## Easement

Teal Ponds, LLC ("Grantor") grants to the City of Sheridan ("Grantee") whose address is P.O. Box 848, Sheridan, WY 82801 an easement over the following described land situated in Sheridan County, Wyoming which are hereafter referred to as the "easement area":

See attached Exhibits A and B.

This easement is granted by Grantor and accepted by Grantee subject to the following terms and conditions and is shown on College to Brundage Pathway, City of Sheridan 2013 Pathways Project Design Plans attached as Exhibit C:

- Grantee may use the easement area only for a public pathway, and Grantee may construct, repair and maintain a public pathway on the easement area.
- 2. Grantee will keep the pathway in good order and repair and will remove snow and ice from the pathway. Before the trail is opened for public use Grantee will fence the pathway. From STA 10 + 53 to STA 37 +92, the fence will be a chain link fence which is six (6) feet in height and will be located as shown on Exhibit C. Another portion of the fence will be a post and rail fence in the same style as currently exists of the property and will be constructed and located as shown on Exhibit C. Grantee will also install three gates ten (10) feet in width in the chain link fence at locations to be specified by Grantor before construction begins. The fence will separate the pathway from Grantor's adjoining land. Grantee will maintain the fence and gates and will maintain no trespassing signs on the pathway advising users of the pathway not to trespass on Grantor's adjoining lands.
- 3. Grantee shall promptly restore and reclaim to its original condition all areas within the easement area disturbed by construction or maintenance of the pathway which are not occupied by the constructed pathway. To the maximum extent permitted by law, Grantee will indemnify, defend and hold Grantor, its members, employees and agents harmless from any claims arising out of the use of the pathway by the Grantee or public.
- 4. This pathway easement may be relocated by the Grantor or its successors, at their cost, at the time or times land adjoining the pathway is platted; provided, however, the Grantee may not require the Grantor to relocate the easement or remove the original pathway.
- 5. Neither Grantee nor Grantee's agents or contractors shall enter upon, use, or cast any substance upon any portion of the Grantor's land which is not in the easement area.
- 6. This easement is granted and accepted "AS IS, WHERE IS," without any warranties from Grantor.
- 7. This easement is binding upon the successors and assigns of the parties.
- 8. At the same time the pathway is constructed, Grantor will demolish and remove from the site the garage located between STA 2 + 45 to STA 2 + 72. Once the garage is removed, Grantee will construct and place according to the attached design plans a parking area which is 27 feet by 32.5 feet between STA 2 + 45 to STA 2 + 72.
- 9. As part of the construction of the pathway, Grantee will install a 5 foot wide commercial concrete sidewalk along Wetlands Drive from STA 1 + 00 to STA 6 + 50. The remainder of the public pathway as initially constructed shall be 6 inches of recycled asphalt on a 6 inch compacted subgrade. When Grantor subdivides Grantor's land adjacent to the public pathway, Grantee will replace the recycled asphalt pathway with a concrete pathway. At the time Grantee replaces the recycled asphalt pathway with a concrete pathway, Grantee will

move the pathway at its expense from STA 20 + 06 to STA 25 + 45 so that the centerline of the pathway will be as shown on College to Brundage Pathway, City of Sheridan 2013 Pathways Project Design Plans attached as Exhibit C and shall be a straight line between STA 20 + 06 and STA 25 + 45.

- Grantor and its successors reserve the right to cross over and under the 10. pathway to their property with roads, alleys, driveways and utilities.
- Grantor has on its adjoining property concrete pipe which Grantee will install 11.

