

## DEDICATION OF GENERAL UTILITY EASEMENT

This Dedication of General Utility Easement made effective this 7<sup>th</sup> day of June, 2013, by Elmer Milton Mydland Trust ("Grantor") in favor of the Public and accepted by the CITY OF SHERIDAN, WYOMING through the City Council for the City of Sheridan ("Grantee").

### RECITALS

- A. Grantor owns the real property described on Exhibit A (the "Utility Easement").
- B. Grantor desires to dedicate a 60 ft Utility Easement for the purpose of constructing, accessing and maintaining underground utilities to serve the public.
- C. Grantor desires to prohibit lateral connections to utilities placed within the easement from lands adjacent to Grantor's property unless an easement allowing crossing of Grantor's property to access said easement is granted by the Grantor.
- D. The City of Sheridan, through the City Council of Sheridan, Wyoming, wishes to accept such dedication.

### DEDICATION FOR PUBLIC USE

NOW, THEREFORE, for good and valuable consideration, including the mutual promise and covenants contained herein, it is agreed by and among the parties as follows:

#### 1. Grant and Dedication of a 60 ft Utility Easement

Grantor does hereby dedicate for use by public utility providers forever, a 60 ft general utility easement for the installation, maintenance, repair, and replacement of below ground public utilities including but not limited to water and sewer mains, power and gas lines, phone lines and the like, to provide utility services to and for the benefit of the public. The dedicated route over and across the Real Property encompasses +/- .58 acres as legally described in the attached Exhibit A and shown on the map attached hereto as Exhibit B.

#### 2. Terms of Use

The Public shall have the perpetual non-exclusive right to use the easement for the benefit of providers of all public utilities and shall have the perpetual non-exclusive right to use the easement to construct and maintain utilities providing service to the Public.

The utilities placed in said easement by public utility providers shall be limited to below ground utilities unless express permission stating otherwise is authorized through a separate, recorded instrument executed by the Grantor, his successors or assigns.

#### 3. Compensation

The Grantee, upon full execution of this agreement, hereby agrees to compensate the Grantor in the following ways which shall represent full satisfaction of this Agreement:

- a. Commensurate with the value of the +/- .58 acre easement property taking, be it assumed or verified through a formal appraisal, the Grantee will pay the Grantor, upon full execution of this agreement,

a lump sum amount of \$12,127.10 as fair satisfaction for the easement dedication.

- b. The Grantee will pay for and execute, at such a time the City places a proposed water transmission line within the easement, the relocation or replacement of the Grantor's barn presently located in the Northwest corner of the property and being within the easement described herein. All costs associated with designing, surveying, permitting, constructing, reclaiming the surface and facilitating the relocation or replacement of the barn to a location identified by the Grantor will be borne by the Grantee. The total compensation by the Grantee for this purpose will be limited to the actual cost to relocate or rebuild, to the Grantor's satisfaction, the barn in like condition or better. The total value of the compensation for the barn relocation shall not exceed \$25,000.00.
4. The Grantee will provide to the Grantor a total of two residential service taps to be applied for each residence located at 2809 and 2930 West 17<sup>th</sup> Street, Sheridan, Wyoming. The property owner for each residence may request the taps at the time of need. The Grantee will provide, at no cost to the Grantor his heirs, successors or assigns, the tap, service line extension, and a meter pit (type I or type II meter pit) to be placed on the edge of the easement or right-of-way containing the watermain. The Grantee will not charge plant investment fees associated with connecting to the City of Sheridan for the aforementioned residences. A formal request must be made by the property owner and approval granted by the City before connection to the City's water system can be made. Connection to the City's water system shall only be made to a distribution lateral and shall not be to the 16" water transmission main to be located within the utility easement hereby being dedicated.

5. Acceptance

Grantee hereby agrees to the terms of this agreement and accepts the dedication of the above-described utility easement on behalf of the Public.

DATED effective this 7<sup>th</sup> day of June, 2013.

ELMER MILTON MYDLAND TRUST

By: Elmer M. Mydland

Title: Trustee

Consented to:

By: [Signature]  
Contract for Deed Buyer

THE CITY OF SHERIDAN, WYOMING

By: Nicholas L. Baker  
Title: Public Works Director

STATE OF WYOMING )

:SS

COUNTY OF SHERIDAN )

The foregoing instrument was acknowledged before me this 4th day of  
June, 2013, by Elmer Milton Mydland, Elmer Milton Mydland Trust ET AL.

