

**ACCESS AND UTILITY EASEMENT**

This agreement is entered into by John E. Rice & Sons, Inc., a Wyoming corporation ("Grantor"), whose address is c/o Neltje 11 Lower Piney Creek Road, Banner, WY 82832 and North Sheridan Land Company, LLC ("Buyer"), whose address is 237 North Main Street, Suite 200, Sheridan, WY 82801.

Grantor grants to Grantee, its successors and assigns, a non-exclusive easement and right of way upon, across and through the land on Exhibit 1 ("easement area") for access and underground utilities.

This easement shall be appurtenant to and for the benefit of the property described on Exhibit 2. Grantee, its tenants, employees, invitees, contractors, and licensees may travel over the easement area at all times, with or without vehicles of any description, for access and underground utility purposes.

Grantee shall promptly reclaim, reseed and restore as near as reasonably practicable to its original condition any areas disturbed by its use of the easement area, including any trenches dug in connection with underground utilities, and during the time those trenches are open shall take reasonable precautions to prevent livestock from being injured by open trenches. If utility trenches settle after initial construction, Grantee shall promptly return to fill, compact, reseed, and reclaim any settlement areas.

Grantee shall use the easement area at all times in such a manner so as to prevent the escape of livestock from the pastures in which they are confined. Grantee may not fence the easement area unless Grantor approves such fencing in writing. Grantee shall keep the easement area free and clear of all debris and trash.

Grantee shall not use any portion of the easement area for parking vehicles or storage of equipment or materials except when active construction is occurring on the easement area.

Grantor may relocate the easement area and any roadway or utilities constructed therein at Grantor's sole cost and expense in Grantor's discretion. In the event of such relocation, the easement shall be relocated to a location which provides comparable or superior access to the Grantee, including the construction or reconstruction of any roadways or utilities located within the easement which require relocation as a result of relocation of the easement area. If Grantor elects to relocate the easement area, all such construction, reconstruction or relocation shall be at the sole cost and expense of the Grantor, and all such work shall be accomplished in such a way as to maintain reasonable access and utility services at all times for the benefit of the lands described in Exhibit B. If the easement area is relocated, the parties shall amend this instrument in writing and record such amendment in the real property records of Sheridan County, Wyoming in order to reflect the changed description of the location of the easement area.

This easement is granted subject to all exceptions, reservations, rights of

way, easements, dedications, covenants, restrictions, agreements, leases, surface use agreements and oil, gas and mineral leases which affect the easement area and subject to conflicts in boundary lines and encroachments and building, zoning and subdivision regulations, and any state of facts which would be disclosed by a physical inspection of the easement area.

Dated this 4 day of March, 2009

John E. Rice & Sons, Inc.

By: Neltje  
President

State of Wyoming )

County of Sheridan )

The foregoing instrument was acknowledged before me by Neltje, the President of John E. Rice & Sons, Inc. this 4 day of March, 2009. Witness my hand and official seal.

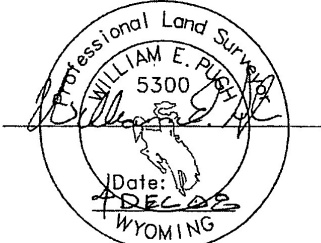
C. Hamilton  
Notary Public

My commission expires: 10-6-2012



# CERTIFICATE OF SURVEY

I, William E. Pugh, a registered land surveyor in the state of Wyoming do hereby certify that this plat was prepared from notes taken during a survey performed by me or under my supervision during November 2008.



UNLESS SIGNED, SEALED AND DATED  
THIS IS A PRELIMINARY PLAT.

# LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE W 1/2 OF SECTION 34, T56N, R84W, R84W, 6TH P.M., SHERIDAN COUNTY, WYOMING AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY OF DECKER HIGHWAY WHICH IS S46°37'10"W, 4599.91 FEET FROM THE NE CORNER OF SAID SECTION 34, THENCE LEAVING SAID RIGHT-OF-WAY S81°23'03"W, 60.00 FEET, THENCE N08°36'57"W, 145.57 FEET, THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 220.00 FEET, AN ARC LENGTH OF 198.72 FEET, A DELTA ANGLE OF 51°45'17" AND A CHORD BEARING AND DISTANCE OF N34°29'35"W, 192.04 FEET, THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 230.00 FEET, AN ARC LENGTH OF 119.15 FEET, A DELTA ANGLE OF 29°40'54" AND A CHORD BEARING AND DISTANCE OF N45°31'46"W, 117.82 FEET, THENCE N30°41'19"W, 34.64 FEET, THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 270.00 FEET, AN ARC LENGTH OF 290.54 FEET, A DELTA ANGLE OF 61°39'14" AND A CHORD BEARING AND DISTANCE OF N61°30'56"W, 276.72 FEET, THENCE S87°39'28"W, 64.72 FEET, THENCE N02°20'32"W, APPROXIMATELY 142.96 FEET MORE OR LESS TO THE CENTER OF GOOSE CREEK, THENCE S78°16'01"E, 208.77 FEET UPSTREAM ALONG THE CENTER OF GOOSE CREEK, THENCE LEAVING THE CENTER OF GOOSE CREEK S00°00'00"E, APPROXIMATELY 61.24 FEET, THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 330.00 FEET, AN ARC LENGTH OF 215.72 FEET, A DELTA ANGLE OF 37°27'13" AND A CHORD BEARING AND DISTANCE OF S49°24'55"E, 211.90 FEET, THENCE S30°41'19"E, 34.64 FEET, THENCE ALONG A CURVE TO THE LEFT WITH A RADIUS OF 170.00 FEET, AN ARC LENGTH OF 201.54 FEET, A DELTA ANGLE OF 67°55'38" AND A CHORD BEARING AND DISTANCE OF S64°39'08"E, 189.95 FEET, THENCE N81°23'03"E, 1.44 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF DECKER ROAD, THENCE S08°36'57"E, 328.99 FEET ALONG THE SAID WESTERLY RIGHT-OF-WAY TO THE POINT OF BEGINNING, HAVING AN AREA OF 1.63 ACRES.

## LINE TABLE

| LINE | LENGTH | BEARING     |
|------|--------|-------------|
| L1   | 60.00  | S81°23'03"W |
| L2   | 145.57 | N08°36'57"W |
| L3   | 34.64  | N30°41'19"W |
| L4   | 64.72  | S87°39'28"W |
| L5   | 142.96 | N02°20'32"W |
| L6   | 208.77 | S78°16'01"E |
| L7   | 61.24  | S00°00'00"E |
| L8   | 34.64  | S30°41'19"E |
| L9   | 1.44   | N81°23'03"E |
| L10  | 328.99 | S08°36'57"E |

## CURVE TABLE

| CURVE | LENGTH | RADIUS |
|-------|--------|--------|
| (C1)  | 198.72 | 220.00 |
| (C2)  | 119.15 | 230.00 |
| (C3)  | 290.54 | 270.00 |
| (C4)  | 215.72 | 330.00 |
| (C5)  | 201.54 | 170.00 |

EXHIBIT

tabbler

1

ACCESS AND UTILITY  
EASEMENT

SCALE: 1"=120'

DATE: 11/25/08



ARCHITECTS • ENGINEERS • SURVEYORS  
221 North Main St. - Sheridan, WY 82801 - (307) 672-1210  
670 South Main Ave. - Gillette, WY 82701 - (307) 682-1141

PROJECT NO.  
08065

SHEET NO.  
1

EXHIBIT

2



ARCHITECTS • ENGINEERS • SURVEYORS

**CERTIFIED LEGAL DESCRIPTION  
NORTH RIM RANCHETTES**

**TRACT ONE**

A TRACT OF LAND LOCATED IN THE S1/2, SECTION 28, A PART OF THE S1/2S1/2 SECTION 27 LYING EAST OF THE EAST RIGHT OF WAY OF STATE HIGHWAY 338, THAT PART OF THE N1/2, NE1/4SE1/4 SECTION 34 LYING EAST OF THE EAST RIGHT OF WAY OF STATE HIGHWAY 338, AND NORTH OF THE NORTH RIGHT OF WAY OF BEATTY GULCH COUNTY ROAD (NO. 1231), THE N1/2 AND THAT PART OF THE N1/2S1/2 SECTION 35 LYING NORTH OF THE NORTH RIGHT OF WAY OF BEATTY GULCH COUNTY ROAD (NO. 1231), TOWNSHIP 57 NORTH, RANGE 84 WEST, 6<sup>TH</sup> P.M., SHERIDAN COUNTY, WYOMING AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at the Northeast corner of said Section 35;