	as a part of the construction of the pathway at STA 9 + 18 to provide a concrete drainage system 75 feet in length.
12.	Grantee shall be responsible for any wetlands mitigation in the areas Grantee disturbs, if any, required as a result of the construction of the pathway. When Grantor develops the property, Grantor can move the pathway or bridge and will be responsible for any wetlands mitigation of wetlands disturbed as a result of the move.
13.	At such time as Grantor subdivides the adjacent property, the Grantor will not be required to construct a sidewalk from STA $6 + 92$ to STA $32 + 10$ , and the concrete pathway in this area, which Grantee will construct at that time as provided in Section 9, shall be the sidewalk.
	Dated this <u>の</u> と day of <u>ていく</u> , 2013.
	Teal Ponds, LLC  By: PARE Did Title: MANAGONG MENDELLE  By: MEMBER
	City of Sheridan  By: Ane Smakly  Mayor
STATE OF V COUNTY OF	VYOMING ) ) ss. F SHERIDAN )
July	foregoing instrument was acknowledged before me this day of, 2013, by P.A.B. Widener, Jr. and Ron Prestfeldt, managers of Teal Ponds, is my hand and official seal.
	Notary Public
-	COMMING STATE OF
STATE OF V	SHERIDAN WYOMING () ) SS. SHERIDAN WYOMING () ) SS. SHERIDAN WYOMING ()
	F SHERIDAN )
July	foregoing instrument was acknowledged before me this <u>3rd</u> day of, 2013, by David Kinskey, mayor of the City of Sheridan. Witness my hand
\$ C	State of Steridan Wyoming Wyoming Notary Public Notary Public
My commiss	ion expires:

## LEGAL DESCRIPTION EXHIBIT "A"

Record Owner: Teal Ponds, LLC April 30, 2013

Re: 10.5' Pathway Easement to the City of Sheridan, and or any of their respective successors and assigns.

A pathway easement ten and one half (10.5) feet wide, being five and one quarter (5.25) feet each side of the following described centerline situated in Tract 11 and Tract 12, Marshall Subdivision, to the City of Sheridan, Sheridan County, Wyoming, as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof; said centerline being more particularly described as follows:

Commencing at the southwest corner of Tract 13, Marshall Subdivision (Monumented with a 1½" Aluminum Cap per PLS 2615); thence N06°09'13"W, 439.32 feet to the POINT OF BEGINNING of said easement, said point lying on the south right-of-way line of East Brundage Lane (AKA State Highway No. 334); thence S00°14'33"E, 10.21 feet along said centerline to a point; thence S00°04'00"E, 142.45 feet along said centerline to a point; thence, along said centerline through a curve to the right having a central angle of 08°51'22", a radius of 675.25 feet, an arc length of 104.37 feet, a chord bearing of S04°21'41"W, and a chord length of 104.27 feet to a point; thence S08°47'22"W, 27.26 feet along said centerline to a point; thence, along said centerline through a curve to the left having a central angle of 09°40'05", a radius of 724.75 feet, an arc length of 122.29 feet, a chord bearing of S03°57'20"W, and a chord length of 122.15 feet to a point; thence S00°52'42"E, 133.47 feet along said centerline to a point; thence N89°07'18"E, 24.75 feet along said centerline to the POINT OF TERMINUS of said easement, said point lying on the east line of said Tract 11, and being S21°45'56"W, 109.52 feet from said southwest corner of Tract 13. Lengthening or shortening the side lines of said easement to intersect said boundary lines.

Said pathway easement contains 5,877 square feet of land, more or less. Bearings are Based on the Wyoming Coordinate System, NAD 1983, East Central Zone.

A pathway easement ten and one half (10.5) feet wide, being five and one quarter (5.25) feet each side of the following described centerline situated in Tract 11, Marshall Subdivision, to the City of Sheridan, Sheridan County, Wyoming, as shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof; said centerline being more particularly described as follows:

Commencing at the southwest corner of Tract 13, Marshall Subdivision (Monumented with a 1½" Aluminum Cap per PLS 2615); thence S08°12'37"W, 266.93 feet to the POINT OF BEGINNING of said easement, said point lying on the east line of said Tract 11; thence, along said centerline through a non-tangent curve to the right, having a central angle of 00°36'23", a radius of 224.75 feet, an arc length of 2.38 feet, a chord bearing of S26°34'01"W, and a chord length of 2.38 feet to a point; thence, along said centerline through a reverse curve to the left, having a central angle of 27°44'55", a radius of 175.25 feet, an arc length of 84.87 feet, a chord bearing of S12°59'45"W, and a chord distance of 84.05 feet to a point; thence S00°52'42"E, 30.00 feet along said centerline to the POINT OF TERMINUS of said easement, said point being S08°39'46"W, 382.57 feet from said southwest corner of Tract 13. Lengthening or shortening the side line of said easement to intersect said boundary line.

