

# Utility Right-of-Way Easement

W/O No.: \_\_\_\_\_  
Township: \_\_\_\_\_  
Range: \_\_\_\_\_  
Sec. No.: \_\_\_\_\_

**KNOW ALL MEN BY THESE PRESENTS**, the Undersigned Powder River Corporation, successor in interest to Sheridan Johnson Rural Electrification Association, (GRANTOR), whose address is 1095 Brundage Lane, Sheridan, WY 82801, for good and valuable consideration, the receipt thereof is hereby acknowledged, do hereby grant unto ADVANCED COMMUNICATION TECHNOLOGY, INC., (GRANTEE) whose address is 290 N Brooks St., Sheridan, Wyoming 82801, (GRANTEE) and to its successors or assigns, the right to enter upon the lands of the undersigned, described as follows, situated in the County of Sheridan, State of Wyoming, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of this state:

A tract of land being described in Exhibit "A" and as shown in Exhibit "B", which by reference are attached to and incorporated herein and made a part hereof. Grantor hereby agrees to allow the substitution of Exhibit "A" and Exhibit "B" to be filed as built description and survey of the easement area should the need to arise as determined by Grantee to file an as built set of Exhibits.

The right-of-way and easement is granted for the purpose of constructing, reconstructing, maintaining, operating repairing, inspecting, surveying, altering, abandoning, replacing, and/or removing above and below ground, telecommunications facilities and equipment. The facilities at all times, until surrendered, remain the property of the Grantee, its successors or assigns, notwithstanding that they may be affixed to the land and may at any time or from time to time be removed in whole or in part by Grantee.

Grantee, its successors and assigns, shall have the right and benefits necessary or convenient for the full use of the rights herein granted; including, the right of reasonable ingress and egress across the lands of the Grantor to and from the right-of-way.

Grantor has the right to fully use and enjoy the surface of the right-of-way except to such use, which might interfere with the full use of the right-of-way by Grantees, their successors and assigns. Grantor shall not place any obstructions across, under, or upon the surface of the right-of-way that interferes with the construction or the normal operation and maintenance of the facilities. Either party may assign its rights to the agreement or delegate its duties as specified herein in whole or part.

The Right-Of-Way Easement shall be governed by Wyoming law and constitute the entire agreement between the parties relating to the subject matter hereto. If any provision of this Right-Of-Way Easement shall be held invalid or unenforceable, the remainder of the Easement and the application of such provisions, other than that which has been held invalid or unenforceable, shall not be affected thereby, but shall continue to be valid and enforceable to the fullest extent permitted by law.

The undersigned covenant that they are the owners of the above-described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 19<sup>th</sup> day of May, 2009, signed sealed and delivered in the presence of:

For: Powder River Energy Corporation

For: Powder River Energy Corporation

(Printed Name)

(Printed Name)

658950 RIGHT OF WAY EASEMENT  
BOOK 511 PAGE 0783  
RECORDED 12/30/2009 AT 10:40 AM  
AUDREY KOLTISKA, SHERIDAN COUNTY CLERK

STATE OF WYOMING )

COUNTY OF Crook )ss.

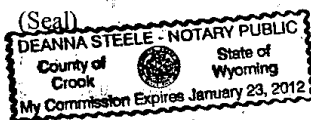
The foregoing instrument was acknowledged before me by: Michael R. Eastley  
this 19<sup>th</sup> Day of: May 2009.

Witness my hand and official seal.

(Signed) Deanna Steele  
Notary Public

Deanna Steele

(Print or Type name)

My Commission Expires: January 23, 2012

## EXHIBIT "A"

A twenty (20) foot wide utility easement being a portion of Tracts 6, 8, 9 and 10 of the Second Brundage Place Addition to the city of Sheridan, Wyoming, said twenty (20) foot wide easement as shown on **EXHIBIT "B"** as **EASEMENT No. 1**, being more particularly described as follows:

The east forty (40) feet of said Tracts 6, 8, 9 and 10, excepting the east twenty-five (25) feet of said Tracts as described in Book 232 of Deeds, Page 446, and including the west five (5) feet of the east twenty-five (25) feet of said Tracts 6, 8, 9 and 10 described in Book 237 of Deeds, Page 468. The east line of said easement being the west line of Sugarland Drive.

Also a sixteen (16) foot wide easement being the north sixteen (16) feet of Tract 10 and the west sixteen (16) feet of Tracts 9 and 10 of Second Brundage Place Addition to the city of Sheridan, Wyoming, said sixteen (16) foot wide easement shown on **EXHIBIT "B"** as **EASEMENT No. 2**.

