

# MONTANA-DAKOTA UTILITIES CO. UNDERGROUND EASEMENT

THIS EASEMENT, made this 27<sup>th</sup> day of OCTOBER, A.D., 2008, between MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., a corporation, 400 North Fourth Street, Bismarck, North Dakota 58501, QWEST CORPORATION a corporation, and TONGUE RIVER COMMUNICATIONS INC, hereinafter called "COMPANIES," its successors and assigns, and the following named persons, herein, whether singular or plural, called "OWNER," namely:

David J. Withrow and Marilyn N. Withrow

WITNESSETH, that for valuable considerations received, OWNER does hereby grant, bargain, sell and convey unto COMPANIES, its successors and assigns, an easement 16 feet in width, being 8 feet left, and 8 feet right of the centerline, as laid out and/or surveyed, or as finally installed on the hereinafter described lands, together with the right to construct, reconstruct, operate, maintain, repair, remove and replace communications line or lines, a gas pipeline or lines, including necessary pipes, poles, and fixtures, and a buried or semiburied electric distribution system, street lighting system, or any combination thereof including the necessary cables, pedestals, transformers, transformer bases and other fixtures and apparatus in connection therewith through, over, under, and across the following described real estate, situated in the County of Sheridan, State of Wyoming namely:

An Underground Easement situated in Section 13, Township 53 North, Range 84 West of the 6<sup>th</sup> P. M., Sheridan County, Wyoming; said easement being more particularly described in EXHIBIT "A" and shown in EXHIBIT "B" attached hereto and by this reference made a part hereof.

OWNER agrees not to build, create or construct or permit to be built, created, or constructed, any obstruction, building, engineering works or other structures over, under, or that would interfere with said underground lines or COMPANIES' rights hereunder.

OWNER hereby grants to COMPANIES, its successors and assigns, the right at all reasonable times to enter upon said premises for the purpose of laying, constructing, maintaining, operating, replacing, repairing or removing said underground lines and for the purpose of doing all necessary work in connection therewith.

COMPANIES by the acceptance hereof, hereby agrees that it will pay any and all damages that may result, including crops, fences, buildings and improvements on said premises, caused by constructing, maintaining, repairing, operating, replacing or removing said underground lines. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by COMPANIES and one by OWNER; these two shall select the third person. The award of these three persons shall be final and conclusive.

If the herein described lands are in the State of North Dakota, this easement is limited to a term of 99 years.

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.

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

David J. Withrow  
David J. Withrow, Grantor

Marilyn N. Withrow  
Marilyn N. Withrow, Grantor

STATE OF WYOMING

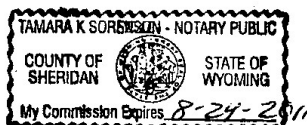
COUNTY OF SHERIDAN ss.

On this the 27<sup>th</sup> day of OCTOBER, 2008, before me personally appeared David J. Withrow and Marilyn N. Withrow known to me, or satisfactorily proved to be the person described in and who executed the above and fore going instrument and acknowledged to me that he executed the same (known to me to be the and respectively, of the corporation that is described in and that executed the foregoing instrument, acknowledged to me that such corporation executed the same.)

(this space for recording data only)

683438 EASEMENT  
BOOK 520 PAGE 0200  
RECORDED 11/08/2010 AT 03:25 PM  
EDA S. THOMPSON, SHERIDAN COUNTY CLERK

[Signature]  
Notary Public



My Commission Expires Aug 24, 2011

W.O. \_\_\_\_\_ Tract NO. \_\_\_\_\_ LLR NO. \_\_\_\_\_

## EXHIBIT "A"

**Record Owners: David J. Withrow & Marilyn Withrow**  
**November 20, 2009**

**Re: 16.0' Underground Electric Line Easement for Montana-Dakota Utilities Company, a Division of MDU Resource Group, Inc., and or any of their respective successors and assigns.**

An underground electric line easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline, situated in the W $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, Township 53 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 southeast corner of said Section 13 (Monumented with a 3" Brass Cap per PLS 2615); thence N41°19'38"W, 2044.39 feet to the **POINT OF BEGINNING** of said easement, said point lying on the east line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence S81°08'52"W, 10.48 feet along said centerline to a point; thence S17°42'35"W, 110.07 feet along said centerline to a point; thence S53°07'31"W, 64.75 feet along said centerline to a point; thence, continue S53°07'31"W, 106.00 feet along said centerline to a point; thence S35°43'38"W, 25.80 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point lying on the east line of a tract of land described in Book 329 of Deeds, Page 480, and being N49°48'54"W, 2023.02 feet from said southeast corner of Section 13. Lengthening or shortening the side lines of said easement to intersect said boundary lines.

