

## ROADWAY AND UTILITY EASEMENT

DSB Investments, Inc., a Wyoming corporation (herein "DSB"), as record owner of certain real property located in Sheridan County, Wyoming, more particularly described below as the "Dominant Parcel", and for and in consideration of the sum of Ten and NO/100 Dollars (\$10.00) and other good and valuable consideration the receipt of which is hereby acknowledged, does hereby grant an access and utility easement across that Sixty Foot (60') wide strip of land more specifically described on **Exhibit "A"** and shown on **Exhibit "B"**, both of which are attached hereto and incorporated herein (herein the "Easement Route"), and reserves certain rights therein, as set forth hereinafter:

Grant of Easement For Benefit of Dominant Parcel. DSB grants this easement to and for the benefit of the Dominant Parcel, which includes all of that land conveyed to it as of this date, more more particularly described as:

Township 55 North, Range 83 West, 6<sup>th</sup> P.M., Sheridan County, Wyoming:

Section 15: W $\frac{1}{2}$ SE $\frac{1}{4}$ ; W $\frac{1}{2}$

Section 16: NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ; NE $\frac{1}{4}$  and

That portion of the SE  $\frac{1}{4}$  of said Section 16 lying north and east of a fence line situated in Township 55 North, Range 83 West, 6<sup>th</sup> P.M., Sheridan County, Wyoming, said fence line being more particularly described as follows:

Beginning at the southeast corner of said Section 16; thence N12°57'26"W, 908.58 feet along said fence line to a point; thence S88°39'05"W, 1122.03 feet along said fence line to a point; thence N54°39'51"W, 719.22 feet along said fence line to a point; thence N88°09'56"W, 656.22 feet along said fence line to a point on a 3 way fence intersection; thence N88°20'22"W, 94.65 feet more or less along said fence line to a point on the west line of said SE $\frac{1}{4}$ , said point being N63°59'55"W, 2962.51 feet from said southeast corner of Section 16.

Section 17: S $\frac{1}{2}$ NE $\frac{1}{4}$ ; NE $\frac{1}{4}$ SE $\frac{1}{4}$  and all that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and the NE $\frac{1}{4}$ SW $\frac{1}{4}$  lying Easterly of U.S. Highway No. 14, also known as the County Road, in Sheridan County, Wyoming.

Intent and Purpose of Easement. DSB owns said Dominant Parcel in its entirety as of this date; however, DSB intends to sell and convey portions thereof immediately hereafter, and this Roadway and Utility Easement is intended to provide the right of ingress and egress and utility access over and across the Easement Route for unfettered access and the installation, maintenance, repair and replacement of utilities to and for the benefit of the Dominant Parcel, and each and every portion conveyed therefrom. This easement is intended to benefit and burden each portion of the Dominant Parcel, without risk or claim of merger.

Provided further, DSB acknowledges that the Easement Route described above is not yet long enough (as described herein) to provide access to all portions of the Dominant Parcel because the exact location of the road to be constructed beyond the termination point of the Easement Route is not yet finalized. Therefore, the Easement Route described herein will be extended by subsequent easement executed by DSB for the benefit and burden of each portion of the Dominant Parcel. DSB reserve the right to add the additional easement route length, as an extension of this easement, by subsequent instrument.

Reservation of Rights. Provided further, DSB expressly reserves the sole and exclusive right to grant, assign, sell or otherwise convey additional access easements and/or the right of utility installation, maintenance and repair in, over, along and across said Easement Route to any person or entity other than those who benefit from this instrument as DSB's

successors in title to portions of the Dominant Parcel. Should DSB exercise its rights so reserved herein to convey rights along the Easement Route to other users/grantees from the coal bed methane/mineral industry, then the fees paid by them for such access and/or utility rights shall be paid in accord with that DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF WHISPERING HILLS, which is dated of even date herewith and is recorded hereafter and which burdens/benefits a portion of the Dominant Parcel. Any additional rights so conveyed by DSB along the Easement Route shall not be inconsistent with the rights granted herein to all portions of the Dominant Parcel.

DSB shall bear no responsibility or liability to any person or entity using the Easement Route by reason of this easement. This easement shall run with the land.

DATED this 12<sup>th</sup> day of February, 2007.

**DSB Investments, Inc.**



By: D. Scott Bliss, President

STATE OF WYOMING     )  
                                  ) ss.  
COUNTY OF SHERIDAN    )

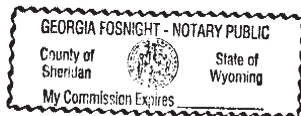
The above and foregoing ACCESS AND UTILITY EASEMENT was acknowledged to before me by D. Scott Bliss, as President of DSB Investments, Inc., on this the 12<sup>th</sup> day of February, 2007.

