

696  
RECORDED FEBRUARY 12, 2001 BK 420 PG 696 NO 367811 AUDREY KOLTISKA, COUNTY CLERK  
**UNDERGROUND EASEMENT**  
**CABLE TELEVISION, COMMUNICATION, ELECTRIC AND GAS LINES**

THIS EASEMENT, made this 3rd day of October, 2000, between MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., a corporation, US WEST COMMUNICATIONS, INC. a corporation, and TCI TKR of CENTRAL FLORIDA, INC., a corporation, hereinafter referred to as 'COMPANIES,' and the following named persons, hereinafter, whether singular or plural, referred to as 'OWNER,' namely:

William C. Schwabauer and Laurie L. Schwabauer

36 HW 335 Sheridan, Wy 82801

WITNESSED, that for valuable consideration received, OWNER does hereby grant unto Companies for 99 years, jointly and severally, its and their respective successors and assigns, an easement to construct, operate, maintain, increase the capacity of, repair, replace and remove such communication, electric and natural gas systems as the Companies may from time to time require, consisting of underground cables, wires, conduits, splicing boxes, markers, transformers, pipelines, and other facilities used in the construction, operation, maintenance, increasing the capacity of, repair, replacement, and removal of said communication, electric and natural gas systems, upon, over, under, and across a strip of land sixteen (16) feet wide across the following-described real estate, situated in the County of Sheridan, State of Wyoming, to wit:

ATTACHED EXHIBITS "A" and "B"

*This Easement is for Electric, 1 gas, 1 Cable & one Telephone*

OWNER, its successors and assigns, hereby grants to Companies, jointly and severally, its and their successors and assigns, the right of ingress and egress at all reasonable times over and across the lands of Owner, to and from said strip of land for the purpose of exercising the rights herein granted; to place surface markers beyond said strip; and to install gates in any fences crossing said strip.

OWNER, its successors and assigns, agrees not to build, create or construct or permit to be built, created or constructed, any obstruction, building, engineering works or other structures upon, over or under the strip of land herein described or that would interfere with the herein stated uses, or Companies' rights hereunder.

COMPANIES agree that any and all damages that may result to the crops, fences, buildings and improvements on said premises caused by the construction and maintenance of said communication, electric and/or natural gas systems will be paid for by the responsible Company. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by the responsible Company and one by Owner; these two shall select a third person. The award determined by these three persons shall be final and conclusive.

IN WITNESS WHEREOF, OWNER has executed this easement as of the day and year first above written.

*X William C Schwabauer*

*X Laurie L Schwabauer*

STATE OF Wyoming  
COUNTY OF Sheridan :ss

On this 3rd day of October, 2000, before me personally appeared William C. Schwabauer and Laurie L. Schwabauer

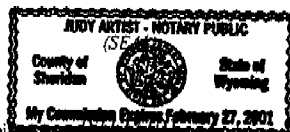
known to me to be the same person(s) as described in and who executed the above and foregoing instrument and acknowledged to me that they executed the same.

(THIS SPACE FOR RECORDING DATA ONLY)

*Judy Artist*  
Notary Public, Sheridan County,

State of Wyoming

Residing at Sheridan, Wyoming



My Commission Expires

W.O. 76958 TRACT NO. 37169 L.R.R. NO. 37054

## EXHIBIT "A"

Record Owners: William C. & Laurie Schwabauer  
May 18, 2000

Re: 16' Non-Exclusive Perpetual Easement for All Utilities including but not limited to US West Communications, Inc., Montana-Dakota Utilities Co., A Division of MDU Resources Group, Inc., TCI TKR of Central Florida, Inc., and or any of their respective successors and assigns.

A perpetual utility easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline situated in the E½NW¼ 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:

