

RECORDED AUGUST 4, 1976 BK 216 PG 448 NO.690730 MARGARET LEWIS, COUNTY CLERK

AGREEMENT

AGREEMENT entered this 22nd day of June, 1976, by and between Elmer J. Mydland and wife, Suzanne Mydland; Mervin Jordan Mydland and wife, Susan Mydland; and Elmer Milton Mydland, hereinafter designated "GRANTORS", and Shell Oil Company, a Delaware corporation, whose address is P. O. Box 2099, Houston, Texas 77001, hereinafter designated "GRANTEE".

WHEREAS, by instrument dated August 18, 1975, recorded in Book _____, page _____ of the deed records of Sheridan County, Wyoming, GRANTORS did grant and convey unto GRANTEE a permanent right-of-way and easement for railroad purposes over, upon, in and across the following described lands in Sheridan County, Wyoming, to-wit:

Township 57 North - Range 83 West, 6th P.M.

Section 7: W/2 NE/4, N/2 SE/4, SE/4 SE/4

Section 8: W/2

together with certain rights, powers and privileges appurtenant thereto, and described therein; and

WHEREAS, by the terms of the aforesaid instrument GRANTEE agreed to furnish a specific description of the right of way and easement to GRANTORS for approval at least sixty (60) days prior to commencement of operations for construction of the railroad; and

WHEREAS, the aforesaid right of way Easement, as well as a certain right of way Agreement of the same date were deposited with The First National Bank of Sheridan, Wyoming as escrow agent in accordance with the provisions of a certain Escrow Agreement dated August 18, 1975, received and executed by the escrow agent October 23, 1975; and

WHEREAS, the escrow agent was directed to deliver the right of way Easement and right of way Agreement to GRANTEE upon

deposit of certain sums as specified in the Escrow Agreement, on or before July 31, 1976; and

WHEREAS, it is necessary to fix and ascertain both the acreage and length of the right of way Easement across GRANTORS' land in order to determine the sums to be deposited with the escrow agent, which sums are the consideration for the Easement and Agreement.

NOW THEREFORE, in consideration of the premises, GRANTEE hereby furnishes, and GRANTORS hereby approve, the specific description of the right of way easement as set forth in the attached Exhibit A and Plat of Railroad R.O.W. Survey. For the purposes herein expressed, said easement is deemed to total 33.86 acres, and 7357.36 feet in length, across the lands described above, whether in fact more or less.

AND GRANTORS, for themselves, their heirs, devisees, personal representatives, successors and assigns hereby approve, ratify, confirm, grant and convey the right of way easement described herein, subject to the terms and provisions of the instruments referred to above.

IN WITNESS WHEREOF, this instrument is executed and delivered on the date first written above.

GRANTORS

Elmer J. Mydland
ELMER J. MYDLAND

Suzanne Mydland
SUZANNE MYDLAND

Mervin J. Mydland
MERVIN JORDAN MYDLAND

Susan Mydland
SUSAN MYDLAND

Elmer Milton Mydland
ELMER MILTON MYDLAND

GRANTEE

SHELL OIL COMPANY

By *Robert R. [Signature]*

Attorney-in-fact

STATE OF WYOMING §

COUNTY OF SHERIDAN §

The foregoing instrument was acknowledged before me
by Elmer J. Mydland and Suzanne Mydland, husband and wife, this
21st day of July, 1976.

WITNESS my hand and official seal.



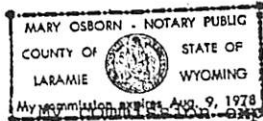
Beulah J. Facant
Notary Public
In and for said County and State

STATE OF WYOMING §

COUNTY OF SHERIDAN §

The foregoing instrument was acknowledged before me
by ~~Mervin Jordan Mydland~~ and Susan Mydland, husband and wife,
this 19th day of July, 1976.

WITNESS my hand and official seal.



Mary Osborn
Notary Public
In and for said County and State

Aug 9, 1978

The foregoing instrument was acknowledged before me
by Mervin Jordan Mydland this 12th day of July 1976.

Steve G. Mann

Steve G. Mann
ILT FA
520-56-7565

STATE OF WYOMING S
COUNTY OF SHERIDAN S

The foregoing instrument was acknowledged before me by
Elmer Milton Mydland this 21st day of July, 1976.
WITNESS my hand and official seal.



Beulah J. Packard
Notary Public
In and for said County and State

STATE OF TEXAS S
COUNTY OF HARRIS S

The foregoing instrument was acknowledged before me by
ARCHIE J. RUBBO, attorney-in-fact for Shell Oil
Company, a Delaware corporation, this 22nd day of June,
1976.



