

EASEMENT

Deed made this 2nd day of April, 2001, by and between **MULLINAX CONCRETE SERVICE COMPANY, INC., a Wyoming Corporation of P. O. Box 2044, Sheridan, Wyoming 82801**, hereinafter referred to as "Grantor", and the Downer Neighborhood Improvement and Service District (DNISD) and the City of Sheridan, Wyoming, hereinafter referred to as "Grantees".

For and in consideration of Ten and no/100 Dollars (\$10.00), and other good and valuable consideration, receipt of which is acknowledged, Grantor conveys and warrants to Grantee an easement and right-of-way across and under the following described real property, described as:

SEE EXHIBITS "A" AND "B"

for the purposes of surveying, construction, installing, inspecting, operating, maintaining, repairing and replacing a sanitary sewer line and/or water line, together with all appurtenances that may be necessary and convenient for the lines, together with the right of ingress and egress upon and across the real property of Grantor at reasonable places and routes for the aforesaid purposes. Grantor's conveyances is solely for the purposes defined above for said sanitary sewer and/or water, and is not intended for use for any other purposes.

Grantee agrees to reshape, reseed and blend to the level of the adjacent property all areas disturbed by the construction within the easement and right-of-way in a workmanlike manner. Grantee shall also provide and maintain temporary fencing during the time of construction, if necessary.

This deed of easement shall be binding upon Grantor's heirs and assigns and shall be perpetual so long as the easement is used for the purposes above recited. If Grantee fails to construct said sanitary sewer line and/or water lines within a period of five (5) years from the date of execution of this Deed, this easement shall become null and void. Furthermore, said construction easement defined in Exhibits "A" and "B" shall be valid for a period of one (1) year from the date of the substantial completion of the construction of the embankment to allow for warranty repairs.

Grantor shall be held harmless from any legal actions or claims of any form that involve the easement conveyed by Grantor to Grantee, unless they are the result of the Grantor's sole negligence. Notwithstanding the above, Grantee does not waive any rights it may retain with respect to the Wyoming Governmental Claims Act.

In witness whereof, Grantor signs this Deed on the date above written.

MULLINAX CONCRETE SERVICE
COMPANY, INC., a Wyoming Corporation

By: Robert Mullinax
President

Attest: Mike Melly

STATE OF Wyoming)
COUNTY OF Sheridan) : ss

On this 2nd day of April, 2001, before me personally appeared Robert Mullinax, to me personally known, who, being by me duly sworn, did say that he is the President of MULLINAX CONCRETE SERVICE COMPANY, INC., a Wyoming Corporation, and that said instrument was signed on behalf of said Corporation by authority of its board of directors and said R. Mullinax acknowledged said instrument to be the free act and deed of said Corporation.

Given under my hand and Notarial seal this 2nd day of April, 2001.

Dale L. Hoffmann
Notary Public

My Commission Expires: Jan 23, 2005



EXHIBIT "A"

Re: 30.0' Perpetual Sanitary Sewer Line and Water Line Easement March 14, 2001

A perpetual sanitary sewer line and water line easement being a strip of land thirty (30.0) feet wide, fifteen (15) feet each side of the following described centerline, situated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, 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 of said strip being more particularly described as follows:

BEGINNING at a point, said point being N16°07'47"E, 609.33 feet from the southwest corner of said Section 15; thence S89°37'00"E, 648.76 feet to the **POINT OF TERMINUS**, said point being N54°36'57"E, 1003.36 feet from the southwest corner of said Section 15.

Said sanitary sewer line and water line easement contains 19,463 square feet of land more or less.

Re: Temporary Construction Easement March 14, 2001

A temporary construction easement being a strip of land ten (10.0) feet wide situated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, 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; the northerly line of said easement being more particularly described as follows:

The northerly line of said strip being the southerly line of said thirty (30) feet wide sanitary sewer and water line easement to Sheridan County, Wyoming.

Said temporary construction easement contains 6,488 square feet of land more or less, and will become null and void at the time that the projects contractor's one year contractual warranty expires.

