

### Underground Easement

Ronald A. Stolcis, a single man ("Owner") grants to Montana-Dakota Utilities Co., a division of MDU Resources Group, Inc., a corporation, QWest Communications, Inc., a corporation, and TCI TKR of Central Florida, Inc., a corporation ("Companies") an easement to construct, operate, maintain, increase the capacity of, repair, replace, and remove underground communication, electric and natural gas systems as the Companies may from time to time require under and across a strip of land 16 feet wide across the following-described real estate situate in Sheridan County, Wyoming:

#### See Attached Exhibit "A" and Exhibit "B"

This easement is subject to the following terms and conditions:

1. No above-ground facilities shall be placed on the easement without prior written permission from Owner.
2. Any and all damages which may result to crops, fences, buildings and improvements on the premises caused by the construction, operation or maintenance of the communication, electric or natural gas systems will be paid for by the responsible Company. The initial installation of the communication, electric, and natural gas systems shall be done at the same time in order to avoid repeated surface disturbance.
3. Owner shall not build, create or construct or permit to be built, created or constructed any construction, building, engineering works, or other structures upon, over or under the strip of land herein described which would interfere with the use of the easement by the Companies. Owner specifically reserves the right to construct driveways and roads over the above-described property.
4. Whenever the Companies damage or destroy the surface of the above-described property in connection with the construction, operation, and maintenance of the systems installed in the easement, the responsible Company shall fully restore the disturbed land to the condition it was in prior to such disturbance as soon as reasonably practicable.
5. Except in cases of emergency, Companies shall notify Owner in advance of any excavation which Companies intend to conduct on the property. If Companies have to dig up any of the systems after initial installation in order to repair or replace those systems, Owner shall be reasonably compensated for any damage or disruption caused by such excavation.
6. Owner makes no warranty of title or otherwise in entering into this agreement. If it is determined that Owner does not have the right to authorize Companies to use the land affected by this agreement for the purposes set forth herein, then Companies' sole

remedy shall to be recover from Owner those payments made by Companies for the rights which Owner did not have the right to grant to Companies.

7. Companies shall indemnify, defend and hold Owner harmless from any and all claims, liabilities, demands, suits, losses, damages and costs arising out of or related to Companies' operations on Owner's land.

8. Companies shall install an extra 100 pair cable from the west side of Highway 335 to the east side of Highway 87. Companies shall bury the entire electric line which provides service to Owner's house and update the gas pipeline providing service to Owner's house. Companies shall bury the overhead telephone and cable lines from Highway 87 to the pole located immediately north of Owner's house. The poles presently used in connection with those portions of the electric, telephone and cable lines which are to be buried shall be taken down by Companies and stacked in a location on Owner's property designated by Owner and shall become Owner's property.

9. This easement shall be for a term of 99 years and shall be binding upon the parties, their successors and assigns.

10. By acceptance and recording of this agreement, the Companies agree to be bound all of the terms and conditions of this easement.

DATED this 9<sup>th</sup> day of April, 2001.

Ronald A. Stolcis  
Ronald A. Stolcis

STATE OF WYOMING     )  
                                      : ss.  
COUNTY OF SHERIDAN    )

Sworn and acknowledged before me this 9<sup>th</sup> day of April, 2001, by  
Ronald A. Stolcis.

Witness my hand and official seal.



Barbara J. Nelson  
Notary Public  
My Commission expires: 11-7-2004

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**EXHIBIT "A"**

**Record Owners: Ronald A. Stolcis  
October 06, 2000**

**Re: 16' Non-Exclusive Perpetual Easement**

A perpetual utility easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline situated in the NW¼NE¼ of Section 27, Township 55 North, Range 84 West, 6th P.M., 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 north quarter corner of said Section 27 (Monumented with a 3¼" Aluminum Cap per PLS 2615); thence S22°03'46"E, 99.50 feet to the **POINT OF BEGINNING** of said easement, said point lying on the existing easterly right-of-way line of State Highway No.335 (AKA Big Horn Road); thence S58°02'38"E, 82.67 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point lying on the westerly right-of-way line of US Highway No. 87 and being S38°20'06"E, 173.35 feet from said north quarter corner of Section 27.

