



CC Abstract  
124T 05



# CITY OF GILLETTE

Utilities  
P.O. Box 3003 • Gillette, Wyoming 82717-3003  
Phone (307) 686-5262  
www.gillettewy.gov

301-70-72-441-47414

**Lucy Ann Bush and Jason L. Bush**  
**4973-16**  
**OFFER**

The City of Gillette hereby extends a cash offer for the execution and delivery of the attached Temporary Construction Easement as follows:

(1) Permanent Waterline & Utility Easement  
3.64 acres @ \$2400 per acre = \$8736.00

Recording Fee \$250

(2) Temporary Construction Easement  
5.58 acres @ \$300 per acre = \$1674.00

**TOTAL = \$10,410.00**

The total above is the City's calculation of market value of the easement(s) requested. The payment can be made upon your return of the attached easements to City Hall and the final approval of the City Council.

Dated: 4-2-13

R. Douglas Dumbrell  
R. Douglas Dumbrell, Land Consultant  
(307) 686-5361

Inv# BUSH EASEMENT \$10,660.00  
CAMPBELL COUNTY ABSTRACT  
07/26/2013 # Pages 9 FP9 D0C58S363

**Exhibit 5**





# CITY OF GILLETTE



Utilities  
P.O. Box 3003 • Gillette, Wyoming 82717-3003  
Phone (307) 686-5262  
www.gillettewy.gov

June 17, 2013

Lucy Ann Bush  
2424 Cameron Dr.  
Rapid City SD 57702-4253

Jason L. Bush  
P.O. Box 4076  
Gillette WY 82717

**RE: Madison Gillette Regional Water Project, (4973-16)**

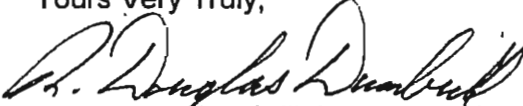
Dear Lucy Ann Bush and Jason L. Bush,

I am writing to set down a proposed agreement as we have previously discussed regarding the City's requested Madison Regional easements across your property. (See correspondence of April 8, 2013.) Here is what the City can agree to in addition to the previously offered money compensation (\$10,470.00 total for permanent and temporary easements):

- 1.) The City will modify its easement form to provide that the permanent easement is for water lines, equipment and appurtenances only. I have made that modification and enclose new easements for your review and signature. (The lower portion of pg. 2 of the permanent easement contains the operative language.)
- 2.) The City Agrees to place a "tee and valve" of up to eight inch (8") diameter on its 8" water transmission line where it runs through your property. The tee will be at a specific location agreed to by you and the City. The tee and valve will be incorporated into the original 8" transmission line construction.
- 3.) The tee and valve will not be operable until such time as the overall Madison Pipeline project (now in development) is operational. At that point, the connection can become operable upon approval of the Regional Water Panel and as established by the 2010 "Regional Joint Powers Agreement" between the City of Gillette and Campbell County. This will require a petition and expansion of the "Designated Service Area" set down originally in the Regional Joint Powers Agreement. You will need to enter into a contract with the City of Gillette and make payment of the then required connection fees. At this time the connection fees have not yet been established but will be commensurate with reasonable public utility fees in the area.
- 4.) Mike Cole can meet with you upon execution of the easement to establish the valve location.
- 5.) If necessary during construction the City will keep alternate access open to well sites on the property. The owner will advise any companies with locations to contact the City. We can work that out with them.

If I've correctly set down an agreement you believe is appropriate please sign below, execute the enclosed easements and return all to me at City Hall in Gillette. Please feel free to call me at 307-686-5361 with any questions you may have. Please call Mike Cole at 307-687-2534 about valve location.

