

RIGHT-OF-WAY AGREEMENT

This Right-of-Way Agreement, made by and between Kurt Gerhold and Cindy Gerhold of 7 Dee Drive, Sheridan, Wyoming, hereinafter referred to as "Grantor" and Timothy J. Moyes of Sheridan, Wyoming, and TML, Inc., a Wyoming Corporation, with its principal place of business in Sheridan, Wyoming.

Witnesseth, that:

In and for the consideration of Ten Dollars (\$10.00) and other good and valuable consideration, and the covenants and agreement herein contained, the Grantor has this day bargained, sold and conveyed, transferred and delivered, and by these presents does bargain, grant, sell, convey, transfer and deliver unto the Grantees, their successors and assigns, a right of way over the following described lands situate in Sheridan County, Wyoming, to-wit:

A right-of-way being a strip of land thirty (30) feet wide lying thirty (30) feet to the right or southeasterly of the following described line, situated in the NW $\frac{1}{4}$  of Section 23, Township 55 North, Range 84 West, 6th P. M., Sheridan County, Wyoming; said line being more particularly described as follows:

Commencing at the north quarter corner of said Section 23; thence South 48°13'01" West, 1876.78 feet to the point of beginning of said right-of-way, said point lying on the north line of Dee Drive, described in Book 245 of Deeds, Page 574; thence North 60°46'31" East, 108.95 feet to a point; thence through a curve to the left, having a radius of 62.65 feet, a central angle of 57°02'55", an arc length of 62.38 feet, a chord bearing of North 32°14'50" East, and a chord length of 59.83 feet to the point of terminus of said right-of-way, and point lying on the north line of a tract of land described in Book 339 of Deeds, Page 610, and being South 47°58'31" West, 1712.92 feet from said north quarter of section 23.

Basis of Bearings is Wyoming State Plane (East Central Zone).

See Exhibit "A" attached hereto and by reference made a part hereof.

Grantor reserves unto itself, its successors and assigns, the right to use said right of way and further to grant the right to use said right-of-way to third parties. However, for a period of five (5) years from the date of this declaration, Grantee, for itself and for any successors, assigns, or designees promises and covenants that said right-of-way shall be used only in the event all other reasonable access to Grantor's property in the NW $\frac{1}{4}$  of Section 23, Township 55 North, Range 84 West, 6th P. M., Sheridan County, Wyoming, is unavailable due to emergency situations or other causes. Grantee further covenants and agrees that for the first five (5) years, except in emergency situations, Grantor shall be given a minimum of five (5) days advance written notice from Grantee that Grantee desires and intends to use said right of way.

In addition to a right-of-way, Grantee shall have a utility easement granting it the limited right to install and maintain a four inch (4") waterline within said thirty foot (30') right-of-way.

This right-of-way agreement and all attendant covenants and

conditions herein shall be construed to run with the land.

IN WITNESS WHEREOF, The grantor has executed this instrument this 5<sup>th</sup> day of August, 1994.

Kurt Gerhold  
Kurt Gerhold

Cindy Gerhold  
Cindy Gerhold

Tico TM  
Inc., Inc. Formerly TML

By Timothy J. Moyes  
Timothy J. Moyes, President

Timothy J. Moyes  
Timothy J. Moyes, Individually

STATE OF WYOMING )  
County of Sheridan ) §

The foregoing instrument was acknowledged before me by Kurt Gerhold and Cindy Gerhold, this 3rd day of August, 1994.

Witness my hand and official seal.

Anthony J. Muel  
Notary Public

My Commission Expires:



STATE OF WYOMING )  
County of Sheridan ) §

The foregoing instrument was acknowledged before me by Timothy J. Moyes this 5 day of August, 1994.

Witness my hand and official seal.

