

## PARTIAL TERMINATION AND VACATION OF EASEMENT

THIS PARTIAL TERMINATION AND VACATION OF EASEMENT ("Easement Termination") is entered into this 18<sup>th</sup> day of February, 2020, by the **CARROLL REALTY CO., INC.**, a Wyoming corporation, with an address of 306 North Main Street, Sheridan, Wyoming 82801 ("Carroll Realty"), and **GRIFFIN ORDWAY**, an individual, with an address of 236 Cavalry Ridge Road, Sheridan, Wyoming 82801 ("Ordway") (Carroll Realty and Ordway are hereinafter collectively referred to as the "Parties").

**WHEREAS**, Ordway is the owner of certain lands located in the SE¼ of Section 23, the S½ of Section 24, the W ½ of Section 25, and Section 26 of Township 56 North, Range 85 West of the 6<sup>th</sup> P.M., Sheridan County, Wyoming which are more particularly described: (i) in that certain Warranty Deed recorded in the records of the Sheridan County Clerk on August 22, 2017 in Book of Deed 568, Page 536 and (ii) in that certain Warranty Deed recorded in the records of the Sheridan County Clerk on August 22, 2017 in Book of Deeds 568, Page 539. These lands are more particularly described on **Exhibit 1** and depicted in **Exhibit 2**, each of which is attached hereto and incorporated by this reference (referred to herein as the "Ordway Property").

**WHEREAS**, on or about September 26, 2008, Carroll Realty attempted to dedicate to the public certain access and utilities easements described in that certain *Access and Utility Easement* recorded in the records of the Sheridan County Clerk on September 26, 2008 in Book of Deeds 500, Page 181 through 194 ("Access and Utility Easement"). Carroll Realty did not file or record a plat dedicating the easements described in the Access and Utility Easement to the public, nor did Sheridan County or any other governmental or quasi-governmental entity accept any purported rights for the public.

**WHEREAS**, the Access and Utility Easement was intended to create an access and utility easement for the benefit of the owners of the lands described in Exhibit A of the Access and Utility Easement (the "Benefitted Lands") and was also intended to create a trail system accessible by bicycle, horseback, and foot benefitting only the owners of the Benefitted Lands which connected to the public Trail Easement described in Book of Deeds 532 at Page 495-502 ("Trail Easement").

**WHEREAS**, the lack of acceptance of the Access and Utility Easement by Sheridan County or any other governmental or quasi-governmental entity creates uncertainty as to the validity of the Access and Utility Easement.

**WHEREAS**, the Ordway Property owned by Ordway is comprised of several of the parcels intended to benefit from the Access and Utility Easement. The merging of title to the various parcels which comprise the Ordway Property would extinguish portions of the Access and Utility Easement, if it were deemed valid.

**WHEREAS**, the Parties now desire to (i) terminate and vacate those portions of the Access and Utility Easement which benefit only the Ordway Property, are located solely within the Ordway Property, and are more particularly described below, and (ii) limit and confirm any remaining rights of access along certain portions of the Access and Utility Easement described



below to benefit only the owners of the Benefitted Lands, and their guests, and to be accessed only by bicycle, horseback, and foot traffic.

**NOW, THEREFORE,** Carroll Realty and Ordway hereby terminate and vacate those portions of the Access and Utility Easement which are depicted on Exhibit 1 and noted as "Easement Proposed to be Vacated" and the same are hereby deemed null and void. For clarity, the easements to be vacated hereby are those described in Book of Deeds 500 at Pages 184 and 185 and depicted in Book of Deeds 500 at Pages 189, 190, and 191, all as shown on Exhibit 1 and more particularly described as follows:

A 66' ACCESS AND UTILITY EASEMENT LOCATED IN THE W1/2 OF SECTION 25 AND THE SE1/4 AND SW1/4 OF SECTION 26, T.56N, R.85W, 6TH P.M., SHERIDAN COUNTY, WYOMING THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SOUTHWEST CORNER OF AFORESAID SECTION 25, SAID CORNER BEING A FOUND PIN AND CAP STAMPED "LS320", THENCE N16°06'27"E A DISTANCE OF 2988.61' TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE;  
 THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 27.05', WITH A RADIUS OF 49.98', WITH A CHORD BEARING OF S51°20'58"W, WITH A CHORD LENGTH OF 26.72';  
 THENCE S68°48'09"W A DISTANCE OF 190.87';  
 THENCE S54°30'50"W A DISTANCE OF 134.69';  
 THENCE S63°37'22"W A DISTANCE OF 339.59';  
 THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 308.62', WITH A RADIUS OF 414.42', WITH A CHORD BEARING OF S85°01'32"W, WITH A CHORD LENGTH OF 302.47';  
 THENCE N76°08'24"W A DISTANCE OF 218.51';  
 THENCE N70°15'33"W A DISTANCE OF 266.39';  
 THENCE N72°35'38"W A DISTANCE OF 210.39';  
 THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 105.28', WITH A RADIUS OF 998.16', WITH A CHORD BEARING OF N75°37'18"W, WITH A CHORD LENGTH OF 105.23';  
 THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 108.85', WITH A RADIUS OF 303.42', WITH A CHORD BEARING OF N68°22'21"W, WITH A CHORD LENGTH OF 108.26';  
 THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 62.97', WITH A RADIUS OF 200.00', WITH A CHORD BEARING OF N67°06'57"W, WITH A CHORD LENGTH OF 62.71';  
 THENCE N76°08'09"W A DISTANCE OF 115.43';  
 THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 127.65', WITH A RADIUS OF 425.00', WITH A CHORD BEARING OF N84°44'26"W, WITH A CHORD LENGTH OF 127.17';  
 THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 44.70', WITH A RADIUS OF 500.00', WITH A CHORD BEARING OF S89°12'58"W, WITH A CHORD LENGTH OF 44.69';  
 THENCE N88°13'22"W A DISTANCE OF 166.93';  
 THENCE N86°10'24"W A DISTANCE OF 75.36';  
 THENCE S88°41'00"W A DISTANCE OF 132.97';  
 THENCE N76°16'03"W A DISTANCE OF 121.77';  
 THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 127.68', WITH A RADIUS OF 300.00', WITH A CHORD BEARING OF N88°27'35"W, WITH A CHORD LENGTH OF 126.72';  
 THENCE S79°20'52"W A DISTANCE OF 228.82';  
 THENCE S81°27'29"W A DISTANCE OF 116.05';  
 THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 110.28', WITH A RADIUS OF 400.00', WITH A CHORD BEARING OF S73°33'32"W, WITH A CHORD LENGTH OF 109.94';  
 THENCE S65°39'35"W A DISTANCE OF 184.11';  
 THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 248.50', WITH A RADIUS OF 425.00', WITH A CHORD BEARING OF S48°54'33"W, WITH A CHORD LENGTH OF 244.97';  
 THENCE S32°08'31"W A DISTANCE OF 115.94';  
 THENCE S39°32'27"W A DISTANCE OF 340.74';  
 THENCE S38°07'20"W A DISTANCE OF 276.33';  
 THENCE S34°49'24"W A DISTANCE OF 111.36';  
 THENCE S44°23'34"W A DISTANCE OF 380.92';  
 THENCE S38°31'53"W A DISTANCE OF 164.58';  
 THENCE S44°23'20"W A DISTANCE OF 55.21';  
 THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 137.36', WITH A RADIUS OF 242.26', WITH A CHORD BEARING OF S28°08'46"W, WITH A CHORD LENGTH OF 135.53';  
 THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 185.09', WITH A RADIUS OF 569.54', WITH A CHORD BEARING OF S21°12'49"W, WITH A CHORD LENGTH OF 184.28';  
 THENCE S30°31'25"W A DISTANCE OF 225.01';  
 THENCE S43°04'13"W A DISTANCE OF 126.38' TO THE ENDPOINT OF THE HEREIN DESCRIBED CENTERLINE, FROM WHICH BEARS THE SOUTHWEST CORNER OF THE AFORESAID SECTION 26 S69°28'24"W A DISTANCE OF 1377.86';  
 SAID CENTERLINE HAVING A DISTANCE OF 5863.39' AND SAID 66' PRIVATE ACCESS AND UTILITY EASEMENT HAVING AN AREA OF 8.88 ACRES MORE OR LESS.



