

HIGHWAY EASEMENT DEED

THIS DEED, made this 5th day of December, 2022, by and between the UNITED STATES OF AMERICA, acting by and through the Department of Transportation, Federal Highway Administration (FHWA), hereinafter referred to as the Grantor, and the CITY OF SHERIDAN, hereinafter referred to as the Grantee:

WITNESSETH:

WHEREAS, the Grantee has filed application under the provisions of the Act of Congress of August 27, 1958, codified at 23 U.S.C. Section 317, for a highway right-of-way over certain Federal land under the jurisdiction of the Department of Agriculture, United States Forest Service (USFS) in the State of Wyoming; and

WHEREAS, the Federal Highway Division Administrator, pursuant to delegation of authority from the Secretary of Transportation and the Federal Highway Administrator, has determined that an easement over the land covered by the application is reasonably necessary for construction of the project known as:

Highway Project No.: 0901091

Project Name: Sheridan Marginal North Sheridan Interchange

WHEREAS, the USFS acting by and through the FHWA, has agreed to appropriate federal land for the project's use and to transfer by the Grantor of an easement over the land to Grantee.

NOW THEREFORE, the Grantor, as authorized by law, does hereby grant to the Grantee, an easement for right-of-way for the construction, operation, and maintenance of a Federal-aid Highway as described in 23 U.S.C. Section 103 and appurtenant facilities, including the right to control the access thereto and use of the space at, above and below grade, on the land located in the State of Wyoming, County of Sheridan, 6th Principal Meridian and described as:

<u>Township</u>	<u>Range</u>	<u>Section(s)</u>	<u>Subdivision(s)</u>
T 56 N	R 84 W	16	NE¼/NE¼

as shown on the Filing Map Dated October 13, 2021 Sheet Numbers 1-2 of marked attached hereto as Exhibit "A" and made a part hereof.

And subject to the following terms and conditions:

- (1) The easement is granted subject to all valid preexisting claims on the easement area in effect as the date of this conveyance. The Grantee agrees to resolve conflicts with any such claims and obtain any permissions from those holding such claims as may be necessary for the uses and purposes of the easement to proceed.
- (2) The easement is granted in perpetuity. However, when the need for which the easement is made no longer exists, the Grantee must restore the land to the condition which existed prior to the transfer to protect the public and the environment and give written notice to the FHWA and USFS or their successors, that the easement will immediately revert to the control of the Grantor, or its assigns, pursuant to 23 C.F.R. § 710.601(h).
- (3) The easement granted herein is nonexclusive with the USFS retaining all rights to issue authorizations for uses not inconsistent or incompatible with highway use. The USFS shall consult with the Grantee on appropriate stipulations to protect the roadway facility prior to the issuance of such authorization.
- (4) Unless otherwise agreed, the easement will automatically terminate if construction is not started within ten (10) years and all rights over the land will return to the Grantor.
- (5) Use of the easement is limited to right-of-way, construction, operation, and maintenance of a Federal-aid Highway as described in, and in strict accordance with, the approved plans for the aforementioned project, and does not include the grant of any rights for non-highway purposes or facilities, nor the right utilize or derive materials from the easement area or for other highway projects or purposes without securing additional separate authorization. The Grantee shall not establish borrow, sand or gravel pits; stone quarries, permanent storage areas; sites for highway operation and maintenance facilities, camps, supply depots, or solid waste disposal areas within the right-of-way, unless shown on approved construction plans, without first obtaining approval of the Regional Forester;
- (6) The design and construction of the highway project situated on this right of way will be in accordance with the provisions of Title 23, United States Code Highways: the implementing regulations found in Part 23 of the Code of Federal Regulations; official policy and directives issued by FHWA pursuant to Order 1321.1C; the construction specifications of WYDOT as approved by FHWA for use on Federal-aid projects; and the terms and conditions specified by the Forest Service, United States Department of Agriculture in an attachment hereto. The Regional Forester will be provided an opportunity to review plans relative to effects, if any, that the project works as planned will have upon adequate protection and utilization of the land traversed by the right-of-way and adjoining land under the administration of the Forest Service for the purposes for which such land is being administered. Those features of design, construction, and maintenance of the highway facility and of use of the right-of-way that would have effect on the protection and utilization of the land under the administration of the Forest Service are to be mutually agreed upon by the Regional Forester and the Grantee by conference or other communication during the preparation of the plans and specifications for each construction project, and the plans shall be revised, modified, or supplemented to meet the approval of the Regional Forester, or when deemed appropriate, supplemented by written stipulation between the Regional Forester and the Grantee, prior to start of construction;

