

20720(6-79)

MONTANA-DAKOTA UTILITIES CO.
ELECTRIC LINE EASEMENT

THIS EASEMENT, made this 5th day of September, 19 84, between MONTANA-DAKOTA UTILITIES CO., a corporation, 400 North Fourth Street, Bismarck, North Dakota, hereinafter called "COMPANY," its successors and assigns, and the following named persons, hereinafter, whether singular or plural, called "OWNER," namely: J.D. PELESKY CONSTRUCTION COMPANY, a Wyoming corporation

whose address is P. O. Box 1084 Sheridan, Wyoming 82801

WITNESSETH, that for valuable considerations received, OWNER does hereby grant unto MONTANA-DAKOTA UTILITIES CO., a corporation, its successors and assigns, an easement 70 feet in width, being 35 feet left, and 35 feet right of the center line, as laid out and/or surveyed with the right to construct, reconstruct, increase the capacity of, operate, maintain, repair and remove one electric line, consisting of pole structures supporting one or more electric power circuits, together with crossarms, cables, wires, guys, supports, anchors, fixtures, and such other structures, installations and facilities used in the construction, reconstruction, operation, increasing the capacity of, maintenance, repair and removal of said electric line, and to cut and trim trees and shrubbery located within 35 feet of the center line of said line or where they may interfere with or threaten to endanger the operation or maintenance of said line, and to license, permit or otherwise agree to the joint use or occupancy of the line by any other persons, associations or corporations. Said line may be constructed either overhead, as described above, or underground, or the said line, if constructed overhead, may be converted from overhead to an underground line at some future time.

OWNER, hereby grants to company, its successors and assigns, the right at all reasonable times to enter upon said premises for the purpose of constructing, reconstructing, increasing the capacity of, maintaining, converting to underground, repairing or removing said electric line and for the purpose of doing all necessary work in connection therewith.

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 said electric line or COMPANY'S rights hereunder, except as may be specifically provided herein.

Said electric line and every part thereof shall be confined to the area granted under this easement. ~~Whenever the COMPANY shall have the right to increase the capacity of, reconstruct, or otherwise alter the electric line, it shall be bound to do so in a manner which shall cause the least damage to the land and improvements thereon.~~

COMPANY hereby agrees that it will pay any and all damages that may result to the crops, fences, buildings and improvements on said premises caused by constructing, reconstructing, increasing the capacity of, maintaining, repairing, converting to underground, operating or removing said electric line. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by COMPANY and one by OWNER; these two shall select the third person. The award of these three persons shall be final and conclusive. COMPANY agrees to conform the line to the grading plan of the owner.

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.

This easement is appurtenant to the following described real estate, situate in the County of Sheridan, State of Wyoming, namely:

The property described in Exhibit A, a copy of which is attached hereto and incorporated by reference herein.

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



J.D. PELESKY CONSTRUCTION COMPANY, a Wyoming corporation

By: Gerald K. Pelesky

Attest: Patricia A. Brundowski

STATE OF WYOMING

County of Sheridan

On this 24th day of September, 19 84, before me personally appeared Gerald K. Pelesky

known to me to be the same person described in and who executed the above and foregoing instrument and acknowledged to me that he executed the same, (known to me to be the President and 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.)

Notary Public, Sheridan County,

State of Wyoming

My Commission Expires: 1/29/85

W.O. TRACT NO. S-S 5c L.R.R. No.

EXHIBIT A

A parcel of land located in the SE $\frac{1}{4}$ of Sec 25, T. 56 N., R. 84 W., 6th P.M., Sheridan County, Wyoming, described as follows:

Beginning at a point on the west line of the SE $\frac{1}{4}$ of Section 25 located S. 0°24'17" E. a distance of 346.94 ft. from the N.W. corner of the SE $\frac{1}{4}$ of said Sec. 25 thence bearing S. 0°24'17" E. a distance of 888.45 ft. along the west line of the SE $\frac{1}{4}$ of said Sec. 25 to a point on the north line of the B.N.R.R. thence bearing N. 87°51'03" E. a distance of 135.0 ft. along the north line of the B.N.R.R. to a point thence bearing N. 0°24'17" W. a distance of 10.0 ft. to a point thence bearing S. 87°51'03" W. a distance of 64.7 ft. to a point thence bearing N. 0°24'17" W. a distance of 916.24 ft. to a point thence bearing S. 60°00'00" W. a distance of 80.83 ft. to the point of beginning. Said parcel contains 1.47 acres.

SUBJECT to the following additional terms and conditions, to-wit:

Owner, its successors and assigns, shall have the right to construct or place buildings, structures or improvements upon those portions of the above-described parcel that are outside of a strip 30 ft. wide, being 15 ft. left and 15 ft. right of the North-South centerline, as laid out and/or surveyed of said parcel, so long as such buildings, structures or improvements are located and constructed in conformity with the National Electrical Safety Code.

TOGETHER with a temporary construction easement for use of the existing roads in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 25, T56N, R84W and a parcel of land described as follows: beginning at the NW corner of the SE $\frac{1}{4}$ of said Sec. 25 thence S. 0°24'17"E. 1235.39 ft. to the north line of the B.N.R.R. thence N. 87°51'03" E. 135.0 ft. to the true point of beginning thence N. 87°51'03" E. 215.0 ft. to a point thence N. 0°24'17" W. 50.0 ft. to a point thence S. 87°51'03" W. 279.7 ft. to a point thence S. 0°24'17" E. 40.0 ft. to a point thence N. 87°51'03" E. 64.7 ft. to a point thence S. 0°24'17" E. 10.0 ft. to the point of beginning.