and

A 66' ACCESS AND UTILITY EASEMENT LOCATED IN THE SE1/4 OF SECTION 23, W1/2 OF SECTION 25 AND THE NE1/4 OF SECTION 26, T.56N. R.85W, 6TH P.M., SHERIDAN COUNTY, WYOMING THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23, SAID CORNER BEING A FOUND PIN AND CAP STAMPED "LS3159", THENCE N58°34'17"W A DISTANCE OF 1617.54' TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE;  
THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 74.73', WITH A RADIUS OF 760.52', WITH A CHORD BEARING OF S51°11'50"E, WITH A CHORD LENGTH OF 74.70';  
THENCE S48°43'10"E A DISTANCE OF 146.87';  
THENCE S53°53'28"E A DISTANCE OF 228.85';  
THENCE S21°45'02"E A DISTANCE OF 116.98';  
THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 82.71', WITH A RADIUS OF 130.00', WITH A CHORD BEARING OF S03°31'29"E, WITH A CHORD LENGTH OF 81.32';  
THENCE S14°42'03"W A DISTANCE OF 92.96';  
THENCE S14°15'19"W A DISTANCE OF 226.02';  
THENCE S12°35'54"W A DISTANCE OF 324.27';  
THENCE S10°05'44"W A DISTANCE OF 156.99';  
THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 77.98', WITH A RADIUS OF 75.00', WITH A CHORD BEARING OF S19°41'27"E, WITH A CHORD LENGTH OF 74.52';  
THENCE S49°28'38"E A DISTANCE OF 158.12';  
THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 50.16', WITH A RADIUS OF 70.00', WITH A CHORD BEARING OF S70°00'13"E, WITH A CHORD LENGTH OF 49.09';  
THENCE N89°28'12"E A DISTANCE OF 243.88';  
THENCE N83°00'23"E A DISTANCE OF 384.07';  
THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 244.31', WITH A RADIUS OF 275.00', WITH A CHORD BEARING OF S71°32'33"E, WITH A CHORD LENGTH OF 236.36';  
THENCE S46°05'29"E A DISTANCE OF 195.17';  
THENCE S39°05'11"E A DISTANCE OF 346.97';  
THENCE S36°44'45"E A DISTANCE OF 326.65';  
THENCE S31°02'10"E A DISTANCE OF 521.62';  
THENCE S29°05'19"E A DISTANCE OF 180.16';  
THENCE S21°59'32"E A DISTANCE OF 168.88';  
THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 286.73', WITH A RADIUS OF 550.00', WITH A CHORD BEARING OF S07°03'26"E, WITH A CHORD LENGTH OF 283.49';  
THENCE S07°52'39"W A DISTANCE OF 447.66' TO THE ENDPOINT OF THE HEREIN DESCRIBED CENTERLINE FROM WHICH BEARS THE 1/4 CORNER OF SECTION 24 AND AFORESAID SECTION 25, N31°59'16"E A DISTANCE OF 3241.16';  
THE HEREIN DESCRIBED CENTERLINE HAVING A DISTANCE OF 5082.74' AND SAID 66' PRIVATE ACCESS AND UTILITY EASEMENT HAVING AN AREA OF 7.70 ACRES MORE OR LESS.

(referred to on Exhibit 1 as "Easement Proposed to be Vacated Book of Deeds 500, Page 185 'A'")

and

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A 66' ACCESS AND UTILITY EASEMENT LOCATED IN THE W1/2 OF SECTION 25, T.56N, R.85W, 6TH P.M., SHERIDAN COUNTY, WYOMING THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 25, SAID CORNER BEING A FOUND PIN AND CAP STAMPED "LS3159", THENCE S16°43'10"E A DISTANCE OF 2895.00' TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE;  
THENCE S63°20'46"E A DISTANCE OF 44.35';  
THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 21.12', WITH A RADIUS OF 30.00', WITH A CHORD BEARING OF S83°30'44"E, WITH A CHORD LENGTH OF 20.68';  
THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 187.17', WITH A RADIUS OF 500.00', WITH A CHORD BEARING OF N87°02'45"E, WITH A CHORD LENGTH OF 186.08';  
THENCE S82°13'48"E A DISTANCE OF 144.30';  
THENCE S88°27'12"E A DISTANCE OF 56.79';  
THENCE S87°29'32"E A DISTANCE OF 209.37';  
THENCE S86°20'59"E A DISTANCE OF 155.30';  
THENCE N90°00'00"E A DISTANCE OF 33.00' TO THE ENDPOINT OF THE HEREIN DESCRIBED CENTERLINE, FROM WHICH BEARS THE 1/4 CORNER OF THE AFORESAID SECTION 25 AND SECTION 24 N17°19'33"E A DISTANCE OF 2934.93';  
THE HEREIN DESCRIBED CENTERLINE HAVING A DISTANCE OF 851.41' AND SAID 66' PRIVATE ACCESS AND UTILITY EASEMENT HAVING AN AREA OF 1.29 ACRES MORE OR LESS.

