

Parcel 30

# MONTANA-DAKOTA UTILITIES CO. UNDERGROUND EASEMENT

THIS EASEMENT, made this 21 day of JAN, A.D., 2010, between MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., a corporation, 400 North Fourth Street, Bismarck, North Dakota 58501, hereinafter called "COMPANY," its successors and assigns, and the following named persons, herein, whether singular or plural, called "OWNER," namely:

W & K & Company, a Wyoming Partnership  
169A Sage Creek Road  
Cody, Wyoming 82414

WITNESSETH, that for valuable considerations received, OWNER does hereby grant, bargain, sell and convey unto COMPANY, its successors and assigns, an easement 16 foot in width, being 8 feet left, and 8 feet right of the center line 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 semi buried 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 16 feet wide, being in a tract of land situated in the NE1/4SW1/4 of Section 32, Township 56 North, Range 84 West of the 6<sup>th</sup> P.M., Sheridan County, Wyoming. Said tract conveyed to the Owner by Warranty Deed and found in book of deeds 325 at page 18 of the Sheridan County Clerks Office, Sheridan County, Wyoming. The underground easement is shown on Illustration "A", which by reference is attached hereto and incorporated herein. The Company retains and can exercise the right to substitute and replace Illustration "A" with an as built description referenced as Exhibit "A" and location plat referenced as Exhibit "B" for recordation purposes.

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 COMPANYS' rights hereunder.

OWNER hereby grants to COMPANY, 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.

COMPANY 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 COMPANY 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

Laura J. Brant  
Representative for W & K & Company

Katherine F. Brant  
Representative for W & K & Company

STATE OF WYOMING )  
                          Park )ss.  
COUNTY OF SHERIDAN )

On this the 21<sup>st</sup> day of Jan, 2010, before me personally appeared Katherine F. Brant and Walter J. Brant, known to me, or satisfactorily proved to be the person(s) described in and who executed the above and fore going instrument and acknowledged to me that they executed the same

(This space for recording data only)

683353 EASEMENT  
BOOK 520 PAGE 0145  
RECORDED 11/08/2010 AT 12:10 PM  
EDA S. THOMPSON, SHERIDAN COUNTY CLERK

Linda K. Brant  
Notary Public

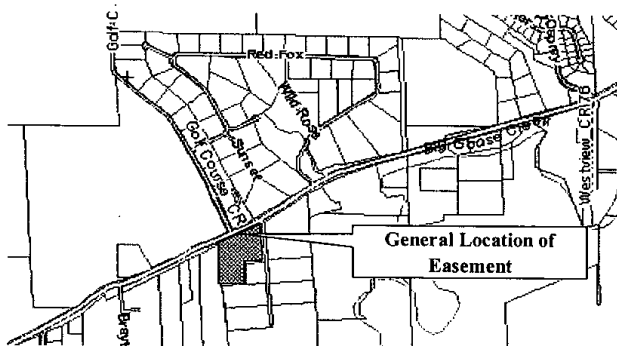
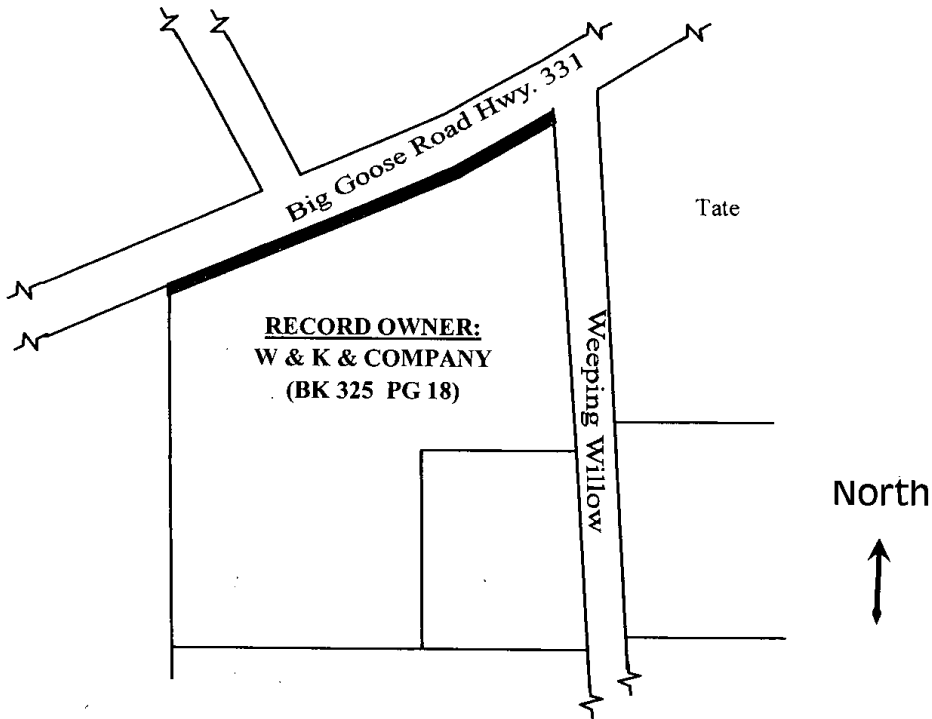


My Commission Expires Nov 2011

W.O. 169744 Tract NO. \_\_\_\_\_ LLR NO. \_\_\_\_\_

**MONTANA DAKOTA UTILITIES****16.0' UNDERGROUND UTILITY EASEMENT****Illustration "A"**

NE1/4SW1/4, Section 32, T56N, R84W, 6th P.M., Sheridan County, WY



This diagram and information is to be used for illustration purposes only. The representation is not to scale and is not to be construed as a final survey of location. The Landowner, by attachment of their initials JB KB dated this 21<sup>ST</sup> day of JANUARY, 2010, accepts the location of the Gas line as shown within the above illustration.

Date: 1-21-10

Work Order No: \_\_\_\_\_

1812 Sugarland Drive, Suite 108, PMB 198  
Sheridan, Wyoming 82801



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