Said pathway easement contains 1,232 square feet of land, more or less.

Bearings are Based on the Wyoming Coordinate System, NAD 1983, East Central Zone.

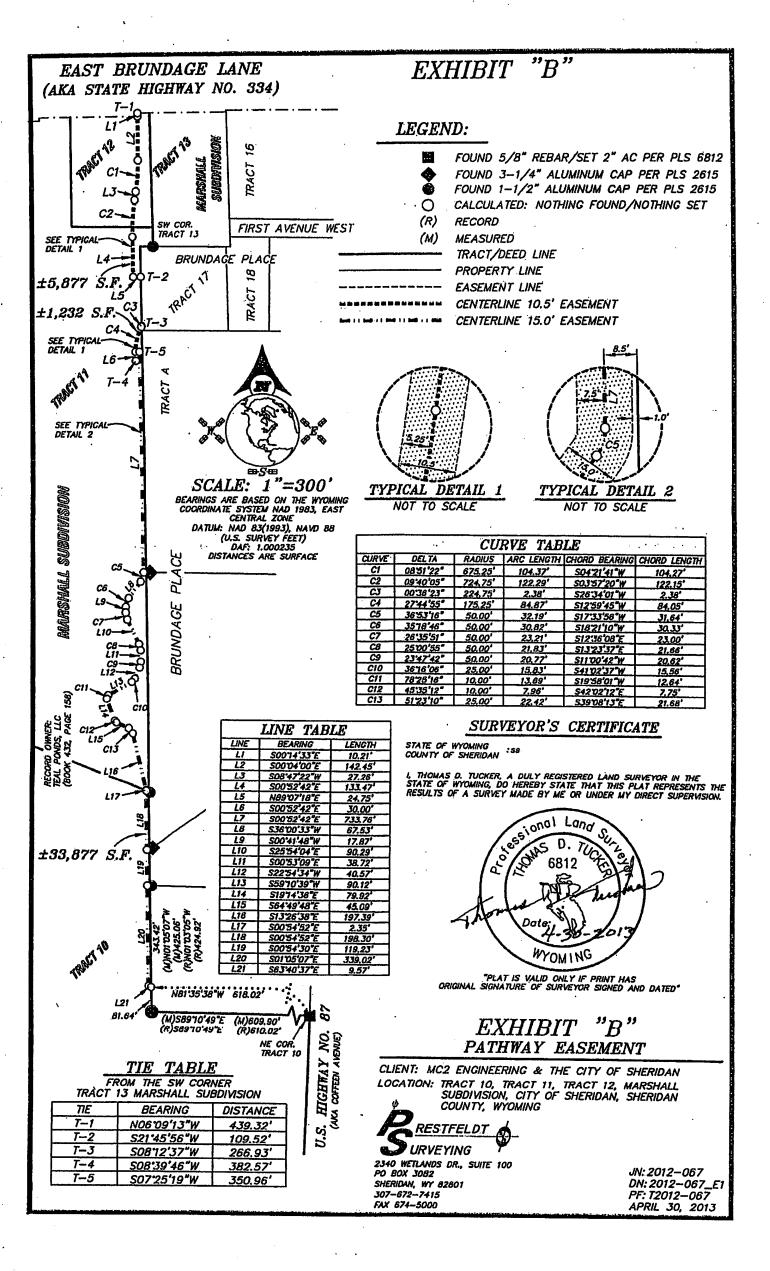
Re: 15.0' Pathway Easement to the City of Sheridan, and or any of their respective successors and assigns.

