

**MONTANA-DAKOTA UTILITIES CO.
UNDERGROUND EASEMENT**

THIS EASEMENT, made this 15th day of May, A.D., 2007, between MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., a corporation, 400 North Fourth Street, Bismarck, North Dakota 58501, and QWEST CORPORATION, a corporation, BRESNAN COMMUNICATIONS, L.L.C., hereinafter called "COMPANIES," its successors and assigns, and the following named persons, herein, whether singular or plural, called "OWNER," namely:

Floyd Fleming & Phyllis J. Fleming

WITNESSETH, that for valuable considerations received, OWNER does hereby grant, bargain, sell and convey unto COMPANY, its successors and assigns, an easement 20 feet in width, being 10 feet left, and 10 feet right of the center line 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 communications line or lines, a gas pipeline or lines, including necessary pipes, poles, and fixtures, and a buried or semiburied 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:

A Twenty (20) foot wide Underground Easement situated in the SE1/4NW1/4 of Section 14, Township 55 North, Range 84 West of the 6th P. M., Sheridan County, Wyoming; the centerline of said easement being more particularly described in EXHIBIT "A" and shown in EXHIBIT "B" attached hereto and by this reference made a part hereof.

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 North Dakota, this easement is limited to a term of 99 years.

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

Floyd Fleming
Floyd Fleming

Phyllis J. Fleming
Phyllis J. Fleming

STATE OF Wyoming)

ss.

COUNTY OF Sheridan)

On this the 15 day of May, 2007, before me personally appeared Floyd Fleming & Phyllis J. Fleming known to me, or satisfactorily proved to be the person described in and who executed the above and foregoing instrument and acknowledged to me that They 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)

627637 EASEMENT
BOOK 502 PAGE 0005
RECORDED 12/03/2008 AT 10:40 AM
AUDREY KOLTISKA, SHERIDAN COUNTY CLERK

James S. Sorenson
Notary Public



My Commission Expires _____

W.O. 155776 Tract NO. _____ LLR NO. _____

EXHIBIT "A"

Record Owners: Floyd J. Fleming & Phyllis J. Fleming
May 1, 2007

Re: 20.0' Underground Utility Easement for Montana-Dakota Utilities Company, a Division of MDU Resource Group, Inc., QWEST Corporation, BRESNAN Communications, LLC, and or any of their respective successors and assigns.

An underground utility easement being a strip of land twenty (20) feet wide when measured at right angles, situated in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 55 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 west line of said strip being more particularly described as follows:

Commencing at the west quarter corner of said Section 14 (Witnessed by a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 2615); thence N68°49'21"E, 1457.37 feet to the **POINT OF BEGINNING** of said easement, said point being the southwest corner of a tract of land described in Book 438 of Deeds, Page 528 and lying on easterly right-of-way line of U.S. Highway No. 87 (AKA Coffeen Avenue); thence N00°38'21"E, 118.00 feet along the easterly right-of-way line of U.S. Highway No. 87 (AKA Coffeen Avenue) and the west line of said strip to the **POINT OF TERMINUS** of said easement, said point being the northwest corner of said tract described in Book 438 of Deeds, Page 528, and being S34°24'49"E, 2376.36 feet from the northwest corner of said Section 14 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 2615). Lengthening or shortening the side line of said easement to intersect said boundary lines.

Said underground utility easement contains 2,360 square feet of land, more or less, and is subject to any right-of-way and or easements, reservations and encumbrances which have been legally acquired.

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

EXHIBIT "B"

(BK 482, PG 526)

RECORD OWNERS:
FLOYD J. FLEMING &
PHYLLIS J. FLEMING
(BK 438, PG 528)

±2,360 S.F.
±118 LINEAL FEET = ±7.2 RODS

(R)184.6'

(C)N89°58'50"E
(R)N89°53'E

(C)503.02'
(R)503.5'

(BK 70, PG 348)



SCALE: 1"=50'

BASIS OF BEARINGS 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

NOTE:

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

LEGEND:

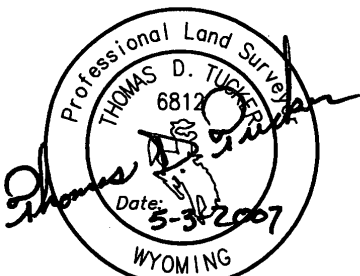
- FOUND 3-1/4" ALUMINUM CAP PER PLS 2615
- ◆ FOUND ALUMINUM CAP PER PLS 3159
- ⊙ FOUND 5/8" REBAR
- ○ CALCULATED: NOTHING FOUND/NOTHING SET
- W.C. WITNESS CORNER
- (R) RECORD
- (M) MEASURED
- (C) CALCULATED

- SECTION LINE
- INTERIOR SECTION LINE
- PROPERTY LINE
- HIGHWAY RIGHT-OF-WAY LINE
- EASEMENT RIGHT-OF-WAY LINE

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" UNDERGROUND UTILITY EASEMENT

CLIENT: MONTANA-DAKOTA UTILITIES COMPANY

LOCATION: SE1/4NW1/4, SECTION 14, T55N,
R84W, 6TH P.M., SHERIDAN COUNTY, WYOMING.

RESTFELDT
SURVEYING

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

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JN: 27016
DN: 2007/2007016E7
PF: T2007016
MAY 03, 2007