A perpetual utility easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline situated in the NE¼NW¼ and the NW¼NE¼ of Section 27, Township 55 North, Range 84 West, 6th P.M., 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:

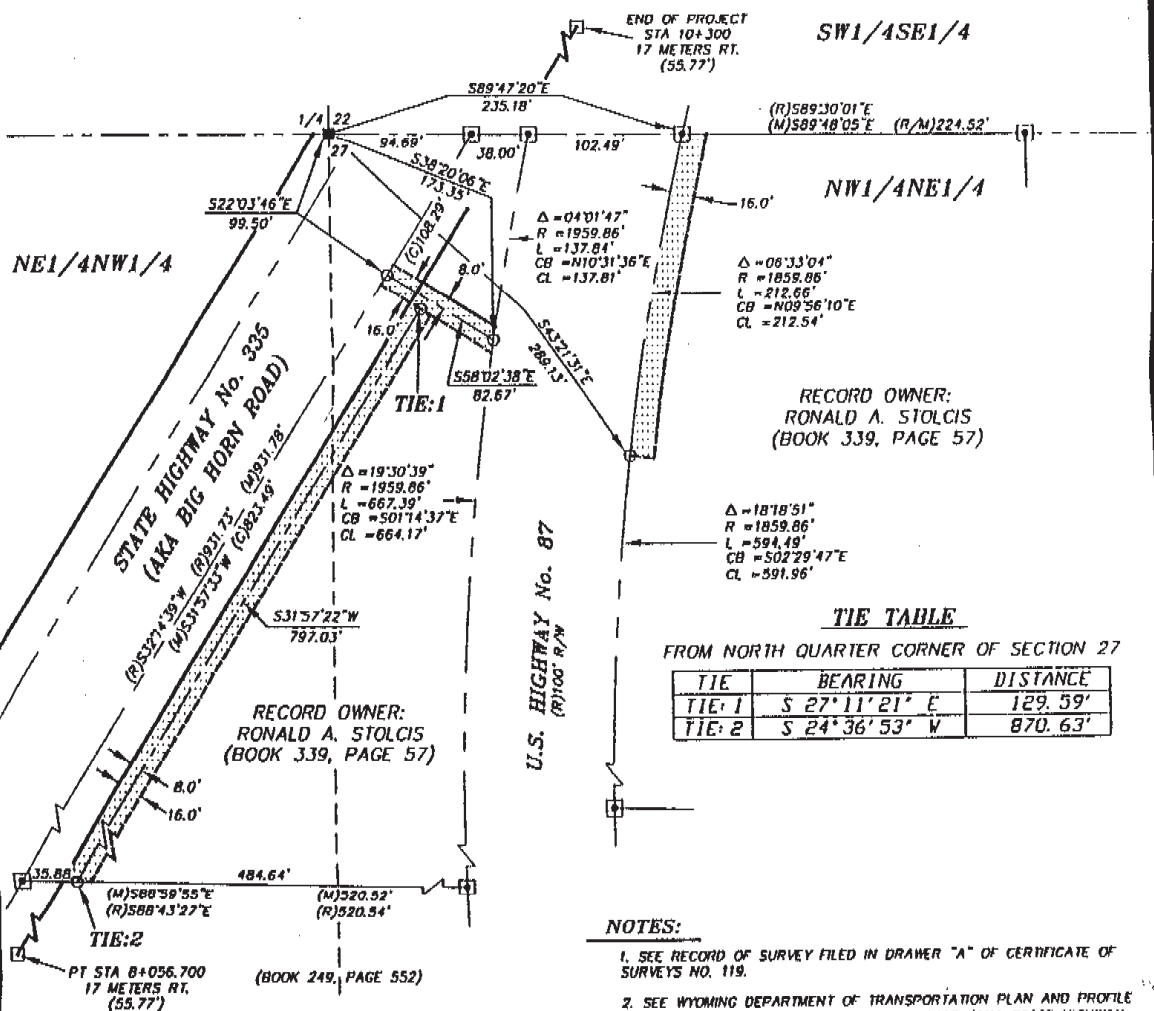
Commencing at the north quarter corner of said Section 27 (Monumented with a 3¼" Aluminum Cap per PLS 2615); thence S27°11'21"E, 129.59 feet to the **POINT OF BEGINNING** of said easement; thence, eight (8) feet easterly of and parallel to the proposed easterly right-of-way line of State Highway No.335 (AKA Big Horn Road), S31°57'22"W, 797.03 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point lying on the north line of a tract of land described in Book 249 of Deeds, Page 552 and being S24°36'53"W, 870.63 feet from said north quarter corner of Section 27.

