



**2012-699909** 10/9/2012 10:10 AM PAGE: **1** OF **6**  
BOOK: 536 PAGE: 658 FEES: \$23.00 MD EASEMENT  
EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK

**Return to:**

Name MDU, Attn: Debbie Buck

Address 5181 Southgate Drive, Billings MT 59101-4627

**MONTANA-DAKOTA UTILITIES CO.  
PIPELINE EASEMENT BY OWNER**

THIS AGREEMENT, made this 25<sup>th</sup> day of March, A.D., 2010, between MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., a corporation, 400 North Fourth Street, Bismarck, North Dakota 58501, hereinafter called "COMPANY," its successors and assigns, and the following named persons, herein, whether singular or plural, called "OWNER," namely:

**Sheridan Heights Ranch, LLC  
13 Cemetery Road, Sheridan, WY 82801**

WITNESSETH, that for valuable considerations received, OWNER does hereby grant, bargain, sell and convey unto COMPANY, its successors and assigns, an easement 16 feet in width, being 8 feet left, and 8 feet right of the centerline, as laid out and/or surveyed, or as finally installed on the hereinafter described lands, together with the right to construct, reconstruct, operate, maintain, repair, remove and replace, a gas pipeline or lines, including necessary pipes, and a buried or semiburied electric distribution system, or any combination thereof including the necessary cables, pedestals, transformers, transformer bases and other fixtures and apparatus in connection therewith through, over, under, and across the following described real estate, situated in the County of Sheridan, State of Wyoming namely:

**The N ½ of Section 29, the NW ¼ SW ¼ of Section 29, and the NE ¼ SE ¼ of Section 30, T56N, R84W of the 6<sup>th</sup> P. M., Sheridan County, Wyoming; as described in EXHIBIT "A" and to be attached hereto and by this reference made a part hereof.**

OWNER, its successors and assigns, agrees not to build, create or construct or permit to be built, created, or constructed, any obstruction, building, engineering works or other structures upon, over, or under the strip of land herein described or that would interfere with said underground lines or COMPANYS' rights hereunder.

OWNER, its successors and assigns, hereby grants to COMPANY, its successors and assigns, the right at all reasonable times to enter upon said premises for the purpose of laying, constructing, maintaining, operating, replacing, repairing or removing said underground lines and for the purpose of doing all necessary work in connection therewith.



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COMPANY hereby agrees that it will pay any and all damages that may result, including crops, fences, buildings and improvements on said premises, caused by constructing, maintaining, repairing, operating, replacing or removing said underground lines. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by COMPANY and one by OWNER; these two shall select the third person. The award of these three persons shall be final and conclusive.

If the herein described lands are in the State of Wyoming, OWNER does hereby release and waive all rights under and by virtue of the homestead exemption laws of that state.

COMPANY shall indemnify and hold OWNER harmless from any legal actions or claims of any form that involve the easement and right of way conveyed by OWNER to COMPANY herein, unless they are the sole result of OWNER's gross negligence. Notwithstanding the foregoing, COMPANY does not waive any right it may claim with respect to the Wyoming Government Claims Act.

This agreement is binding upon the successors and assigns of the parties and shall run with the land.

IN WITNESS WHEREOF, OWNER has executed this easement as of the day and year first above written

**Donald B. Roberts, Manager**  
**Sheridan Heights Ranch, LLC**

STATE OF California

COUNTY OF Monterey

ss.

On this the 25 day of March 2010, before me personally appeared Donald B. Roberts known to me, or satisfactorily proved to be the person who described in and who executed the above and fore going instrument and acknowledged to me that he executed the same (known to me to be the \_\_\_\_\_ and \_\_\_\_\_ respectively, of the corporation that is described in and that executed the foregoing instrument, acknowledged to me that such corporation executed the same.)

