

RIGHT-OF-WAY AGREEMENT

386

RECORDED OCTOBER 24, 1980 BK 252 PG 386 NO 802439 MARGARET LEWIS, COUNTY CLERK

THIS RIGHT-OF-WAY AGREEMENT, made and entered into this day by and between ERLE SIMPSON and INA M. SIMPSON, husband and wife, of Sheridan County, Wyoming, and HERBERT F. CANFIELD, a married man acting in and for his sole and separate property, of Sheridan County, Wyoming, hereinafter called "Grantors"; and ROBERT W. WAGNER and MARILYN J. WAGNER, husband and wife, of Hennepin County, State of Minnesota; WILLIAM J. DEMCHOCK and CATHERINE L. DEMCHOCK, husband and wife, of Sheridan County, Wyoming; and EDWARD B. WALTER and CAROLE M. WALTER, husband and wife, of Sheridan County, Wyoming, hereinafter called "Grantees"; WITNESSETH, THAT:

WHEREAS, the Parties desire to establish a mutual right-of-way to enable the Parties to have access from the County Road across the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 53 North, Range 83 West of the 6th Principal Meridian, Sheridan County, Wyoming, to lands owned by the Parties; and,

WHEREAS, the Parties are willing to mutually grant said right-of-way, subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration and exchange for the mutual promises and covenants contained herein, IT IS HEREBY AGREED by and between the parties hereto as follows:

1.

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, Grantors do hereby grant to Grantees, their heirs, personal representatives and assigns, and the Grantees do hereby grant to Grantors, their heirs, personal representatives and assigns, a private roadway right-of-way for the purpose of ingress and egress to the parties' respective premises, as described in Exhibit "B" attached hereto and by reference made a part hereof, over and across the following-described real property situate in the County of Sheridan, State of Wyoming, to-wit:

(See Exhibit "A" attached hereto and by reference made a part hereof.)

2.

It is mutually understood and agreed that this right-of-way is being executed by the Grantors in favor of Grantees, subject to the following express terms and conditions:

- (a) The existing gate on said roadway formerly locked by George Robbins is hereby acknowledged to belong to Herbert E. Canfield, who may remove the same if he so chooses.
- (b) No gates, fences, posts, poles or other obstructions shall be placed in or about said roadway, said roadway to remain open at all times.
- (c) The Grantors shall not be responsible for the repair or maintenance of said roadway.
- (d) Said roadway shall not be fenced at any time, except with the written consent and permission of the Grantors first had and obtained. The fenceline on the south side of said roadway shall be maintained by the property owners on whose property the fenceline is located.
- (e) Grantees shall have the right and privilege to gravel or shale said roadway at their sole election and expense.
- (f) Grantees shall use said right-of-way as the sole means of access across Grantors' lands, and when crossing the lands of Grantors, the Grantees, their agents, business invitees, and social invitees, shall stay on the right-of-way at all times.

3.

Grantors reserve the right to the use of said right-of-way for the purposes of access to their lands which are located along said right-of-way.

4.

Neither Grantors nor Grantees shall permit vehicles to be parked on the right-of-way.

5.

Each of the parties respectively releases and waives all rights under and by virtue of the homestead exemption laws of the State of Wyoming as far as they apply and may be necessary to make this Agreement fully effective.

6.

This right-of-way shall be construed as a burden running with the land and the terms of this Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, devisees, successors in interest and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Right-of-Way Agreement this 16th day of September, 1980.

GRANTORS:

Erle Simpson
ERLE SIMPSON

Ina M. Simpson
INA M. SIMPSON

Herbert F. Canfield
HERBERT F. CANFIELD

GRANTEES:

Robert W. Wagner
ROBERT W. WAGNER

Marilyn J. Wagner
MARILYN J. WAGNER

William J. Demchock
WILLIAM J. DEMCHOCK

Catherine L. Demchock
CATHERINE L. DEMCHOCK

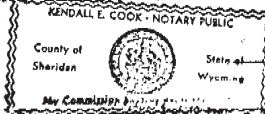
Edward B. Walter
EDWARD B. WALTER

Carole M. Walter
CAROLE M. WALTER

STATE OF WYOMING }
County of Sheridan } ss.

The foregoing instrument was acknowledged before me by ERLE SIMPSON and INA M. SIMPSON, husband and wife, this 16th day of September, 1980.

Witness my hand and official seal.



Kendall E. Cook
Notary Public

My Commission Expires: SEPT 19, 1981

STATE OF WYOMING }
County of Sheridan } ss.

The foregoing instrument was acknowledged before me by HERBERT F. CANFIELD this 22nd day of October, 1980.

