

**MONTANA-DAKOTA UTILITIES CO.
UNDERGROUND EASEMENT**

THIS EASEMENT, made this 5/7/07 day of May, A.D., 2007, between MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., a corporation, 400 North Fourth Street, Bismarck, North Dakota 58501, hereinafter called "COMPANY," its successors and assigns, and the following named persons, herein, whether singular or plural, called "OWNER," namely: **LPGA, LLC, a Wyoming Limited Liability Corporation, its successors and assigns**

WITNESSETH, that for valuable considerations received, OWNER does hereby grant, bargain, sell and convey unto COMPANY, its successors and assigns, an easement 20 feet in width, being 10 feet left, and 10 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 JOHNSON, State of WYOMING namely:

A tract of land located West of the Existing Interstate 90 and East of the State Highway 334 (Old Highway 87) in part of the SW ¼ of Section 14, and part of the SE ¼ of Section 15, and part of Section 23, Section 24, Section 25 and Section 26, T53N, R83W, of the 6th P.M., Johnson and Sheridan County, Wyoming being more particularly described in Exhibits "B" and "C" attached hereto, or any portion thereof, and said easement shall be a covenant as attached to said lands which shall pass to successors in title of the same.

Said easement being a strip of land ten feet (10) either side of each of five centerlines described in the attached exhibits labeled Exhibit "A" Easement 1-5, together with the right to ingress and egress to and from said lines for the above-described purposes.

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 COMPANY'S rights hereunder.

OWNER hereby grants to COMPANY, 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.

COMPANY 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 COMPANY 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

LPGA LLC by
John S. Gibbs

STATE OF WYOMING)

COUNTY OF JOHNSON) ss.

On this the 7th day of MAY 20 07, before me personally appeared

JOHN S. GIBBS

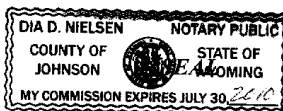
known to me, or satisfactorily proved to be the person described in and who executed the above and foregoing instrument and acknowledged to me that he executed the same (known to me to be the MANAGING MEMBER and JOHN S. GIBBS respectively, of the corporation that is described in and that executed the foregoing instrument, acknowledged to me that such corporation executed the same.)

(this space for recording data only)

STATE OF WYOMING {ss
COUNTY OF JOHNSON
This instrument was Filed for record
on 11-14-2008 at 10:30 M and was
duly recorded in book R1W 25 page
308-317 Fee \$ 35.20
Register of Deed
B. J. Hollman Deputy
AS

085305

Mia D. Nielsen
Notary Public, JOHNSON County,
State of WYOMING



My Commission Expires July 30, 2010

WO 156573 TRACT NO. LRR NO.

Exhibit "A"

20' Utility Easement 1

A 20 foot easement 10 feet on each side of the following described centerline located in part of the North ½ of Section 26, T. 53N., R.83W., of the 6th P.M., Johnson County, Wyoming being more particularly described as follows:

Beginning at a point located S74°42'52"W, 2962.72 feet from the Northeast corner of said Section 26 monumented by a GLO Brass Cap;

thence S 29°42'01" W a distance of 63.17';
thence S 49°16'01" W a distance of 83.69';
thence S 65°07'44" W a distance of 41.63';
thence S 48°58'02" W a distance of 79.26';
thence S 66°01'40" W a distance of 18.19';
thence N 62°48'11" W a distance of 230.60';
thence N 76°03'22" W a distance of 115.01';
thence N 62°43'03" W a distance of 79.04';
thence N 34°10'25" W a distance of 165.86';
thence N 28°52'49" W a distance of 163.80';
thence N 34°35'02" W a distance of 83.49';
thence N 76°30'07" W a distance of 80.43';
thence N 69°26'02" W a distance of 82.22';
thence N 82°45'08" W a distance of 59.99';
thence N 66°58'21" W a distance of 55.34';
thence S 83°38'11" W a distance of 57.54';
thence S 89°19'21" W a distance of 236.18';
thence S 74°08'11" W a distance of 51.89';
thence S 26°53'35" W a distance of 12.97' to a point of terminus; Said point being S71°19'16"E, 1037.60 feet from the Northwest corner of said Section 26