- (7) The final design and construction specifications for any highway construction project on the right-of-way will be presented to the USFS for approval. USFS approval is assumed after 45 days and construction shall not begin until after 45 days from submittal.
- (8) Construction of the highway facility is to be undertaken by the Grantee in compliance with the Grantee and the USFS shall determine the necessity for archaeological and paleontological reconnaissance and salvage within the easement, and the Grantee shall undertake such reconnaissance and salvage to the extent determined necessary because of construction of the highway facility, in compliance with the acts entitled "An Act for the Preservation of American Antiquities" approved June 8, 1906 (34 Stat. 225, 16 U.S.C. 432-433), the "Archaeological Resources Protection Act of 1979," as amended (93 Stat. 721, 16 U.S.C. 470aa-470mm), the "Native American Graves Protection and Repatriation Act," as amended (104 Stat. 3048, 75 U.S.C. 3001-3013), and State laws where applicable. In the event of discovery of potential sites, the Grantee shall contact the USFS.
- (9) Consistent with highway safety standards, Grantee shall
 - a. Protect and preserve soil and vegetative cover and scenic and esthetic values on the right-of-way outside of construction limits
 - b. Provide for the prevention and control of soil erosion within the right of way and on any adjacent lands where soils are disturbed by highway construction or maintenance operations, and shall vegetate and keep vegetated with suitable species all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed where is deemed necessary during a joint review between the Regional Forester and the Grantee prior to completion of the highway and the Grantee shall maintain all terracing, water bars, lead off ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction.
- (10) The Grantee shall maintain the easement free of noxious weeds that have been identified in Federal, State, County, or local laws, regulations or orders. The Grantee shall control noxious weeds or other vegetation by means of chemicals only after consultation with the USFS. Consultation must address the time, method, chemicals, and the exact portions of the easement to be chemically treated.
- (11) The Grantee, in consideration of the grant of easement, does hereby covenant and agree as a covenant running with the land for itself and its successors that it will comply with the provisions of Title VI of the Civil rights Act of 1964 (78 Stat. 252) and that:
 - a. No person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, or under such lands hereby conveyed, and
 - b. The Grantee shall use said easement so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in federally-assisted programs of the Department of Transportation, including any future amendments thereto.
- (12) The Grantee shall notify the USFS if the need for the highway easement, or segments thereof, no longer exists. Upon notification the USFS will either (1) accept the easement as is or (2) if a roadway or other improvements are in place and are to be removed, identify rehabilitation standards that the Grantee must complete. Upon notice of the USFS intent to accept the easement as-is, or upon notification of USFS acceptance of completed rehabilitation, the Grantee shall notify the Grantor, in writing, of its request to relinquish the easement. Upon acceptance of this notice of relinquishment by the Grantor, the easement will immediately revert to the USFS. The Grantor shall submit a formal relinquishment documents to the appropriate County Recorder's Office and the Bureau of Land Management's Records Office (at the Bureau's State Office in Cheyenne, Wyoming) for notation to the official records.
- (13) The Grantee will abide the special stipulations contained in Exhibit B which are hereby also incorporated as terms and conditions of the easement

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

In witness whereof, I, Henry P. Bettinger IV, Wyoming Division Administrator, pursuant to delegations of authority from the Secretary of Transportation and the Federal Highway Administrator, by virtue of authority in me vested by law, have hereunto subscribed my name as of the day and year first above written, and do convey the aforesaid interest to the grantee

Date 12/05/2022

Henry P. Bettinger IV
Wyoming Division Administrator, Federal Highway Administration

STATE OF Wyoming
COUNTY OF Laramie

I, Emily K. Worthan, a Notary Public in and for the State of Wyoming, do hereby certify that on this the 5th day of December, 2022, before me personally appeared, Henry P. Bettinger IV, Wyoming Division Administrator, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of December 5th, 2022, was executed by him/her in his/her official capacity and by authority in her/him vested by law, for the purposes and intents in said instrument described and set forth, and acknowledged the same to be her/his free act and deed as Division Administrator, Federal Highway Administration.

Witness my hand and seal this 5th day of December, 2022.