WITNESS my hand and official seal.



Notary Public

My Commission expires: 12/30/2010



## EXHIBIT "A"

### Re: Right of Way Agreement

A sixty (60) foot wide Roadway and Utility easement lying thirty (30) feet each side of a centerline situated in the NW¼SW¼, of Section 16, the N¼SE¼, and the NE¼SW¼ of Section 17, Township 55 North, Range 83 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:

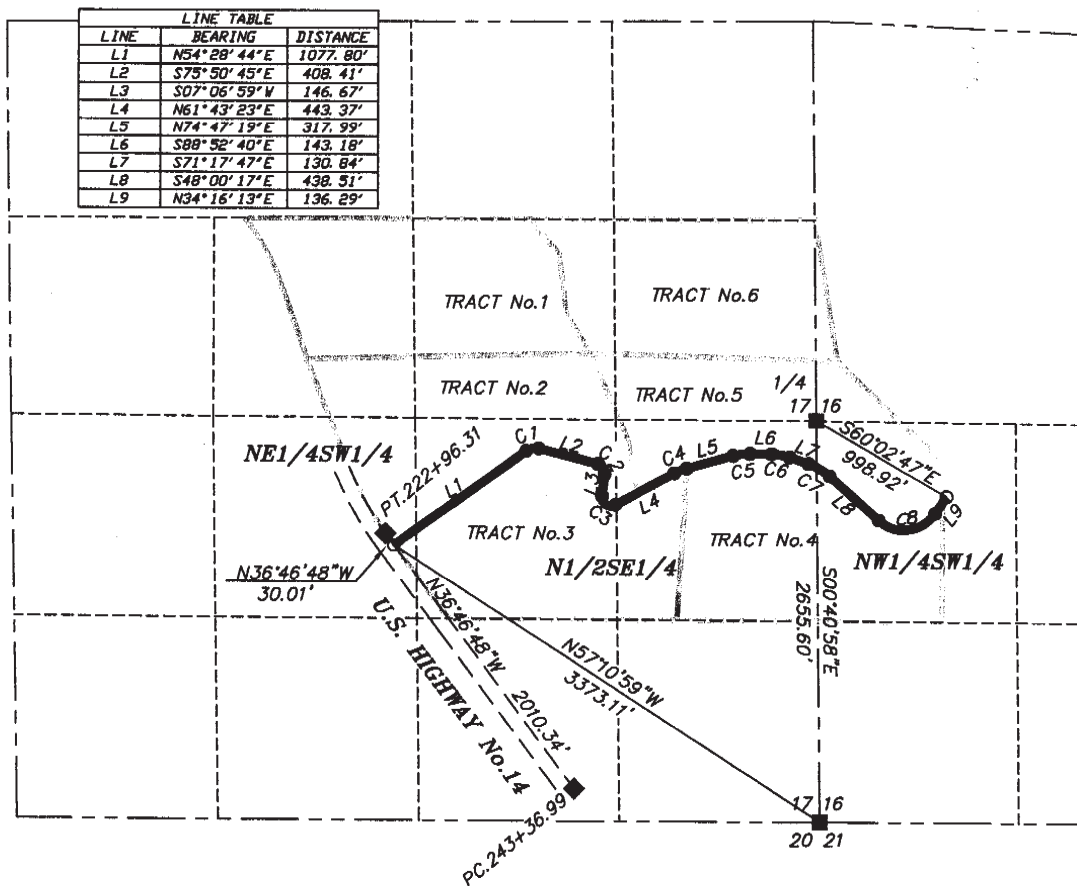
Commencing at the southeast corner of said Section 17 (monumented with a 3¼" aluminum cap per LS 2608); thence N57°10'59"W, 3373.11 feet to the **POINT OF BEGINNING** of said easement, said point lying on the northeasterly right-of-way line of U.S. Highway No.14; thence N54°28'44"E, 1,078.00 feet, along said centerline to a point; thence along said centerline through a curve to the right having a radius of 100.00 feet, a delta of 49°40'32", an arc length of 86.70 feet, a chord bearing of N79°19'00"E and a chord length of 84.01 feet to a point; thence S75°50'45"E, 408.41 feet, along said centerline to a point; thence along said centerline through a curve to the right having a radius of 60.00 feet, a delta of 82°57'43", an arc length of 86.88 feet, a chord bearing of S34°21'53"E and a chord length of 79.48 feet to a point; thence S07°06'59"W, 146.67 feet, along said centerline to a point; thence along said centerline through a curve to the left having a radius of 60.00 feet, a delta of 125°23'36", an arc length of 131.31 feet, a chord bearing of S55°34'49"E and a chord length of 106.63 feet to a point; thence N61°43'23"E, 443.37 feet, along said centerline to a point; thence along said centerline through a curve to the right having a radius of 400.00 feet, a delta of 13°03'56", an arc length of 91.21 feet, a chord bearing of N68°15'21"E and a chord length of 91.02 feet to a point; thence N74°47'19"E, 317.99 feet, along said centerline to a point; thence along said centerline through a curve to the right having a radius of 400.00 feet, a delta of 16°20'01", an arc length of 114.03 feet, a chord bearing of N82°57'20"E and a chord length of 113.65 feet to a point; thence S88°52'40"E, 143.18 feet, along said centerline to a point; thence along said centerline through a curve to the right having a radius of 400.00 feet, a delta of 17°34'53", an arc length of 122.74 feet, a chord bearing of S80°05'13"E and a chord length of 122.26 feet to a point; thence S71°17'47"E, 130.84 feet, along said centerline to a point; thence along said centerline through a curve to the right having a radius of 400.00 feet, a delta of 23°17'30", an arc length of 162.61 feet, a chord bearing of S59°39'02"E and a chord length of 161.49 feet to a point; thence S48°00'17"E, 438.51 feet, along said centerline to a point; thence along said centerline through a curve to the left having a radius of 250.00 feet, a delta of 97°43'30", an arc length of 426.41 feet, a chord bearing of N83°07'58"E and a chord length of 376.57 feet to a point; thence N34°16'13"E, 136.29 feet, along said centerline to the **POINT OF TERMINUS**, said point being S60°02'47"E, 998.92 feet from the east quarter corner of said Section 17 (monumented with a 3¼" aluminum cap per LS 2608).