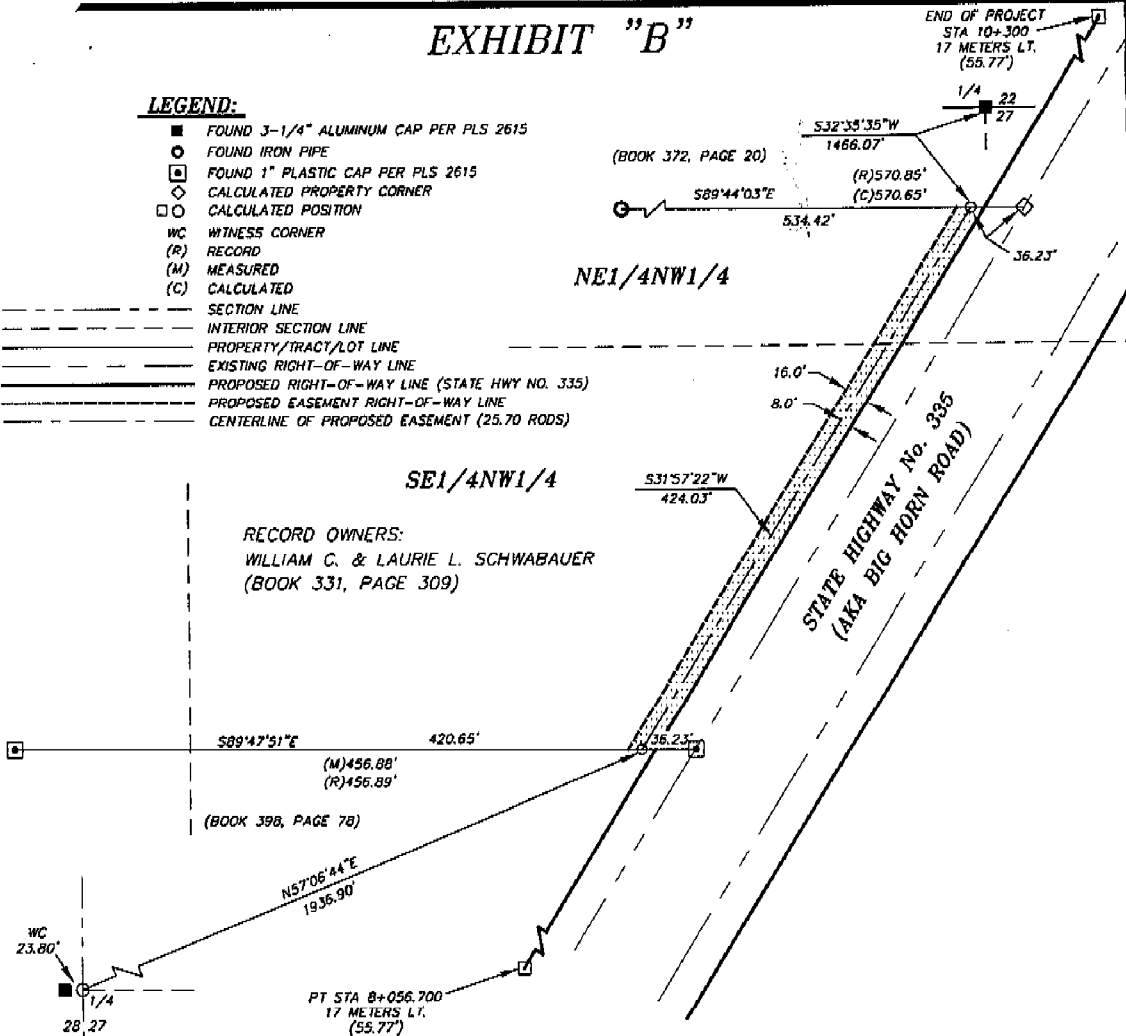
Commencing at the north quarter corner of said Section 27 (Monumented with a 3¼" Aluminum Cap per PLS 2615); thence S32°35'35"W, 1466.07 feet to the **POINT OF BEGINNING** of said centerline, said point lying on the south line of a tract of land described in Book 372 of Deeds, Page 20; thence, eight (8) feet westerly of and parallel to the proposed westerly right-of-way line of State Highway No.335 (AKA Big Horn Road) S31°57'22"W, 424.03 feet along said centerline to the **POINT OF TERMINUS**, said point lying on the north line of a tract of land described in Book 398 of Deeds, Page 78 and being N57°06'44"E, 1936.90 feet from the west quarter corner of said Section 27 (Witnessed by a 3¼" Aluminum Cap per PLS 2615).

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

# EXHIBIT "B"

## LEGEND:

- FOUND 3-1/4" ALUMINUM CAP PER PLS 2615
- FOUND IRON PIPE
- FOUND 1" PLASTIC 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 (25.70 RODS)



RECORD OWNERS:  
WILLIAM C. & LAURIE L. SCHWABAUER  
(BOOK 331, PAGE 309)

## NOTES:

1. SEE RECORD OF SURVEY FILED IN DRAWER "A" OF CERTIFICATE OF SURVEYS NO. 119.
2. 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.
3. RIGHT-OF-WAY STATIONS ARE LISTED IN METERS. OFFSET DISTANCES FROM CENTERLINE ARE LISTED IN METERS AND FEET.
4. NON-EXCLUSIVE PERPETUAL EASEMENT FOR ALL UTILITIES INCLUDING BUT NOT LIMITED TO US WEST COMMUNICATIONS, INC., MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., TCI TKG OF CENTRAL FLORIDA, INC., AND OR ANY OF THEIR RESPECTIVE SUCCESSORS AND ASSIGNS.

## 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 CERTIFY THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.

*Thomas D. Tucker*  
THOMAS D. TUCKER WY PLS 6812

Date: MAY 16, 2000

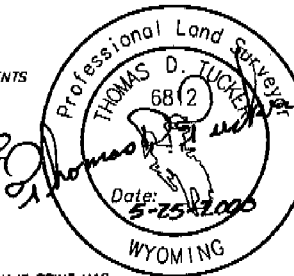
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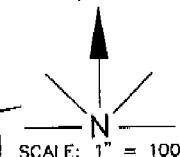


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307-672-7415  
FAX 674-5000

JN: 200031  
DN: 2000/200031E7  
(2000) NAD 83(1993)  
DAF: 1.000246811



BASIS OF BEARING IS  
WYOMING STATE PLANE (EAST CENTRAL ZONE)



Sec. 27  
(E1/2NW1/4)  
T-55-N  
R-84-W

SHERIDAN COUNTY, WYOMING

U.S. WEST Communications, inc.  
EXHIBIT FOR RIGHT OF WAY NO. 37169  
GRANTOR WILLIAM C. & LAURIE SCHWABAUER