A pathway easement fifteen (15) feet wide, being seven and one half (7.5) feet each side of the following described centerline situated in Tract 10 and Tract 11, Marshall Subdivision, to the City of Sheridan, Sheridan County, Wyoming, as shown on EXHIBIT "B" attached hereto and by this reference made a part hereof; said centerline being more particularly described as follows:

Commencing at the southwest corner of Tract 13, Marshall Subdivision (Monumented with a 11/2" Aluminum Cap per PLS 2615); thence S07°25'19"W, 350.96 feet to the POINT OF BEGINNING of said easement, said point being eight and one half (8.5) feet west of the east line of said Tract 11; thence S00°52'42"E, 733.76 feet, eight and one half (8.5) feet west of and parallel to said east line of Tract 11 along said centerline to a point; thence, along said centerline through a curve to the right having a central angle of 36°53'16", a radius of 50.00 feet, an arc length of 32.19 feet, a chord bearing of S17°33'56"W, and a chord length of 31.64 feet to a point; thence S36°00'33"W, 67.53 feet along said centerline to a point; thence, along said centerline through a curve to the left having a central angle of 35°18'46", a radius of 50.00 feet, an arc length of 30.82 feet, a chord bearing of \$18°21'10"W, and a chord length of 30.33 feet to a point; thence \$00°41'48"W, 17.87 feet along said centerline to a point; thence, along said centerline through a curve to the left having a central angle of 26°35'51", a radius of 50.00 feet, an arc length of 23.21 feet, a chord bearing of S12°36'08"E, and a chord length of 23.00 feet to a point; thence S25°54'04"E, 90.29 feet along said centerline to a point; thence, along said centerline through a curve to the right having a central angle of 25°00'55", a radius of 50.00 feet, an arc length of 21.83 feet, a chord bearing of S13°23'37"E, and a chord length of 21.66 feet to a point; thence S00°53'09"E, 38.72 feet along said centerline to a point; thence, along said centerline through a curve to the right having a central angle of 23°47'42", a radius of 50.00 feet, an arc length of 20.77 feet, a chord bearing of S11°00'42"W, and a chord length of 20.62 feet to a point; thence S22°54'34"W, 40.57 feet along said centerline to a point; thence, along said centerline through a curve to the right having a central angle of 36°16'06", a radius of 25.00 feet, an arc length of 15.83 feet, a chord bearing of S41°02'37"W, and a chord length of 15.56 feet to a point; thence S59°10'39"W, 90.12 feet along said centerline to a point; thence, along said centerline through a curve to the left having a central angle of 78°25'16", a radius of 10.00 feet, an arc length of 13.69 feet, a chord bearing of S19°58'01"W, and a chord length of 12.64 feet to a point; thence S19°14'36"E, 79.92 feet along said centerline to a point; thence, along said centerline through a curve to the left having a central angle of 45°35'12", a radius of 10.00 feet, an arc length of 7.96 feet, a chord bearing of S42°02'12"E, and a chord length of 7.75 feet to a point; thence S64°49'48"E, 45.09 feet along said centerline to a point; thence, along said centerline through a curve to the right having a central angle of 51°23'10", a radius of 25.00 feet, an arc length of 22.42 feet, a chord bearing of S39°08'13"E, and a chord length of 21.68 feet to a point; thence S13°26'38"E, 197.39 feet along said centerline to a point, said point being eight and one half (8.5) feet west of said east line of Tract 11; thence S00°54'52"E, 2.35 feet, eight and one half (8.5) feet west of and parallel to said east line of Tract 11 along said centerline to a point, said point lying on the north line of said Tract 10; thence, continue S00°54'52"E, 198.30 feet, eight and one half (8.5) feet west of and parallel to said north line of Tract 10 along said centerline to a point; thence S00°54'30"E, 119.23 feet, eight and one half (8.5) feet west of and parallel to said north line of Tract 10 along said centerline to a point; thence S01°05'07"E, 339.02 feet, eight and one half (8.5) feet west of and parallel to said north line of Tract 10 along said centerline to a point; thence \$63°40'37"E, 9.57 feet along said centerline to the POINT OF TERMINUS of said easement, said point lying on said north line of Tract 10, and being N81°35'38"W, 618.02 feet from the northeast corner of said Tract 10 (Monumented with a 2" Aluminum Cap per PLS 6812). Lengthening or shortening the side lines of said easement to intersect said boundary lines.