Carol M. Long  
Notary Public

My Commission Expires: October 29, 1995

STATE OF WYOMING )  
County of Sheridan ) §

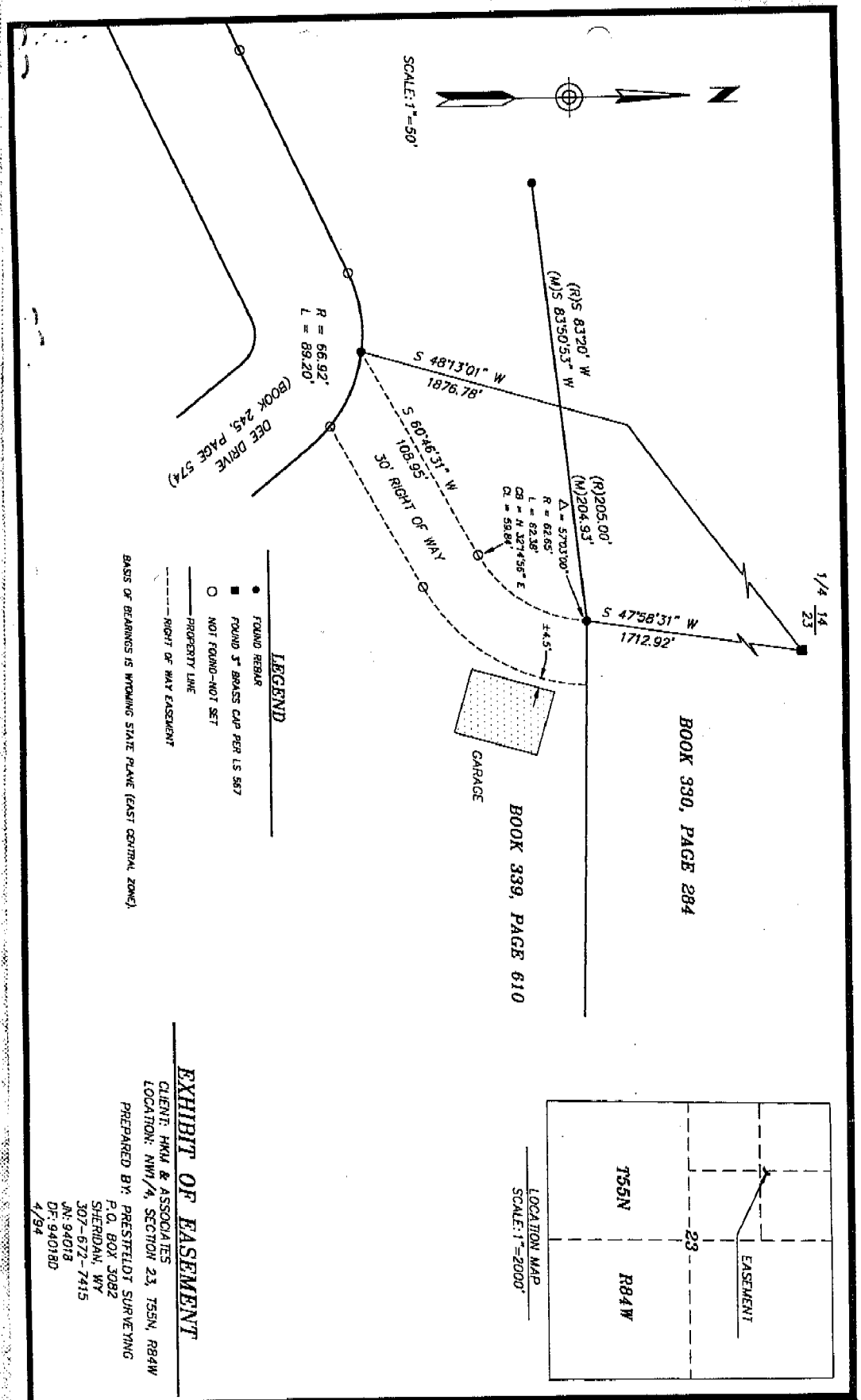
The foregoing instrument was acknowledged before me by Timothy J. Moyes as President of Tico Inc., this 5<sup>th</sup> day of August, 1994.

Witness my hand and official seal.

Carol M. Long  
Notary Public

My Commission Expires: October 29, 1995





# EXHIBIT OF EASEMENT

CLIENT: HKM & ASSOCIATES  
LOCATION: NW1/4, SECTION 23, T55N, R84W

PREPARED BY: PRESTFELDT SURVEYING

P.O. BOX 3082  
SHERIDAN, WY  
307-672-7415

JN: 94018  
DE: 940180  
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