Yours Very Truly,

  
R. Douglas Dumbrell, Land Consultant

RDD/sdg

cc: Mike Cole, Utility Project Manager

AGREED TO:

  
Lucy Ann Bush 7/2/2013

  
Jason L. Bush

6-21-13  
Date

## **PERMANENT WATER LINE EASEMENT**

Lucy Ann Bush and Jason L. Bush of P.O. Box 4076, Gillette, WY 82717, hereinafter GRANTOR(S), for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is acknowledged do Grant, Convey, and Warrant to the City of Gillette, Wyoming, a municipal corporation and city of the first class, hereinafter GRANTEE, a Permanent Water Line Easement in and to the following described tract of land:

### **LEGAL DESCRIPTION**

**4973-16**

A 30 foot wide permanent water line easement located in the SW1/4SW1/4 of Section 33, T50N, R73W and NW1/4 and S1/2 of Section 4, T49N, R73W of the 6<sup>th</sup> P.M., Campbell County, Wyoming, as recorded in Book 2729 of Photos, Page 198 of the Campbell County Clerks records, lying 15 feet on either side of the following described centerline:

Commencing at the southwest corner of said Section 33, being monumented by a 1991 BLM brass cap;

Thence N44°17'22"E, 1927.81 feet to a point on the north line of the SW1/4SW1/4 of said section 33 and being the point of beginning;

Thence along the centerline of aforementioned permanent easement, S00°56'04"E, 119.97 feet to a point;

Thence continuing along said centerline, parallel with the west sixteenth line of said Section 33, the easterly limits of aforementioned permanent easement along and coincident with the west sixteenth line of said Section 33, S01°04'32"W, 1246.04 feet to a point on the south line of said SW1/4SW1/4;

Thence continuing along said centerline, said easterly limits leaving said sixteenth line, S01°04'32"W, 335.31 feet to an angle point;

Thence continuing along said centerline, S23°59'02"E, 2003.07 feet to a non-tangent circular curve concave to the west;

Thence continuing along said centerline, through said curve with a delta angle of 18°20'21", a radius length of 624.73 feet, an arc length of 199.96 feet, a chord bearing of S12°37'21"E and a chord length of 199.11 feet to a non-tangent circular curve concave to the east;

Thence continuing along said centerline, through said curve with a delta angle of 14°15'49", a radius length of 642.58 feet, an arc length of 159.97 feet, a chord bearing of S14°31'58"E and a chord length of 159.56 feet to a point;

Thence continuing along said centerline, S24°05'01"E, 214.79 feet to a point;

Thence continuing along said centerline, S27°58'48"E, 588.81 feet to a point;

Thence continuing along said centerline, S27°58'48"E, 308.94 feet to an angle point;

Thence continuing along said centerline, S51°37'07"E, 54.67 feet to an angle point;

Thence continuing along said centerline, S29°08'33"E, 38.44 feet to a point on the northerly right of way of Interstate 90 and being the point of termination, from which the north quarter corner of aforementioned Section 4 lies N01°42'43"W, 3586.68 feet, monumented by a 1991 BLM brass cap.

The sidelines of said permanent water line easement are to be shortened or extended to prevent gaps and overlaps.

Said permanent water line easement contains 158180 square feet more or less.

All areas are computed at ground.

All measured distances are grid, for conversion to ground, multiply by 1.00025907.

The basis of bearing for this legal description and for the attached Exhibit "A" is Wyoming State Plane Grid, NAD83, East Zone (4901).

The easement is further shown and described on the attached Exhibit "A" which is incorporated herein by reference.

Said easement is subject to any right-of-way and or easements, reservations and encumbrances of record or implied.

Said easement unto GRANTEE, its successors, licensees and assigns to have and to hold forever in the lands described above for a waterline easement over, under, upon and within which to construct, maintain, service, reconstruct, operate, and locate at any time and from time to time any public water pipelines and support or operation structures or equipment in the discretion of the GRANTEE.

At the conclusion of initial construction and any reconstruction or repair activities within the easement, GRANTEE shall restore the surface and any improvements damaged and any adjacent areas disturbed during the construction or repair activities to a condition substantially equal to the condition of the disturbed or damaged area before construction within the easement.

GRANTOR(S):

BY: Lucy Ann Bush  
Lucy Ann Bush

STATE OF SD )  
County of Pennington ) ss.



The above and foregoing instrument was acknowledged before me by Lucy Ann Bush this 20 day of June, 2013.

My Commission Expires:  
May 22, 2018

Mary A. Smith  
Notary Public

BY: Jason L. Bush  
Jason L. Bush

STATE OF SD )  
County of Pennington ) ss.