Said pathway easement contains 33,877 square feet of land, more or less.

Bearings are Based on the Wyoming Coordinate System, NAD 1983, East Central Zone.



## LEGAL DESCRIPTION EXHIBIT "A"

Record Owners: Lane Allen Vanderhoer (½ Interest), & Rae Lynn Vanderhoer (½ Interest) April 25, 2013

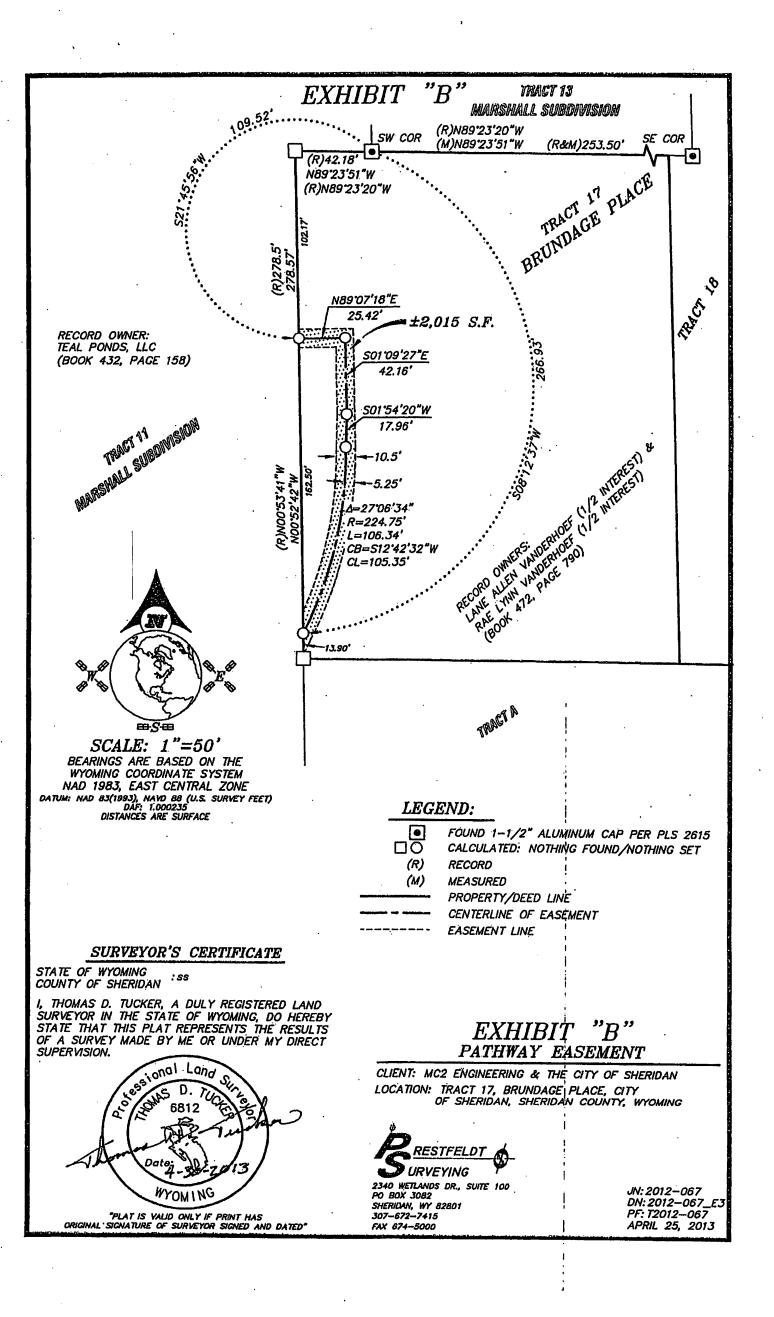
Re: 10.5' Pathway Easement to the City of Sheridan, and or any of their respective successors and assigns.