An underground electric line easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline, situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, Township 53 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:

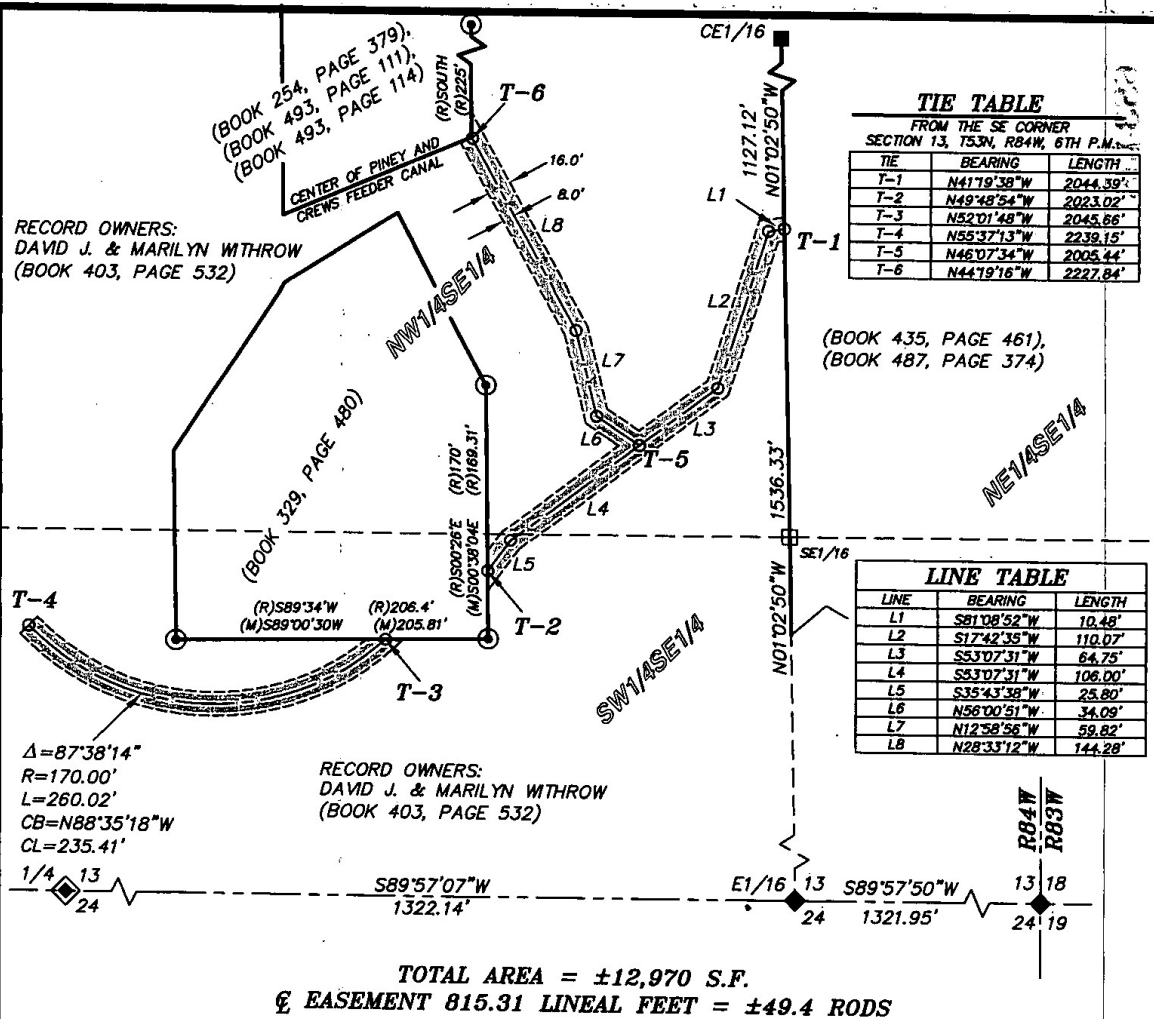
Commencing at the southeast corner of said Section 13 (Monumented with a 3" Brass Cap per PLS 2615); thence N52°01'48"W, 2045.66 feet to the **POINT OF BEGINNING** of said easement, said point lying on the south line of a tract of land described in Book 329 of Deeds, Page 480; thence, along said centerline through a curve to the right, having a radius of 170.00 feet, a central angle of 87°38'14", an arc length of 260.02 feet, a chord bearing of N88°35'18"W, and a chord length of 235.41 feet to the **POINT OF TERMINUS** of said easement, said point being N55°37'13"W, 2239.15 feet from said southeast corner of Section 13. Lengthening or shortening the side lines of said easement to intersect said boundary line.

