

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION is made and entered into this day by and between **John A. Rueb and Judith Ann Rueb, husband and wife**, of Sheridan County, Wyoming (hereinafter "First Party") and **Haultain E. Corbett and Catherine E. Curtiss, husband and wife**, of Sheridan County, Wyoming (hereinafter "Second Party").

WHEREAS, First Party is the owner of the following described land located in Sheridan County, Wyoming:

Township 55 North, Range 83 West, 6th P.M.
Section 6: SE $\frac{1}{4}$ SE $\frac{1}{4}$

WHEREAS, First Party desires to convey to Second Party, and Second Party desires to purchase, a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T55N/R83W, which portion is described as follows:

A tract of land situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 55 North, Range 83 West, 6th P.M., Sheridan County, Wyoming; said tract being more particularly described as follows:

Commencing at the southeast corner of said Section 6; thence S89°30'22"W, 11.55 feet along the south line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the **POINT OF BEGINNING** of said tract; thence S89°30'22"W, 1317.79 feet along said south line to a point, said point being the southwest corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence N22°43'15"E, 37.40 feet to a point, said point lying on a fence line; thence N01°14'36"E, 146.68 feet along said fence line to a point; thence N00°12'29"E, 810.82 feet along said fence line to a point; thence, leaving said fence line, N00°57'28"W, 326.37 feet to a point, said point lying on a east-west fence line; thence N86°27'50"E, 295.87 feet along said fence line to a point; thence N89°34'16"E, 383.66 feet along said fence line to a point; thence S06°44'45"E, 145.68 feet along said fence line to a point; thence S05°18'59"E, 147.41 feet along said fence line to a point; thence S14°52'01"E, 90.91 feet along said fence line to a point; thence S73°00'24"E, 6.00 feet along said fence line to a point; thence S32°47'47"E, 201.48 feet along said fence line to a point; thence S51°10'58"E, 47.01 feet along said fence line to a point; thence S28°56'15"W, 21.28 feet along said fence line to a point; thence, leaving said fence line, S33°05'28"E, 87.91 feet to a point, said point lying on said fence line; thence S74°12'10"E, 129.85 feet along said fence line to a point; thence S85°43'30"E, 124.39 feet along said fence line to a point; thence S67°51'32"E, 132.34 feet along said fence line to a point; thence S00°53'54"E, 561.45 feet along said fence line to the **POINT OF BEGINNING** of said tract.

Said tract contains 30.86 acres of land more or less.

And that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying west and north of the following described fence line situated in Section 6, Township 55 North, Range 83 West, 6th P.M., Sheridan County, Wyoming; said fence line being more particularly described as follows:

BEGINNING at the southwest corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6; thence N22°43'15"E, 37.40 feet to a point, said point lying on a fence line; thence N01°14'36"E, 146.68 feet along said fence line to a point; thence N00°12'29"E, 810.82 feet along said fence line to a point; thence, leaving said fence line, N00°57'28"W, 326.37 feet to a point, said point lying on a east-west fence line; thence N86°27'50"E, 295.87 feet along said fence line to a point; thence

N89°34'16"E, 383.66 feet along said fence line to the **POINT OF TERMINUS**, said point being N25°33'50"W, 1472.05 feet from the southeast corner of said Section 6.

(hereinafter referred to as "Tract 1").

WHEREAS, First Party desires to retain ownership of the balance of the SE¼SE¼ of Section 6, T55N/R83W, described as follows:

A tract of land situated in the SE¼SE¼ of Section 6, Township 55 North, Range 83 West, 6th P.M., Sheridan County, Wyoming; said tract being more particularly described as follows:

Commencing at the southeast corner of said Section 6; thence S89°30'22"W, 11.55 feet along the south line of said SE¼SE¼ to a point; thence N00°53'54"W, 561.45 feet along a fence line to the **POINT OF BEGINNING** of said tract; thence, leaving said fence line, N00°53'54"W, 775.86 feet to a point, said point lying on a east-west fence line; thence S89°08'07"W, 602.76 feet along said fence line to a point; thence S06°44'45"E, 145.68 feet along said fence line to a point; thence S05°18'59"E, 147.41 feet along said fence line to a point; thence S14°52'01"E, 90.91 feet along said fence line to a point; thence S73°00'24"E, 6.00 feet along said fence line to a point; thence S32°47'47"E, 201.48 feet along said fence line to a point; thence S51°10'58"E, 47.01 feet along said fence line to a point; thence S28°56'15"W, 21.28 feet along said fence line to a point; thence, leaving said fence line, S33°05'28"E, 87.91 feet to a point, said point lying on said fence line; thence S74°12'10"E, 129.85 feet along said fence line to a point; thence S85°43'30"E, 124.39 feet along said fence line to a point; thence S67°51'32"E, 132.34 feet along said fence line to the **POINT OF BEGINNING** of said tract.

