

ACCESS AND UTILITY EASEMENT

This Access and Utility Easement is entered into by and between **Steve R. Ruby and Beth E. Ruby, whose address is 14 Taxi Drive, Sheridan, WY 82801 (referred to herein as "Grantor")** and **Steven Ruby, Personal Representative of the Estate of Elsa M. Ruby, whose address is 14 Taxi Drive, Sheridan, WY 82801 (herein referred to as "Grantee")**.

Recitals

- A. Grantor is the owner of the lands described on the attached **Appendix A**, hereinafter Parcel A, and incorporated herein by reference.
- B. Grantee is the owner of the lands described on the attached **Appendix B**, hereinafter Parcel B, and incorporated herein by reference.
- C. The strip of land described on the attached **Appendix C**, incorporated herein by reference which crosses Parcel A, has been used in conjunction with accessing Parcel B.
- D. The parties wish to formally enter into this access and utility easement to allow the Grantee to access Parcel B and to bring utilities to Parcel B as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and for other good and valuable consideration, the receipt of which is hereby acknowledged:

- 1. Grantor does hereby grant to Grantee and Grantee's successors and assigns, subject to the terms and conditions set forth herein, a sixty (60) foot, perpetual, non-exclusive access and utility easement for ingress and egress to Parcel B over and across Parcel A on the land described on the attached Appendix C and to bring underground utilities to Parcel B across Parcel A under the land described on the attached Appendix C.
- 2. Grantee and Grantee's guests, invitees, or agents may only utilize the land described on the attached Appendix C for ingress and egress to Parcel B and to bring underground utilities to Parcel B.
- 3. Grantee and Grantee's guest's, invitee's, or agent's shall confine travel to the existing roadway within the land described on the attached Appendix C. Except as may be permitted under a separate written agreement, no off-road travel will be permitted, especially travel which has the effect of widening the existing roadway or area of disturbance within the land described on the attached Appendix C.
- 4. Grantee shall keep the land described on the attached Appendix C in good order and repair and shall repair any damage to the existing roadway that is caused by Grantee in excess of that which is customary and expected in the normal use of the type and kind of easement granted herein. Grantee shall keep the land described on the attached Appendix C free of all garbage and natural or man-made debris. All costs of maintenance and improvement are the sole responsibility of Grantee. Grantee shall first notify Grantor before it commences any maintenance or improvement within the land described on the attached Appendix C, which maintenance or improvement Grantor must approve of in writing prior to any work being performed. Provided, however, Grantor may not unreasonably withhold Grantee's written request to maintain or improve the existing roadway or to install, bring, repair, or upgrade underground utilities to Parcel B, provided any such maintenance or improvement does not otherwise interfere with the other rights granted or reserved herein.
- 5. This access and utility easement is non-exclusive and shall not preclude Grantor from using the land described on the attached Appendix C, provided such use does not unreasonably interfere with the access and utility rights granted to Grantee herein.
- 6. Grantor does not warrant title to the land described on the attached Appendix C. This access and utility easement is granted subject to all existing mortgages, liens, exceptions, reservations, covenants, conditions, restrictions, easements, rights-of-way, reservations, and rights of record and subject to any state of facts which would be disclosed by an

accurate survey or physical inspection of the premises and subject to building, zoning, subdivision, or other regulations of any private or governmental entity

7. Grantee, and its successors and assigns, shall indemnify, defend, and hold harmless Grantor, and its successors and assigns, from any and all claims, demands, liabilities, or causes of action (including without limitation reasonable attorney's fees and expenses and costs of investigation or trial) arising out of Grantee's or Grantee's guest's, invitee's, or agent's use of this access and utility easement; provided, however, Grantee shall have no duty to indemnify Grantor for any such liabilities that arise in whole from the negligence or willful misconduct of Grantor.
8. This access and utility easement shall be construed according to the laws of the State of Wyoming, shall be binding upon and inure to the benefit of the parties and their successors and assigns, shall run with the lands described herein, shall be appurtenant to and be a perpetual easement for the benefit of the real property owned by Grantee described as Parcel B above, but shall not be construed as creating, nor shall it create, any right in the general public to cross or use the land described on the attached Appendix C.

DATED this 8th day of September 2017.