Also a sixteen (16) foot wide utility easement lying in Tracts 7 and 8 of Second Brundage Place Addition to the city of Sheridan, Wyoming, said sixteen (16) foot wide easement shown on **EXHIBIT "B"** as **EASEMENT No. 3**, said utility easement being more particularly described as follows:

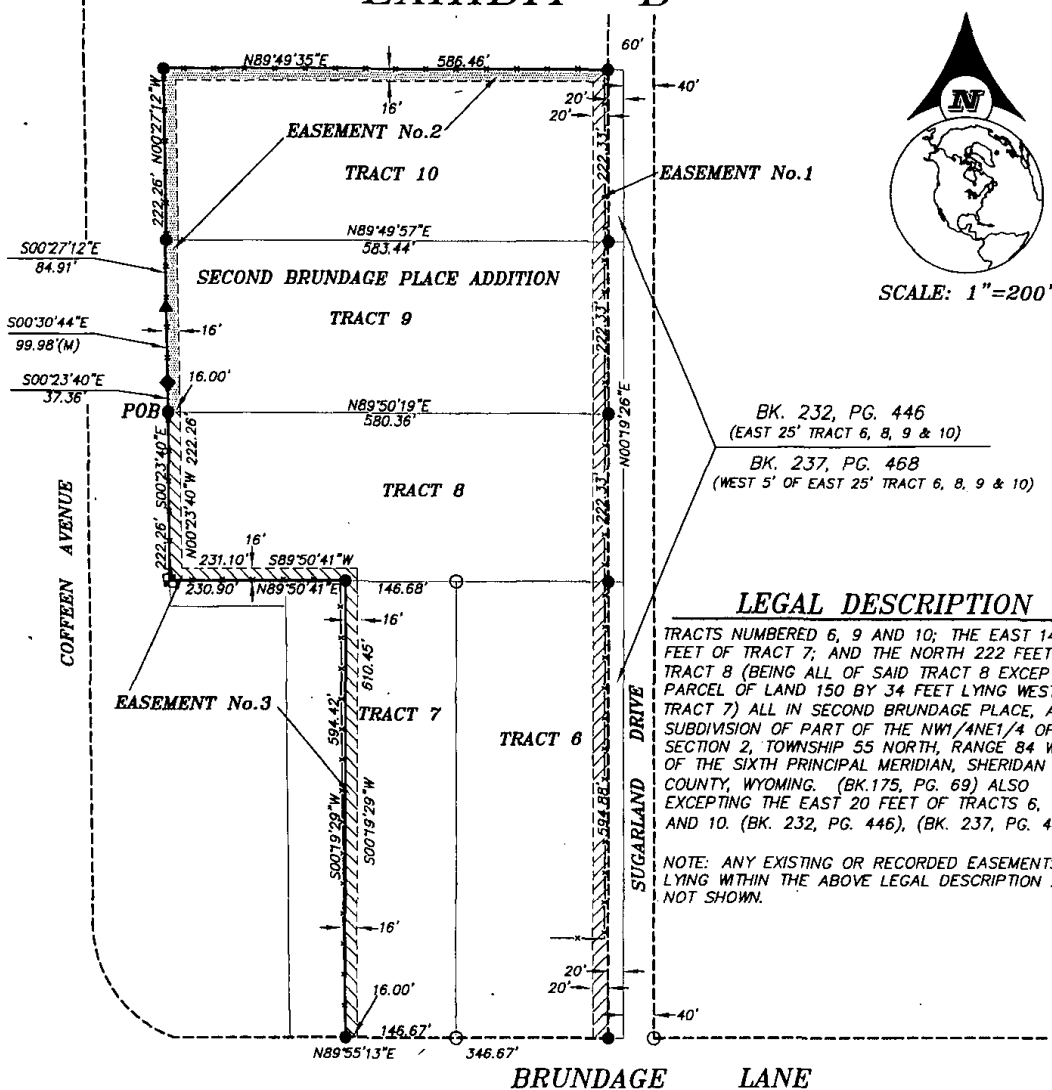
**Beginning** at the northwest corner of said Tract 8 (monumented with a 1½" aluminum cap per LS 5369); thence S00°23'40"E, 222.26 feet along the west line of said Tract 8 to a 1½" aluminum cap per LS 5369, being the southwest corner of a portion of said Tract 8 described in Book 175 of Deeds, Page 69, thence N89°50'41"E, 230.89 feet along the south line of said portion of Tract 8 to a 1½" aluminum cap per LS 5369, lying on the north line of said Tract 7 and being the northwest corner of a portion of said Tract 7 as described in Book 175 of Deeds, Page 69; thence S00°19'29"W, 594.42 feet along the west line of said portion of Tract 7 to a 1½" aluminum cap per LS 5369 at the southwest corner of said portion of Tract 7 and lying on the south line of said Tract 7; thence N89°55'13"E, 16.00 feet along said south line of Tract 7 to a point; thence N00°19'29"E, 610.45 feet, sixteen (16) feet east of and parallel to said west line of said portion of Tract 7, to a point, said point lying sixteen (16) feet north of the north line of said Tract 7; thence S89°50'41"W, 231.10 feet, sixteen (16) feet north of and parallel to said north line of Tract 7, to a point, said point being sixteen (16) feet east of the west line of said Tract 8; thence N00°23'41"W, 206.26 feet, sixteen (16) feet east of and parallel to said west line of Tract 8, to a point, said point lying on the north line of said Tract 8; thence S89°50'19"W, 16.00 feet along said north line of Tract 8 to the **POINT OF BEGINNING**.