Emily K. Worthan
NOTARY PUBLIC

My commission Expires: 4-29-2025



In compliance with the conditions set forth in the foregoing deed, the City of Sheridan, certifies, and by the acceptance of this deed, accepts the right-of-way, on behalf of the City of Sheridan, over certain land herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said deed.

Date

Richard Bridger 12/6/22
Mayor
City of Sheridan

STATE OF WYOMING

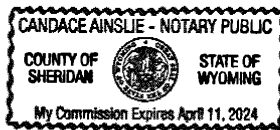
COUNTY OF

Sheridan)
) §.

The foregoing instrument was acknowledged before me this day of December 6, 2022, by
Richard Bridger as Mayor for the City
of Sheridan.

(SEAL)

[Signature]
NOTARY PUBLIC
My Commission Expires:



CITY OF SHERIDAN ATTORNEY OFFICE APPROVAL AS TO FORM AND CERTIFICATION AS TO LEGAL SUFFICIENCY OF DEED FOR ITS STATED PURPOSES:

Date

11/29/22

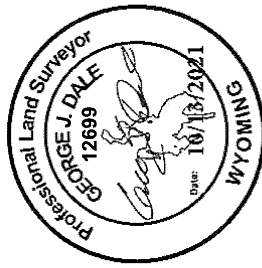
[Signature]
for the City of Sheridan Attorney Office

Brenda Kerns WB 7-4725

WYOMING DEPARTMENT OF TRANSPORTATION NORTH SHERIDAN INTERCHANGE

Proj. No. 0901091

I George J. Dale, Wyoming Professional Land Surveyor No. 12699, do hereby certify that this plat was prepared under my supervision, and is based in part on a survey certified by Thomas D. Tucker, PLS 6812, dated 8/15/2014 and is to the best of my knowledge a correct representation of the the right-of-way shown herein.



Bearings and coordinates are based on the Wyoming State Plane Coordinate System NAD 83, West Zone, modified to ground coordinates using an adjustment factor of 1.000495721

Units: U.S. Survey Feet

LEGEND

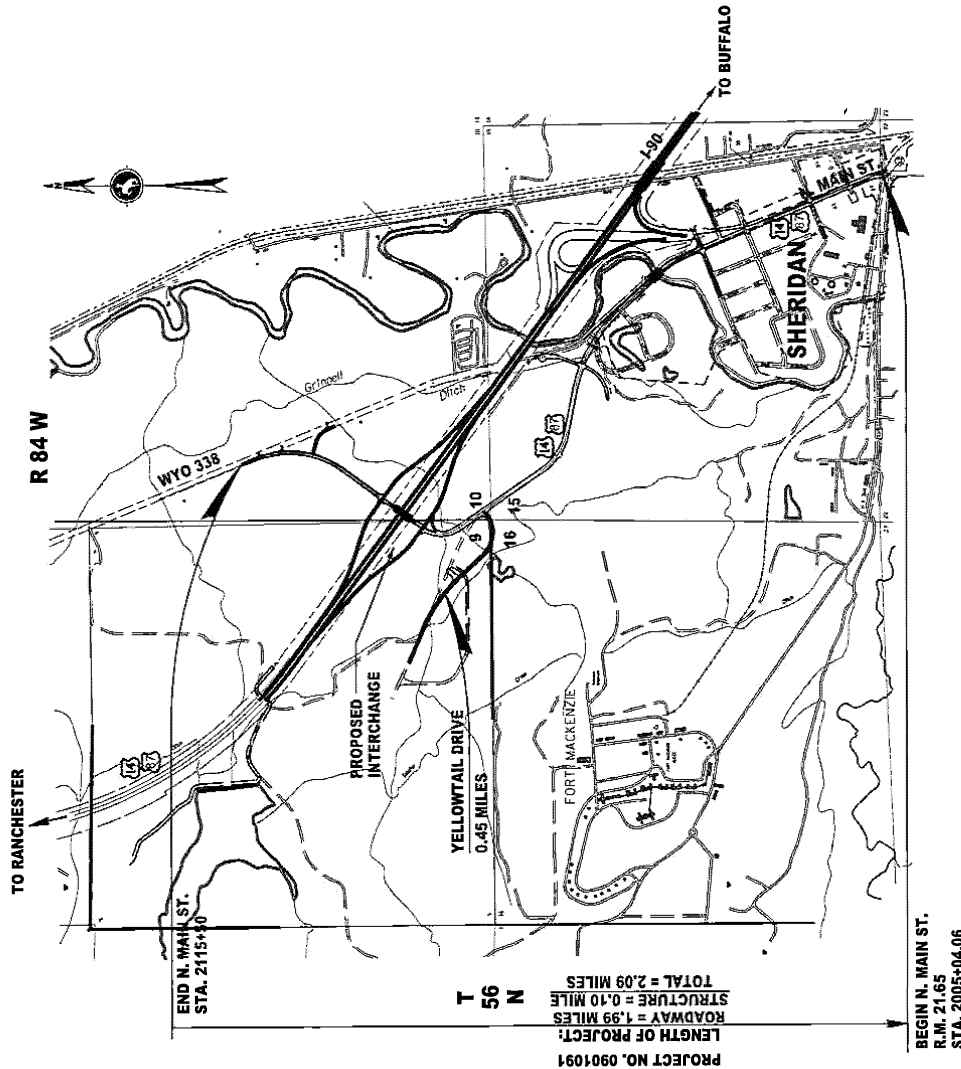
- Existing Right-of-Way
- Proposed Right-of-Way
- Corner Monument
- Non-Federal Land