GRANTORS:

Steve R. Ruby
Steve R. Ruby

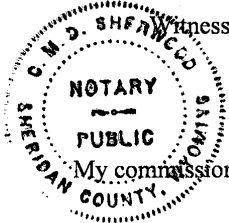
Beth E. Ruby
Beth E. Ruby

GRANTEE:

Steven Ruby, Personal Representative
Steven Ruby, Personal Representative
of the Estate of Elsa M. Ruby

STATE OF WYOMING)
) ss
COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me this 8th day of September 2017 by Steve R. Ruby and Beth E. Ruby.



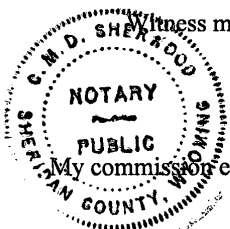
Witness my hand and official seal.

C.M.D. Schunk Thompson
Notary Public

My commission expires: March 20, 2019

STATE OF WYOMING)
) ss
COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me this 8th day of September 2017 by Steven Ruby, Personal Representative of the Estate of Elsa M. Ruby



Witness my hand and official seal.

C.M.D. Schunk Thompson
Notary Public

My commission expires: March 20, 2019

LEGAL DESCRIPTION EXHIBIT "A"

Record Owners: Steven R. Ruby & Beth E. Ruby
May 10, 2017

Re: CORRECTIVE LEGAL DESCRIPTION of a tract of land described in Warranty Deed recorded May 12, 2011 (Book 525, Page 26)

A tract of land situated in the SW¼ of Section 18, Township 55 North, Range 83 West, 6th P.M., Sheridan County, Wyoming, as shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof; said tract of land being more particularly described as follows:

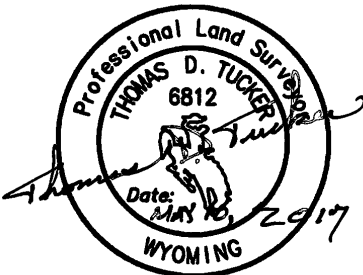
Commencing at the southwest corner of said Section 18 (Monumented with a 3¼" Aluminum Cap per PLS 2615); thence N53°38'15"E, 1718.98 feet to the **POINT OF BEGINNING** of said tract, said point lying on the northerly right-of-way line of Hidden Hills Road and being the southwest corner of a tract of land described in Book 525 of Deeds, Page 26 (Monumented with a 1½" Aluminum Cap per PE&LS 3864); thence N40°05'28"W, 398.31 feet along the west line of said tract described in Book 525 of Deeds, Page 26 to a point, said point being the northeast corner of a tract of land described in Book 447 of Deeds, Page 351 (Monumented with a 1½" Aluminum Cap per PE&LS 3864); thence N12°39'18"W, 1378.36 feet along said west line of said tract described in Book 525 of Deeds, Page 26 to a point, said point lying on the north line of said SW¼ and a fence line (Monumented with a 2" Aluminum Cap per PLS 6812); thence N89°38'31"E, 1707.71 feet along said north line of said SW¼ and said fence line to a point, said point lying on the westerly right-of-way line of Jewel Road and being the northeast corner of said tract described in Book 525 of Deeds, Page 26 (Monumented with a 1½" Aluminum Cap per PE&LS 3864); thence S37°50'58"W, 205.47 feet along said westerly right-of-way line of Jewel Road to a point (Monumented with a 1½" Aluminum Cap per PE&LS 3864); thence S59°25'50"W, 96.14 feet along said westerly right-of-way line to a point (Found 5/8" Rebar, Accepted and Monumented with a 2" Aluminum Cap per PLS 6812); thence S73°45'17"W, 238.38 feet along said westerly right-of-way line to a point (Monumented with a 1½" Aluminum Cap per PE&LS 3864); thence S52°32'58"W, 169.18 feet along said westerly right-of-way line to a point (Monumented with a 1½" Aluminum Cap per PE&LS 3864); thence S22°28'01"W, 148.15 feet along said westerly right-of-way line to a point (Monumented with a 1½" Aluminum Cap per PE&LS 3864); thence S09°44'37"E, 309.25 feet along said westerly right-of-way line to a point (Monumented with a 1½" Aluminum Cap per PE&LS 3864); thence S28°20'29"E, 225.08 feet along said westerly right-of-way line to a point (Monumented with a 2" Aluminum Cap per PLS 6812); thence S32°19'22"E, 299.74 feet along said westerly right-of-way line to a point, said point lying on said northerly right-of-way line of Hidden Hills Road and being the southeast corner of said tract described in Book 525 of Deeds, Page 26 (Found 5/8" Rebar, Accepted and Monumented with a 2" Aluminum Cap per PLS 6812); thence S66°46'42"W, 882.18 feet along said northerly right-of-way line of Hidden Hills Road to a point (Monumented with a 1½" Aluminum Cap per PE&LS 3864); thence S37°09'59"W, 48.48 feet along said northerly right-of-way line to the **POINT OF BEGINNING** of said tract.

