Quarter of the Northeast Quarter of said Section 9; thence South 1.13 feet; thence West 348.15 feet to a point which is 1.36 feet South of the North line of said Southeast Quarter; thence Westerly 682.1 feet, more or less. Along a curve to the left, tangent to the last described course and having a radius of 1146.3 feet to a point on the West line of said Southeast Quarter which is 198.9 feet South of the place of beginning; thence North to the place of beginning, in Lake County Illinois.

The Right-of-Way across the above described property shall be 50 feet in width being 25 feet on either side of the following described line: Commencing at a point on the West property line, said point being 183 feet South of the Northwest corner of the West Half of the Southeast Quarter of Section 9, Township 44 North, Range 10 East; thence in a Southeasterly direction at an entrance angle of $45^{\circ} 42'$ a distance of 77 feet to a point; thence $10^{\circ} 14'$ left a distance of 30 feet to a point; thence $10^{\circ} 14'$ left a distance of 30 feet to a point; thence $10^{\circ} 14'$ left a distance of 30 feet to a point; thence $10^{\circ} 15'$ left a distance of 30 feet to a point; thence $10^{\circ} 15'$ left a distance of 977 feet to a point; thence $8^{\circ} 52'$ right a distance of 1507 feet more or less to a point on the East line of the Southeast Quarter of said Section 9.

WHEREAS, Natural is the successor in interest to all of the right title and interest of NGPLOA.

WHEREAS, three pipelines have been constructed on the above parcels of land pursuant to the authority granted by the aforesaid instruments, and

WHEREAS, County as owner of a portion of the above described parcels of land has requested that the right-of-way for the pipelines constructed and maintained be further defined, which Natural is willing to do.

NOW THEREFORE, it is agreed that the descriptions for the right-of-way easements for the pipelines located on that portion of the above described land owned by County shall read as follows:

Easement "A"

That part of the South 50.00 feet of the North 90.00 feet of that portion of the Southeast Quarter of Section 9, Township 44 North, Range 10 East of the Third Principal Meridian lying North of the Southeasterly right-of-way line of the proposed Peterson Road as shown on Document No. 5241566, recorded May 21, 2003, said easement is bounded on the West by the centerline of existing Peterson Road as shown on Document No. 802135, recorded September 11, 1953, and bounded on the East by the East line of the said Southeast Quarter of Section 9, Lake County, Illinois, as further depicted and described on the attached Easement Exhibit "A" made a part hereof.

Easement "B"

That part of the Southeast Quarter of Section 9, Township 44 North, Range 10 East of the Third Principal Meridian, Lake County, Illinois, described as follows:

A strip of land 70.00 feet wide, lying 35.00 feet on each side of the centerline of a portion of an easement granted to Natural Gas Pipeline Company of America as described in Document No. 1396172, recorded October 7, 1968, more particularly described as follows:

Beginning at a point on the West line of said Southeast Quarter, said point being 183.00 feet South of the Northwest corner of said Southeast Quarter; thence in a Southeasterly direction at an entrance angle of 45° 42', a distance of 77.00 feet to a point; thence 10° 14' left a distance of 30.00 feet to a point; thence 10° 14' left a distance of 30.00 feet to a point; thence 10° 15' left a distance of 30.00 feet to a point; thence 10° 15' left a distance of 30.00 feet to a point; thence 10° 15' left a distance of 977.00 feet to a point; thence 8° 52' right a distance of 795.11 feet to the point of ending of the line to be described, said point being on the Southeasterly right of way line of the proposed Peterson Road as shown on Document No. 5241566, recorded May 21, 2003. The boundary lines of the above described 70.00 foot wide strip of land to be shortened or lengthened as dictated by the described centerline's intersection on the West with the centerline of Peterson Road as shown on Document No. 802135, recorded September 11, 1953, and on the East by the Southeasterly right of way line of the proposed Peterson Road as shown on Document No. 5241566, recorded May 21, 2003, in Lake County, Illinois, as further depicted and described on the attached Easement Exhibit "A" made a part hereof.

FURTHER, for and in consideration of the mutual covenants and agreements hereinafter set forth to be kept and performed by the parties hereto, it is agreed as follows:

1. County, its successors and assigns hereby covenants and agree that no buildings, structures, trees, or obstructions of any kind shall be placed, built or constructed over, under or upon the above described pipeline rights of way, and that the grade will not be substantially changed over the pipelines; provided, however, roadways, ditches, drains, aqueducts, pipelines, telephone lines, power lines and water and sewer lines may be constructed across (as distinguished from running lengthwise upon) and over the easements, upon first notifying Natural, in writing, of the route of the crossing and the type and manner of constructing such crossing. The plans for any such crossing will have to be approved in writing by Natural, which approval will not be unreasonably withheld.
2. Except as herein modified and amended, the above-mentioned instruments granting a right-of-way to Natural is hereby ratified, affirmed, adopted and warranted by County in every respect as written, and the same is hereby declared to be in full force and effect.
3. The instruments and all of their terms and provisions shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

NATURAL GAS PIPELINE COMPANY OF AMERICA LLC

George V. Podolski
Attorney-In-Fact

State of Illinois §
 § SS
County of Will §

This instrument was acknowledged before me on _____, 2010 by
_____ as _____
of Natural Gas Pipeline Company of America LLC for and on behalf of the company.
(SEAL)

Notary Public

RECOMMENDED FOR EXECUTION

Lake County
Lake County Engineer/Director of Transportation

COUNTY OF LAKE

By: _____
Chair
Lake County Board

ATTEST:

Clerk
Lake County

This instrument prepared by Kelly Higgason, Attorney, 500 Dallas St., Suite 1000, Houston TX 77002
Return to: Natural Gas Pipeline Company of America LLC P. O. Box 2427 Joliet, Illinois 60436-2427

