

RIGHT OF WAY EASEMENT

RECORDED DECEMBER 1, 1988 BK 323 PG 569 NO 21853 RONALD L. DAILEY, COUNTY CLERK

Know All Men By These Presents:

That for and in consideration of the sum of Ten Dollars (\$10.00) O.V.C. *do not*, the receipt of which is hereby acknowledged and confessed, LEIGH R. CORNELIUS, M.D., F.C., Trustee in Trust for LEIGH R. CORNELIUS, M.D., F.C. Employees Pension Plan & Trust of the County of Sheridan and State of Wyoming, hereinafter called the grantor, hereby grants to THE STATE HIGHWAY COMMISSION, OF WYOMING, its assigns or successors, hereinafter called the grantee, the right to lay out, construct, inspect, operate and maintain a road for the use of the public over and across the following described lands located in the County of Sheridan and State of Wyoming, to-wit: Portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12, T. 57 N., R. 84 W., 6th P.M., Wyoming.

The right of way hereby granted being more particularly described as follows:

A portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12, T. 57 N., R. 84 W. of the 6th P.M., Wyoming, lying between parallel right-of-way lines (or as otherwise stated) said parallel right-of-way lines of hereinafter stated distances apart when measured at right angles or radially to the following described survey line of highway, the parallel right-of-way line on the right or southeasterly side begins on the west boundary of the SW $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 12 and ends on the most southwesterly boundary of that certain tract of land described in Book 302 at Page 16 (Instrument No. 955375) of the Sheridan County Records and the parallel right-of-way line on the left or northwesterly side begins at the point of intersection with the southeasterly right-of-way boundary of the presently existing Wyoming State Highway No. 338 as established September 3, 1947 Wyo. Project S-265(2) in the NW $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 12 and ends on the most southwesterly boundary of said tract of land described in Book 302 at Page 16:

Commencing at a point on the west boundary of said SW $\frac{1}{2}$ SE $\frac{1}{4}$ from which the north quarter corner bears N.1°08'11.6"W. a distance of 4,020.0 feet, said point also being located on the spiral arc of a 5°00' spiralled curve concave southeasterly, the spiral lengths of which are 375.00 feet, the total length of which is 2,112.80 feet, the total central angle of which is 86°53'24.2" and at which point a line tangent to said spiral arc bears S.63°20'32.6"W.;

thence southwesterly along said spiral arc through a central angle of 0°33'58.9" a distance of 48.77 feet to the True Point of Beginning and at which point a line tangent to said spiral arc bears N.62°46'33.7"E.;

thence with the left or westerly boundary of this parcel of land being the west boundary of said SW $\frac{1}{2}$ SE $\frac{1}{4}$ and a parallel right-of-way line 100 feet to the right or southeasterly side, northeasterly along said spiral arc through a central angle of 0°44'57.3" a distance of 77 feet, more or less, until said west boundary intersects the north boundary of said SW $\frac{1}{2}$ SE $\frac{1}{4}$;

thence with the left or northerly boundary of this parcel of land being the north boundary of said SW $\frac{1}{2}$ SE $\frac{1}{4}$ and continuing with said parallel right-of-way line 100 feet to the right or southeasterly side, continuing northeasterly along said spiral arc through a central angle of 0°04'45.3" a distance of 34.48 feet to the point of ending of said spiralled curve;

thence continuing with the last described north boundary and parallel right-of-way line, N.63°36'16.4"E. a distance of 140 feet, more or less, until said north boundary intersects the southeasterly right-of-way boundary of said presently existing Wyoming State Highway No. 338;

thence with the left or northwesterly boundary of this parcel of land being said southeasterly right-of-way boundary and continuing with the parallel right-of-way line 100 feet to the right or southeasterly side, continuing N.63°36'16.4"E. a distance of 530.05 feet to the point of beginning of a 4°00' spiralled curve concave northwesterly, the spiral lengths of which are 300.00 feet, the total length of which is 1,715.06 feet and the total central angle of which is 56°36'08.9";

thence continuing with the last described right-of-way boundary and parallel right-of-way line, northeasterly along the spiral arc of said curve through a central angle of 6°00'00" a distance of 300.00 feet;

thence continuing with the last described right-of-way boundary and parallel right-of-way line, continuing northeasterly along the circular arc of said curve through a central angle of 1°13'06.2" a distance of 30.46 feet;

thence continuing with the left or northwesterly boundary of this parcel of land being the southeasterly right-of-way boundary of said presently existing Wyoming State Highway No. 338 and a parallel right-of-way line 150 feet to the right or southeasterly side, continuing northeasterly along said circular arc through a central angle of 8°31'12" a distance of 213 feet, more or less, until said southeasterly right-of-way boundary intersects a parallel right-of-way line 110 feet to the left or northwesterly side;

thence with parallel lines 260 feet apart, being 110 feet on the left or northwesterly side and 150 feet on the right or southeasterly side, continuing northeasterly along said circular arc through a central angle of 9°48' a distance of 245 feet, more or less, to the point of intersection with the most southwesterly boundary of said tract of land described in Book 302 at Page 16.

The parcel of land hereby conveyed contains 5.5 acres, more or less.

NOTE: All bearings and distances in this description are based on the Wyoming State Plane Coordinate System, East Central Zone, modified to Wyoming Highway Department Coordinate System by an adjustment factor of 1.0003000.

In the event coal or other mining becomes feasible on the lands granted herein, the Grantee hereby stipulates that for mining setback purposes, the roadway area shall be confined to a strip of land 100 feet wide being 50 feet on each side of the above described survey line of highway. This 100-foot strip shall be considered the highway right-of-way for mining purposes and the beginning limit for any setback provisions as are required by law or regulation. Furthermore, if any fences interfere with actual mining operations after the setback provisions are applied, the Grantee will remove and relocate said fences.

Grantor also grants the right of ingress and egress to and from the said land for any and all purposes necessary and incident to the exercise by the grantee, and the public, of the rights granted by this conveyance.

Grantee agrees to construct culverts of suitable size across such ditches and laterals of grantor as necessary for proper operation of his irrigation system.

Grantors hereto do hereby waive and release all rights under and by virtue of the homestead exemption laws of the State of Wyoming insofar as affected by this conveyance.

Grantor will not use, or permit to be used, the conveyed property for any purpose whatsoever; that exclusive use is hereby granted to the grantee.

The grant herein contained is an easement and shall be perpetual so long as the main traveled portion of said land is used for the aforementioned purposes, and whether or not actually fenced or used in its entirety for the aforementioned purposes.

IN WITNESS WHEREOF, the parties have hereunto set...her...hand...this...24...day of

October...A.D., 19.88., by Leigh R. Cornelius, M.D.P.C. Employees' Pension Plan and Trust

Witnessed by *Alfred Blum*

BY *Barbara Cornelius (Trustee)*
Grantors

ACKNOWLEDGEMENT

STATE OF MONTANA }
COUNTY OF Missoula } ss.

The foregoing instrument was acknowledged before me this 24. day of October..., 1988, by Barbara... Cornelius, as trustee for the Leigh R. Cornelius, M.D.P.C. Employees' Pension Plan and Trust
Witness my hand and official seal.

My commission expires 4-19-91



Alfred Blum

NOTARY PUBLIC

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