WITNESSES



Brenda K. Williams  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF WYOMING )

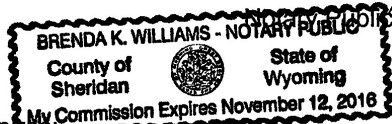
:SS

COUNTY OF SHERIDAN )

On this 26th day of July, 2013, before me personally appeared  
Nicholas L. Baker, on behalf of the City of Sheridan, State of Wyoming, to  
me being personally known, who, being by me dully sworn, did acknowledge said  
instrument to be the free act and deed of the City of Sheridan.

Given under my hand and official seal this 26th day of July, 2013

Brenda K. Williams



My commission expires: \_\_\_\_\_

## LEGAL DESCRIPTION EXHIBIT "A"

**Record Owner: Elmer Milton Mydland  
February 18, 2013**

**Re: 60.0' Utility Easement**

A utility easement sixty (60) feet wide, being thirty (30) feet each side of the following described centerline situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 17, 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 centerline being more particularly described as follows:

Commencing at the southeast corner of said Section 17 (Monumented with Military Monument MM-24); thence N87°30'48"W, 1328.23 feet along the south line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$  to the **POINT OF BEGINNING** of said easement, said point being S87°30'48"E, 35.04 feet from the southwest corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$  (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 2615); thence N00°23'19"W, 420.26 feet, thirty five (35) feet east of and parallel to the east line of Tract 1, Certificate of Survey Filed in Drawer "A" of Plats, Number "438" along said centerline to the **POINT OF TERMINUS** of said easement, said point lying on the south line of Parcel 2, Record of Survey Filed in Drawer "A" of Plats, Number "445", described in Book 534 of Deeds, Page 222, and being N70°14'02"W, 1413.08 feet from said southeast corner, Section 17. Lengthening or shortening the side lines of said easement to intersect said boundary lines.

Said utility easement contains 25,215 square feet of land, more or less.  
Bearings are Based on the Wyoming Coordinate System, NAD 1983, East Central Zone.

# EXHIBIT "B"

PARCEL 2  
 RECORD OF SURVEY  
 FILED IN DRAWER "A", PLAT NO. "445"

(BOOK 534, PAGE 222)



SCALE: 1"=100'

BEARINGS ARE BASED ON THE  
 WYOMING COORDINATE SYSTEM  
 NAD 1983, EAST CENTRAL ZONE  
 DATUM: NAD 83(1993), NAVD 88 (U.S. SURVEY FEET)  
 DAF: 1.000235  
 DISTANCES ARE SURFACE

PARCEL 1

RECORD OWNER:  
 ELMER MILTON MYDLAND  
 (BOOK 441, PAGE 350)

TRACT 1  
 RECORD OF SURVEY  
 FILED IN DRAWER "A", PLAT NO. "150"  
 COUNTY LOT DIVISION PERMIT #5-94

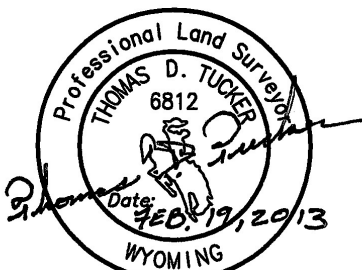
## LEGEND:

- ◆ FOUND 2" ALUMINUM CAP PER PE&LS 3864
- FOUND 3-1/4" ALUMINUM CAP PER PLS 2615
- ◆ FOUND 1-1/2" ALUMINUM CAP PER PLS 2615
- FOUND MILITARY MONUMENT (MM-24)
- FOUND 2" ALUMINUM CAP PER PLS 6812
- ○ CALCULATED: NOTHING FOUND/NOTHING SET
- PROPERTY LINE
- - - EASEMENT LINE
- - - CENTERLINE 60.0' UTILITY EASEMENT
- - - SECTION LINE
- - - INTERIOR SECTION LINE
- ▨ UTILITY EASEMENT

## SURVEYOR'S CERTIFICATE

STATE OF WYOMING :ss  
 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"

## EXHIBIT "B" 60.0' UTILITY EASEMENT

CLIENT: DOWL-HKM & THE CITY OF SHERIDAN

LOCATION: SE1/4SE1/4, SECTION 17, T56N, R84W,  
 6TH P.M., SHERIDAN COUNTY, WYOMING

**RESTFELDT**  
**SURVEYING**  
 2340 WETLANDS DR., SUITE 100  
 PO BOX 3082  
 SHERIDAN, WY 82801  
 307-672-7415  
 FAX 674-5000

JN: 2013-007  
 DN: 2013-007-E2  
 PF: T2013-007  
 FEBRUARY 19, 2013

NO. 2013-707516 EASEMENT  
 EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK  
 CITY OF SHERIDAN - PLANNING P O BOX 848  
 SHERIDAN WY 82801