EXHIBIT A

PLAT

ACCOMPANYING APPLICATION FOR RIGHT-OF-WAY

SHERIDAN COUNTY SHEET 1 OF 2 SHEETS



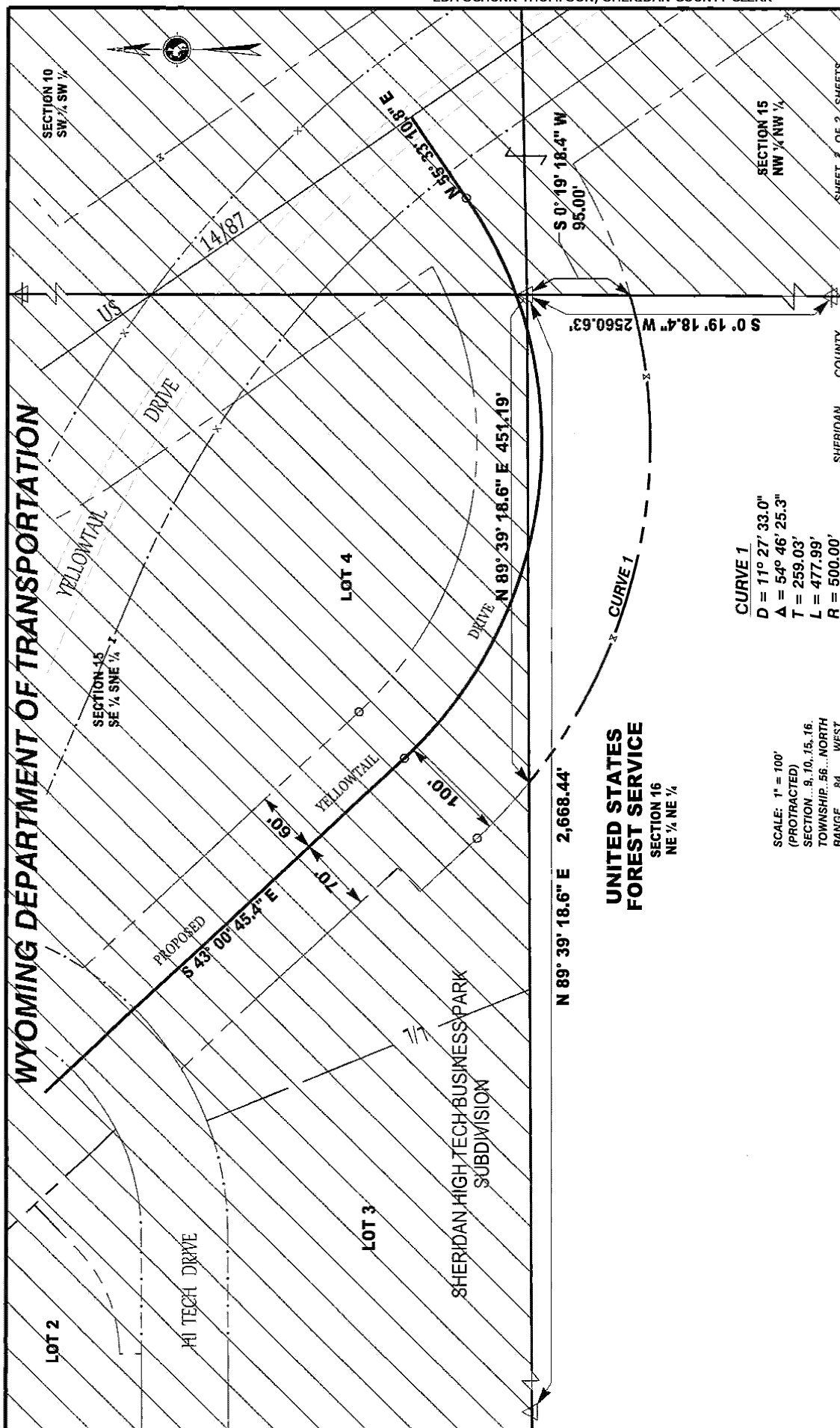


EXHIBIT "B"

STIPULATIONS

Highway: Wyoming Interstate 90 (I-90) – North Sheridan Interchange
National Forest: Bighorn National Forest
State: Wyoming

The following stipulations are supplementary to the terms and conditions of the Highway Easement Deed between the United States, acting through the Department of Transportation, the Federal Highway Administration and issued to the City of Sheridan, State of Wyoming. The stipulations are necessary for the adequate protection of National Forest System lands and resources.

The City of Sheridan shall:

1. Before any clearing of the right-of-way or construction of the highway commences:
 - a. Prepare, in cooperation with the Regional Forester, a fire protection plan that sets forth in detail the fire prevention, presuppression, and suppression measures that will be taken by the Grantee, its employees, contractors, and subcontractors, and their employees in all operations during the construction stage. The fire plan shall be made available to all bidders prior to letting contract and the Grantee shall cause its contractors to comply with all provisions of the fire plan and of all burning permits issued for disposal of flammable materials.
 - b. Prepare, in cooperation with the Regional Forester, a clearing plan that sets forth in detail the procedures and standards that will apply to (1) all clearing and disposal of merchantable timber and young growth in the right-of-way and (2) debris disposals, including debris removal from all streams. Such plan shall include provision for payment by the Grantee or its contractors for the merchantable timber on lands of the United States to be cut, used, or destroyed in the construction of the highway or in clearing of said right-of-way. Payment for merchantable timber shall be at appraised value as determined by the Regional Forester: Provided, That the Regional Forester may dispose of the merchantable timber to other than the Grantee or its contractors at no stumpage cost to the Grantee or its contractors.
