

### BERM AND IRRIGATION EASEMENT

Powder Horn Ranch 2, LLC, a Wyoming limited liability company, GRANTOR, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration the receipt of which is hereby acknowledged, does hereby grant and reserve an easement over and across Lots 39 through 45, Block BB, Powder Horn Ranch II PUD, Sheridan County, Wyoming, in the location described on Exhibit "A" and illustrated on Exhibit "B", both of which are attached hereto and incorporated herein (the "Easement Route") for the following purposes.

Intent and Purpose of Easement. Grantor's intent and purpose in granting/reserving this easement is for the construction, maintenance, repair, vegetation and irrigation of a landscaped berm to visually separate and mitigate Highway 335 from the homes and residential uses in the Powder Horn Ranch II PUD.

Grant of Easement For Benefit of Powder Horn Ranch PUD. Grantor grants and reserves this easement over and across said Easement Route to and for the benefit of Grantor and the Powder Horn Homeowners Association, Inc., (the "Association"), with the following express rights:

1. Grantor and the Association shall have the right to place, maintain and repair a landscaping berm, and irrigation water line(s) and to plant vegetation including but not limited to grasses, plants, shrubs and trees within the Easement Route. The initial intent of the plantings is as follows: from the top one-third of the East side of said berm to the West boundary line of the lots shall remain grasses to establish a green, low ground-cover to stabilize the berm, the species of such grasses shall be designated by Grantor or the Association.
2. The record owner(s) of the lots over which this Easement Route traverses may plant vegetation on the east side of the berm within the bottom two-thirds of the East side of the Berm. *Provided however,* no owner shall place any fencing nor any trees on their lot within three feet (3') east of the east boundary of the Easement Route. The owners acknowledge that there is a water line installed along the east edge of the Easement Route, and the prohibition against placing anything within 3' east of the eastern boundary of the Easement Route is to ensure there is no interference with that water line.
3. The Association shall have the express and exclusive right to approve any and all landscaping that the owner of any of the affected Lots 39 through 45 may wish to plant within the Easement Route.
4. Grantor and the Association shall have the right to use the water line(s) in the Easement Route to irrigate the plantings within the Easement Route and areas outside the Easement Route along berm along Highway 335. Access to the Easement Route shall be only from the west (i.e., highway-side) and not across the respective Lot(s) from the east.

Neither Grantor nor its successors shall bear any responsibility or liability to any person or entity using the Easement Route by reason of this easement. Anyone disturbing the surface of the Easement Route shall reclaim the same to its condition before the disturbance.

This easement shall run with the land.

WITNESS my hand this 5<sup>th</sup> day of January, 2022.

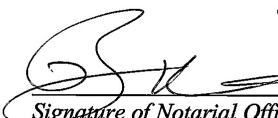
  
Powder Horn Ranch 2, LLC, by  
James Scott

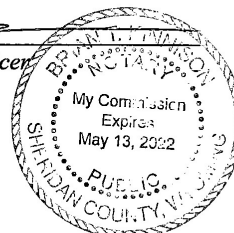
STATE OF WYOMING     )  
                                  )ss.  
COUNTY OF SHERIDAN    )

This instrument was acknowledged before me on the 5<sup>th</sup> day of January 2022, by James Scott as Member of Powder Horn Ranch 2, LLC.

WITNESS my hand and official seal.

My Commission expires: 573-22

  
Signature of Notarial Officer  
Title: Notary Public



**LEGAL DESCRIPTION  
EXHIBIT "A"**

**Record Owner: POWDER HORN RANCH 2, LLC**

June 24, 2021

**Re: Berm & Irrigation Easement**

A berm and irrigation easement situated in Lots 39 thru 45, Block BB, Powder Horn Ranch II Planned Unit Development, Sheridan County, Wyoming, as shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof; said easement being more particularly described as follows:

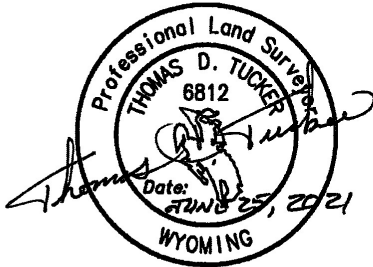
**BEGINNING** at the northeast corner of said Lot 39 (Monumented with a 2" Aluminum Cap per PE&LS 3864); thence S04°05'22"E, 64.08 feet along the east line of said Lot 39 to a point; thence S39°16'42"W, 1057.63 feet to a point, said point lying on the northerly line of Lot 47, Block BB; thence N50°39'41"W, 37.49 feet along the northerly line of said Lot 47 to a point, said point being the southwest corner of said Lot 45, and lying on the southeasterly right-of-way line of Wyoming State Highway No. 335 (AKA Big Horn Road); thence N39°15'32"E, 230.04 feet along the northwesterly line of said Block BB, Powder Horn Ranch II Planned Unit Development and said southeasterly right-of-way line of Wyoming State Highway No. 335 (AKA Big Horn Road) to a point, said point being a Jog in said Lot 44 and said southeasterly right-of-way line; thence S87°52'40"W, 8.58 feet along said southeasterly right-of-way line to a point, said point being a Jog in said southeasterly right-of-way line; thence N39°16'42"E, 879.80 feet along said northwesterly line of said Block BB, and said southeasterly right-of-way line to the **POINT OF BEGINNING** of said easement.

Said berm and irrigation easement contains 1.06 acres of land, more or less.

Bearings are Based on the Wyoming Coordinate System, NAD 1983, East Central Zone.

**SURVEYOR'S STATEMENT**

I, Thomas D. Tucker, do hereby state that this legal description was prepared from notes taken during an actual field survey performed by me or under my direct supervision.



Modification in any way of the above or foregoing legal description terminates liability of the surveyor.



**2022-775477** 1/5/2022 4:18 PM PAGE: 2 OF 3  
FEES: \$18.00 DO EASEMENT  
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK



SCALE: 1"=120'

BEARINGS ARE BASED ON THE WYOMING COORDINATE SYSTEM NAD 1983, EAST CENTRAL ZONE

DATUM: NAD 83(1983), NAVD 88 (U.S. SURVEY FEET)

DAF: 1.000246811

DISTANCES ARE SURFACE

WYOMING STATE HIGHWAY NO. 335  
(AKA BIG HORN ROAD)

(R) 8.52'  
(R) S87°10'38"W  
S87°52'40"W  
8.58'

(R) 230.13'  
(R) 230.04'  
S89°16'21"E  
N39°15'32"E

(R) 139°16'21"E  
N39°15'32"E  
S89°16'42"W

(R) 57.49'  
(R) 50°39'41"W  
(R) 50°43'26"W  
(R) 99.33'

(R) 57.49'  
(R) 50°39'41"W  
(R) 50°43'26"W  
(R) 99.33'

### LEGEND:

- FOUND 2" ALUMINUM CAP PER PLS 6812
- FOUND 2" ALUMINUM CAP PER PE&LS 3864
- ⊙ FOUND HIGHWAY RIGHT-OF-WAY MONUMENT
- CALCULATED: NOTHING FOUND/NOTHING SET
- POB POINT OF BEGINNING
- (R) RECORD

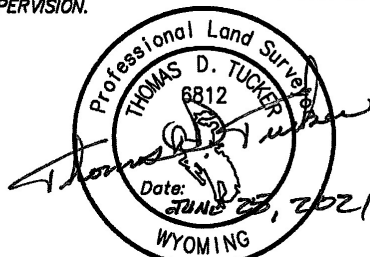
- BLOCK/LOT LINE
- - - RIGHT-OF-WAY LINE
- - - BERM & IRRIGATION EASEMENT LINE

BERM & IRRIGATION EASEMENT  
(±1.06 ACRES)

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



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

## EXHIBIT "B"

### BERM & IRRIGATION EASEMENT

CLIENT: POWDER HORN RANCH 2, LLC & MORRISON-MAIERLE  
LOCATION: LOTS 39-45, BLOCK BB, POWDER HORN RANCH II PUD, SHERIDAN COUNTY, WYOMING



2340 WETLANDS DR., SUITE 100  
PO BOX 3082  
SHERIDAN, WY 82801  
307-672-7415

JN: 2018-093 S&S 5  
DN: 2018-093-S&S 5  
TAB: ESMT  
PF: T2018-093  
REVIEWED BY: CT  
JUNE 24, 2021

### NO. 2022-775477 EASEMENT

EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK  
WILCOX AGENCY  
SHERIDAN WY 82801