Said tract contains 37.64 acres of land, more or less.

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

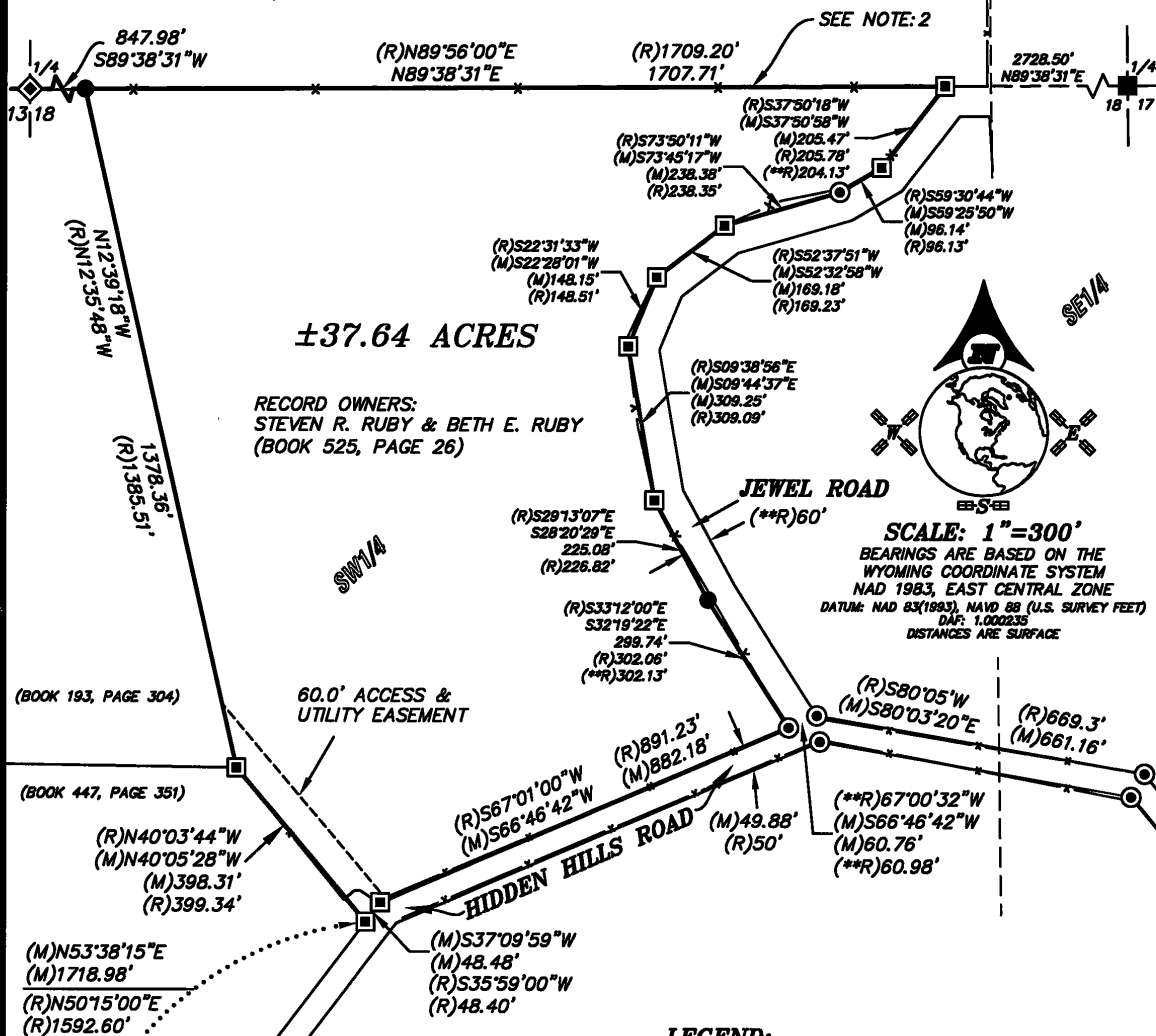
SURVEYOR'S STATEMENT

I, Thomas D. Tucker, do hereby state that this legal description was prepared from notes taken during an actual field survey performed by me or under my direct supervision.



Modification in any way of the above or foregoing legal description terminates liability of the surveyor.

EXHIBIT "B"



LEGEND:

- SET 3-1/4" ALUMINUM CAP PER PLS 6812
- FOUND 3-1/4" ALUMINUM CAP PER PLS 2615
- FOUND 1-1/2" OR 2" ALUMINUM CAP PER PLS 3864
- SET 2" ALUMINUM CAP PER PLS 6812
- FOUND 5/8" REBAR/SET 2" ALUMINUM CAP PER PLS 6812
- FOUND SPIKE (SEE NOTE:1)
- CALCULATED: NOTHING FOUND/NOTHING SET
- (R) RECORD PER CERTIFICATE OF SURVEY
DRAWER "A", PLAT NO. 42
- (**R) RECORD PER RUBY SUBDIVISION
- (R) RECORD
- (M) MEASURED
- PROPERTY/DEED LINE
- SECTION LINE
- INTERIOR SECTION LINE
- EASEMENT LINE
- FENCE LINE (SURVEYED 2017)

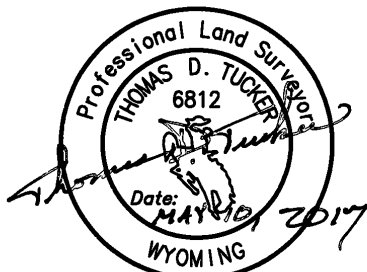
NOTES:

- FOUND SPIKE IN MOUND OF STONES. NOT ACCEPTED AS A FAITHFUL RETRACEMENT. SEE CERTIFICATE OF SURVEY RECORDED IN DRAWER "A", PLAT NO. "53".