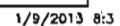


The above and foregoing instrument was acknowledged before me by and Jason L. Bush, this 20 day of June, 2013.

My Commission Expires:  
May 22, 2018

Mary A. Smith  
Notary Public

AN EASEMENT LOCATED IN A PORTION OF THE SW1/4SW1/4  
SECTION 33, PORTIONS OF THE NW1/4 AND S1/2 SECTION 4,  
T49N, R73W OF THE 6TH P.M.  
CAMPBELL COUNTY, WYOMING



**TEMPORARY CONSTRUCTION EASEMENT**  
**(4973-16) Lucy Ann Bush and Jason L. Bush**

Lucy Ann Bush and Jason L. Bush of P.O. Box 4076, Gillette, WY 82717, hereinafter GRANTOR(S), for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is acknowledged do Grant and Convey to the City of Gillette, Wyoming, a municipal corporation and city of the first class, of 201 East Fifth Street, P.O. Box 3003, Gillette, Wyoming, 82717, hereinafter GRANTEE a temporary construction easement in and to the following described tract of land:

See attached Exhibit "A" which is incorporated herein by reference.

This grant is made to Grantee, its successors, licensees and assigns to have and to hold the lands described above as a TEMPORARY CONSTRUCTION EASEMENT to be used during construction activities of the new Gillette Regional Water Supply Project ("Madison" project). Grantee, its successors, licensees and assigns, shall have the right of ingress and egress, and also the right to temporarily operate, and park machinery upon the land described above during construction of the new Gillette Regional Water Supply Project ("Madison" project). The easement also includes an immediate right to use the property to survey, lay-out, prepare, construct, and complete the project.

At the conclusion of construction and any reconstruction or repair activities within the easement, GRANTEE shall restore the surface and any improvements damaged and any adjacent areas disturbed during the construction activities to a condition substantially equal to the condition of the disturbed or damaged areas before the construction within the easement. The signers below represent that they sign with full authority and consent of the Grantors identified above.

GRANTOR(S):

BY: Lucy Ann Bush  
Lucy Ann Bush

STATE OF South Dakota )  
County of Pennington ) ss.



The above and foregoing instrument was acknowledged before me by Lucy Ann Bush, this 20 day of June, 2013.

My Commission Expires:  
May 22, 2018

Mary A. Smith  
Notary Public

BY: Jason L. Bush  
Jason L. Bush

STATE OF South Dakota )  
County of Pennington ) ss.



The above and foregoing instrument was acknowledged before me by Jason L. Bush, this 20 day of June, 2013.

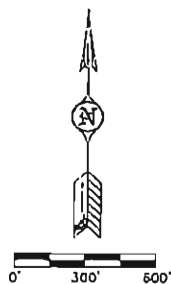
My Commission Expires:  
May 22, 2018

Mary A. Smith  
Notary Public



# EXHIBIT "A"

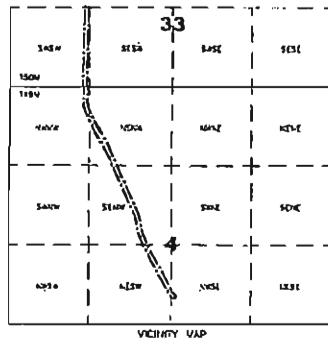
AN EASEMENT LOCATED IN A PORTION OF THE SW1/4SW1/4 SECTION 33, PORTIONS OF THE NW1/4 AND S1/2 SECTION 4, T49N, R73W OF THE 6TH P.M. CAMPBELL COUNTY, WYOMING