Re: 30.0' Perpetual Sanitary Sewer Line and Water Line Easement March 14, 2001

A perpetual sanitary sewer line and water line easement being a strip of land thirty (30.0) feet wide, fifteen (15) feet each side of the following described centerline, situated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 56 North, Range 84 West of the 6th P.M., Sheridan County, Wyoming, as shown on **Exhibit "B"** attached hereto and by this reference made a part hereof; the centerline of said strip being more particularly described as follows:

BEGINNING at a point, said point being N67°24'21"E, 884.03 feet from the southwest corner of said Section 15; thence N00°26'13"E, 563.24 feet to the **POINT OF TERMINUS**, said point being N42°15'46"E, 1219.99 feet from the southwest corner of said Section 15.

Said sanitary sewer line and water line easement contains 16,897 square feet of land more or less.

Re: Temporary Construction Easement March 14, 2001

A temporary construction easement being a strip of land ten (10.0) feet wide situated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, 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; the westerly line of said easement being more particularly described as follows:

The westerly line of said strip being the easterly line of the north 322 feet of said thirty (30) feet wide sanitary sewer and water line easement to Sheridan County, Wyoming.

Said temporary construction easement contains 3,220 square feet of land more or less, and will become null and void at the time that the projects contractor's one year contractual warranty expires.

A temporary construction easement being a strip of land ten (10.0) feet wide situated in the SW¼ SW¼ of Section 15, 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; the easterly line of said easement being more particularly described as follows:

The easterly line of said strip being the westerly line of the south 242 feet of said thirty (30) feet wide sanitary sewer and water line easement to Sheridan County, Wyoming.

Said temporary construction easement contains 2,420 square feet of land more or less, and will become null and void at the time that the projects contractor's one year contractual warranty expires.

**Re: 20.0' Perpetual Water Line Easement
March 14, 2001**

A perpetual water line easement being a strip of land twenty (20.0) feet wide, ten (10) feet each side of the following described centerline, situated in the SW¼SW¼ of Section 15, 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; the centerline of said strip being more particularly described as follows:

BEGINNING at a point, said point lying on the west line of a Tract of land described in Book 218 of Deeds, Page 548, and being N51°48'31"E, 1269.31 feet from the southwest corner of said Section 15; thence S90°00'00"W, 178.04 feet to the **POINT OF TERMINUS**, said point being N46°14'30"E, 1134.74' feet from the southwest corner of said Section 15.

Said water line easement contains 3,561 square feet of land more or less.

**Re: 20.0' Perpetual Water Line Easement
March 14, 2001**

A perpetual water line easement being a strip of land twenty (20.0) feet wide, ten (10) feet each side of the following described centerline, situated in the SW¼SW¼ of Section 15, 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; the centerline of said strip being more particularly described as follows:

BEGINNING at a point, said point lying on the north right of way line of State Highway No. 337 (A.K.A. Fort MacKenzie Road), said point being N83°05'28"E, 820.30 feet from the southwest corner of said Section 15; thence N00°26'13"E, 240.98 feet to the **POINT OF TERMINUS**, said point being N67°24'21"E, 884.03 feet from the southwest corner of said Section 15.

Said water line easement contains 4,820 square feet of land more or less.

**Re: Temporary Construction Easement
March 14, 2001**

A temporary construction easement being a strip of land ten (10.0) feet wide situated in the SW¼ SW¼ of Section 15, 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 easement being more particularly described as follows:

The easterly line of said strip being the westerly line of the of said twenty (20.0) feet wide water line easement to Sheridan County, Wyoming.

Said temporary construction easement contains 2,410 square feet of land more or less, and will become null and void at the time that the projects contractor's one year contractual warranty expires.

Re: 20.0' Perpetual Sanitary Sewer Line Easement
March 14, 2001

A perpetual sanitary sewer line easement being a strip of land twenty (20.0) feet wide, ten (10) feet each side of the following described centerline, situated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, 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; the centerline of said strip being more particularly described as follows:

BEGINNING at a point, said point lying on the north right of way line of State Highway No. 337 (A.K.A. Fort MacKenzie Road), and being N85°06'35"E, 1042.87 feet from the southwest corner of said Section 15; thence N41°38'06"W, 335.49 feet to the **POINT OF TERMINUS**, said point being N67°24'21"E, 884.03 feet from the southwest corner of said Section 15.