A pathway easement ten and one half (10.5) feet wide, being five and one quarter (5.25) feet each side of the following described centerline situated in Tract 17, Brundage Place, to the City of Sheridan, Sheridan County, Wyoming, as shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof; said centerline being more particularly described as follows:

Commencing at the southwest corner of Tract 13, Marshall Subdivision (Monumented with a 1½" Aluminum Cap per PLS 2615); thence S21°45'56"W, 109.52 feet to the POINT OF BEGINNING of said easement, said point lying on the west line of said Tract 17, Brundage Place; thence N89°07'18"E, 25.42 feet along said centerline to a point; thence S01°09'27"E, 42.16 feet along said centerline to a point; thence S01°54'20"W, 17.96 feet along said centerline to a point; thence, along said centerline through a non-tangent curve to the right, having a central angle of 27°06'34", a radius of 224.75 feet, an arc length of 106.34 feet, a chord bearing of S12°42'32"W, and a chord length of 105.35 feet to the POINT OF TERMINUS of said easement, said point lying on said west line of Tract 17, Brundage Place, and being S08°12'37"W, 266.93 feet from said southwest corner of Tract 13, Marshall Subdivision. Lengthening or shortening the side lines of said easement to intersect said boundary lines.

Said pathway easement contains 2,015 square feet of land, more or less.

Bearings are Based on the Wyoming Coordinate System, NAD 1983, East Central Zone.



## CITY OF SHERIDAN 2013 PATHWAYS PROJECT COLLEGE TO BRUNDAGE PATHWAY

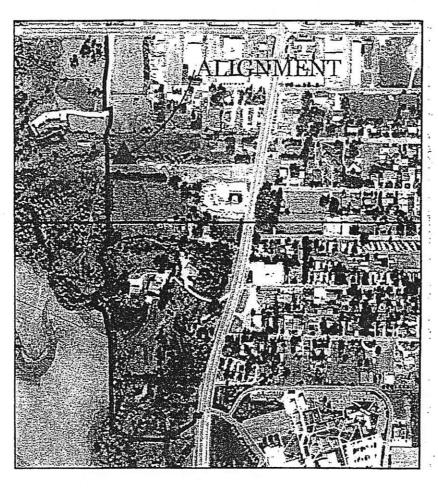


EXHIBIT "C"