TOTAL AREA = 1.33 ACRES MORE OR LESS

Bearings are based on Wyoming State Plane NAD 1927, East Central Zone.

Distances are surface.

## EXHIBIT "B"



## LEGAL DESCRIPTION

TRACTS NUMBERED 6, 9 AND 10; THE EAST 146.67 FEET OF TRACT 7; AND THE NORTH 222 FEET OF TRACT 8 (BEING ALL OF SAID TRACT 8 EXCEPT A PARCEL OF LAND 150 BY 34 FEET LYING WEST OF TRACT 7) ALL IN SECOND BRUNDAGE PLACE, A SUBDIVISION OF PART OF THE NW1/4NE1/4 OF SECTION 2, TOWNSHIP 55 NORTH, RANGE 84 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SHERIDAN COUNTY, WYOMING. (BK. 175, PG. 69) ALSO EXCEPTING THE EAST 20 FEET OF TRACTS 6, 8, 9 AND 10. (BK. 232, PG. 446), (BK. 237, PG. 468)

**NOTE:** ANY EXISTING OR RECORDED EASEMENTS LYING WITHIN THE ABOVE LEGAL DESCRIPTION ARE NOT SHOWN.

## LEGEND

- ▲ FOUND 1-1/2" ALUMINUM CAP PER LS 6594
- ◆ FOUND 1-1/2" ALUMINUM CAP-ILLEGIBLE
- SET 1-1/2" ALUMINUM CAP PER LS 5369
- ⊠ SET 1-1/2" ALUMINUM CAP PER LS 5369 ON FOUND REBAR
- NOT FOUND/NOT SET
- PROPERTY LINE
- LOT LINE
- x—x—x—x— FENCE LINE
- - - - - RIGHT OF WAY LINE HIGHWAY
- - - - - RIGHT OF WAY LINE TELECOMMUNICATION EASEMENT

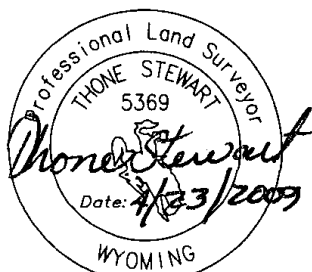
- EASEMENT No. 1
- EASEMENT No. 2
- EASEMENT No. 3

**TOTAL AREA:**  
±1.33 ACRES

## SURVEYORS CERTIFICATE

STATE OF WYOMING : ss  
COUNTY OF SHERIDAN

I, THONE STEWART A DULY REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY STATE THAT THE BOUNDARY FOR THE ABOVE PARCEL, BASED ON MY KNOWLEDGE, INFORMATION AND BELIEF, IS A REPRESENTATION OF A FIELD SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.



## EXHIBIT "B"

FOR  
TELECOMMUNICATION EASEMENTS

CLIENT: WORLD WIDE LLC

LOCATION: PART OF TRACTS 6-10 SECOND BRUNDAGE PLACE ADDITION TO THE CITY OF SHERIDAN, WYOMING.



PO BOX 3082  
SHERIDAN, WY 82801  
307-672-7415  
FAX 674-5000

JN: 29026  
DF: 2009\2009026D  
APRIL, 2009