

**UTILITY EASEMENT**  
**CABLE TELEVISION, COMMUNICATION, ELECTRIC, AND GAS LINES**

THIS EASEMENT, made this 30<sup>th</sup> day of January, 2024, between MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., a Delaware Corporation, QWEST CORPORATION D/B/A CENTURYLINK, a Colorado Corporation, SIOUX FALLS CABLE TELEVISION D/B/A MIDCONTINENT COMMUNICATIONS, a South Dakota General Partnership, and ROUGHRIDER ELECTRIC COOPERATIVE, INC., a North Dakota Cooperative Corporation, and CONSOLIDATED TELCOM, COOPERATIVE, a North Dakota Cooperative Corporation, hereinafter referred to as "COMPANIES", and the STATE OF NORTH DAKOTA DEPARTMENT OF TRANSPORTATION, whose post office address is 608 E. Boulevard Avenue, Bismarck, ND 58505, hereinafter referred to as "OWNER".

WITNESSETH, That for valuable consideration received, OWNER does hereby grant unto Companies for 99 years, jointly and severally, its and their respective successors and assigns, an easement to construct thereon, and thereafter reconstruct, increase the capacity of, operate, inspect, protect, maintain, repair, replace and remove such communication, electric, and natural gas systems as the Companies may from time to time require, consisting of underground cables, wires, conduits, manholes, drains and splicing boxes, surface testing terminals, repeaters, repeater housings, markers, transformers, pedestals, pipelines, and other facilities used in the construction, operation, maintenance, increasing the capacity of, repair, replacement, and removal of said communication, electric, and natural gas systems, upon, over, under, and across following-described real estate, to wit:

*See the Utility Easement Description on the attached Utility Easement exhibit.*

OWNER, its successors and assigns, hereby grants to Companies, jointly and severally, its and their successors and assigns, the right of ingress and egress at all reasonable times over and across the lands of Owner, to and from said strip of land for the purpose of exercising the rights herein granted and to place surface markers within said strip.

OWNER, its successors and assigns, agrees not to build, create or construct or permit to be built, created or constructed, any obstruction, building, engineering works or other structures upon, over or under the strip of land herein described or that would interfere with the herein stated uses, or Companies' rights hereunder.

COMPANIES agree that any and all damages that may result to the crops, fences, buildings and improvements on said premises caused by the construction and maintenance of said communication, electric and/or natural gas systems will be paid for by the responsible Company. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by the responsible Company and

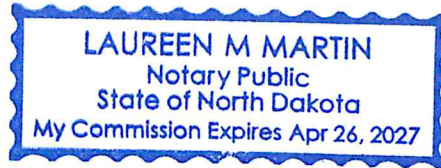
one by Owner; these two shall select a third person. The award determined by these three persons shall be final and conclusive.

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

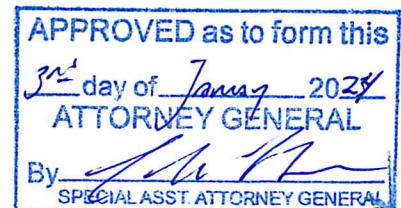
North Dakota Department of Transportation

*Matt Henneman*  
for Ron Henke, P.E. - Director

STATE OF North Dakota )  
 ) ss  
COUNTY OF Burleigh )