20' Utility Easement 2

A 20 foot easement 10 feet on each side of the following described centerline located in part of the North ½ of Section 26, T. 53N., R. 83W., of the 6th P.M., Johnson County, Wyoming being more particularly described as follows:

Beginning at a point located S75°21'07"W, 1458.04 feet from the Northwest corner of said Section 26 monumented by a GLO Brass Cap;

thence N 37°06'16" E a distance of 52.81' to a point of terminus; Said point being S77°14'34"E, 1479.02 feet from the Northwest corner of said Section 26

20' Utility Easement 3

A 20 foot easement 10 feet on each side of the following described centerline located in part of the SW ¼ of Section 14, and part of Section 23, and part of the North ½ of Section 26, T. 53N., R.83W., of the 6th P.M., Johnson County and Sheridan County, Wyoming being more particularly described as follows:

Beginning at a point located N09°52'49"E, 6001.67 feet from the Northwest corner of said Section 26;

thence S 23°32'24" E a distance of 93.75';
thence S 21°56'30" E a distance of 51.38';
thence S 29°58'42" E a distance of 217.81';
thence S 26°05'26" E a distance of 168.16';
thence S 38°37'30" E a distance of 170.59';
thence S 27°20'09" E a distance of 55.35';
thence S 25°17'01" E a distance of 170.85';
thence S 27°34'39" E a distance of 175.71';
thence S 15°18'09" E a distance of 58.12';
thence S 27°33'04" E a distance of 55.83';
thence S 41°33'58" E a distance of 51.45';
thence S 32°11'08" E a distance of 56.92';
thence S 17°52'57" E a distance of 278.59';
thence S 24°15'46" E a distance of 154.53';
thence S 38°37'50" E a distance of 161.18';
thence S 33°07'04" E a distance of 166.15';
thence S 19°00'05" E a distance of 57.44';
thence S 06°52'24" E a distance of 104.33';
thence S 11°32'57" E a distance of 221.97';
thence S 07°21'37" W a distance of 268.26';
thence S 03°40'39" E a distance of 116.70';
thence S 07°05'44" E a distance of 368.45';
thence S 10°37'12" E a distance of 183.27';
thence S 15°12'27" E a distance of 297.33';
thence S 30°43'53" E a distance of 274.55';
thence S 18°55'23" E a distance of 54.56';
thence S 19°55'13" E a distance of 339.19';
thence S 17°58'54" E a distance of 50.88';
thence S 01°15'29" W a distance of 52.60';
thence S 09°40'49" W a distance of 600.20';
thence S 07°55'34" W a distance of 103.88';
thence S 01°00'24" E a distance of 109.28';
thence S 03°48'58" E a distance of 448.11';
thence S 04°24'58" E a distance of 109.73';
thence S 06°20'59" E a distance of 104.49';
thence S 05°16'01" W a distance of 60.76';

thence S 17°46'40" E a distance of 173.52';
thence S 11°07'08" E a distance of 104.64';
thence S 24°34'44" E a distance of 157.93';
thence S 13°00'13" E a distance of 53.81';
thence S 04°06'42" E a distance of 61.32';
thence S 04°14'56" W a distance of 61.55';
thence S 18°07'14" W a distance of 64.03';
thence S 33°58'00" W a distance of 64.12';
thence S 49°56'58" W a distance of 152.72';
thence S 31°42'31" W a distance of 53.39';
thence S 01°36'23" E a distance of 43.52';
thence S 20°52'45" E a distance of 46.41';
thence S 27°25'57" E a distance of 40.76' to a point of terminus; Said point being
S73°40'50"E, 2514.55 feet from said Northwest corner of Section 26;

20' Utility Easement 4

A 20 foot easement 10 feet on each side of the following described centerline located in part of Section 23, and part of the North ½ of Section 26, T. 53N., R.83W., of the 6th P.M., Johnson County, Wyoming being more particularly described as follows:

