

SECOND AMENDMENT OF RIGHT OF WAY EASEMENT

^{4 1/2}
^{20TH}
 This Second Amendment of Right of Way Easement (the "Easement") is made this ~~11th~~ day of December, 2005 by Bencor/Sheridan Limited Partnership, a Wyoming Limited Partnership (the "Grantor") and the State Highway Commission of Wyoming (the "Grantee").

PRELIMINARY STATEMENTS

- A. On October 29, 1984, Sheridan Motor, Inc. provided Grantee a Right of Way Easement which was recorded December 6, 1984 in Book 290, at page 44, No. 917616, official records of Sheridan County, Wyoming.
- B. Grantor is successor in interest to Sheridan Motor, Inc. in connection with the property granted to Grantee under the Easement.
- C. Grantor has developed a Walgreen Drug Store on that property described on Exhibit A attached hereto (the "Walgreen Property"). In connection with that construction, the Grantee provided and access permit to Grantor and it is necessary to modify and expand the Easement.
- D. An Amendment to Right of Way Easement (the "Amendment") was executed by Grantor and Grantee on November 17, 2005 and recorded on November 29, 2005, records of Sheridan County, Wyoming at Book 469, Page 0506 as 526228 Right of Way Easement.
- E. The Amendment contained an error in the legal description attached as Exhibit C to said Amendment.
- F. Grantor and Grantee desire that this Easement fully replace the Amendment and the Amendment have no force and effect.

AMENDMENT

For a consideration of ten dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged and confessed, Grantor hereby terminates the Amendment and replaces it with this Easement and hereby grants and amends the Right of Way Easement in favor of Grantee as follows:

- 1. The purpose of the Easement is expanded to include installation of loop detectors and the existing traffic signal and related facilities will be relocated as set forth in the Exhibit attached hereto as Exhibit B.
- 2. The easement area for the Easement is hereby amended to now read as follows: See Exhibit C attached hereto.

529742 EASEMENT
 BOOK 470 PAGE 0708
 RECORDED 01/19/2006 AT 08:50 AM
 AUDREY KOLTISKA, SHERIDAN COUNTY CLERK

3. In connection with Grantee's use of the Easement, Grantee will at no time block or impede access to the Walgreen Property except as maybe necessary from time to time for routine maintenance and replacement. During those times of replacement or repair, Grantee will maintain at least a twenty (20) foot opening to provide vehicular access through the Easement to the Walgreen Property and for the business located thereon. No improvements installed by Grantee shall block vehicular access through the forty (40) foot access shown on Exhibit B attached hereto.
4. Except as modified above, the Easement shall continue to remain in full force and effect and upon recording of this Easement, the Amendment shall have no further force or effect.

In Witness whereof, this easement has been executed by Grantor this 12th day of December, 2005.

Bencor/Sheridan Limited Partnership
By: Bencor Development, LLC
Its General Partner

By: Ray Walkowski
Manager
RAY Walkowski
Print Name

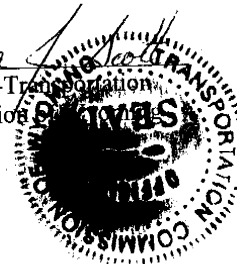
Attest: [Signature]
CLARENCE J
Title

This Amendment to Easement is accepted by the Grantee this 20th day of DECEMBER, 2005.

Wyoming Department of Transportation

By: B. Patrick Collins
Del McOmie, P.E., Chief Engineer
FOR

Attest:

[Signature]
Secretary-Treasurer
Commissioner


Approved as to Form:

By: Mary Loos
Assistant Attorney General
State of Wyoming

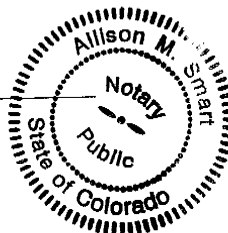
STATE OF COLORADO)
) SS
 COUNTY OF EL PASO)

Before me, Allison M. Smart, a notary public in and for said state, on the 12th day of December, 2005, personally appeared Ray Walkowski, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Manager and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of such limited liability company for the uses and purposes therein set forth.