Said tract contains 8.58 acres of land more or less.

And that portion of the SE¼SE¼ lying east and north of the following described line, situated in Section 6, Township 55 North, Range 83 West, 6th P.M., Sheridan County, Wyoming; said line being more particularly described as follows:

Commencing at the southeast corner of said Section 6; thence N25°33'50"W, 1472.05 feet to the **POINT OF BEGINNING**, said point lying on a east-west fence line; thence N89°08'07"E, 602.76 feet along said fence line to a point; thence, leaving said fence line, S00°53'54"E, 775.86 feet to a point, said point lying on a northwest and south fence line; thence S00°53'54"E, 561.45 feet along said fence line to the **POINT OF TERMINUS**, said point lying on the south line of said SE¼SE¼, said point being S89°30'22"W, 11.55 feet from the southeast corner of said Section 6.

(hereinafter referred to as "Tract 2"), subject, however to a first right of refusal granted this day by First Party to Second Party.

WHEREAS, because the SE¼SE¼ of Section 6, T55N/R83W is zoned A-Agricultural and Tract 1 contains less than 35 acres, absent a zoning variance granted by the Board of County Commissioners of Sheridan County, Wyoming, the conveyance of Tract 1 by First Party to Second Party would otherwise violate the minimum lot size requirements of the Sheridan County Zoning Resolution amended October 20, 1992, which requires a minimum lot size of 35 acres per dwelling unit for all properties zoned A-Agricultural.

WHEREAS, First Party and Second Party desire to impose a restrictive covenant on Tract 2 in order to obtain a zoning variance from the Board of County Commissioners of

Sheridan County, Wyoming so that the conveyance complies with the Sheridan County Zoning Resolution amended October 20, 1992.

WHEREAS, under the Sheridan County Zoning Resolution amended October 20, 1992 and the Wyoming Planning and Zoning Statutes, W.S. §§ 18-5-101 et seq, the Board of County Commissioners of Sheridan County, Wyoming has the authority to authorize a zoning variance by requiring the parties to provide necessary assurances that the parties will meet the minimum lot size required by the Sheridan County Zoning Resolution amended October 20, 1992 by placing a use restriction on Tract 2.

NOW, THEREFORE, it is hereby agreed by the parties hereto that, in consideration of the Board of County Commissioners of Sheridan County, Wyoming, permitting the conveyance of Tract 1 by First Party to Second Party, the parties hereby impose a restrictive covenant on Tract 2. Such restrictive covenant is for the benefit of Sheridan County, the Second Party, and the heirs and assigns of Second Party. For the purpose of meeting the minimum lot area required the by Sheridan County Zoning Resolution amended October 20, 1992 for lands zoned A-Agricultural, it is expressly agreed that no additional residential, commercial or industrial use or structure shall be placed on Tract 2 except with the written permission of the Board of County Commissioners of Sheridan County, Wyoming and the owners of Tract 1.

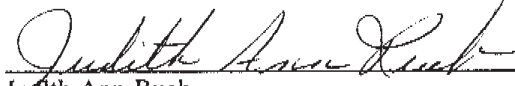
IT IS FURTHER HEREBY AGREED by the parties hereto that the benefits and the burdens of this restrictive covenant shall run with the land in perpetuity unless the restrictive covenant is removed by the Board of County Commissioners of Sheridan County, Wyoming with the consent of the owners of Tract 1, and that all subsequent owners of Tract 2 will be bound by this restrictive covenant.

DATED this 1st day of April, 1997.

FIRST PARTY:



John A. Rueb




Judith Ann Rueb

SECOND PARTY:



Haultain E. Corbett



Catherine E. Curtiss

STATE OF WYOMING)
) ss.
COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me this 1st day of April, 1997,
by John A. Rueb and Judith Ann Rueb, husband and wife.

WITNESS my hand and official seal.



Rebecca A. Hinton
Notary Public

My Commission expires: 2/3/2001

STATE OF WYOMING)
) ss.
COUNTY OF SHERIDAN)

The foregoing instrument was acknowledged before me this 1st day of April, 1997,
by Haultain E. Corbett and Catherine E. Curtiss, husband and wife.

WITNESS my hand and official seal.



Rebecca A. Hinton
Notary Public

My Commission expires: 2/3/2001