Beginning at a point located S73°40'50"E, 2514.55 feet from the Northwest corner of said Section 26;

thence S 84°56'54" E a distance of 111.81';
thence S 69°08'46" E a distance of 534.18';
thence S 68°18'01" E a distance of 120.02';
thence N 83°29'03" E a distance of 35.48';
thence N 52°32'47" E a distance of 66.60';
thence N 45°23'10" E a distance of 56.86';
thence N 36°33'25" E a distance of 130.70';
thence N 32°32'31" E a distance of 162.33';
thence N 43°18'34" E a distance of 255.37';
thence N 43°45'48" E a distance of 142.42';
thence N 37°19'55" E a distance of 48.71';
thence N 26°44'55" E a distance of 58.49';
thence N 20°24'01" E a distance of 62.45';
thence N 14°16'30" E a distance of 289.72';
thence N 16°07'14" E a distance of 333.43';
thence N 16°12'28" E a distance of 542.97';
thence N 24°41'38" E a distance of 124.75';
thence N 34°37'08" E a distance of 338.90';
thence N 28°33'42" E a distance of 114.14';
thence N 16°04'00" E a distance of 112.43';
thence N 01°06'34" E a distance of 62.55';
thence N 14°29'59" W a distance of 252.67';
thence N 35°06'47" W a distance of 57.52';
thence N 67°17'13" W a distance of 53.87';
thence N 45°31'14" W a distance of 57.05' to a point of terminus; Said point located N28°44'14"W, 2140.85 feet from the Northeast corner of said Section 26 monumented by a GLO brass cap;

20' Utility Easement 5

A 20 foot easement 10 feet on each side of the following described centerline located in part of Section 25, and part of Section 26, T. 53N., R. 83W., of the 6th P.M., Johnson County, Wyoming being more particularly described as follows:

Beginning at a point located S64°21'13"W, 2369.25 feet from the Northeast corner of said Section 26 monumented by a GLO brass cap;
thence S 09°20'42" W a distance of 94.42';
thence S 03°09'16" E a distance of 24.53';
thence S 65°28'17" E a distance of 609.64';
thence S 72°00'43" E a distance of 115.29';
thence S 57°12'27" E a distance of 55.16';
thence S 49°57'29" E a distance of 61.95';
thence S 41°10'25" E a distance of 234.82';
thence S 55°38'24" E a distance of 486.89';
thence S 49°39'28" E a distance of 140.33';
thence S 46°15'20" E a distance of 493.25';
thence S 47°08'55" E a distance of 218.92';
thence S 53°00'35" E a distance of 229.33';
thence S 32°04'06" E a distance of 66.18';
thence S 51°16'35" E a distance of 51.18';
thence S 88°55'00" E a distance of 31.05';
thence N 68°40'45" E a distance of 26.75';
thence N 41°01'30" E a distance of 10.35' to the point of terminus; Said point being S02°18'37"E, 2745.05 feet from said Northeast corner of said Section 26 monumented by a GLO brass cap;

EXHIBIT "B"

**LEGAL DESCRIPTION
FOR
LODGE TRAIL SOUTH**

A tract of land located West of the Existing Interstate 90 and East of the State Highway 334 (Old Highway 87) in part of the SW $\frac{1}{4}$ of Section 14, and part of the SE $\frac{1}{4}$ of Section 15, and part of Section 23, Section 24, Section 25 and Section 26, T.53N., R.83W., of the 6th P.M., Johnson and Sheridan County, Wyoming being more particularly described as follows:

Beginning at the East $\frac{1}{4}$ corner of Section 26 also marked by a GLO Brass Cap monument; Said point being S01°05'55"W, 2635.92 feet on a line common to the Southeast corner of said Section 23 marked by a GLO Brass Cap monument and being the Basis of Bearing of this description; Thence from said point of beginning S00°10'00"W, 1114.02 feet to a 2" aluminum cap stamped PELS 8663;