Thence with the East line of said Section 35, South 00°57'23" East, 2593.91 feet to the East ¼ corner of said Section 35;

Thence continuing with said East line South 00°46'20" East, 567.22 feet to the North Right of Way line of Beatty Gulch County Road;

Thence with said Right of Way South 85°31'06" West, 161.26 feet;

Thence continuing with said Right of Way with a curve to the right with an arc length of 115.83 feet, a radius of 230.44 feet, a chord bearing of North 80°04'54" West, a chord length of 114.61 feet, a delta angle of 28°48'00";

Thence continuing with said Right of Way North 65°40'54" West, 254.27 feet;

Thence continuing with said Right of Way with a curve to the left with an arc length of 113.88 feet, a radius of 290.44 feet, a chord bearing of North 76°54'52" West, a chord length of 113.15 feet, a delta angle of 22°27'56";

Thence continuing with said Right of Way North 88°08'50" West, 238.26 feet;

Thence continuing with said Right of Way with a curve to the right with an arc length of 107.74 feet, a radius of 230.44 feet, a chord bearing of North 74°45'11" West, a chord length of 106.76 feet, a delta angle of 26°47'18";

Thence continuing with said Right of Way North 61°21'32" West, 72.39 feet;

Thence continuing with said Right of Way with a curve to the left with an arc length of 483.15 feet, a radius of 550.87 feet, a chord bearing of North 86°29'06" West, a chord length of 467.81 feet, a delta angle of 50°15'08";

Thence continuing with said Right of Way South 68°23'19" West, 152.54 feet;

Thence continuing with said Right of Way with a curve to the right with an arc length of 589.89 feet, a radius of 1879.86 feet, a chord bearing of South 77°22'42" West, a chord length of 587.47 feet, a delta angle of 17°58'44";

Thence continuing with said Right of Way South 86°22'04" West, 2300.58 feet;

Thence continuing with said Right of Way South 84°44'46" West, 456.42 feet;

Thence continuing with said Right of Way with a curve to the right with an arc length of 80.68 feet, a radius of 220.00 feet, a chord bearing of North 84°44'51" West, a chord length of 80.23 feet, a delta angle of 21°00'46";

Thence continuing with said Right of Way North 74°14'29" West, 669.19 feet;

Thence continuing with said Right of Way with a curve to the right with an arc length of 74.03 feet, a radius of 228.20 feet, a chord bearing of North 64°56'54" West, a chord length of 73.70 feet, a delta angle of 18°35'10";

Thence continuing with said Right of Way North 55°39'19" West, 553.47 feet;

Thence continuing with said Right of Way with a curve to the right with an arc length of 78.27 feet, a radius of 220.00 feet, a chord bearing of North 45°27'45" West, a chord length of 77.86 feet, a delta angle of 20°23'07";

Thence continuing with said Right of Way North 35°16'12" West, 62.23 feet;

Thence continuing with said Right of Way with a curve to the left with an arc length of 538.17 feet, a radius of 550.87 feet, a chord bearing of North 63°15'27" West, a chord length of 517.02 feet, a delta angle of 55°58'30";

Thence continuing with said Right of Way South 88°45'18" West, 462.98 feet;

Thence continuing with said Right of Way with a curve to the right with an arc length of 260.87 feet, a radius of 220.00 feet, a chord bearing of North 57°16'33" West, a chord length of 245.85 feet, a delta angle of 67°56'19";

Thence continuing with said Right of Way North 23°18'24" West, 195.43 feet;

Thence continuing with said Right of Way with a curve to the left with an arc length of 167.93 feet, a radius of 550.87 feet, a chord bearing of North 32°02'24" West, a chord length of 167.28 feet, a delta angle of 17°28'00";

Thence continuing with said Right of Way North 40°46'24" West, 278.30 feet;

Thence continuing with said Right of Way with a curve to the left with an arc length of 205.67 feet, a radius of 550.87 feet, a chord bearing of North 51°28'09" West, a chord length of 204.48 feet, a delta angle of 21°23'30";

Thence continuing with said Right of Way North 62°09'54" West, 453.92 feet;