A perpetual utility easement being a strip of land sixteen (16) feet wide situated in the NW¼NE¼ of Section 27, Township 55 North, Range 84 West, 6th P.M., Sheridan County, Wyoming, as shown on Exhibit "B" attached hereto and by this reference made a part hereof; the westerly line of said utility easement being a portion of the easterly right-of-way line of US Highway No. 87, said line being more particularly described as follows:

Commencing at the north quarter corner of said Section 27 (Monumented with a 3¼" Aluminum Cap per PLS 2615); thence S89°47'20"E, 235.18 feet along the north line of said Section 27 to the **POINT OF BEGINNING** of said easement, said point lying on said easterly right-of-way line of US Highway No. 87; thence along said easterly right-of-way line, through a curve to the left, having a radius of 1859.86 feet, a central angle of 06°33'04", an arc length of 212.66 feet a chord bearing of S09°56'10"W, and a chord length of 212.54 feet to the **POINT OF TERMINUS** of said easement, said point being S43°21'31"E, 289.13 feet from said north quarter corner of Section 27.

**Basis of Bearings is Wyoming State Plane (East Central Zone).**

# EXHIBIT "B"



RECORD OWNER:  
RONALD A. STOLCIS  
(BOOK 339, PAGE 57)

## TIE TABLE

FROM NORTH QUARTER CORNER OF SECTION 27

TIE	BEARING	DISTANCE
TIE 1	S 27° 11' 21" E	129.59'
TIE 2	S 24° 36' 53" W	870.63'

## NOTES:

- SEE RECORD OF SURVEY FILED IN DRAWER "A" OF CERTIFICATE OF SURVEYS NO. 119.
- SEE WYOMING DEPARTMENT OF TRANSPORTATION PLAN AND PROFILE OF PROPOSED STATE HIGHWAY BIG HORN ROAD (AKA STATE HIGHWAY No. 335) FOR PROPOSED/EXISTING RIGHT OF WAY, DATED NOV. 08, 1999.
- RIGHT-OF-WAY STATIONS ARE LISTED IN METERS, OFFSET DISTANCES FROM CENTERLINE ARE LISTED IN METERS AND FEET.
- NON-EXCLUSIVE PERPETUAL EASEMENT FOR ALL UTILITIES CROSSING THE RIGHT-OF-WAY TO BE GRANTED TO U.S. WEST COMMUNICATIONS, INC., A DIVISION OF MOU RESOURCES GROUP, INC., FOR THE USE OF CENTRAL FLORIDA, INC., AND OR ANY OF THEIR RESPECTIVE SUCCESSORS AND ASSIGNS.
- MONUMENTATION WAS FOUND DURING PRIOR SURVEY.

## LEGEND:

- 3-1/4" ALUMINUM CAP PER PLS 2615
- 1-1/2" ALUMINUM CAP PER PLS 2615
- ◇ CALCULATED PROPERTY CORNER
- CALCULATED POSITION
- WC WITNESS CORNER
- (R) RECORD
- (M) MEASURED
- (C) CALCULATED
- SECTION LINE
- INTERIOR SECTION LINE
- PROPERTY/TRACT/LOT LINE
- EXISTING RIGHT-OF-WAY LINE
- PROPOSED RIGHT-OF-WAY LINE (STATE HWY NO. 335)
- PROPOSED EASEMENT RIGHT-OF-WAY LINE
- CENTERLINE OF PROPOSED EASEMENT

TOTAL (66.20 RODS)

## SURVEYOR'S CERTIFICATE

STATE OF WYOMING  
COUNTY OF SHERIDAN

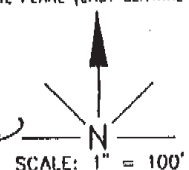
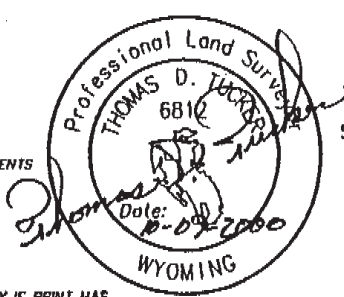
I, THOMAS D. TUCKER A DULY REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY STATE THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.

Date: OCTOBER 06, 2000

Job No. 027A465

RL No. \_\_\_\_\_

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



Sec. 27  
(NW1/4NE1/4)  
(NE1/4NW1/4)  
T-55-N  
R-84-W

SHERIDAN COUNTY, WYOMING

U.S. WEST Communications, inc.  
EXHIBIT FOR RIGHT OF WAY NO. \_\_\_\_\_  
GRANTOR RONALD A. STOLCIS

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

JN: 200031  
DN: 2000/200031E3  
(2000) NAD 83(1993)  
DAF: 1.000246811