Witness my hand and official seal.



H. F. Canfield
Notary Public

My Commission Expires: Sept. 10, 1980

STATE OF Wyo }
County of Wagoner } ss.

The foregoing instrument was acknowledged before me by ROBERT W. WAGNER and MARILYN J. WAGNER, husband and wife, this 29th day of September, 1980.

Witness my hand and official seal.

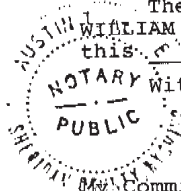
Robert W. Wagner
Notary Public

My Commission Expires: _____

STATE OF WYOMING }
County of Sheridan } ss.

The foregoing instrument was acknowledged before me by WILLIAM J. DEMCHOCK and CATHERINE L. DEMCHOCK, husband and wife, this 17th day of October, 1980.

Witness my hand and official seal.



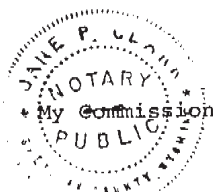
Austin J. Reddo
Notary Public

My Commission Expires: Dec 1, 1983

STATE OF WYOMING }
County of Sheridan } ss.

The foregoing instrument was acknowledged before me by EDWARD B. WALTER and CAROLE M. WALTER, husband and wife, this 22nd day of October, 1980.

Witness my hand and official seal.



Jane B. Clark
Notary Public

My Commission Expires: May 3, 1982

A tract of land situate in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, and the NW $\frac{1}{4}$ of Section 18, all in Township 53 North, Range 83 West, 6th Principal Meridian, Sheridan County, Wyoming, which is fifteen feet (15') in width and which is described as being 7.5' on each side of a centerline, more particularly described as follows:

Beginning at a point in the center of a county road and intersection of a private road from the West, which beginning point is S. 0°36.5' E., a distance of 1,299.9 feet from the Sheridan County Brass Cap corner common to Sections 7, 8, 17 and 18, Township 53 North, Range 83 West, 6th P.M.; thence along the centerline of said easement S. 88°19' W., a distance of 325.7 feet; thence N. 89°58' W., a distance of 493.5 feet; thence S. 78°32' W., a distance of 86.6 feet; thence S. 56°26' W., a distance of 140.2 feet; thence S. 64°18' W., a distance of 117.7 feet; thence S. 76°00' W., a distance of 158.7 feet; thence S. 72°00' W., a distance of 76.2 feet; thence S. 60°51' W., a distance of 59.1 feet; thence S. 53°58' W., a distance of 428.5 feet; thence S. 56°00' W., a distance of 43.7 feet; thence S. 59°35' W., a distance of 295.8 feet; thence S. 54°14' W., a distance of 283.1 feet; thence S. 46°23' W., a distance of 41.0 feet; thence S. 46°23' W., a distance of 238.2 feet; thence S. 64°15' W., a distance of 230.0 feet; thence S. 01°34' E., a distance of 202.1 feet to a point which is fifteen feet (15') East of the Common Quarter Corner of Section 18, and also S. 45°20' W. a distance of 3,743.6 feet from the above mentioned common corner to Sections 7, 8, 17 and 18, Township 53 North, Range 83 West, 6th P.M.

EXHIBIT "B"

SIMPSON PROPERTY:

Township 53 North, Range 84 West, 6th P.M.
Sheridan County, Wyoming

Section 13: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 53 North, Range 83 West, 6th P.M.

Section 18: S $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the Southeast
diagonal one-half of the NW $\frac{1}{4}$ SW $\frac{1}{4}$;

EXCEPTING the following-described
tract of land from the N $\frac{1}{4}$ SW $\frac{1}{4}$ of
said Section 18, to-wit:

Beginning at the Northwest corner of the
NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 18; thence East 430
feet, more or less, to the center of South
Piney Creek, thence Southwesterly, along the
center of said South Piney Creek to a point
on a line, said line running from the North-
east corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ to the Southwest
corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, thence Northeasterly,
along said line to the point of beginning
(containing 1 acre, more or less).

Township 53 North, Range 83 West, 6th P.M.
Sheridan County, Wyoming

Section 18: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$

EXCEPTING that portion of the
E $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 18 lying
East of the following-described
line, to-wit:

Commencing at a point 30 feet South
of the Northeast corner of the SE $\frac{1}{4}$ of
said Section 18, thence S. 33°11' W. 297
feet; thence S. 20°11' W. 570 feet;
thence S. 21°9' W. 830 feet; thence
S. 14°50' W. 312 feet; thence S. 20' E.
225 feet; thence S. 36°53' E. 649 feet;
more or less, to a point on the South
line of said Section 18, which is 349
feet West of the Southeast corner of
said Section 18.

