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MONTANA-DAKOTA UTILITIES CO.
PIPELINE EASEMENT BY OWNER

THIS EASEMENT, made this 16th day of Feb., A.D., 2005, 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:
JOHN M. SMITH & ROBBY B. SMITH

WITNESSETH, that for valuable considerations received, OWNER does hereby grant, bargain, sell and convey unto COMPANY, its successors and assigns, an easement 14 feet in width, being 0 feet left, and 0 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, operate, maintain, repair, increase the capacity of, remove and replace a gas pipeline or lines, including necessary pipes, poles, and fixtures, through, over, under and across the following described real estate, situated in the County of SHERIDAN, State of Wyoming, namely:

A utility easement situated in the SW1/4NE1/4 of Section 26, Township 56 North, Range 84 West, 6th P.M., Sheridan County, Wyoming; as shown on **Exhibit "B"** attached hereto and by this reference made a part hereto; said utility easement being more particularly described as follows:

Commencing at the center quarter corner of said Section 26 (Monumented with a 3 1/4" Aluminum Cap per PLS 6812); thence N17°36'52"E 1019.13 feet to the **POINT OF BEGINNING** of said easement (Monumented with a 2" Aluminum Cap per PLS 6812); thence N89°31'34"E, 375.27 feet to a point (Monumented with a 2" Aluminum Cap per PLS 6812); thence S00°10'26"E, 14.00 feet to a point; thence S89°31'34"W, 375.17 feet to a point; thence N00°10'26"W, 14.00 feet to the **POINT OF BEGINNING** of said Easement.

Said Utility easement contains 5,253 square feet of land, more or less.
Basis of Bearings is Wyoming State Plane (East Central Zone).

OWNER, its successors and assigns, agrees not to build, create or construct or permit to be built, created, or constructed, any obstruction, building, engineering works or other structures, upon, over, or under the strip of land herein described or that would interfere with said pipeline or lines or COMPANY'S right hereunder.

OWNER, its successors and assigns, 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, increasing the capacity of, repairing or removing said gas pipeline or lines and for the purpose of doing all necessary work in connection therewith.

COMPANY hereby agrees that it will pay any and all damages that may result to the crops, fences, buildings and improvements on said premises caused by constructing, reconstructing, maintaining, repairing, increasing the capacity of, operating or removing said pipeline or 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 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 these presents as of the day and year first above written.

John M. Smith
Robby B. Smith
STATE OF Wyoming

COUNTY OF Sheridan, ss

On this 16th day of February, 2005, before me personally appeared John M. Smith
and Robby B. Smith

known to me to be the same person S described in and who executed the above and foregoing instrument and acknowledged

(THIS SPACE FOR RECORDING DATA ONLY)

504903 EASEMENT
BOOK 462 PAGE 0314
RECORDED 04/11/2005 AT 11:30 AM
AUDREY KOLTISKA, SHERIDAN COUNTY CLERK

to me that they executed, the same, (known to me to be the and respectively of the corporation that is described in and that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.)

Maureen Hegereski
Notary Public, Sheridan County,
State of Wyoming



My Commission Expires: April 26, 2007
W.O. _____ TRACT NO. _____ L.R.R NO _____

B5841162

EXHIBIT "A"

Record Owners: John M. Smith & Robby B. Smith
January 14, 2005

Re: 14.0' Utility Easement for Montana-Dakota Utilities Company, a division of MDU Resources Group, Inc., and or any of their respective successors and assigns.

A utility easement situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 56 North, Range 84 West, 6th P.M., Sheridan County, Wyoming; as shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof; said utility easement being more particularly described as follows:

Commencing at the center quarter corner of said Section 26 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 6812); thence N17°36'52"E, 1019.13 feet to the **POINT OF BEGINNING** of said easement (Monumented with a 2" Aluminum Cap per PLS 6812); thence N89°31'34"E, 375.27 feet to a point (Monumented with a 2" Aluminum Cap per PLS 6812); thence S00°10'26"E, 14.00 feet to a point; thence S89°31'34"W, 375.17 feet to a point; thence N00°10'26"W, 14.00 feet to the **POINT OF BEGINNING** of said easement.

Said Utility Easement contains 5,253 square feet of land, more or less.
Basis of Bearings is Wyoming State Plane (East Central Zone).

EXHIBIT "B"

RECORD OWNER:
STELLA BARKER
(BK 152, PG 118)

±5,253 S.F.

RECORD OWNER:
STELLA BARKER
(BK 232, PG 264)

INTERSTATE-90

JOHN M. SMITH &
ROBBY B. SMITH

SW1/4NE1/4

KROE LANE
(A.K.A. COUNTY ROAD NO. 78)

NOTE:

1. UTILITY EASEMENT FOR MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., AND OR ANY OF THEIR RESPECTIVE SUCCESSORS AND ASSIGNS.

LEGEND:

- FOUND 3-1/4" ALUMINUM CAP PER PLS 6812
- FOUND 2" ALUMINUM CAP PER PLS 6812
- ⊙ FOUND HIGHWAY RIGHT-OF-WAY MONUMENT
- ○ CALCULATED POSITION: NOTHING FOUND/NOTHING SET
- SECTION LINE
- INTERIOR SECTION LINE
- DEED/PROPERTY LINE
- HIGHWAY OR COUNTY RIGHT-OF-WAY LINE
- PROPOSED EASEMENT RIGHT-OF-WAY LINE
- UTILITY EASEMENT (±5,253 S.F.)

SURVEYOR'S CERTIFICATE

STATE OF WYOMING
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"



SCALE: 1"=200'
BASIS OF BEARINGS IS
WYOMING STATE PLANE (EAST CENTRAL ZONE)
DISTANCES ARE GROUND
DATUM: NAD 83(1983), NAVD 88 (U.S. FEET)
PAF: 1.000235

EXHIBIT "B"
14.0' UTILITY EASEMENT

CLIENT: MONTANA-DAKOTA UTILITIES

LOCATION: SW1/4NE1/4, SECTION 26, T56N, R84W,
6TH P.M., SHERIDAN COUNTY, WY.

RESTFELDT
SURVEYING

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

JN: 2004045
DN: 2004/2004045D
JANUARY 14, 2005