(this space for recording data only)

\_\_\_\_\_  
 Notary Public

SEAL

My Commission Expires \_\_\_\_\_

W.O. \_\_\_\_\_ Tract NO. \_\_\_\_\_ LLR NO. \_\_\_\_\_

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Monterey

On 3/25/2010

Date

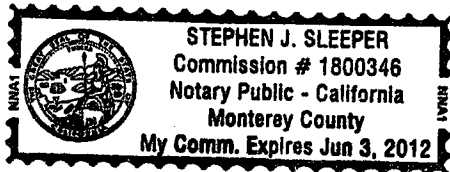
before me,

Stephen J. Sleeper Notary Public

Here Insert Name and Title of the Officer

personally appeared Donald B. Roberts

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~~~(s)~~ are subscribed to the within instrument and acknowledged to me that ~~he~~~~she~~~~they~~ executed the same in ~~his~~~~her~~~~their~~ authorized capacity~~(ies)~~, and that by ~~his~~~~her~~~~their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature

Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Pipeline Easement by Owner

Document Date: 3/25/2010

Number of Pages: 2

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

Signer's Name: \_\_\_\_\_

- ☐ Individual  
☐ Corporate Officer — Title(s): \_\_\_\_\_  
☐ Partner — ☐ Limited ☐ General  
☐ Attorney in Fact  
☐ Trustee  
☐ Guardian or Conservator  
☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER  
Top of thumb here

## EXHIBIT "A"

**Record Owner: Sheridan Heights Ranch, LLC**  
**December 27, 2010**

**Re: 16.0' Underground Electric and Gas Line Easement for Montana-Dakota Utilities Company, and or any of their respective successors and assigns.**

### EASEMENT NUMBER: 1

An underground electric and gas line easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 29, 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 west quarter corner of said Section 29 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 2615); thence S89°20'59"E, 8.00 feet along the south line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$  to the **POINT OF BEGINNING** of said easement; thence, along said centerline through a non-tangent curve to the right, having a central angle of 53°47'29", a radius of 100.00 feet, an arc length of 93.88 feet, a chord bearing of N21°22'13"E, and a chord length of 90.47 feet to a point; thence N48°15'57"E, 409.97 feet along said centerline to a point; thence N36°45'27"E, 186.93 feet along said centerline to a point; thence N18°33'52"E, 162.77 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point lying on the centerline of an existing easement described in Book 520 of Deeds, Page 192, and being N37°40'44"E, 835.34 feet from the west quarter corner of said Section 29 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 2615). Lengthening or shortening the side lines of said easement to intersect said boundary line.

Said underground electric and gas line easement contains 0.31 acres of land, more or less.

### EASEMENT NUMBER: 2

An underground electric and gas line easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline situated in the N $\frac{1}{2}$ NW $\frac{1}{4}$  and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, 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 northwest corner of said Section 29 (Monumented with a Military Monument "MM-41"); thence S24°10'52"E, 800.17 feet to the **POINT OF BEGINNING** of said easement, said point lying on the easterly line of an existing easement described in Book 520 of Deeds, Page 192; thence N19°02'09"E, 270.96 feet along said centerline to a point; thence N26°41'53"E, 60.00 feet along said centerline to a point; thence N19°02'09"E, 128.13 feet along said centerline to a point, said point being eight (8) feet south of the south line of a tract of land described in Book 445 of Deeds, Page 526; thence S68°31'45"E, 176.14 feet along said centerline, eight (8) feet south of and parallel to the south line of said tract described in Book 445 of Deeds, Page 526 to a point; thence N89°21'19"E, 98.79 feet along said centerline, eight (8) feet south of and parallel to said south line of said tract described in Book 445 of Deeds, Page 526 to a point; thence N40°11'00"E, 77.47 feet along said centerline to a point; thence N19°26'56"E, 255.21 feet along said centerline to a point, said point being eight (8) feet south of the south line of said tract described in Book 445 of Deeds, Page 526; thence N86°26'16"E, 65.02 feet along said centerline, eight (8) feet south of and parallel to said south line of said tract described in Book 445 of Deeds, Page 526 to a point; thence S81°16'44"E, 481.34 feet along said centerline, eight (8) feet south of and parallel to said south line of said tract described in Book 445 of Deeds, Page 526 to a point; thence N12°43'27"E, 69.44 feet along said centerline to a point; thence S71°43'56"E, 182.53 feet along said centerline to a point; thence S89°33'54"E, 172.00 feet along said centerline to a point, said point being fourteen (14) feet south of the south right-of-way line of West Fifth Street (AKA State Highway No. 330); thence, continue