Thence continuing with said Right of Way with a curve to the left with an arc length of 106.77 feet, a radius of 130.00 feet, a chord bearing of North 85°41'33" West, a chord length of 103.79 feet, a delta angle of 47°03'20";

Thence continuing with said Right of Way South 70°46'47" West, 164.20 feet;

Thence continuing with said Right of Way with a curve to the left with an arc length of 132.50 feet, a radius of 356.72 feet, a chord bearing of South 60°08'20" West, a chord length of 131.74 feet, a delta angle of 21°16'52";

Thence continuing with said Right of Way with a reverse curve to the right with an arc length of 178.29 feet, a radius of 338.60 feet, a chord bearing of South 64°34'59" West, a chord length of 176.24 feet, a delta angle of 30°10'10";

Thence continuing with said Right of Way South 79°40'04" West, 70.74 feet to the intersection of said Beatty Gulch County Road and the East Right of Way of State Highway Number 338;

Thence with the Right of Way of said State Highway Number 338 with a curve to the left with an arc length of 245.44 feet, a radius of 1737.02 feet, a chord bearing of North 34°23'38" West, a chord length of 245.23 feet, a delta angle of 8°05'45" to the curve to spiral;

Thence continuing with said Right of Way with the arc of a spiral curve with a chord North 42°29'34" West, 360.40 feet to the spiral to tangent;

Thence continuing with said Right of Way North 44°33'48" West, 500.24 feet to the tangent to spiral;

Thence continuing with said Right of Way with the chord of a spiral curve North 42°33'10" West, 339.24 feet to the spiral to curve;

Thence continuing with said Right of Way with a curve to the right with an arc length of 843.48 feet, a radius of 1537.02 feet, a chord bearing of North 22°42'48" West, a chord length of 832.94 feet, a delta angle of 31°26'33" to the curve to spiral;

Thence with the chord of a spiral curve North 04°46'57" West, 141.98 feet;  
 Thence continuing with said Right of Way South 87°36'18" West, 24.90 feet;  
 Thence continuing with said Right of Way with the chord of a spiral curve North 01°31'50" West, 198.06 feet to the spiral to tangent;  
 Thence continuing with said Right of Way North 00°51'48" West, 703.05 feet;  
 Thence leaving the East Right of Way of State Highway Number 338 North 89°52'04" East, 4847.07 feet;  
 Thence North 00°11'50" East, 1328.47 feet to the West ¼ corner of Section 26;  
 Thence North 89°44'25" East, 5350.80 feet to the East ¼ corner of Section 26;  
 Thence with the East line of said Section 26 South 00°22'46" East, 2616.61 feet to the point of **BEGINNING**;

#### TRACT TWO

A TRACT OF LAND LOCATED IN A PART OF THE NW1/4, AND NE1/4SW1/4 SECTION 34, AND A PART OF THE SW1/4SW1/4 SECTION 27, TOWNSHIP 57 NORTH, RANGE 84 WEST, 6<sup>TH</sup> P.M., SHERIDAN COUNTY, WYOMING AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** at a point which is located North 68°15'21" East, 340.45 feet; from the Northwest corner of said Section 34 said point being the intersection of the East Right of Way of BNSF Railroad and the West Right of Way of State Highway 338;  
 Thence with the West Right of Way of said State Highway 337 with a curve to the left with an arc length of 813.98 feet, a radius of 1737.02 feet, a chord bearing of South 25°01'01" East, a chord length of 806.55 feet, a delta angle of 26°50'57" to the curve to spiral;  
 Thence continuing with said Right of Way with the chord of a spiral curve with a chord of South 42°29'34" East, 360.40 feet to the spiral to tangent;  
 Thence continuing with said Right of Way South 44°33'48" East, 500.24 feet to the tangent to spiral;  
 Thence continuing with said Right of Way with the chord of a spiral curve with a chord of South 42°33'10" East, 339.24 feet to the spiral to curve;  
 Thence continuing with said Right of Way with a curve to the right with an arc length of 635.58 feet, a radius of 1537.02 feet, a chord bearing of South 26°35'18" East, a chord length of 631.06 feet, a delta angle of 23°41'33" to the curve to spiral;  
 Thence continuing with said Right of Way with the chord of a spiral curve with a chord of South 10°37'26" East, 339.24 feet to the spiral to tangent;  
 Thence continuing with said Right of Way South 08°36'48" East, 323.50 feet to the intersection of said Right of Way and the center of Goose Creek;  
 Thence with the center of Goose Creek the following 53 bearings and distances, these 53 bearings and distances are for closure only and not intended to limit the location of the center of Goose Creek;

