

EASEMENT 460

UNDERGROUND COMMUNICATIONS AND ELECTRIC LINES

RECORDED MAY 21, 1992 BK 350 PG 460 NO 109939 RONALD L. DAILEY, COUNTY CLERK

THIS EASEMENT, made this 23rd day of April, 1992, between MONTANA-DAKOTA UTILITIES CO., a Division of MDU RESOURCES GROUP, INC., a corporation, and US WEST COMMUNICATIONS, INC., a corporation, hereinafter referred to as "Companies", and the following-named persons, hereinafter referred to as "OWNER", namely:

Warren Terry Stewart and Carol Jean Stewart, husband and wife
14 Pierce Lane, Sheridan, WY 82801

WITNESSETH, that for valuable consideration received, OWNER does hereby grant, bargain and convey unto Companies, jointly and severally, its and their associated and allied companies, its and their respective successor and assigns, an easement to construct, operate, maintain, repair, replace and remove such communications and electric systems as the Companies may from time to time require, consisting of underground cables, wires, conduits, manholes, drains and splicing boxes, surface testing terminals, repeaters, repeater housings, markers, transformers, other associated above ground appurtenances, and other facilities used in the construction, operation, maintenance, repair and removal of said communications and electric systems, upon, over, under and across a strip of land 15 feet wide, across the following-described real estate, situated in the County of Sheridan, State of Wyoming, to-wit:

(O V E R)

If the herein described lands are in the State of Wyoming, Owner does hereby release and waive all rights under and by virtue of the Homestead exemption laws of that State.

Owner 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 for the purpose of exercising the rights herein granted; to place surface markers beyond said strip, to install gates in any fences crossing said strip; and to permit in said strip the underground cables, wires and circuits, transformers and appurtenances of any other company.

Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., hereby agrees to pay for any and all damages that may result to the crops, fences, buildings and improvements on said premises arising from the construction and maintenance of its electric systems, to the extent that such damages are caused by the negligent or willful acts of Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., and US WEST COMMUNICATIONS, INC., a corporation, hereby agrees to pay for any and all damages that may result to the crops, fences, and buildings and/or improvements on said premises arising from the construction and maintenance of its communications systems, to the extent that such damages are caused by the negligent or willful acts of US WEST COMMUNICATIONS, INC.

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

Warren Terry Stewart
Carol Jean Stewart

STATE OF WYOMING)
) ss.
County Of Sheridan)

On this 23rd day of April, 1992, before me personally appeared Warren Terry Stewart & Carol Jean Stewart, husband & wife

known to me to be the same person s, described in and who executed the above and foregoing instrument and acknowledged to me that t he y executed the same, (known to me to be the

and
respectively, of the corporation that is described in and that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.)

Wayne S. Blank

Notary Public, _____ County,

State of _____

(SEAL)

My Commission Expires: _____
1071-115-15588-111
W.O. _____ TRACT NO. _____ L.R.R. No. 34273

LEGAL DESCRIPTION

**Easement for Montana Dakota Utilities
RE: Underground Distribution Line, State Highway 331**

Record Owner: Warren Terry Stewart and Carol Jean Stewart

A strip of land fifteen feet wide lying north of the north right of way line of Wyoming State Highway No. 331 situated in Tract 29E of the Pierce Minor Subdivision, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 55 North, Range 85 West, 6th P.M., Sheridan County, Wyoming, the south line of said strip being the north right of way line of said Wyoming State Highway No. 331; said south line being forty (40) feet parallel to the centerline of said State Highway No. 331 and described as follows:

Commencing at the northeast corner of said Section 2; thence S11°59'20"W, 3525.80 feet to the POINT OF BEGINNING of the herein described strip of land, said being the intersection of the west line of tract 17 of the Pierce Subdivision and said north right of way line State Highway No. 331; thence S78°12'00"W, 339.17 feet along said north right of way line to the POINT OF TERMINUS of the herein described strip, said point lying on the east line of Tract 16 of said Pierce Subdivision, and being S16°49'56"W, 3675.73 feet from said northeast corner of Section 2.

A strip of land fifteen feet wide lying north of the north right of way line of Wyoming State Highway No. 331 situated in Tract 29E of the Pierce Minor Subdivision, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 55 North, Range 85 West, 6th P.M., Sheridan County, Wyoming, the south line of said strip being the north right of way line of said Wyoming State Highway No. 331, said south line being forty (40) feet parallel to the centerline of said State Highway No. 331 and described as follows:

Commencing at the northeast corner of said Section 2; thence S19°06'33"W, 3760.26 feet to the POINT OF BEGINNING of the herein described strip of land, said point being the intersection of the west line of Tract 18 of the Pierce Subdivision and said north right of way line of State Highway 331; thence S78°12'00"W, 385.64 feet along said north right of way line to the POINT OF TERMINUS, said point lying on the east right of way line of Pierce Road and being S23°53'14"W, 3972.16 feet from said northeast corner of Section 2.

Basis of Bearings is Wyoming State Plane.

See Certificate of Survey for Property lines and section corner ties in reference to the above legal description as filed in drawer A of Certificate of Surveys No. 56.

(E45-64)