

**MONTANA-DAKOTA UTILITIES CO.  
 15.0' UNDERGROUND ELECTRIC & GAS LINE EASEMENT**

THIS EASEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2019, between MONTANA-DAKOTA UTILITIES CO., A SUBSIDIARY 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:

**John E. Rice and Sons, Inc.**  
 168 Decker Road  
 Sheridan, Wyoming 82801

WITNESSETH, that for valuable considerations received, OWNER does hereby grant, bargain, sell and convey unto COMPANY, its successors and assigns, an easement 15.0 feet in width 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, poles, and fixtures, and a buried or semi buried electric distribution system, street lighting 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:

An underground electric and gas line easement being fifteen (15.0) feet wide situated in N1/2NE1/4, SW1/4NE1/4 of Section 9, and the NW1/4NW1/4 of Section 10, Township 56 North, Range 84 West, 6<sup>th</sup> P.M., Sheridan County, Wyoming. Said underground electric and gas line easement encumbers a portion of Warranty Deed recorded at the Sheridan County Clerk's Office, Sheridan County, Wyoming, dated May 26, 1950 in Book 79 of Deeds, Page 435. The underground easement is described in a Legal Description (EXHIBIT "A") and shown on a Drawing (EXHIBIT "B").

OWNER agrees not to build, create or construct or permit to be built, created, or constructed, any obstruction, building, engineering works or other structures over, under, or that would interfere with said underground lines or COMPANY'S rights hereunder.

OWNER 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.

COMPANY by the acceptance hereof, 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.

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

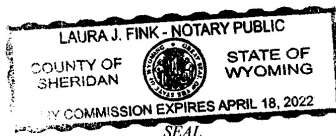
James L. Jellis V.P.  
 James L. Jellis, Vice President

STATE OF WYOMING )  
 ) ss.  
 COUNTY OF SHERIDAN )

On this the 25 day of Sept 2019, before me personally appeared James L. Jellis, known to me, or satisfactorily proved to be the persons described in and who executed the above and fore going instrument and acknowledged to me that they executed the same.

(This space for recording data only)

Laura J. Fink  
 Notary Public



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

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

## LEGAL DESCRIPTION

### EXHIBIT "A"

**Record Owner: John E. Rice and Sons, Inc.**

September 23, 2019

**Re: Two 15.0' Underground Electric and Gas Line Easements**

#### Easement No. 1

An underground electric and gas line easement being a strip of land fifteen (15) feet wide when measured at right angles, situated in the N½NE¼ of Section 9 and the NW¼NW¼ of Section 10, 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; the southerly line of said strip being more particularly described as follows:

Commencing at the northwest corner of said Section 10 (Monumented with a 3¼" Aluminum Cap per PLS 6812); thence S10°05'37"E, 265.71 feet to the **POINT OF BEGINNING** of said easement, said point being the intersection of the westerly right-of-way line of Wyoming State Highway No. 338 (AKA Decker Road) and the northerly right-of-way line of Dovetail Lane; thence S67°37'56"W, 213.87 feet along said northerly right-of-way line of said Dovetail Lane and said southerly line of said strip to a point; thence, along said northerly right-of-way line of said Dovetail Lane and said southerly line of said strip through a curve to the right, having a central angle of 36°19'54", a radius of 200.00 feet, an arc length of 126.82 feet, a chord bearing of S85°47'54"W, and a chord length of 124.71 feet to a point; thence N76°02'08"W, 141.12 feet along said northerly right-of-way line of said Dovetail Lane and said southerly line of said strip to a point; thence, along said northerly right-of-way line of said Dovetail Lane and said southerly line of said strip through a curve to the left, having a central angle of 40°35'44", a radius of 310.00 feet, an arc length of 219.64 feet, a chord bearing of S83°40'01"W, and a chord length of 215.08 feet to a point; thence S63°22'09"W, 767.75 feet along said northerly right-of-way line of said Dovetail Lane and said southerly line of said strip to a point, said point being the point of beginning of a tract of land described in Book 563 of Deeds, Page 35 (Monumented with a 3¼" Aluminum Cap per PLS 5300); thence, along the northerly line of said tract described in Book 563 of Deeds, Page 35 and said southerly line of said strip through a non-tangent curve to the right, having a central angle of 90°00'50", a radius of 30.00 feet, an arc length of 47.13 feet, a chord bearing of N71°38'51"W, and a chord length of 42.43 feet to a point; thence N26°38'51"W, 97.62 feet along said northerly line of said tract described in Book 563 of Deeds, Page 35 and said southerly line of said strip to a point; thence, along said northerly line of said tract described in Book 563 of Deeds, Page 35 and said southerly line of said strip through a non-tangent curve to the left, having a central angle of 63°56'45", a radius of 200.00 feet, an arc length of 223.21 feet, a chord bearing of N58°37'08"W, and a chord length of 211.81 feet to a point; thence S89°24'35"W, 382.79 feet along said northerly line of said tract described in Book 563 of Deeds, Page 35 and said southerly line of said strip to the **POINT OF TERMINUS** of said easement, said point being an angle point in the boundary of said tract described in Book 563 of Deeds, Page 35, and being S58°16'52"E, 845.91 feet from the north quarter corner of said Section 9 (Monumented with a 3¼" Aluminum Cap per PLS 6812). Lengthening or shortening the side line of said easement to intersect boundary lines as shown on **EXHIBIT "B"**.