Said water line easement contains 6,710 square feet of land more or less.

Re: Temporary Construction Easement
March 14, 2001

A temporary construction easement being two (2) strips of land ten (10.0) feet wide situated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, 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 easement being more particularly described as follows:

The westerly line of said strip being the easterly line of the of said twenty (20.0) feet wide sanitary sewer line easement to Sheridan County, Wyoming.

The easterly line of said strip being the westerly line of the of said twenty (20.0) feet wide sanitary sewer line easement to Sheridan County, Wyoming.

Said temporary construction easements contain 6,710 square feet of land more or less, and will become null and void at the time that the projects contractor's one year contractual warranty expires.

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

EXHIBIT "B"

(BOOK 407, PAGE 148)

(BOOK 390, PAGE 117)

(BOOK 354, PAGE 248)

(BOOK 380, PAGE 51)

(BOOK 218, PAGE 548)

(BOOK 99, PAGES 441 & 442)

STATE HIGHWAY No. 337 (A.K.A. FORT MACKENZIE ROAD)
(SEE NOTE)**TIE TABLE**
TIES ARE FROM THE SW CORNER OF SECTION 15

TIE	BEARING & DISTANCE
TIE-1	N16°07'47"E 609.33'
TIE-2	N54°36'57"E 1003.36'
TIE-3	N42°15'46"E 1219.99'
TIE-4	N67°24'21"E 884.03'
TIE-5	N85°06'35"E 1042.87'
TIE-6	N83°05'28"E 820.30'
TIE-7	N51°48'31"E 1269.31'
TIE-8	N46°14'30"E 1134.74'



SCALE: 1"=200'

BASIS OF BEARINGS IS
WYOMING STATE PLANE(EAST CENTRAL ZONE)**SURVEYOR'S CERTIFICATE**STATE OF WYOMING :ss
COUNTY OF SHERIDAN

I, RONALD W. PRESTFELDT 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.

*SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL
SEAL AND SIGNATURE OF SURVEYOR SIGNED AND DATED***LEGEND:**

- FOUND ALUMINUM CAP PER PE & LS 551
 - ◆ FOUND 3&1/4" ALUMINUM CAP PER LS 2615
 - CALCULATED CORNER
 - LOT/BLOCK LINE
 - - - SANITARY SEWER/WATER/CONSTRUCTION EASEMENT LINE
 - SECTION LINE
 - - - CENTERLINE/SANITARY SEWER LINE EASEMENT
 - - - CENTERLINE/WATER LINE EASEMENT
 - - - CENTERLINE/WATER & SANITARY SEWER LINE EASEMENT
 - ▨ 20.0' SANITARY SEWER LINE EASEMENT
 - ▨ 20.0' WATER LINE EASEMENT
 - ▨ 30.0' WATER AND SANITARY SEWER LINE EASEMENT
 - ▨ 10.0' TEMPORARY CONSTRUCTION EASEMENT
- ALL LOT DIMENSIONS ARE RECORD AS SHOWN
ON THE MAP OF DOWNERS ADDITION TO
SHERIDAN WYOMING. DATED OCTOBER 1912.

NOTES:

RIGHT OF WAY LINES FOR STATE HIGHWAY NO. 337 (A.K.A. FORT MACKENZIE ROAD) DELINEATE A RECORD OF SURVEY FILED IN DRAWER A, NO. 116 AT THE SHERIDAN COUNTY COURTHOUSE AND DATED MARCH 14, 1995

EXHIBIT "B"
20.0' WATER LINE EASEMENT
20.0' SANITARY SEWER EASEMENT
30.0' WATER AND SANITARY
SEWER LINE EASEMENT

CLIENT: HKM ENGINEERING, INC.
ENGINEER FOR THE DOWNER NEIGHBORHOOD
WATER AND SANITARY SEWER IMPROVEMENTSLOCATION: SW1/4SW1/4 SECTION 15, T56N, R84W,
6TH P.M., SHERIDAN COUNTY, WYOMING.PO BOX 3082
SHERIDAN, WY 82801
307-672-7415
FAX 674-5000JN: 99126
DN: 99/99126MX
MARCH 13, 2001