 - c. Prepare, in cooperation with the Regional Forester, a landscape and erosion control plan with the objective of protecting, restoring, or enhancing the roadside landscape, protecting soil, and protecting or reestablishing vegetative cover. Such plan shall, when appropriate, provide for vegetating cuts, fills, and other areas damaged as a result of highway construction; maintenance or operation; and for terraces, drainage, waste disposal areas, soil replacement, and other related requirements necessary to achieve the objective.

- d. Prepare, as deemed necessary by the Regional Forester, plans and specifications to be approved by the Regional Forester for: a Wyoming State Stormwater Pollution Prevention Plan, Spill Contingency Plan Sign Plan and Traffic Control Plan.
2. Highway boundary control monuments shall be established at all directional changes along right-of-way boundaries to include the following: R/W Jogs, Points of Curvature (PC), Points of Tangent (PT), Tangent to Spiral (TS), Spiral to Curve (SC), Curve to Spiral (CS) Spiral to Tangent (ST), and Angle Points (AP).

Established highway boundary control monuments, unless deemed impractical, shall be in accordance with WYDOT Standard Plan 611-1, Highway Monuments. The use of nonstandard monuments shall require the prior approval of the State Land Surveyor or the District Land Surveyor.

3. Existing property corners, highway boundary control monuments and land corners of the U.S. Public Land Survey System destroyed by construction shall be reestablished in accordance with Wyoming Department of Transportation manuals, policies and procedures, and applicable Federal or Wyoming State laws, guidelines and standards.
4. The Forest Service is to be consulted regarding any change to design, or materials that may affect National Forest System lands or resources prior to those changes being implemented on the ground.
5. A Letter of Consent and subsequent easement does not grant fee title to National Forest System lands or resources. By law, removal of such resources requires authorization from the authorized officer. Removal without such authorization may be prosecuted.

NO. 2022-783041 EASEMENT
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
CITY OF SHERIDAN 55 GRINNELL PLZ
SHERIDAN WY 82801-3930