

593770 EASEMENT  
BOOK 491 PAGE 0513  
RECORDED 11/29/2007 AT 02:00 PM  
AUDREY KOLTISKA, SHERIDAN COUNTY CLERK

RECORDING INFORMATION ABOVE

### EASEMENT AGREEMENT

The undersigned System Land, LLC, ("Grantor") for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto QWEST CORPORATION, a Colorado corporation ("Grantee"), whose address is 1801 California St., Suite 5200, Denver, CO 80202, and its successors, assigns, affiliates, lessees, licensees, and agents, a perpetual non-exclusive easement to construct, modify, add to, maintain, and remove such telecommunications facilities, from time to time, as Grantee may require upon, over, under and across the following described property situated in the County of Sheridan County, State of Wyoming, which Grantor owns or in which Grantor has an interest ("Easement Area"), to wit:

Easement No. 1: 16 feet wide, being eight feet on each side of the center line, which is described in its entirety on Exhibit "A" and the location of said easement is shown on Exhibit "B", which both exhibits are attached hereto and by this reference made a part hereof. Said easement being located in the NW1/4NW1/4 of Section 28 and the N1/2NE1/4 of Section 29 all being in Township 56 North, Range 84 West of the 6<sup>th</sup> P.M., Sheridan County, State of Wyoming.

Easement No. 2: 16 feet wide, being eight feet on each side of the center line, which is described in its entirety on Exhibit "A" and the location of said easement is shown on Exhibit "B", which both exhibits are attached hereto and by this reference made a part hereof. Said easement being located in the NE1/4NE1/4 of Section 29, Township 56 North, Range 84 West of the 6<sup>th</sup> P.M., Sheridan County, State of Wyoming.

Easement No. 3: 2: 16 feet wide, being eight feet on each side of the center line, which is described in its entirety on Exhibit "A" and the location of said easement is shown on Exhibit "B", which both exhibits are attached hereto and by this reference made a part hereof. Said easement being located in the NW1/4NE1/4 of Section 29, Township 56 North, Range 84 West of the 6<sup>th</sup> P.M., Sheridan County, State of Wyoming.

Grantor further conveys to Grantee the right of ingress and egress to and from the Easement Area during all periods of construction, maintenance, installation, reinforcement, repair and removal over and across Grantor's lands within the Easement Area with the right to clear and keep cleared all trees and other obstructions as may be necessary for Grantee's use and enjoyment of the Easement Area.

Grantee shall indemnify Grantor for all damages caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges herein granted. Grantee shall have no responsibility for environmental contamination, which is either pre-existing or not caused by Grantee.

Grantor reserves the right to occupy, use and cultivate the Easement Area for all purposes not inconsistent with the rights herein granted, and Grantor specifically reserves the right to construct roads and approaches that cross the Easement Area and the right to cross the Easement Area with pipelines, power lines and other utilities.

Grantor covenants that Grantor has an interest in the Easement Area.

Grantee shall bury the cable a depth of 4 feet or deeper to accommodate construction of any approach design by the Grantor and shall work with the Grantor as to the depth needed to accommodate the Grantor's approach or approaches that would cross the easement being granted. The Grantor shall notify the Grantee of the construction of the approach or approaches, and Grantor will notify the Locator to locate the communication cable and should the cable need to be buried deeper, the Grantee will be responsible to bury the communication cable deeper so as not to interfere with the construction the approach or approaches.

The existing communication cable is located within the Sheridan County Road Right of Way Corridor that runs east and west adjacent to the County Road which is a continuation of Fifth Street.

The rights, conditions and provisions of this Agreement shall run with the land and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

GRANTOR: System Land, LLC

By:   
Donald R. Roberts, Manager

ACKNOWLEDGEMENT



STATE OF WYOMING )  
 ) ss:  
 COUNTY OF SHERIDAN )

The foregoing instrument was acknowledged before me this 27 day of November, 2007, by  
DONALD B. ROBERTS, MANAGER, on behalf of SYSTEM LAND, LLC.