S89°33'54"E, 604.60 feet along said centerline, fourteen (14) feet south of and parallel to said south right-of-way line of West Fifth Street to a point; thence, continue S89°33'54"E, 361.90 feet along said centerline, fourteen (14) feet south of and parallel to said south right-of-way line of West Fifth Street to a point; thence S89°32'21"E, 414.10 feet along said centerline, fourteen (14) feet south of and parallel to said south right-of-way line of West Fifth Street to a point, said point lying on the centerline of an existing easement described in Book 491 of Deeds, Page 513; thence N00°27'39"E, 14.00 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point lying on said south right-of-way line of West Fifth Street, and being S78°07'14"E, 481.29 feet from the north quarter corner of said Section 29 (Monumented with a 3¼" Aluminum Cap per PLS 2615). Lengthening or shortening the side lines of said easement to intersect said boundary lines.

Said underground electric and gas line easement contains 1.26 acres of land, more or less.

#### **EASEMENT NUMBER: 3**

An underground electric and gas line easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline situated in the NE¼NW¼ of Section 29, 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 north quarter corner of said Section 29 (Monumented with a 3¼" Aluminum Cap per PLS 2615); thence S88°45'33"W, 1251.53 feet to the **POINT OF BEGINNING** of said easement, said point lying on the south right-of-way line of West Fifth Street (AKA State Highway No. 330); thence S12°43'27"W, 17.20 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point being S87°59'51"W, 1255.79 feet from said north quarter corner of Section 29. Lengthening or shortening the side lines of said easement to intersect said boundary line.

Said underground electric and gas line easement contains 275 square feet of land, more or less.

#### **EASEMENT NUMBER: 4**

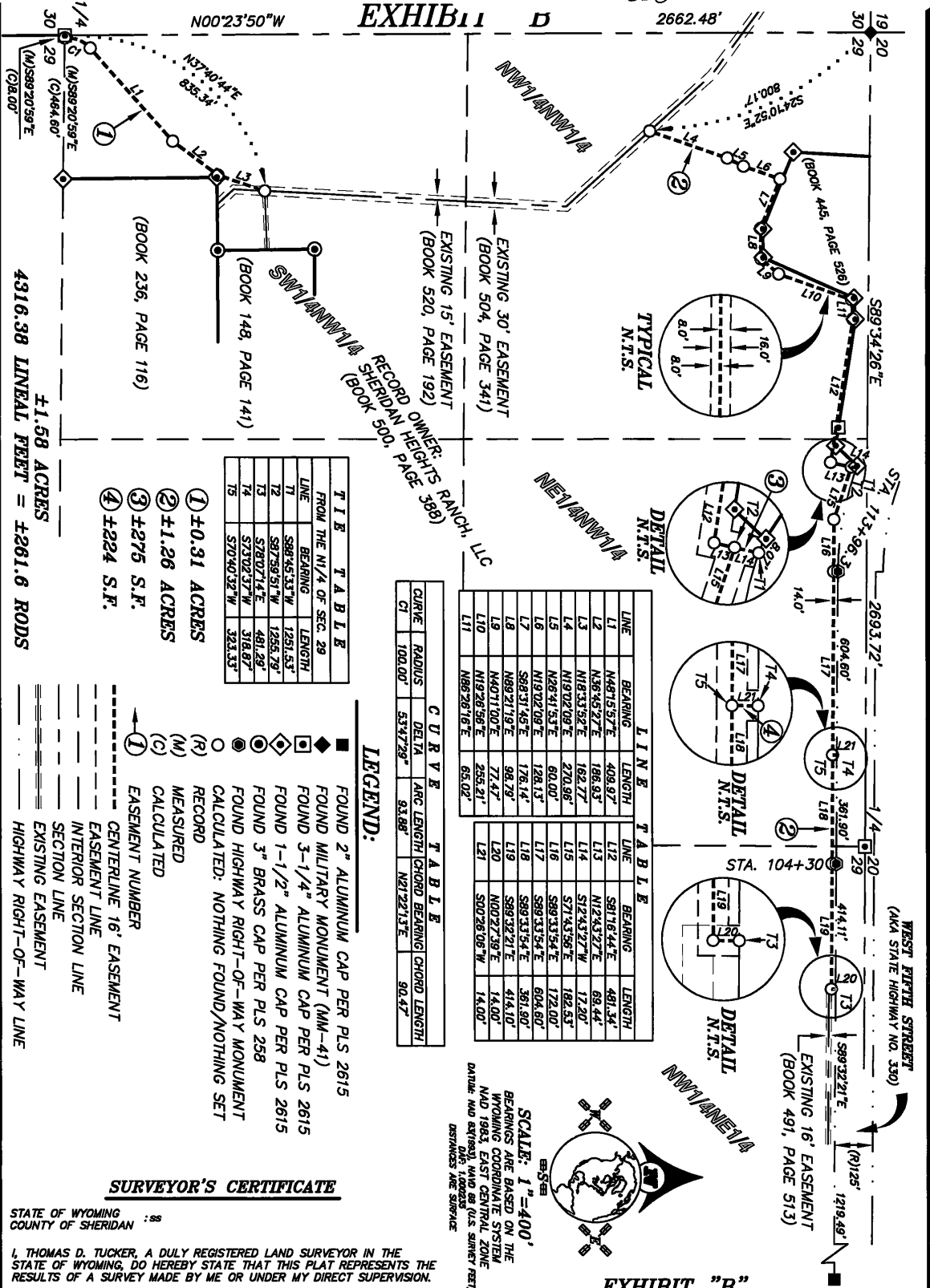
An underground electric and gas line easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline situated in the NE¼NW¼ of Section 29, Township 56 North, Range 84 West, 6th P.M., Sheridan County, Wyoming, as shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof; said centerline being more particularly described as follows:

Commencing at the north quarter corner of said Section 29 (Monumented with a 3¼" Aluminum Cap per PLS 2615); thence S73°02'37"W, 318.87 feet to the **POINT OF BEGINNING** of said easement, said point lying on the south right-of-way line of West Fifth Street (AKA State Highway No. 330); thence S00°26'06"W, 14.00 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point being S70°40'32"W, 323.33 feet from said north quarter corner of Section 29. Lengthening or shortening the side lines of said easement to intersect said boundary line.

Said underground electric and gas line easement contains 224 square feet of land, more or less.

Bearings are Based on the Wyoming Coordinate System, NAD 1983, East Central Zone.

EXHIBIT B



SURVEYOR'S CERTIFICATE

STATE OF WYOMING : ss  
COUNTY OF SHERIDAN

I, THOMAS D. TUCKER, 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.

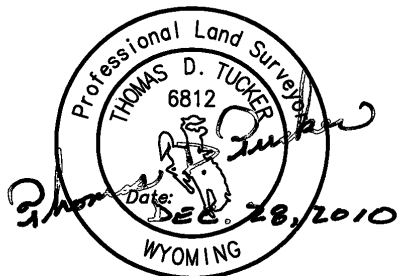
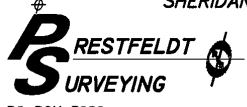


EXHIBIT "B"  
16' UNDERGROUND ELECTRIC  
& GAS LINE EASEMENT

CLIENT: MONTANA-DAKOTA UTILITIES COMPANY  
LOCATION: N1/2NW1/4, SW1/4NW1/4, NW1/4NE1/4,  
SECTION 29, T56N, R84W, 6TH P.M.,  
SHERIDAN COUNTY, WYOMING.



PO BOX 3082  
SHERIDAN, WY 82801  
307-672-7415  
FAX 674-5000

JN: 29130  
DN: 2009130\_E36  
PF: T2009130  
DECEMBER 28, 2010

"PLAT IS VALID ONLY IF PRINT HAS  
ORIGINAL SIGNATURE OF SURVEYOR SIGNED AND DATED"