Said underground electric and gas line easement contains 33,300 square feet of land, more or less.

#### Easement No. 2

An underground electric and gas line easement being a strip of land fifteen (15) feet wide when measured at right angles, situated in the SW¼NE¼ of Section 9, 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; the southwesterly line of said strip being more particularly described as follows:

Commencing at the east quarter corner of said Section 9 (Monumented with a 3¼" Aluminum Cap per PLS 6812); thence N80°34'07"W, 2105.87 feet to the **POINT OF BEGINNING** of said

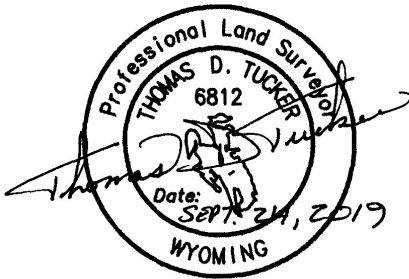
easement, said point lying on the northeasterly right-of-way line of Interstate 90; thence, along said northeasterly line of said Interstate 90 and said southwesterly line of said strip through a non-tangent curve to the right, having a central angle of  $05^{\circ}09'44''$ , a radius of 5549.58 feet, an arc length of 500.00 feet, a chord bearing of  $N46^{\circ}48'57''W$ , and a chord length of 499.83 feet to the **POINT OF TERMINUS** of said easement, said point being the southeast corner of a tract of land described in Book 563 of Deeds, Page 35 (Monumented with a 2" Aluminum Cap per PLS 5300) and being  $S07^{\circ}23'27''E$ , 1964.15 feet from the north quarter corner of said Section 9 (Monumented with a 3/4" Aluminum Cap per PLS 6812). Lengthening or shortening the side line of said easement to intersect the boundary line as shown on EXHIBIT "B".

Said underground electric and gas line easement contains 7,500 square feet of land, more or less.