An underground electric line easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline, situated in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, Township 53 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 southeast corner of said Section 13 (Monumented with a 3" Brass Cap per PLS 2615); thence N46°07'34"W, 2005.44 feet to the **POINT OF BEGINNING** of said easement; thence N56°00'51"W, 34.09 feet along said centerline to a point; thence N12°58'56"W, 59.82 feet along said centerline to a point; thence N28°39'12"W, 144.28 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point being the southeast corner of a tract of land described in Book 254 of Deeds, Page 379, lying on the centerline of Piney and Crews Feeder Canal, and being N44°19'16"W, 2227.84 feet from said southeast corner of Section 13. Lengthening or shortening the side lines of said easement to intersect said boundary line.









Said underground electric line easements contain 12,970 square feet of land, more or less.

Bearings are Based on the Wyoming Coordinate System, NAD 1983, East Central Zone.  
H:\WPLD\T53N\2009\2009050\_E4.wpd



**LEGEND:**

- FOUND 3-1/4" ALUMINUM CAP PER PLS 2615  
 ◆ FOUND 3" BRASS CAP PER: PLS 2615  
 ◆ FOUND 3-1/4" ALUMINUM CAP PER PLS 3864  
 ○ FOUND 1-1/2" ALUMINUM CAP PER PLS 102  
 □ CALCULATED: NOTHING FOUND/NOTHING SET  
 (R) RECORD  
 (M) MEASURED  
 (C) CALCULATED

-  PROPERTY/DEED LINE  
 CENTERLINE UNDERGROUND  
 ELECTRIC LINE EASEMENT  
 EASEMENT LINE  
 SECTION LINE  
 INTERIOR SECTION LINE  
 16.0' UNDERGROUND  
 ELECTRIC LINE EASEMENT

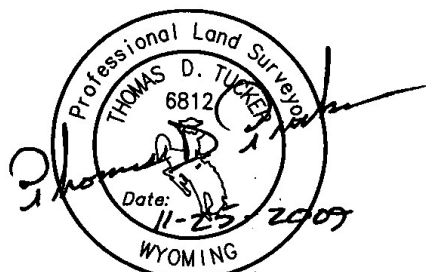


**SCALE: 1"=100'**  
BEARINGS ARE BASED ON THE  
WYOMING COORDINATE SYSTEM  
NAD 1983, EAST CENTRAL ZONE  
DATUM: NAD 83(1993), NAVD 88 (U.S. SURVEY FEET)  
DAF: 1.000307765  
DISTANCES ARE SURFACE

### ***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 PLAN REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.



**EXHIBIT "B"**

## UNDERGROUND ELECTRIC LINE EASEMENT

CLIENT: MONTANA-DAKOTA UTILITIES COMPANY  
LOCATION: W1/2SE1/4, SECTION 13, T53N, R84W,  
6TH P.M., SHERIDAN COUNTY, WYOMING.



**RESTFELDT**  
**SURVEYING**

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

JN: 29050  
DN: 2009050\_E4  
PF: T2007074  
NOVEMBER 25, 2009

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