Patricia A. Smith
Notary Public
In and for said County and State

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EXHIBIT 'A' TO
AGREEMENT DATED JUNE 22, 1976

That parcel of land situate in the West half of Section 8, T57N, R83W, Sixth Principal Meridian, Sheridan County, Wyoming, more particularly described as follows:

Starting at the Southwest corner of said Section 8; thence N00°18'37"E along the west line of said Section 8, a distance of 682.13 feet to a point on the southeasterly right of way line of the Shell Oil Company Crow Coal Lease Spur Track Railroad, the true point of beginning; thence continuing N00°18'37"E along said west line Section 8, a distance of 81.93 feet to a point on the centerline of said Shell Oil Company Spur Track at centerline station 209+17.52; thence continuing N00°18'37"E along said west line Section 8, a distance of 119.34 feet to a point on the northwesterly right of way line of said Shell Oil Company Spur Track; thence N53°13'12"E along said right of way line, a distance of 143.83 feet to a point 150 feet right of centerline station 207+25; thence N80°17'30"E along said right of way line, a distance of 220.24 feet to a point 75 feet right of centerline station 205+00; thence along said right of way and along the arc of a 1357.69 foot radius curve to the left, a distance of 345.80 feet, said curve having a central angle of 14°35'36" and a long chord which bears N48°38'59"E a distance of 344.87 feet, to a point 75 feet right of centerline station 201+35.17; thence along said right of way line and along the arc of a 1836.79 foot radius curve to the left, a distance of 224.44 feet, said curve having a central angle of 07°00'04" and a long chord which bears N37°50'59"E a distance of 224.30 feet, to a point; thence N34°21'11"E along said right of way line, a distance of 51.66 feet to a point 75 feet right of centerline station 198+50; thence N15°55'05"E along said right of way line, a distance of 68.34 feet to a point 96.61 feet right of centerline station 197+85.17; thence continuing N15°55'05"E along said right of way line, a distance of 89.77 feet to a point 125 feet right of centerline station 197+00; thence N34°21'11"E along said right of way line, a distance of 200.00 feet to a point 125 feet right of centerline station 195+00; thence N44°39'29"E along said right of way line, a distance of 279.51 feet to a point 75 feet right of center-

line station 192+25; thence N34°21'11"E along said right of way line, a distance of 350.00 feet to a point 75 feet right of centerline station 185+75; thence N10°38'49"W along said right of way line, a distance of 35.36 feet to a point 100 feet right of centerline station 189+50; thence N34°21'11"E along said right of way line, a distance of 400.00 feet to a point 100 feet right of centerline station 184+50; thence N10°38'49"W along said right of way line, a distance of 35.36 feet to a point 125 feet right of centerline station 184+25; thence N35°21'54"E along said right of way line, a distance of 533.45 feet to a point 125 feet right of centerline station 179+00; thence N45°09'18"E along said right of way line, a distance of 309.77 feet to a point 100 feet right of centerline station 176+00; thence N49°41'05"E along said right of way line, a distance of 307.82 feet to a point 75 feet right of centerline station 173+00; thence N53°50'31"E along said right of way line, a distance of 465.34 feet to a point on the north-south mid-section line of said Section 8; thence S00°16'18"W along said mid-section line Section 8, a distance of 61.54 feet to a point on the centerline of said Shell Oil Company Spur Track at centerline station 165+78.83; thence continuing S00°16'18"W along said mid-section line Section 8, a distance of 62.57 feet to a point on the southeasterly right of way line of said Shell Oil Company Spur Track; thence along said right of way line and along the arc of a 3769.83 foot radius curve to the left, a distance of 156.23 feet, said curve having a central angle of 02°22'28" and a long chord which bears S51°50'33"W a distance of 156.22 feet, to a point 50 feet left of centerline station 170+75; thence S41°09'07"W along said right of way line, a distance of 735.80 feet to a point 100 feet left of centerline station 178+25; thence S06°38'15"E along said right of way line, a distance of 34.84 feet to a point 125 feet left of centerline station 178+50; thence along said right of way and along the arc of a 3694.83 foot radius curve to the left, a distance of 243.53 feet, said curve having a central angle of 03°46'35" and a long chord which bears S37°03'29"W a distance of 243.50 feet, to a point; thence along said right of way and along the arc of a 4967.96 foot radius curve to the left, a distance of 78.04 feet, said curve having a central angle of

