

ADVANCED COMMUNICATIONS TECHNOLOGY  
UTILITY EASEMENT

THIS EASEMENT, made this 13 day of Nov, A.D., 2007, between Advanced Communications Technology Inc., a corporation, MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., a corporation, QWEST CORPORATION, a corporation, and BRESNAN COMMUNICATIONS, L.L.C., hereinafter called "COMPANIES," its successors and assigns, and the following named persons, herein, whether singular or plural, called "OWNER," namely: Quail Ridge, LLC.

WITNESSETH, that for valuable considerations received, OWNER does hereby grant, bargain, sell and convey unto COMPANIES, its successors and assigns, an easement 10 feet in width, being 5 feet left, and 5 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 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:

A Ten (10) foot wide Underground Easement situated in Outlot G of the Cloud Peak Ranch, Sixth Filing P.U.D. to the City of Sheridan, Wyoming, being a portion of the W1/2SW1/4 of Section 21, Township 56 North, Range 84 West of the 6<sup>th</sup> P. M., Sheridan County, Wyoming; the centerline of said easement being more particularly shown on ATTACHMENT "A" and described as follows:

Commencing at the southeast corner of said P.U.D., thence west along the southerly border of said P.U.D. a distance of 54.04 feet to the POINT OF BEGINNING of said easement, thence north, 360.97 feet, more or less to the POINT OF TERMINUS of said easement, said point being on the southerly line of a utility easement.

Basis of Bearings is the Wyoming Coordinate System, NAD 1983, East Central Zone.

COMPANIES and OWNER acknowledge that this easement encroaches on a restrictive sanitary sewer line easement and that the City of Sheridan has conditionally authorized this encroachment as shown on ATTACHMENT "B" made part of this document.

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.

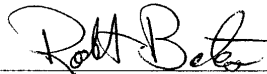
OWNER hereby grants to COMPANIES, its successors and assigns, the right at all reasonable times to enter upon said premises for the purpose of laying, constructing, maintaining, operating, replacing, repairing or removing said underground lines and for the purpose of doing all necessary work in connection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



Robert Bates, Managing Partner

STATE OF Wyoming

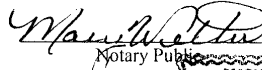
SS.

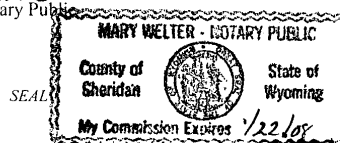
COUNTY OF Sheridan

On this the 13 day of NOVEMBER 2007, before me personally appeared Robert Bates, known to me, or satisfactorily proved to be the person A described in and who executed the above and foregoing instrument and acknowledged to me that A he executed the same (known to me to be the Managing Partner) 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)

615742 EASEMENT  
BOOK 498 PAGE 0067  
RECORDED 07/17/2008 AT 10:20 AM  
AUDREY KOLTISKA, SHERIDAN COUNTY CLERK

  
Notary Public



My Commission Expires 1/22/09

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# MYDLAND ROAD



G

20.00' RESTRICTIVE SANITARY SEWER LINE EASEMENT

LOT 1  
±6502 Sq. Ft.

LOT 2  
±6462 Sq. Ft.

LOT 3  
±6042 Sq. Ft.

LOT 4  
±6092 Sq. Ft.

LOT 5  
±6060 Sq. Ft.


LOT 6  
±7689 Sq. Ft.

360.97'

10'  
UTILITY EASEMENT

54.04'

N 1899028.604  
E 1402149.390  
SE CORNER CLOUD PEAK  
RANCH, SIXTH FILING

		UTILITY EASEMENT ATTACHMENT "A"			
DRAWN BY TOREN TRUE	DATE-TIME LEG	DATE-TIME LEG	DATE-TIME LEG	DATE-TIME LEG	REV
	11/12/07-14:50	11/12/07-14:50	11/12/07-14:50	11/12/07-14:50	Cloud_Peak.dwg
APPROVED BY		SCALE		SHEET	
		1"=30'			

UTILITY EASEMENT ATTACHMENT "B"

P.O. BOX 848  
55 GRINNELL PLAZA  
SHERIDAN, WY 82801

City of Sheridan

Ph. (307) 674-6483  
FAX: (307) 674-7289  
www.city-sheridan-wy.com

"GATEWAY TO THE BIG HORNS"

October 26, 2007

Toren True  
ACT  
290 North Brooks Street  
Sheridan, Wyoming 82801

**RE: Mydland Road Easement Encroachment**

Toren,

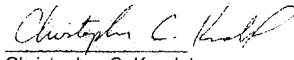
The City of Sheridan has reviewed your request to encroach upon the 20' restrictive easement located on Mydland Road. The encroachment will be the result of establishing a separate easement, to be held by ACT. The proposed ACT easement will be used to install and service communication lines (telephone, cable, etc.) The proposed easement of concern is illustrated on the attached figure, running behind Lots 1-6 in the Quail Ridge Subdivision. The easement is on the north side of Mydland Road between Quail Ridge Drive and Stadium Place apartments.

The request made has been reviewed and evaluated and the City of Sheridan is amenable to allowing ACT to encroach upon the restrictive easement as illustrated on the attached figure so long as the following guidelines are adhered to:

- 1.) The physical placement of ACT's utility line, present or future, will not encroach upon the City of Sheridan's restrictive easement,
- 2.) The encroachment will not disrupt the operations or maintenance of the City of Sheridan's water or sewer infrastructure, and
- 3.) The easement established by ACT, which will cross the 20' restrictive easement held by the City of Sheridan, shall be accessible by the City in the event that maintenance will be required for water or sewer infrastructure.

It is understood that ACT intends on installing the proposed lines on the north edge of the new easement and there will be no physical encroachment upon the 20' restrictive easement. Please contact me when the line is to be installed to ensure that this occurs. If any questions should arise regarding this issue, you can reach me at (307) 675-4269.

Thank You,



Christopher C. Knodel  
Utilities Project Manager  
City of Sheridan



- c: Mike Cole, P.E., Utilities Manager, City of Sheridan  
Nic Bateson, P.E., Project Manager, City of Sheridan  
Ken Hirschman, Water Distribution Supervisor, City of Sheridan  
Pete Husman, Public Works Operations Manager, City of Sheridan  
Bob Bates, Quail Ridge LLC, 960 Country Club Dr., Spearfish, South Dakota 57783  
File - Cloud Peak 6<sup>th</sup> Filing, Quail Ridge, Utilities Project File

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