

CORRECTIVE DEDICATION OF GENERAL UTILITY EASEMENT

This Corrective Dedication is intended to correct and replace that Dedication of General Utility Easement made effective the 7th day of June, 2013, and recorded on September 6, 2013, in Book 542 at Page 636 of the Sheridan County Clerk's office, for the purpose of correcting the proper names of the parties herein, and is made by Elmer M. Mydland and Karen S. Mydland, Trustees of the Elmer Milton Mydland Trust Dated May 1, 2006 ("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, at the time of the property owner's request, and at no cost, a total of two residential service taps, one for each residence located at 2890 and 2930 West 17th Street, Sheridan, Wyoming. The Grantee will provide 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 10-03, 2013.

Elmer Milton Mydland Trust Dated May 1, 2006

By: Elmer Milton Mydland
Title: Trustee

By: Karon S. Mydland
Title: Trustee

Consented to by Contract For Deed Buyer:

By: Samuel R. Damon
Samuel Damon

By: Janette Mydland
Janette Mydland

Accepted by The CITY OF SHERIDAN

By: Nicholas L. Bales
Title: Public Works Director



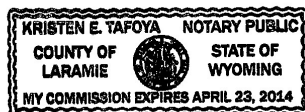
STATE OF WYOMING)
 :SS
 COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me this 3rd day of October, 2013, by **Elmer M. Mydland and Karen S. Mydland**, Trustees of the Elmer Milton Mydland Trust Dated May 1, 2006

WITNESS my hand and official seal.


 Notary Public


My commission expires: April 23, 2014



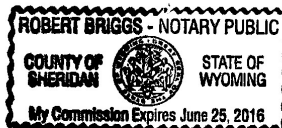
STATE OF WYOMING)
 :SS
 COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me this 17th day of October, 2013, by **Samuel Damon and Janette Mydland**, contract for deed buyers.

WITNESS my hand and official seal.


 Notary Public

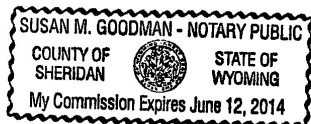
My commission expires: June 25, 2016

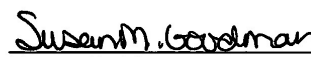


STATE OF WYOMING)
 :SS
 COUNTY OF SHERIDAN)

On this 23rd day of October, 2013, before me personally appeared Nic Bateson, 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 23rd day of October, 2013




 Notary Public

My commission expires: _____

LEGAL DESCRIPTION
EXHIBIT "A"

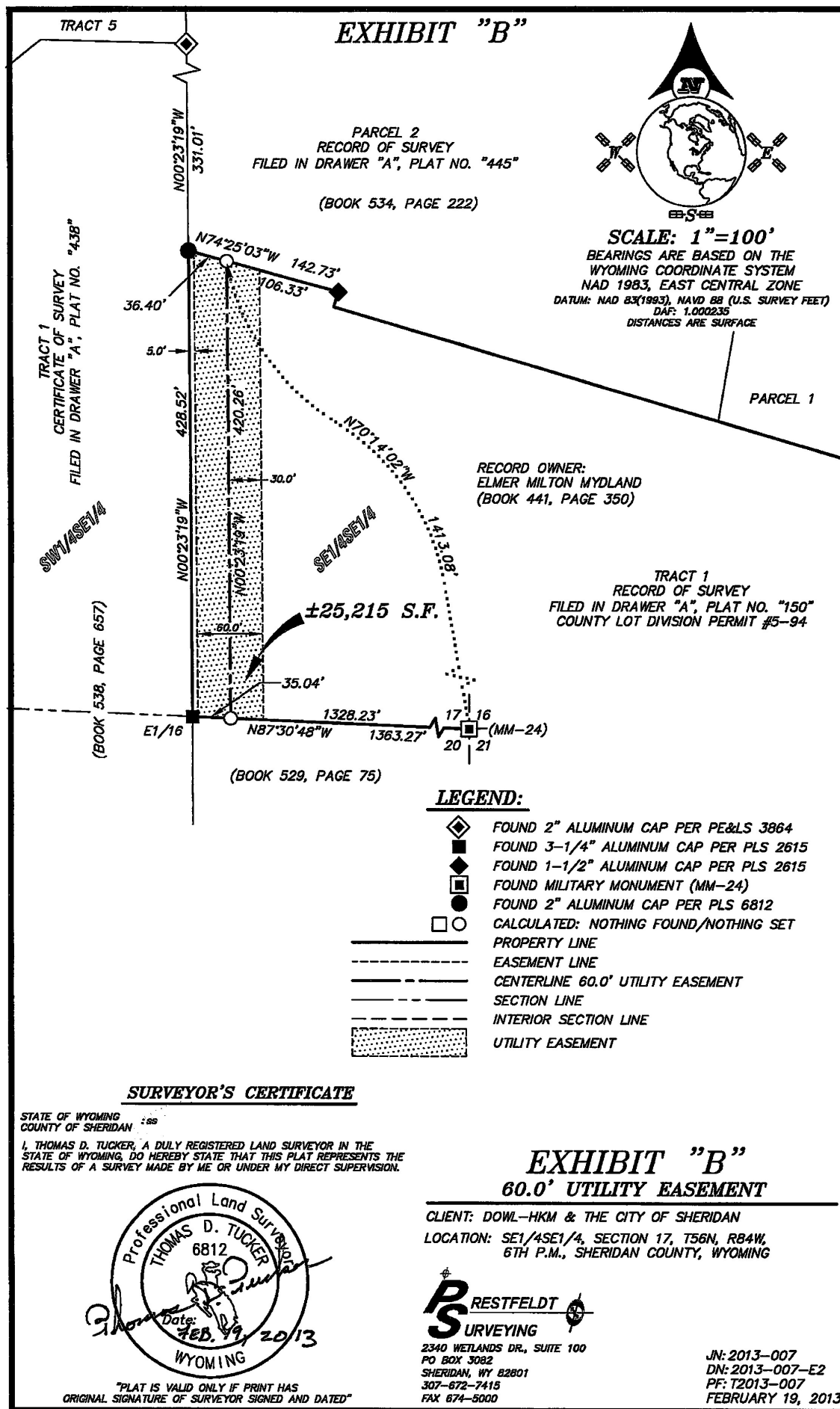
Record Owner: Elmer Milton Mydland
February 18, 2013

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.



NO. 2013-708529 CORRECTED EASEMENT
 EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
 CITY OF SHERIDAN - PLANNING P O BOX 848
 SHERIDAN WY 82801