**TOTAL LENGTH**=270.62 rods more or less.

Basis of Bearings is the Wyoming Coordinate System NAD 1983, East Central Zone.

Distances are surface.

## EXHIBIT "B"



CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	100.00'	49°40'32"	86.70'	N79°19'00"E	84.01'
C2	60.00'	82°57'43"	86.88'	S34°21'53"E	79.48'
C3	60.00'	125°23'36"	131.31'	S55°34'49"E	106.63'
C4	400.00'	13°03'56"	91.21'	N68°15'21"E	91.02'
C5	400.00'	16°20'01"	114.03'	N82°57'20"E	113.65'
C6	400.00'	17°34'53"	122.74'	S80°05'13"E	122.26'
C7	400.00'	23°17'30"	162.61'	S59°39'02"E	161.49'
C8	250.00'	97°43'30"	426.41'	N83°07'58"E	376.57'

## LEGEND

- FOUND 3-1/4" ALUMINUM CAP PER LS 2608
- ◆ FOUND CONCRETE AND BRASS ROW MONUMENT
- P.I., P.C., PT., CENTERLINE EASEMENT
- SECTION LINE
- INTERIOR SECTION LINE
- 60' WIDE ROADWAY/UTILITY EASEMENT
- RIGHT OF WAY LINE

LENGTH=±270.62 RODS

## BASIS TABLE

BEARINGS: THE WYOMING COORDINATE  
SYSTEM NAD 1983, EAST CENTRAL ZONE.  
DISTANCES ARE SURFACE.

I, RONALD W. PRESTFELDT, A DULY  
REGISTERED LAND SURVEYOR IN THE  
STATE OF WYOMING, DO HEREBY STATE,  
BASED ON MY KNOWLEDGE AND  
INFORMATION, EXHIBIT "B" IS A VALID  
REPRESENTATION OF A SURVEY MADE BY  
ME, OR UNDER MY DIRECT SUPERVISION.

## EXHIBIT "B"

### 60' ROADWAY/UTILITY EASEMENT

CLIENT: DSB INVESTMENTS

LOCATION: NW1/4SW1/4 SECTION 16, N1/2SE1/4, NE1/4SW1/4,  
SECTION 17, T55N, R83W, 6TH P.M., SHERIDAN COUNTY, WYOMING.

**PRESTFELDT**  
SURVEYING

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FAX 674-5000

JN: 26107  
DF: 2006/2006107D  
FEBRUARY, 2007