(Seal)

My commission expires: 8/9/2009

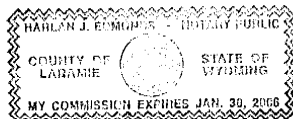
Allison M. Smart
 Notary Public



STATE OF WYOMING)
) s.s.
 COUNTY of LARAMIE)

Before me, a Notary Public in and for said State, on this day personally appeared B. PATRICK COLLINS, known to me to be the person whose name is subscribed to the foregoing instrument, and known to me to be the GRANTEE of THE ATTACHED SECOND AMENDMENT OF R/W EASEMENT, and who acknowledged to me that he executed said instrument for the purpose and consideration therein expressed, and as the act of said GRANTEE, BY AND FOR THE WYOMING STATE HIGHWAY COMMISSION.

Given under my hand and seal of office this 20TH day of DECEMBER, 2005.



(Seal)

My Commission expires:
30 JAN, 2006

Harlan J. Elmquist
 Notary Public

EXHIBIT A

LEGAL DESCRIPTION OF LEASED PREMISES

A tract of land situated in Lot 1 and Lot 2 of the King-Neighbors Addition to the City of Sheridan, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 56 North, Range 84 West, 6th Principal Meridian, City of Sheridan, Sheridan County, Wyoming; said tract being more particularly described as follows:

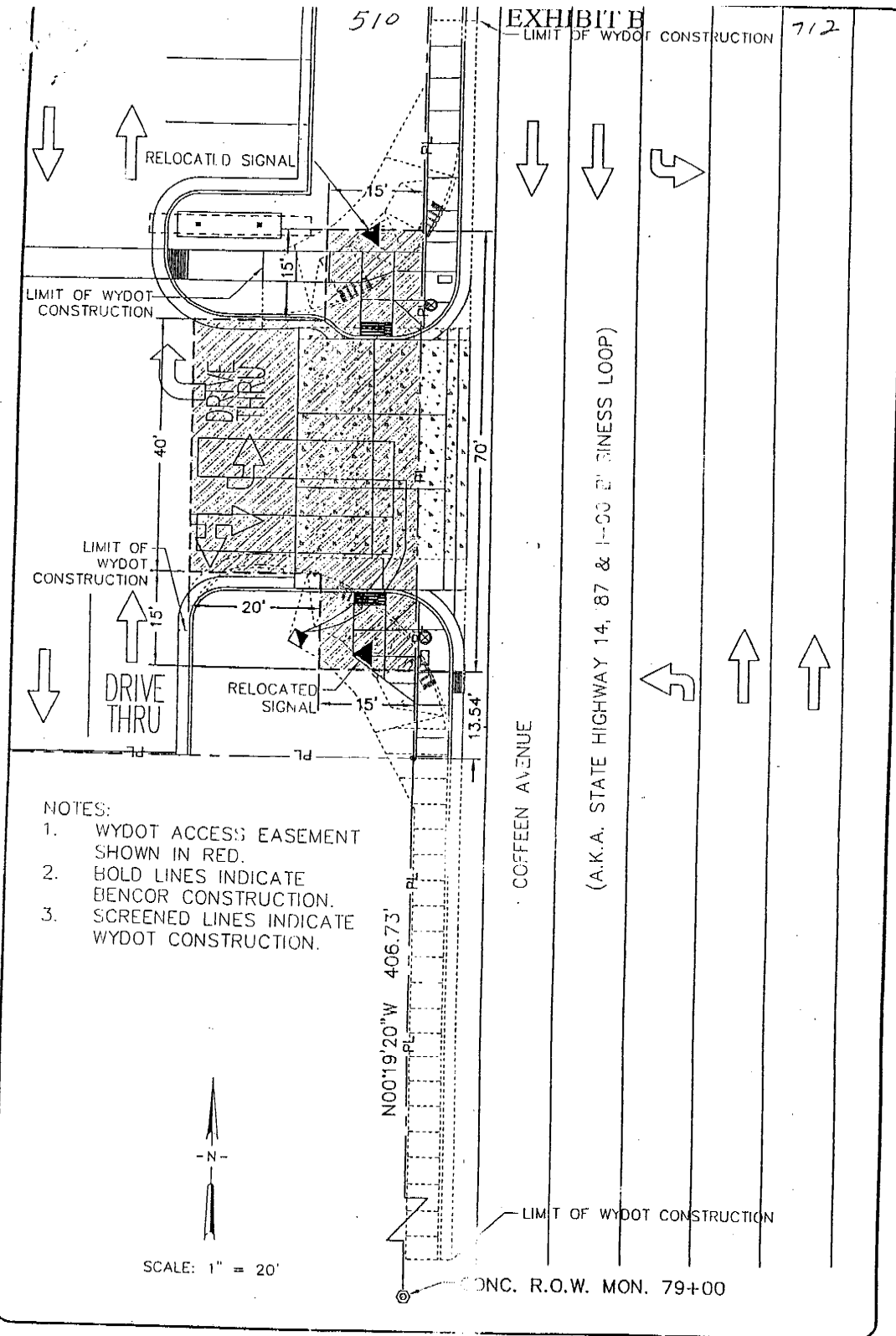
BEGINNING at the northeast corner of a tract of land described in Book 457 of Deeds, Page 354 (monumented with a 2" aluminum cap per LS 2615), said point lying on the west right of way line of Coffeen Avenue (AKA State Highway 14, 87 & I-90 Business Loop); thence S00°19'20"E, 188.32 feet along the east line of said tract and said west right of way line to a point (monumented with a 1- $\frac{1}{2}$ " aluminum cap per PLS 2615); thence S89°36'48"W, 398.01 feet to a point (monumented with a 1- $\frac{1}{2}$ " aluminum cap per PLS 2615); thence N00°07'59"W, 190.12 feet to a point (monumented with a 1- $\frac{1}{2}$ " aluminum cap per PLS 2615), said point lying on the north line of said Lot 1; thence N89°51'23"E, 70.00 feet along said north line of said Lot 1 to a point (monumented with a 1- $\frac{1}{2}$ " aluminum cap per PE & LS 3864), said point being the northeast corner of said Lot 1; thence N89°52'35"E, 327.39 feet to the **POINT OF BEGINNING**.