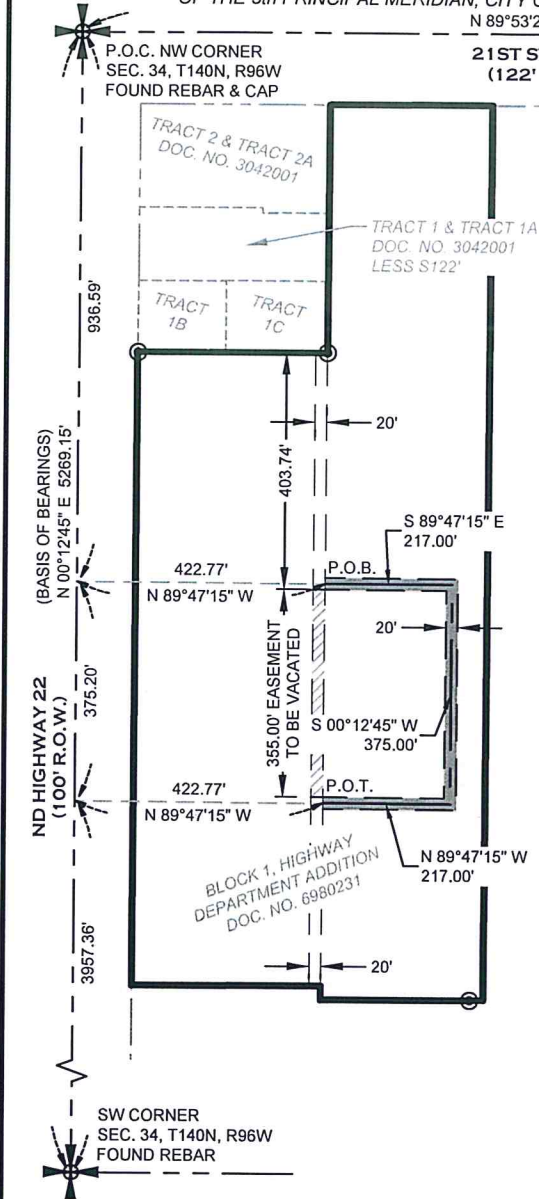


On this 30 day of January, 2029, before me personally appeared Matt Henneman Deputy for engineering ~~Ron Henke, P.E.~~, the Director of the North Dakota Department of Transportation who is the OWNER described herein, known to me, and who executed the within and foregoing document and acknowledged to me that such entity executed the same.



# UTILITY EASEMENT

BLOCK 1, HIGHWAY DEPARTMENT ADDITION, NW¼ SECTION 34, TOWNSHIP 140 NORTH, RANGE 96 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA  
N 89°53'20" E 2633.78'



### UTILITY EASEMENT DESCRIPTION

A TWENTY FOOT (20') STRIP OF LAND IN BLOCK ONE (1) OF THE HIGHWAY DEPARTMENT ADDITION LOCATED IN THE NORTHWEST QUARTER (NW¼) OF SECTION THIRTY-FOUR (34), TOWNSHIP ONE-HUNDRED FORTY NORTH (T140N), RANGE NINETY-SIX WEST (R96W) OF THE FIFTH PRINCIPAL MERIDIAN (5TH.P.M.), CITY OF DICKINSON, STARK COUNTY, NORTH DAKOTA HAVING TEN FEET (10') ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION THIRTY-FOUR (34); THENCE S 00°12'45" W ALONG THE WEST LINE OF SAID SECTION THIRTY-FOUR (34), A DISTANCE OF 936.59 FEET; THENCE N 89°47'15" W LEAVING SAID WEST LINE, A DISTANCE OF 422.77 FEET TO THE POINT OF BEGINNING; THENCE S 89°47'15" E, A DISTANCE OF 217.00 FEET; THENCE S 00°12'45" W PARALLEL TO SAID WEST SECTION LINE, A DISTANCE OF 375.00 FEET; THENCE N 89°47'15" W, A DISTANCE OF 217.00 FEET TO THE POINT OF TERMINUS.

SAID STRIP OF LAND CONTAINS 0.40 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY PREVIOUS EASEMENTS, AGREEMENTS, CONVEYANCES AND SURVEYS.

### SURVEY NOTES

- DISTANCES SHOWN ARE MEASURED GROUND DISTANCES, INTERNATIONAL FOOT, DERIVED FROM A LOCAL COORDINATE SYSTEM.
- THE BASIS OF BEARINGS FOR THIS SURVEY IS WEST LINE OF THE NORTHWEST QUARTER (NW¼) OF SECTION THIRTY-FOUR (34) WITH THE BEARING BEING N 00°12'45" E, THAT WAS LOCATED BY A GPS OBSERVATION FROM LAT: N46°51'42.38124" / LONG: W102°47'24.24987", BEARINGS ARE BASED ON TRUE NORTH AT THIS LOCATION.



SCALE: 1" = 250'

### LEGEND

- PROPERTY BOUNDARY
- SECTION LINE
- EXISTING RIGHT-TO-TRAVEL LINE
- EXISTING UTILITY EASEMENT
- PROPOSED UTILITY EASEMENT
- VACATED UTILITY EASEMENT
- CENTER LINE
- SECTION CORNER
- FOUND PROPERTY CORNER
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- P.O.T. POINT OF TERMINUS

I, KC Homiston, Registered Professional Land Surveyor, LS-5466, do hereby certify that the survey plat shown hereon was made by me, or under my direction, and is true and correct to the the best of my knowledge and belief.

**HIGHLANDS ENGINEERING**  
OFFICE: 701.483.2444  
WWW.HIGHLANDSENG.COM

SURVEY REQUESTED BY: ND DEPARTMENT OF TRANSPORTATION	
PROJECT NUMBER: 231195	SCALE: 1"=250'
DRAWN BY: AJA	DATE: 12/12/23
SHEET NUMBER: 1 of 1	