00°54'00" and a long chord which bears S34°48'20"W a distance
 of 78.04 feet, to a point; thence S34°21'11"W along said right
 of way line, a distance of 118.23 feet to a point 125 feet left
 of centerline station 183+00; thence S42°07'05"W along said
 right of way line, a distance of 555.09 feet to a point 50 feet
 left of centerline station 188+50; thence S34°21'11"W along said
 right of way line, a distance of 375.00 feet to a point 50 feet
 left of centerline station 192+25; thence S23°02'35"W along said
 right of way line, a distance of 254.95 feet to a point 100 feet
 left of centerline station 194+75; thence S34°21'11"W along said
 right of way line, a distance of 250.00 feet to a point 100 feet
 left of centerline station 197+25; thence S79°21'11"W along said
 right of way line, a distance of 35.35 feet to a point 75 feet
 left of centerline station 197+50; thence S34°21'11"W along said
 right of way line, a distance of 35.17 feet to a point 75 feet
 left of centerline station 197+85.17; thence continuing
 S34°21'11"W along said right of way line, a distance of 116.49
 feet to a point; thence along said right of way and along the
 arc of a 1986.79 foot radius curve to the right, a distance of
 242.77 feet, said curve having a central angle of 07°00'04" and
 a long chord which bears S37°51'00"W a distance of 242.62 feet,
 to a point 75 feet left of centerline station 201+35.17; thence
 along said right of way and along the arc of a 1507.69 foot
 radius curve to the right, a distance of 334.01 feet, said curve
 having a central angle of 14°35'36" and a long chord which bears
 S46°38'59"W a distance of 332.97 feet to a point 75 feet left of
 centerline station 205+00; thence S37°48'12"W along said right of
 way line, a distance of 202.97 feet to a point 150 feet left of
 centerline station 206+75; thence S82°14'44"W along said right of
 way line, a distance of 295.69 feet to the true point of beginning.

Containing 16.50 acres, more or less.

All bearings based on Wyoming State Plane System,
 East Central Zone.

That parcel of land situate in the West half of Section 8, T57N, R83W, Sixth Principal Meridian, Sheridan County, Wyoming, more particularly described as follows:

Starting at the north $\frac{1}{2}$ corner of said Section 8; thence S00°16'18"W along the mid-section line of said Section 8, a distance of 1489.16 feet to a point on the northerly right of way line of the relocated county road and the true point of beginning; thence continuing S00°16'18"W along said mid-section line, a distance of 74.57 feet to a point on the northerly right of way line of the Shell Oil Company Crow Coal Lease Spur Track Railroad; thence S53°50'31"W along said railroad right of way line, a distance of 465.34 feet to a point 75 feet right of centerline station 173+00; thence S49°41'05"W along said railroad right of way line, a distance of 307.82 feet to a point 100 feet right of centerline station 176+00; thence S45°09'18"W along said railroad right of way line, a distance of 309.77 feet to a point 125 feet right of centerline station 179+00; thence S35°21'54"W along said railroad right of way line, a distance of 533.45 feet to a point 125 feet right of centerline station 184+25; thence S10°38'49"E along said railroad right of way line, a distance of 35.36 feet to a point 100 feet right of centerline station 184+50; thence S34°21'11"W along said railroad right of way line, a distance of 90.98 feet to a point 100 feet right of centerline station 185+40.98; thence N55°38'49"W, a distance of 87.06 feet to a point on the northerly right of way line of said relocated county road; thence N35°21'54"E along said county road right of way, a distance of 655.65 feet to a point; thence N45°09'18"E along said county road right of way line and parallel to and 60 feet northerly of said northerly railroad right of way line, a distance of 317.29 feet to a point; thence N49°41'05"E along said county road right of way line and parallel to and 60 feet northerly of said northerly railroad right of way line, a distance of 312.37 feet to a point; thence N53°50'31"E along said county road right of way line and parallel to and 60 feet northerly of said railroad right of way line, a distance of 510.84 feet to a point; thence N54°15'53"E along said county road right of way line and parallel to and 60 feet northerly of said northerly railroad right of way line, a distance of 0.96 feet to the true point of beginning.

Containing 2.49 acres, more or less.

All bearings based on the Wyoming State Plane System, East Central Zone.