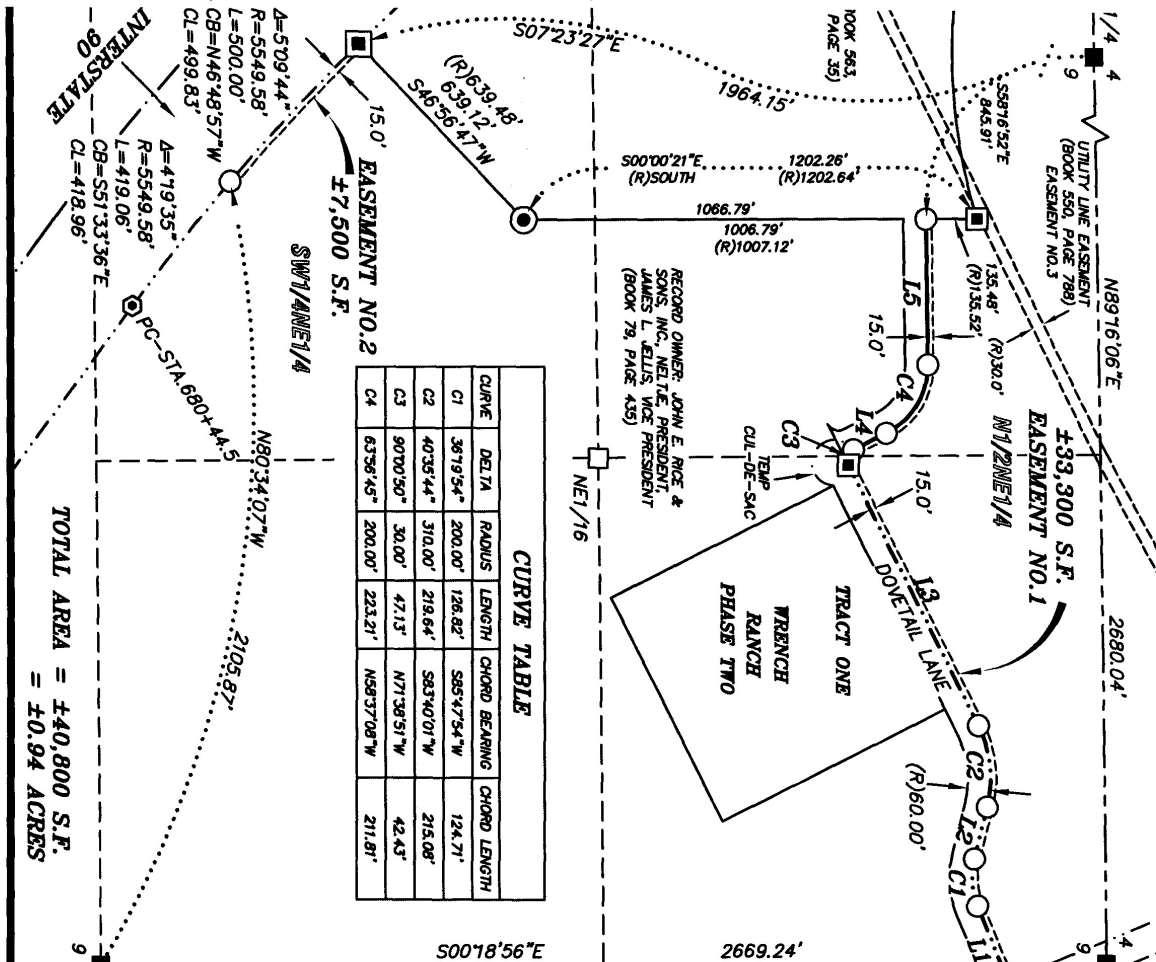
Bearings are Based on the Wyoming Coordinate System, NAD 1983, East Central Zone.

#### SURVEYOR'S STATEMENT

I, Thomas D. Tucker, do hereby state that this legal description was prepared from notes taken during an actual field survey performed by me or under my direct supervision.



Modification in any way of the above or foregoing legal description terminates liability of the surveyor.

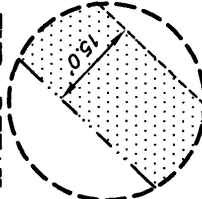


WYOMING STATE  
HIGHWAY NO. 338  
(AKA DECKER ROAD)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S87°37'56"W	213.87
L2	N76°02'08"W	141.12
L3	S83°22'09"W	761.75
L4	N26°38'51"W	97.62
L5	S89°24'35"W	382.79

# LEGEND:

TYP. DETAIL  
NO TRUE SCALE

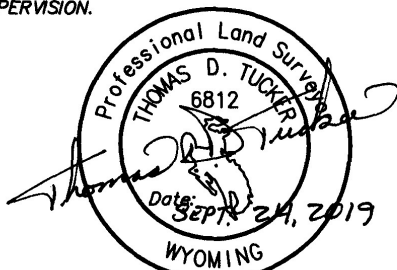


- FOUND 3-1/4" ALUMINUM CAP PER PLS 6812
- FOUND 2" 3-1/4" ALUMINUM CAP PER PLS 5300
- FOUND 5/8" REBAR
- FOUND HIGHWAY RIGHT-OF-WAY MONUMENT
- CALCULATED: NOTHING FOUND/NOTHING SET
- RECORD
- PROPERTY LINE
- SECTION LINE
- INTERIOR SECTION LINE
- ROAD/HIGHWAY RIGHT-OF-WAY LINE
- EASEMENT LINE AS NOTED

## 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.



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

## EXHIBIT "B" 15.0' UNDERGROUND ELECTRIC AND GAS LINE EASEMENT

CLIENT: MORRISON-MAIERLE

LOCATION: N1/2NE1/4, SW1/4NE1/4, SECTION 9, AND THE NW1/4NW1/4, SECTION 10, TOWNSHIP 56 NORTH, RANGE 84 WEST, 6TH P.M., SHERIDAN COUNTY, WYOMING.

**PRESTFELDT**  
SURVEYING  
2340 WETLANDS DR., SUITE 100  
PO BOX 3082  
SHERIDAN, WY 82801  
307-672-7415

JN: 2019-065  
DN: 2019-065-E1  
TAB: ROS  
PF: T2019-065  
REVIEWED BY: NWS  
SEPTEMBER 24, 2019