Thence S64°29'59"E, 1832.53 feet to a point on the Westerly Right of Way of Interstate 90 monumented by a 2" aluminum cap stamped PELS 8663;

Thence along said Westerly Right of Way of Interstate 90 N18°30'39"W, 2352.64 feet to a point monumented by a WYDOT Right of Way Marker;

Thence along said Westerly Right of Way of Interstate 90 along a curve to the right having the following curve data: Length = 1239.30 feet, Radius = 5929.58 feet, and a delta angle = 11°58'30", to a point monumented by a WYDOT Right of Way Marker;

Thence along said Westerly Right of Way of Interstate 90, N06°32'09"W, 2139.10 feet to a point monumented by a WYDOT Right of Way Marker;

Thence along said Westerly Right of Way of Interstate 90 along a curve to the left having the following curve data: Length = 796.88 feet, Radius = 5529.58 feet, and a delta angle = 8°15'25", to a point monumented by a WYDOT Right of Way Marker;

Thence along said Westerly Right of Way of Interstate 90 S75°12'24"W, 75.00 feet to a point monumented by a WYDOT Right of Way Marker;

Thence along said Westerly Right of Way of Interstate 90 along a curve to the left having the following curve data: Length = 773.60 feet, Radius = 5454.58 feet, and a delta angle = 8°07'34";

Thence along said Westerly Right of Way of Interstate 90 N22°52'50"W, 1534.19 feet to a point monumented by a WYDOT Right of Way Marker;

Thence along said Westerly Right of Way of Interstate 90 S67°22'56"W, 24.86 feet to a point monumented by a WYDOT Right of Way Marker;

Thence N89°43'49"W, 377.42 feet to a 2" aluminum cap stamped PELS 8663;

Thence N89°57'35"W, 1622.57 feet to a 2" aluminum cap stamped PELS 8663;

Thence N75°53'05"W, 541.07 feet to a 2" aluminum cap stamped PELS 8663;

Thence N03°03'46"E, 1040.21 feet to a 2" aluminum cap stamped PELS 8663;

Thence N35°39'38"W, 1524.82 feet to a 2" aluminum cap stamped PELS 8663;

Thence N71°06'23"W, 1895.69 feet to a concrete WYDOT right of way monument on the Easterly right of way of said State Highway 344;

Thence along said Easterly right of way of State Highway 344 S30°59'17"E, 1173.80 feet to a concrete WYDOT right of way monument;

Thence along said Easterly right of way of State Highway 344 following a spiral curve to the right having the following spiral curve data offset 100 feet inside and being the centerline of said State Highway 344: $I=32^{\circ}25'$ R, $I_c=26^{\circ}49'$, $D=2^{\circ}00'$, $T_a=832.8$ feet, $L_c=1340.8$ feet, $T=973$ feet, and $I_s=2^{\circ}48'$, $T_s=140.0$ feet, $L_s=280.0$ feet; Bearing = S14°46'48"E and Chord = 1924.58 feet from Beginning of spiral curve to the end on the Easterly right of way of State Highway 344 Tangent Spiral;

Thence continuing along said Easterly right of way of State Highway 344, S01°25'43"W, 35.20 feet;

Thence along said Easterly right of way of State Highway 344 following a curve to the left having the following curve data: Length = 2505.49 feet, Radius = 5629.58 feet, and a delta angle = $25^{\circ}30'00''$;

Thence along said Easterly right of way of State Highway 344 S24°04'17"E, 1020.50 feet;

Thence along said Easterly right of way of State Highway 344 following a curve to the left having the following curve data: Length = 1179.06 feet, Radius = 5629.58 feet, and a delta angle = $12^{\circ}00'00''$;

Thence along said Easterly right of way of State Highway 344 S36°04'17"E, 346.60 feet;

Thence along said Easterly right of way of State Highway 344 S53°55'43"E, 25.00 feet;

Thence along said Easterly right of way of State Highway 344 S36°04'17"E, 438.98 feet;

SOUTH LODGE TRAIL ESTATES

Exhibit "C"

