

## Utility Right-of-Way Easement

659051 RIGHT OF WAY EASEMENT  
BOOK 512 PAGE 0035  
RECORDED 12/31/2009 AT 10:55 AM  
AUDREY KOLTISKA, SHERIDAN COUNTY CLERK

W/O No.: 81106  
Township: 55N  
Range: 84W  
Sec. No.: NW1/4 2

**KNOW ALL MEN BY THESE PRESENTS**, the Undersigned Teal Ponds, LLC, (GRANTOR), whose address is 2340 Wetlands Drive, Sheridan, WY 82801, for good and valuable consideration, the receipt thereof is hereby acknowledged, do hereby grant unto ADVANCED COMMUNICATION TECHNOLOGY, INC., (GRANTEE) whose address is 290 N Brooks St., Sheridan, Wyoming 82801, (GRANTEE) and to its successors or assigns, the right to enter upon the lands of the undersigned, described as follows, situated in the County of Sheridan, State of Wyoming, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of this state:

An non-exclusive easement ten (10) feet in width more particularly described on Exhibit "A" and Shown on Exhibit "B" which are attached hereto and by reference made a part hereof. Grantor hereby agrees to allow the substitution of the final survey as described on Exhibit "A" and shown on Exhibit "B" to be filed should the need to arise as determined by Grantee to file an as built set of Exhibits.

The right-of-way and easement is granted for the purpose of constructing, reconstructing, maintaining, operating repairing, inspecting, surveying, altering, abandoning, replacing, and/or removing above and below ground, telecommunications facilities and equipment. The facilities at all times, until surrendered, remain the property of the Grantee, its successors or assigns, notwithstanding that they may be affixed to the land and may at any time or from time to time be removed in whole or in part by Grantee.

Grantee, its successors and assigns, shall have the right and benefits necessary or convenient for the full use of the rights herein granted; including, the right of ingress and egress to the Grantee's facility using the solely and only access from the designated or platted right-of-way adjacent to the Grantee's facility.

Grantor has the right to fully use and enjoy the surface of the right-of-way except to such use, which might interfere with the full use of the right-of-way by Grantees, their successors and assigns. Grantor shall not place any obstructions across, under, or upon the surface of the right-of-way that interferes with the construction or the normal operation and maintenance of the facilities. Either party may assign its rights to the agreement or delegate its duties as specified herein in whole or part.

It is further understood that upon the dedication of the extension of First Avenue West thru Teal Ponds LLC property, a portion of or all of the easement being granted herein, may be located within the rights-of-way of First Avenue West and shall be allowed and governed under the franchise agreement granted to the Grantor by the City of Sheridan.

The Right-Of-Way Easement shall be governed by Wyoming law and constitute the entire agreement between the parties relating to the subject matter hereto. If any provision of this Right-Of-Way Easement shall be held invalid or unenforceable, the remainder of the Easement and the application of such provisions, other than that which has been held invalid or unenforceable, shall not be affected thereby, but shall continue to be valid and enforceable to the fullest extent permitted by law.

The undersigned covenant that they are the owners of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

IN WITNESS WHEREOF, the undersigned has set his hand and seal this 28 day of MAY, 2009, signed sealed and delivered in the presence of:

P.A.B. Widener, Jr. MBM  
For: Teal Ponds LLC, MBM

P.A.B. Widener, Jr.  
(Printed Name)

STATE OF WYOMING)  
)ss.  
)COUNTY OF SHERIDAN

The foregoing instrument was acknowledged before me by: PAK Duker, Jr.  
this 28 Day of: MAY 2009.  
Witness my hand and official seal.

(Signed)

Joel T. Peckham  
Notary Public

(Seal)



JOEL T. PECKHAM  
(Print or Type name)

My Commission Expires: 6-11-13

## EXHIBIT "A"

**Record Owner: Teal Ponds, LLC.**

**May 6, 2009**

### **RE: 10.0' Utility Right-of-Way Easement**

A utility right-of-way easement being a strip of land ten (10) feet wide when measured at right angles, situated in the proposed right-of-way of First Avenue West, City of Sheridan, Wyoming, as shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof; the northerly line of said strip being more particularly described as follows:

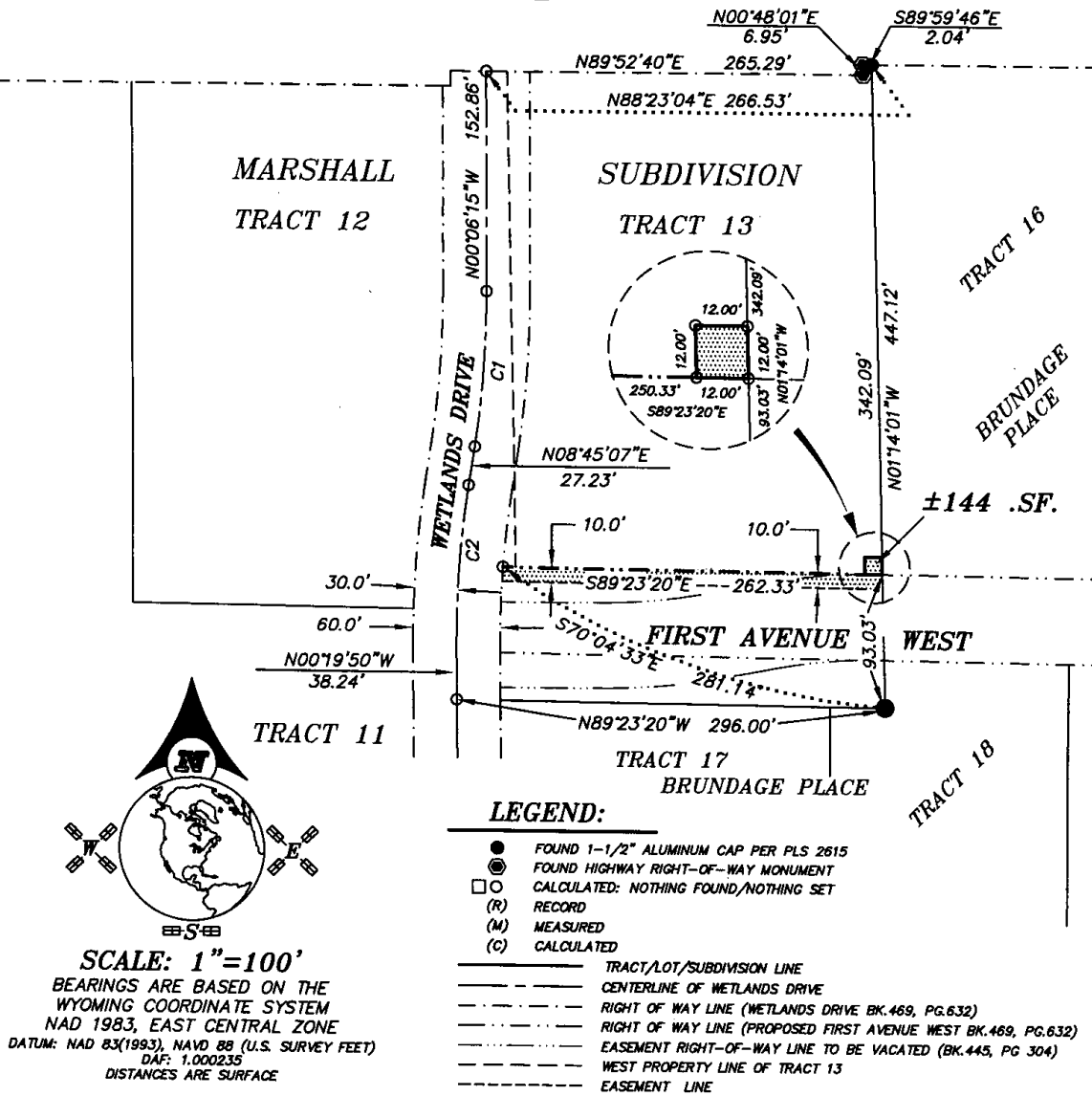
Commencing at the southeast corner of said Tract 13 (Monumented with a 1½" Aluminum Cap per PLS 2615); thence N01°14'01"W, 93.03 feet along the east line of said Tract No. 13 to the **POINT OF BEGINNING** of said easement, said point lying on the north right-of-way of First Avenue West; thence N89°23'20"W, 262.33 feet along said north right-of-way line of proposed First Avenue West to the **POINT OF TERMINUS** of said easement, said point lying on the easterly right-of-way line of Wetlands Drive, and being N70°03'20"W, 281.18 feet from the southeast corner of said Tract No. 13 (Monumented with a 1½" Aluminum Cap per PLS 2615). Lengthening or shortening the side line of said easement to intersect said boundary lines.

Said easement contains 2,628 square feet of land, more or less, and is subject to any right-of-way and or easements, reservations and encumbrances which have been legally acquired.

Basis of Bearings is the Wyoming Coordinate System NAD 1983, East Central Zone.

## EXHIBIT "B"

(AKA WYOMING STATE HIGHWAY 334)  
BRUNDAGE LANE



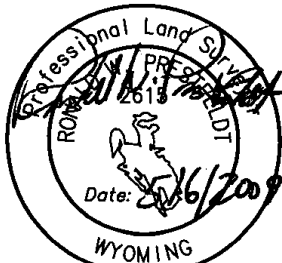
## CURVE TABLE

	DELTA	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	08°51'22"	700.00'	108.20'	N04°19'26"E	108.09'
C2	09°04'57"	700.00'	110.96'	N04°12'38"E	110.85'

## SURVEYOR'S CERTIFICATE

STATE OF WYOMING : ss  
COUNTY OF SHERIDAN

I, RONALD W. PRESTFELDT, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY STATE THAT THIS PLAT REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.



"PLAT IS VALID ONLY IF PRINT HAS ORIGINAL SIGNATURE OF SURVEYOR SIGNED AND DATED"

## EXHIBIT "B"

CLIENT: ADVANCED COMMUNICATION TECHNOLOGY  
290 N. BROOKS  
SHERIDAN, WY 82801

LOCATION: TRACT 13 OF THE MARSHALL  
SUBDIVISION, CITY OF SHERIDAN,  
SHERIDAN COUNTY, WYOMING

**PRESTFELDT**  
SURVEYING

PO BOX 3082  
SHERIDAN, WY 82801  
307-672-7415  
FAX 674-5000

JN: 29015  
DN: 99/99023SUB  
TAB: ACT  
PF: 199023  
MAY 6, 2009