- 1) Thence North 54°44'28" West, 19.26 feet;
- 2) Thence North 56°09'04" West, 71.87 feet;
- 3) Thence North 63°27'56" West, 95.61 feet;
- 4) Thence North 60°25'08" West, 84.06 feet;
- 5) Thence North 43°18'06" West, 57.45 feet;
- 6) Thence North 36°19'59" West, 44.19 feet;

- 7) Thence North 84°45'11" West, 34.28 feet;
- 8) Thence North 74°30'04" West, 104.87 feet;
- 9) Thence North 87°54'18" West, 58.82 feet;
- 10) Thence South 74°16'01" West, 24.94 feet;
- 11) Thence South 76°24'13" West, 96.77 feet;
- 12) Thence South 75°40'40" West, 57.48 feet;
- 13) Thence South 78°11'45" West, 57.95 feet;
- 14) Thence North 63°40'13" West, 49.78 feet;
- 15) Thence North 57°06'01" West, 49.81 feet;
- 16) Thence North 53°52'12" West, 58.34 feet;
- 17) Thence North 11°54'00" West, 42.49 feet;
- 18) Thence North 03°09'27" West, 41.70 feet;
- 19) Thence North 17°57'14" East, 57.01 feet;
- 20) Thence North 41°42'00" East, 44.05 feet;
- 21) Thence North 66°48'25" East, 94.42 feet;
- 22) Thence North 75°32'30" East, 60.33 feet;
- 23) Thence North 68°24'05" East, 28.89 feet;
- 24) Thence North 37°19'42" East, 20.69 feet;
- 25) Thence North 18°55'09" East, 26.17 feet;
- 26) Thence North 12°16'30" West, 44.82 feet;
- 27) Thence North 38°15'03" West, 68.25 feet;
- 28) Thence North 44°06'41" West, 162.05 feet;
- 29) Thence North 50°20'26" West, 104.83 feet;
- 30) Thence North 55°37'02" West, 52.87 feet;
- 31) Thence North 66°48'50" West, 45.99 feet;
- 32) Thence North 76°09'09" West, 63.35 feet;
- 33) Thence South 84°45'30" West, 43.78 feet;
- 34) Thence South 79°51'57" West, 112.51 feet;
- 35) Thence North 67°10'04" West, 58.48 feet;
- 36) Thence North 42°41'53" West, 38.78 feet;
- 37) Thence North 10°44'30" West, 44.46 feet;
- 38) Thence North 26°26'54" East, 49.35 feet;
- 39) Thence North 63°18'52" East, 96.70 feet;
- 40) Thence North 46°59'29" East, 73.75 feet;
- 41) Thence North 23°21'39" East, 13.92 feet;
- 42) Thence North 40°11'38" West, 47.80 feet;
- 43) Thence North 37°29'39" West, 107.07 feet;
- 44) Thence North 67°38'30" West, 43.87 feet;
- 45) Thence North 77°28'45" West, 45.48 feet;
- 46) Thence South 43°53'55" West, 66.89 feet;
- 47) Thence South 55°59'15" West, 55.35 feet;
- 48) Thence North 77°07'30" West, 45.12 feet;
- 49) Thence North 36°00'29" West, 97.39 feet;
- 50) Thence North 32°34'41" West, 57.92 feet;
- 51) Thence North 17°36'47" West, 104.42 feet;

52) Thence North 12°06'05" West, 114.58 feet;  
53) Thence North 07°41'00" West, 85.53 feet;  
Thence leaving said Goose Creek centerline North 89°25'44" East, 176.47 feet to a  
point on the West Right of Way of said BNSF Railroad Right of Way;  
Thence with a curve to the right with an arc length of 1210.75 feet, a radius of  
2914.93 feet, a chord bearing of North 12°45'40" West, a chord length of 1202.07  
feet, a delta angle of 23°47'55";  
Thence North 00°51'42" West, 28.28 feet  
Thence North 89°08'18" East, 100.00 feet to the point of **BEGINNING**

#### EXCLUSION

All that part of the existing BNSF Railroad Right of Way located on Tract Two