That parcel of land situate in the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter of Section 7, T57N, R83W, Sixth Principal Meridian, Sheridan County, Wyoming, more particularly described as follows:

Starting at the north quarter corner of Section 7; thence S00°27'42"W along the north-south mid-section line, a distance of 2247.03 feet to a point on the easterly right of way line of the Shell Oil Company Crow Coal Lease Spur Track Railroad, being the true point of beginning; thence S32°10'49"E along said right of way line, a distance of 670.87 feet to a point 75 feet right of centerline station 241+00; thence S46°13'00"E along said right of way line, a distance of 103.08 feet to a point 100 feet right of centerline station 240+00; thence S18°08'38"E along said right of way line, a distance of 103.08 feet to a point 75 feet right of centerline station 239+00; thence S32°10'49"E along said right of way line, a distance of 750 feet to a point 75 feet right of centerline station 231+50; thence S77°10'49"E along said right of way line, a distance of 35.35 feet to a point 100 feet right of centerline station 231+25; thence S32°10'49"E along said right of way line, a distance of 153.16 feet to a point 100 feet right of centerline station 229+71.84; thence continuing S32°10'49"E along said right of way line, a distance of 21.84 feet to a point; thence S10°13'37"E along said right of way line, a distance of 133.18 feet to a point 50 feet right of centerline station 228+25; thence along said right of way line and along the arc of a 1861.79 foot radius curve to the left, a distance of 121.59 feet, said curve having a central angle of 3°44'30" and a long chord which bears S34°56'19"E a distance of 121.56 feet, to a point on the south line of the NW¼ SE¼ Section 7, from which the southeast corner of said NW¼ SE¼ Section 7 bears N89°02'29"E, a distance of 225.62 feet; thence S89°02'29"W along the south line of the said NW¼ SE¼ Section 7, a distance of 60.48 feet to a point on the centerline of the said Shell Oil Company Spur Track at centerline station 227+36.34; thence continuing S89°02'29"W along the south line of the said

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, a distance of 91.28 feet to a point on the westerly right of way line of the said Shell Oil Company Spur Track; thence along said right of way line and along the arc of a 1986.79 foot radius curve to the right, a distance of 71.61 feet, said curve having a central angle of 02°03'54" and a long chord which bears N33°12'46"W a distance of 71.60 feet, to a point; thence N32°10'49"W along said right of way line, a distance of 116.52 feet to a point 75 feet left of centerline station 229+71.84; thence N32°10'49"W along said right of way line, a distance of 1564.86 feet to a point on the north-south mid-section line of said Section 7; thence N00°27'42"E along the north-south mid-section line of said Section 7, a distance of 139.05 feet to a point on the centerline of the said Shell Oil Company Spur Track Railroad at centerline station 246+53.75; thence continuing N00°27'42"E along the north-south mid-section line of said Section 7, a distance of 139.05 feet to the true point of beginning.

Containing 6.68 acres, more or less.

All bearings based on Wyoming State Plane System, East Central Zone.

That parcel of land situate in the Southeast quarter of the Southeast quarter of Section 7, T57N, R83W, Sixth Principal Meridian, Sheridan County, Wyoming, more particularly described as follows:

Starting at the Southeast corner of said section 7; thence N00°18'37"E along the East line of Section 7, a distance of 682.13 feet to a point on the Southerly right of way line of the Shell Oil Company Crow Coal Lease Spur Track Railroad, being the true point of beginning; thence S82°14'44"W along said right of way line, a distance of 821.85 feet to a point 175 feet left of centerline station 217+00; thence N77°09'09"W along said right of way line, a distance of 255.46 feet to a point 200 feet left of centerline station 219+25; thence N46°23'06"W along said right of way line, a distance of 359.29 feet to a point on the west line of the said SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7; thence N00°23'10"E along the west line of the said SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, a distance of 137.50 feet to a point on the centerline of said Shell Oil Company Spur Track at centerline station 223+18.78; thence N00°23'10"E along the west line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, a distance of 124.21 feet to a point on the northerly right of way line of said Shell Oil Company Spur Track; thence S70°51'35"E along said right of way line, a distance of 545.21 feet to a point 200 feet right of centerline station 218+00; thence S65°28'05"E along said right of way line, a distance of 444.96 feet to a point 75 feet right of centerline station 213+25; thence N88°51'31"E along said right of way line, a distance of 263.83 feet to a point 50 feet right of centerline station 210+50; thence N53°13'12"E along said right of way line, a distance of 173.80 feet to a point on the east line of said Section 7; thence S00°18'37"W along the east line of said Section 7, a distance of 119.34 feet to a point on the centerline of the said Shell Oil Company Spur Track at centerline station 209+17.52; thence continuing S00°18'37"W along the east line of said Section 7, a distance of 81.93 feet to the true point of beginning.

Containing 8.19 acres, more or less.

All bearings based on the Wyoming State Plane System, East Central Zone.