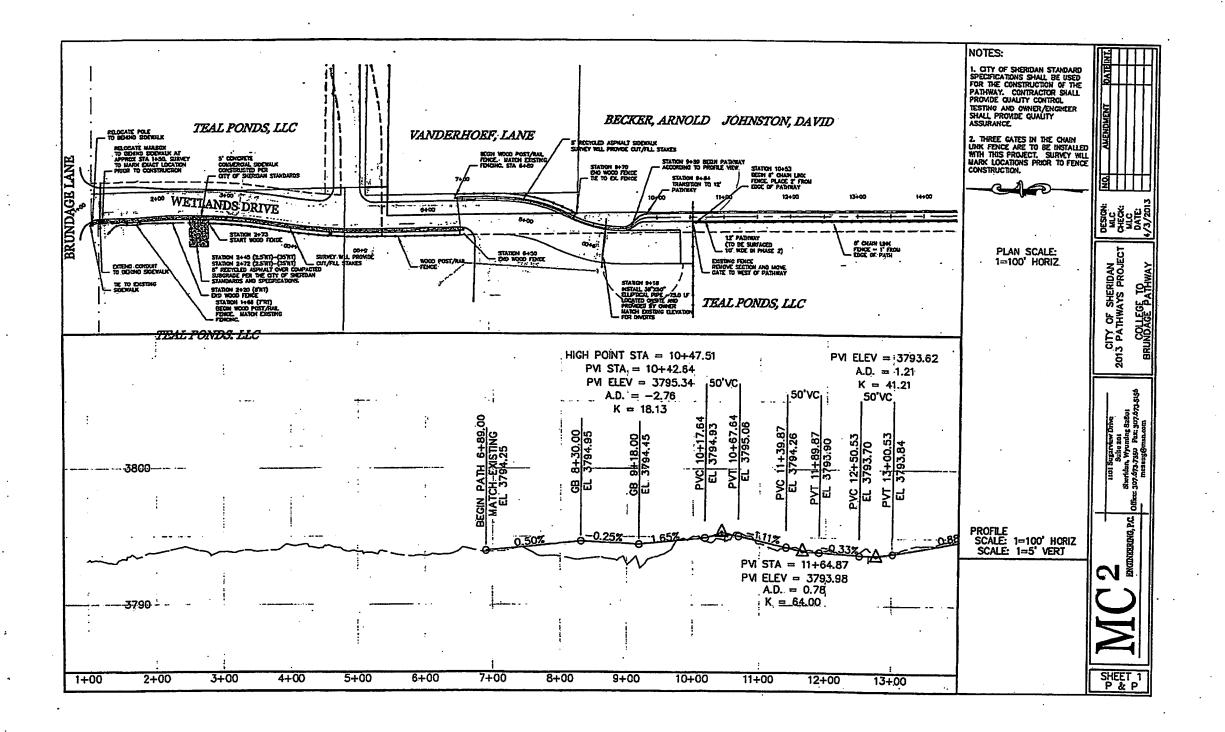
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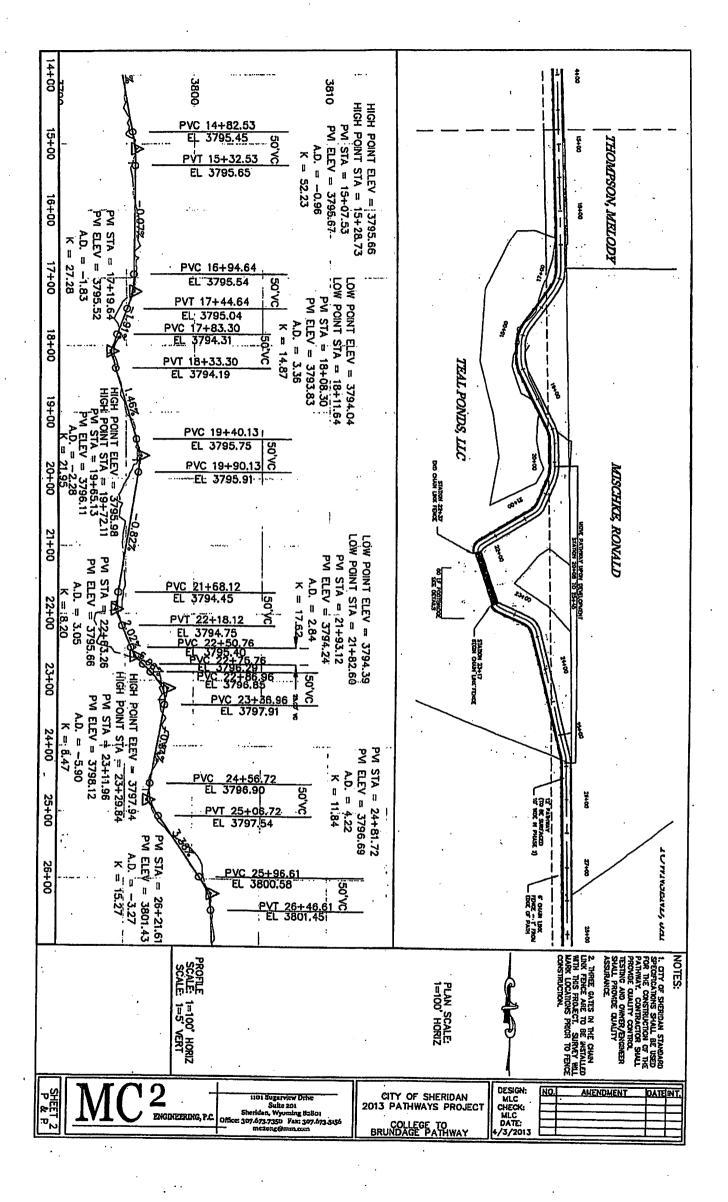
CITY OF SHERIDAN 2013 PATHWAYS PROJE