- THE NORTH LINE WAS ESTABLISHED FROM EXISTING MONUMENTATION AND DEEDS OF RECORD WHICH DESCRIBES THE BOUNDARY AS BEING ALONG A FENCE LINE. SEE CORNER RECORDS AND RECORD OF SURVEYS ON FILE AT THAT SHERIDAN COUNTY COURTHOUSE.

SURVEYOR'S CERTIFICATE

STATE OF WYOMING : ss
COUNTY OF SHERIDAN

I, THOMAS D. TUCKER, 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"

2017-737434 9/13/2017 3:13 PM PAGE: 4 OF 7
BOOK: 569 PAGE: 210 FEES: \$30.00 HM EASEMENT
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK

EXHIBIT "B" RECORD OF SURVEY

CLIENT: STEVEN RUBY

LOCATION: SW1/4, SECTION 18, TOWNSHIP 55 NORTH,
RANGE 83 WEST, 6TH P.M., SHERIDAN COUNTY,
WYOMING

RESTFELDT
SURVEYING

2340 WETLANDS DR., SUITE 100
PO BOX 3082
SHERIDAN, WY 82801
307-672-7415

JN: 2017-017
DN: 2017-017-SJ2
PF: T2017-017
MAY 10, 2017

LEGAL DESCRIPTION EXHIBIT "A"

Record Owners: Louis J. Ruby & Elsa M. Ruby
April 27, 2017

Re: RUBY TRACT

A tract of land situated in the N½SE¼ of Section 13, Township 55 North, Range 84 West, and the W½SW¼ of Section 18, Township 55 North, Range 83 West, 6th P.M., Sheridan County, Wyoming, as shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof; said tract of land being more particularly described as follows:

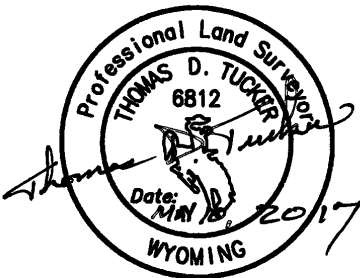
Commencing at the southwest corner of said Section 18 (Monumented with a ¾" Aluminum Cap per PLS 2615); thence N40°25'33"E, 1739.11 feet to the **POINT OF BEGINNING** of said tract, said point being the northeast corner of a tract of land described in Book 447 of Deeds, Page 351 (Monumented with a 1½" Aluminum Cap per PE&LS 3864); thence N89°13'00"W, 2592.23 feet along the north line of said tract described in Book 447 of Deeds, Page 351 to a point, said point lying on the easterly right-of-way line of Interstate Highway 90 (Monumented with a 1½" Aluminum Cap per PE&LS 3864); thence, along said easterly right-of-way line of Interstate Highway 90 through a non-tangent curve to the left, having a central angle of 12°49'57", a radius of 6149.58 feet, an arc length of 1377.32 feet, a chord bearing of N17°35'25"W, and a chord length of 1374.44 feet to a point, said point being the southwest corner of a tract of land described in Book 552 of Deeds, Page 177, Parcel 4 (Found 5/8" Rebar, Accepted and Monumented with a 2" Aluminum Cap per PLS 6812); thence S89°48'50"E, 1857.43 feet along a fence line to a point, said point being the east quarter corner of said Section 13 (Monumented with a ¾" Aluminum Cap per PLS 6812); thence N89°38'31"E, 847.98 feet along the north line of said W½SW¼, Section 18 and a fence line to a point, said point being the northwest corner of a tract of land described in Book 525 of Deeds, Page 26 (Monumented with a 2" Aluminum Cap per PLS 6812); thence S12°39'18"E, 1378.36 feet along the west line of said tract described in Book 525 of Deeds, Page 26 to the **POINT OF BEGINNING** of said tract.

Said tract contains 79.59 acres of land, more or less.

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

SURVEYOR'S STATEMENT

I, Thomas D. Tucker, do hereby state that this legal description was prepared from notes taken during an actual field survey performed by me or under my direct supervision.



Modification in any way of the above or foregoing legal description terminates liability of the surveyor.

LEGAL DESCRIPTION EXHIBIT "A"

Record Owners: Steve R. Ruby & Beth E. Ruby
May 10, 2017

RE: 60.0' ACCESS AND UTILITY EASEMENT

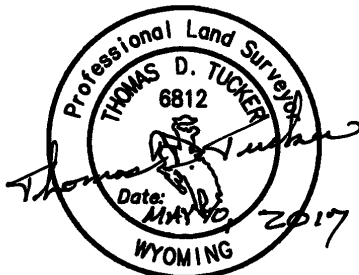
An access and utility easement being a strip of land sixty (60) feet wide when measured at right angles, situated in the SW¼ of Section 18, Township 55 North, Range 83 West, 6th P.M., Sheridan County, Wyoming; the southwesterly line of said strip being more particularly described as follows:

Commencing at the southwest corner of said Section 18 (Monumented with a 3¼" Aluminum Cap per PLS 2615); thence N53°38'15"E, 1718.98 feet to the **POINT OF BEGINNING** of said easement, said point being the southwest corner of a tract of land described in Book 525 of Deeds, Page 26 (Monumented with a 1½" Aluminum Cap per PE&LS 3864); thence N40°05'28"W, 398.31 feet along the west line of said tract described in Book 525 of Deeds, Page 26, and said southwesterly line of said strip to the **POINT OF TERMINUS** of said easement, said point being the northeast corner of a tract of land described in Book 447 of Deeds, Page 351 (Monumented with a 1½" Aluminum Cap per PE&LS 3864), and being N40°25'33"E, 1739.11 feet from said southwest corner of said Section 18. Lengthening or shortening the side line of said easement to intersect boundary lines as described in said Book 525 of Deeds, Page 26.

Said access and utility easement contains 27,000 square feet of land.
Bearings are Based on the Wyoming Coordinate System, NAD 1983, East Central Zone.

SURVEYOR'S STATEMENT

I, Thomas D. Tucker, do hereby state that this legal description was prepared from notes taken during an actual field survey performed by me or under my direct supervision.



Modification in any way of the above or foregoing legal description terminates liability of the surveyor.