Witness my hand and official seal;

My Commission expires: July 6, 2011

Diane T. Malkuch  
 Notary Public

R/W# 39350 - Job# 72716E1

Exchange: Sheridan

County: Sheridan - NW1/4NW1/4 of Section 28 and the N1/2NE1/4 and NE1/4NE1/4 of Section 29 all  
 being in Township 56 North, Range 84 West of the 6<sup>th</sup> P.M., Sheridan County, State of Wyoming.

## EXHIBIT "A"

**Record Owner: System Land, LLC; Donald B. Roberts , Manager**  
**September 7, 2007**

**Re: 16.0' Underground Utility Easement for QWEST Corporation, Montana-Dakota Utilities Company, a Division of MDU Resource Group, Inc., BRESNAN Communications, LLC, Advanced Communications Technology, Inc., and or any of their respective successors and assigns.**

### EASEMENT NUMBER - 1

An underground utility easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline situated in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 28, and the N $\frac{1}{2}$ 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 28 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 2615); thence S35°58'45"E, 100.15 feet to the **POINT OF BEGINNING** of said easement, said point lying on the west line of Lot 1, Cloud Peak Ranch, Ninth Filing; thence S88°27'10"W, 259.74 feet, eight (8) feet south of and parallel to the south right-of-way line of West Fifth Street (AKA State Highway No. 330) along said centerline to a point; thence, eight (8) feet south of and parallel to the south right-of-way line of said West Fifth Street along said centerline through a non-tangent curve to the right, having a radius of 23001.32 feet, a central angle of 00°11'36", an arc length of 77.60 feet, a chord bearing of S88°28'03"W, and a chord length of 77.60 feet to a point; thence S43°27'10"W, 19.75 feet along said centerline to a point; thence, twenty two (22) feet south of and parallel to the south right-of-way line of said West Fifth Street along said centerline, through a non-tangent curve to the right, having a radius of 23015.32 feet, a central angle of 01°46'17", an arc length of 711.52 feet, a chord bearing of S89°29'04"W, and a chord length of 711.49 feet to a point (Said point being Tie-3); thence N89°32'21"W, 609.75 feet, twenty two (22) feet south of and parallel to the south right-of-way line of said West Fifth Street along said centerline to a point (Said point being Tie-5); thence, continue N89°32'21"W, 609.75 feet, twenty two (22) feet south of and parallel to the south right-of-way line of said West Fifth Street along said centerline to a point; thence N00°27'39"E, 22.00 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point lying on the south right-of-way line of said West Fifth Street (AKA State Highway No. 330) and being S87°57'45"W, 2224.11 feet from the northeast corner of said Section 29. Lengthening or shortening the side lines of said easement to intersect said boundary lines.

### EASEMENT NUMBER - 2 (TIE-3 to TIE-4)

An underground utility easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline situated in the NE $\frac{1}{4}$ 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 northeast corner of said Section 29 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 2615); thence S83°41'40"W, 1009.53 feet to the **POINT OF BEGINNING** of said easement; thence N00°27'39"E, 22.00 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point lying on the south right-of-way line of West Fifth Street (AKA State Highway No. 330) and being S84°56'14"W, 1007.18 feet from said northeast corner of Section 29. Lengthening or shortening the side lines of said easement to intersect said boundary lines.

**EASEMENT NUMBER - 3 (TIE-5 to TIE-6)**

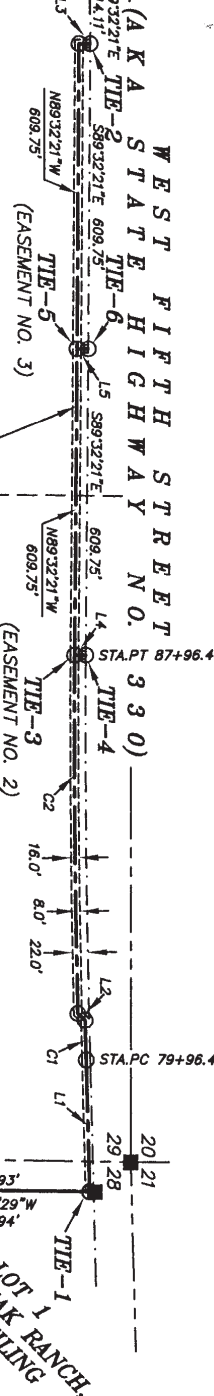
An underground utility easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline situated in the NW¼NE¼ of Section 29, Township 56 North, Range 84 West, 6th P.M., Sheridan County, Wyoming, as shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof; said centerline being more particularly described as follows:

Commencing at the northeast corner of said Section 29 (Monumented with a 3¼" Aluminum Cap per PLS 2615); thence S86°14'29"W, 1616.63 feet to the **POINT OF BEGINNING** of said easement; thence N00°27'39"E, 22.00 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point lying on the south right-of-way line of said West Fifth Street (AKA State Highway No. 330) and being S87°01'11"W, 1615.16 feet from said northeast corner of Section 29. Lengthening or shortening the side lines of said easement to intersect said boundary lines.

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

# EXHIBIT "B"

STA. 104+30



±37,666 S.F.  
±354.11 LINEAL FEET = 142.7 RODS

RECORD OWNER:  
SYSTEM LAND, LLC  
DONALD B. ROBERTS (MANAGER)  
(BK 442, PG 89)

## TIE TABLE

FROM THE NE CORNER OF SECTION 29

LINE	BEARING	DISTANCE
TIE-1	S39°58'45"E	100.15'
TIE-2	S87°37'45"W	2224.11'
TIE-3	S83°41'40"W	1009.53'
TIE-4	S84°56'14"W	1002.18'
TIE-5	S86°14'29"W	1018.63'
TIE-6	S87°01'11"W	1615.16'

## LINE TABLE

LINE	BEARING	DISTANCE
L1	S89°27'10"W	259.74'
L2	S43°27'10"W	19.75'
L3	N00°27'39"E	22.00'
L4	N00°27'39"E	22.00'
L5	N00°27'39"E	22.00'

## CURVE TABLE

CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	23001.32'	071.36°	77.60'	S89°28'03"W	17.60'
C2	23015.32'	1°46'17"	711.52'	S89°28'04"W	711.49'

## LEGEND:

- FOUND 3-1/4" ALUMINUM CAP PER PLS 2615
- FOUND HIGHWAY RIGHT-OF-WAY MONUMENT
- CALCULATED, NOTHING FOUND/NOTHING SET
- SECTION LINE
- INTERIOR SECTION LINE
- LOT/PROPERTY LINE
- HIGHWAY RIGHT-OF-WAY LINE
- CENTERLINE OF UNDERGROUND UTILITY EASEMENT
- UNDERGROUND UTILITY EASEMENT LINE

## NOTE:

UNDERGROUND UTILITY EASEMENT FOR QWEST CORPORATION, MONTANA-DAKOTA UTILITIES COMPANY, A DIVISION OF MDU RESOURCES GROUP, INC., BRESNAN COMMUNICATIONS, LLC, ADVANCED COMMUNICATIONS TECHNOLOGY, INC., AND OR ANY OF THEIR RESPECTIVE SUCCESSORS AND ASSIGNS.

## 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.

Date: SEPTEMBER 10, 2007

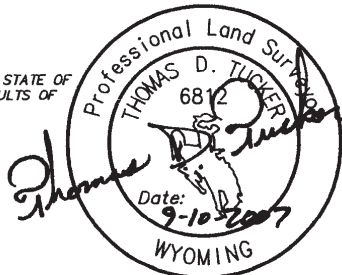
Job No. 72716E1

RL No. 39350

**RESTFELDT**  
SURVEYING

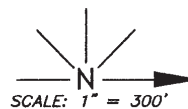
PO BOX 3082  
SHERIDAN, WY 82801  
307-672-7415  
FAX 674-5000

JN: 27111  
DN: 2007/2007111E2  
PF: T2007111



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

BASIS OF BEARING IS THE WYOMING COORDINATE SYSTEM NAD 1983, EAST CENTRAL ZONE; DATUM: NAD 83 (1993); NAVD-88 (U.S. FEET) DAF: 1.000235 DISTANCES ARE SURFACE



NW1/4NW1/4, Sec.28  
N1/2NE1/4, Sec.29  
T-56-N, R-84-W  
SHERIDAN COUNTY, WYOMING

QWEST Communications  
EXHIBIT FOR RIGHT OF WAY NO. 39350  
GRANTOR SYSTEM LAND, LLC  
517 DONALD B. ROBERTS - MANAGER