(referred to on Exhibit 1 as "Easement Proposed to be Vacated Book of Deeds 500, Page 185 'B'")

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**FURTHER**, Ordway hereby grants to the owners of the Benefitted Lands the right to use a walking path created by Ordway, for the purpose of accessing the Trail Easement by bicycle, horseback or foot, over and across Ordway's lands described as follows:

A 66' wide area located in the SE¼ of Section 23, W½ of Section 25 and the NE¼ of Section 26, T56N, R85W, 6<sup>th</sup> P.M., Sheridan County, Wyoming the centerline of which is more particularly described as follows:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 23, SAID CORNER BEING A FOUND PIN AND CAP STAMPED "LS3159", THENCE N58°34'17"W A DISTANCE OF 1617.54' TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE;  
THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 74.73', WITH A RADIUS OF 760.52', WITH A CHORD BEARING OF S51°11'50"E, WITH A CHORD LENGTH OF 74.70';  
THENCE S48°43'10"E A DISTANCE OF 146.87';  
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THENCE S14°42'03"W A DISTANCE OF 92.96';  
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THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 77.98', WITH A RADIUS OF 75.00', WITH A CHORD BEARING OF S19°41'27"E, WITH A CHORD LENGTH OF 74.52';  
THENCE S49°28'38"E A DISTANCE OF 158.12';  
THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 50.16', WITH A RADIUS OF 70.00', WITH A CHORD BEARING OF S70°00'13"E, WITH A CHORD LENGTH OF 49.09';  
THENCE N89°28'12"E A DISTANCE OF 243.88';  
THENCE N83°00'23"E A DISTANCE OF 384.07';  
THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 244.31', WITH A RADIUS OF 275.00', WITH A CHORD BEARING OF S71°32'33"E, WITH A CHORD LENGTH OF 236.36';  
THENCE S46°05'29"E A DISTANCE OF 195.17';  
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THENCE S07°52'39"W A DISTANCE OF 447.66' TO THE ENDPOINT OF THE HEREIN DESCRIBED CENTERLINE FROM WHICH BEARS THE 1/4 CORNER OF SECTION 24 AND AFORESAID SECTION 25, N31°59'16"E A DISTANCE OF 3241.16';  
THE HEREIN DESCRIBED CENTERLINE HAVING A DISTANCE OF 5082.74'

**FURTHER**, for clarity, the Parties state that the effect of this document is to terminate all rights to utilize the Access and Utility Easement across the Ordway Property except those rights granted above but nothing herein shall amend or alter the Trail Easement and the rights granted therein.

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**Carroll Realty Co. Inc.,**  
a Wyoming corporation

By: Dixie J. See  
Its: President

Griffin Ordway  
**Griffin Ordway**

STATE OF WYOMING )  
 ) ss.  
County of Sheridan )

This instrument was acknowledged before me this 18<sup>th</sup> day of February, <sup>2020</sup>2019,  
February, 2020 by Dixie J. See, as President of  
**Carroll Realty Co. Inc., a Wyoming corporation.**

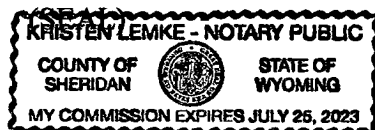


Michele Trujillo  
Signature of Notarial Officer  
Title and Rank: Notary Public

My Commission expires: March 12 2020.

STATE OF Wyoming )  
 ) ss.  
County of Sheridan )

This instrument was acknowledged before me this 11 day of March, <sup>20</sup>2019, by  
**Griffin Ordway.**



Kristen Lemke  
Signature of Notarial Officer  
Title and Rank: Notary Public

My Commission expires: 7-25-23.