Said tract contains 1.73 acres of land more or less.

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

To be known in the future as Lot 1 of the Final Plat of the JMK Subdivision to the City of Sheridan, Wyoming, a Lot Line Adjustment of Lot 1 and Lot 2, King-Neighbors Addition to the City of Sheridan, Sheridan County, Wyoming.

W:\10\342101\DWG\ADDENDUMS\WYDOT_INTER_EASEMENT.dwg 9/27/2005 2:53:08 PM JST



- NOTES:
1. WYDOT ACCESS EASEMENT SHOWN IN RED.
 2. BOLD LINES INDICATE BENCOR CONSTRUCTION.
 3. SCREENED LINES INDICATE WYDOT CONSTRUCTION.

SCALE: 1" = 20'

Project No. 105482.01

Date: SEP 2005

Designed: BB

Drawn: MD

Checked: JF

WALGREENS
SHERIDAN, WYOMING

COFFEEN AVENUE & SUGAR LANE INTERSECTION
W.Y.D.O.T. EASEMENT DETAIL

No.	Revision	By	Date

HKM Engineering Inc.
16 W. 8th Street
P.O. Box 7010
Sheridan, WY 82801-7010
(307) 672-9006
FAX (307) 672-5214

Exhibit
B
1 of 1

EXHIBIT C

THAT THE FOREGOING EASEMENT DESIGNATED AS WYDOT ACCESS EASEMENT IS SITUATED WITHIN LOT 1 OF THE JMK SUBDIVISION, WITHIN THE SE1/4SW1/4, SECTION 35, TOWNSHIP 56 NORTH, RANGE 84 WEST 6TH PRINCIPAL MERIDIAN, CITY OF SHERIDAN, SHERIDAN COUNTY, WYOMING; SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHEAST CORNER OF SAID ACCESS EASEMENT (LOCATED N00°19'20"W, 13.54 FEET FROM THE SOUTHEAST CORNER OF SAID LOT 1 OF SAID SUBDIVISION); THENCE S89°40'40"W, 15.0 FEET TO A POINT; THENCE N00°19'20"W, 15.0 FEET TO A POINT; THENCE S89°40'40"W, 20.0 FEET TO A POINT; THENCE N00°19'20"W, 40.0 FEET TO A POINT; THENCE N89°40'40"E, 20 FEET TO A POINT; THENCE N00°19'20"W 15.0 FEET TO A POINT; THENCE N89°40'40"E, 15.0 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF SAID EASEMENT; THENCE S00°19'20"E, 70.0 FEET ALONG THE EAST LINE OF SAID LOT 1 TO THE **POINT OF BEGINNING**.

SAID EASEMENT CONTAINS 1850 SQUARE FEET (APPROXIMATELY .04 ACRES) OF LAND, MORE OR LESS.