CANFIELD PROPERTY:

Township 53 North, Range 83 West, 6th P.M.

Section 18: A tract of land situate in the
SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, described as
follows:

Beginning at the center of said Sec-
tion 18, thence North 210 feet to a point,
thence N. 64°39' E. 225.4 feet to a point;
thence N. 46°39' E. 281.1 feet to a point;
thence N. 55°46' E. 284.1 feet to a point;
thence N. 61°42' E. 296.5 feet to a point;
thence N. 79° W. 420 feet to a point in
the center of the channel of Piney Creek;
thence upstream in the center of the chan-
nel of said creek S. 27° W. 400 feet, to a
point; thence West 300 feet to a point in
the channel of said stream; thence S. 62°30'
W. 560 feet to a point in the channel of
said creek; and thence S. 55° W. 500 feet
to a point in the center of the channel of
said creek and the South line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$;
thence East 890 feet to the point of
beginning.

DEMCHOCK PROPERTY:

Township 53 North, Range 83 West, 6th P.M.
Sheridan County, Wyoming

Section 18: A tract of land situate in the
SW $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

Beginning at a point which is S. 41°17' W. a distance of 2,028.9 feet from the northeast corner of said Section 18, said point of beginning being in the center of an ungraded road; thence S. 0°30' W. a distance of 300.5 feet to a point; thence S. 57°19' W. a distance of 241.0 feet to a point; thence N. 52°09' W. a distance of 244.0 feet to a point; thence N. 54°48' E. a distance of 487.2 feet to the point of beginning; containing 2.00 acres, more or less.

WALTER PROPERTY:

Township 53 North, Range 83 West, 6th P.M.
Sheridan County, Wyoming

Section 18: A tract of land located in the
SW $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

Beginning at the center of said Section 18; thence North a distance of 210.6 feet along the west line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to a point; thence N. 63°56' E. a distance of 225.1 feet to a point; thence N. 45°54' E. a distance of 239.3 feet to a point; thence S. 48°42' E. a distance of 163.9 feet to a point; thence South a distance of 366.7 feet to a point on the south line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence S. 89°52' W. a distance of 497.1 feet to the point of beginning.

The above tract contains 3.94 acres, more or less, RESERVING HOWEVER, to Robert W. Wagner and Marilyn J. Wagner, and their successors-in-interest, a perpetual easement for right-of-way being 10 feet on each side of the centerline hereinafter described as follows:

Beginning at a point which is located N. 38°02' E. a distance of 595.4 feet from the center of said Section 18; thence S. 48°42' E. a distance of 173.5 feet to the point of ending, which said easement for right-of-way and access to and from the reserved premises of Robert J. Wagner and Marilyn J. Wagner contains 0.08 acres, more or less.

WAGNER PROPERTY:

Township 53 North, Range 83 West, 6th P.M.

Section 18: A tract of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

Beginning at the center of said Section 18; thence running North along the West line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to a point in the center of a private road a distance of 210 feet, more or less; thence Northeasterly along the centerline of said road, said centerline being described as follows: from the last mentioned point North 64°39' East 225.4 feet to a point; thence North 46°39' East 281.1 feet to a point; thence North 55°46' East 284.1 feet to a point; thence North 61°42' East 296.5 feet to a point; thence North 55°24' East 511.1 feet to a point; thence North 78°47' East 21.4 feet to the East line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence South 1,119 feet to the Southeast corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence West 1,320 feet, more or less, to the point of beginning.

EXCEPTING therefrom the following described tract: Beginning at a point which is South 41°17' West a distance of 2,028.9 feet from the Northeast corner of said Section 18, said point of beginning being in the center of an ungraded road; thence South 0°30' West a distance of 300.5 feet to a point; thence South 57°19' West a distance of 241.0 feet to a point; thence North 52°09' West a distance of 244.0 feet to a point; thence North 54°48' East a distance of 487.2 feet to the point of beginning, containing 2.0 acres, more or less; containing 17.81 acres, more or less, exclusive of the excepted two-acre tract above described.

EXCEPTING therefrom the following described tract: Beginning at the center of said Section 18; thence North a distance of 210.6 feet along the west line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to a point; thence N. 63°56' E. a distance of 225.1 feet to a point; thence N. 45°54' E. a distance of 239.3 feet to a point; thence S. 48°42' E. a distance of 163.9 feet to a point; thence South a distance of 366.7 feet to a point on the South line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence S. 89°52' W. a distance of 497.1 feet to the point of beginning; containing 3.94 acres, more or less.

Containing 13.87 acres, more or less, exclusive of the excepted tracts above described.