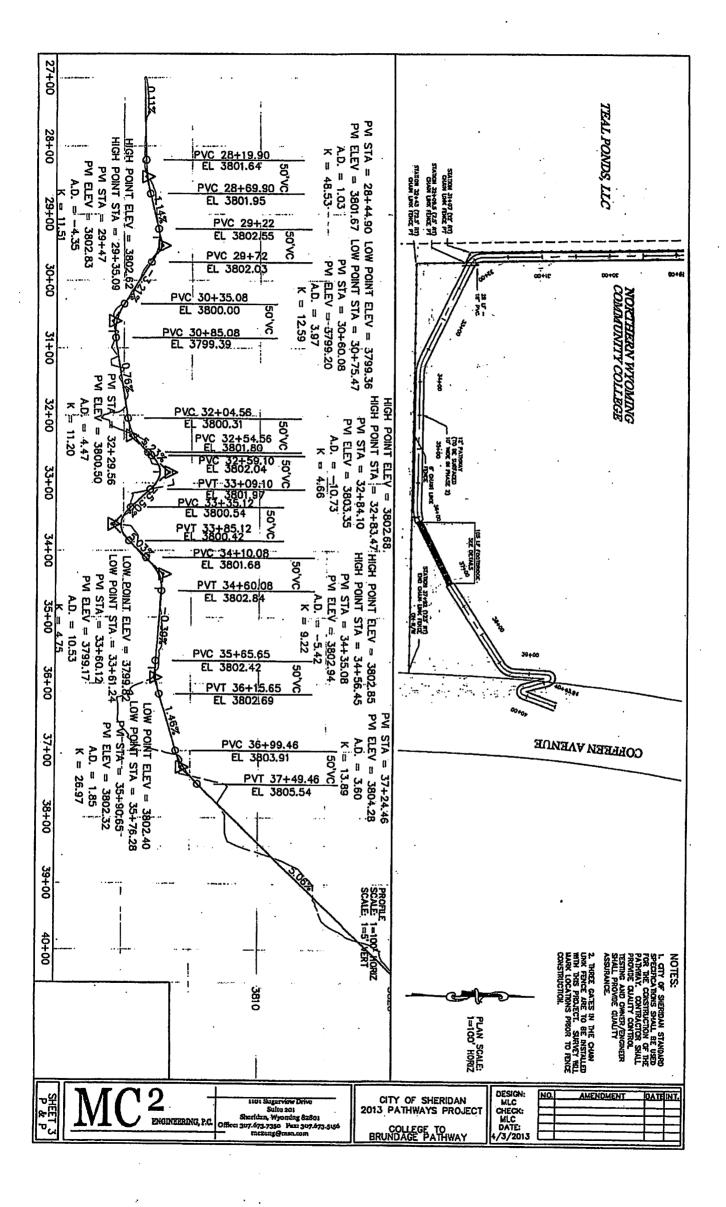
> 1101 Sugarraw Drivo Sulte 201 Sheridan, Wyoming B2801 Kee: 307.673.7350 Fax: 307.673.5156 mczeng@mst.com

ENGINEERING, P.C. Office

COVE







TIE TO EXISTING VARY SLOPE 3:1 - 4:1 - PLACE 6" RECYCLED ASPHALT SCARIFY AND COMPACT -6" OF SUBGRADE NOT TO SCALE DESIGN: MLC CHECK: MLC DATE: 4/3/2013 CITY OF SHERIDAN 2013 PATHWAYS PROJECT

COLLEGE TO BRUNDAGE PATHWAY