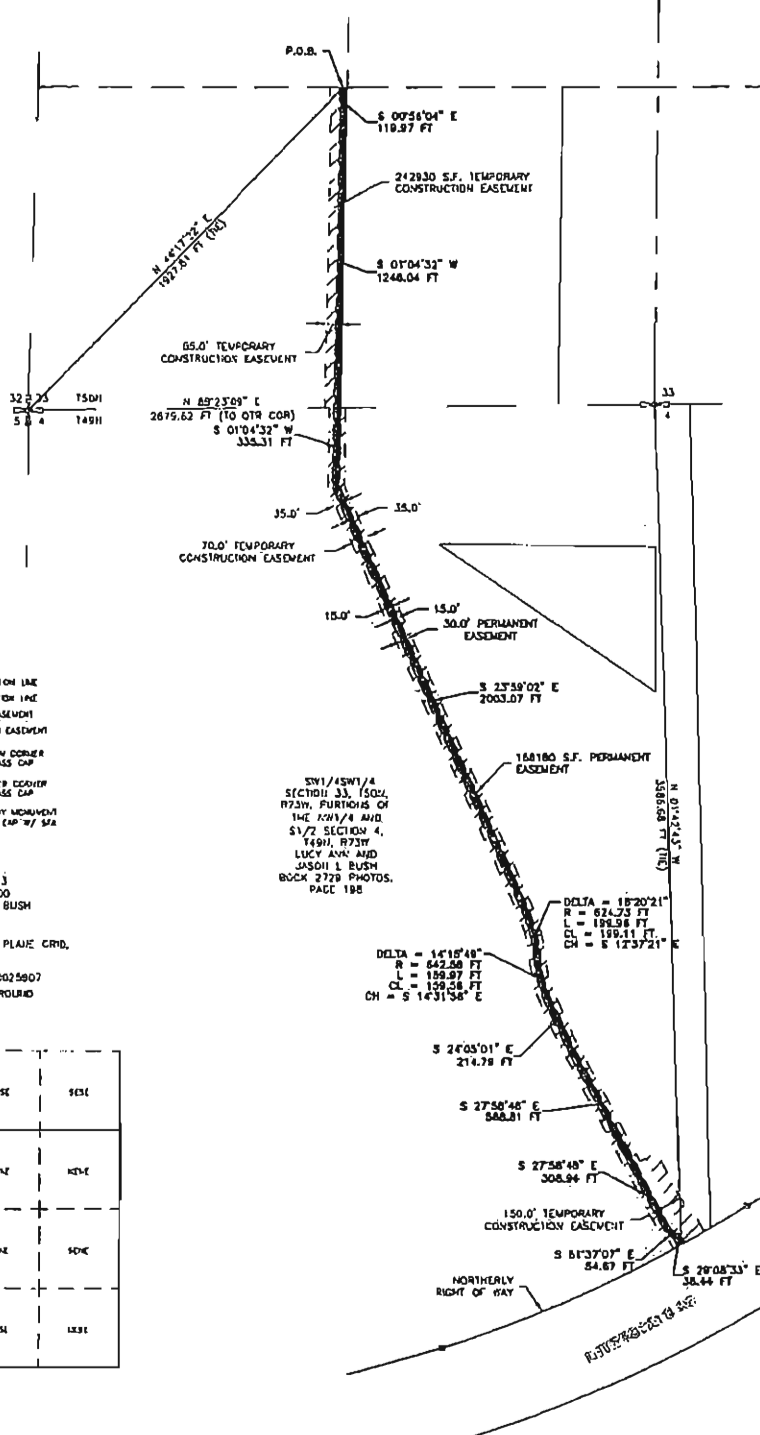
- LEGEND**
- SECTION LINE
  - - - QUARTER SECTION LINE
  - - - - - SIXTEENTH SECTION LINE
  - - - PERMANENT EASEMENT
  - - - CONSTRUCTION EASEMENT
  - ⊕ FOUND SECTION CORNER 1991 BLUM BRASS CAP
  - ⊕ FOUND QUARTER CORNER 1991 BLUM BRASS CAP
  - FOUND HIGHWAY MONUMENT WYDOT BRASS CAP "W" S/A

DATE: 01/08/13  
 PROJECT NUMBER: 123559.00  
 GRANITOR: LUCY ANN AND JASON L. BUSH

RANGE OF BEARING: WYOMING STATE PLAIN GRID,  
 NAD83, EAST ZONE (4901)  
 GRID TO GROUND CONVERSION: 1.00025907  
 \*\*\*ALL AREAS ARE COMPUTED TO GROUND



VICINITY MAP



## SURVEYOR'S CERTIFICATE

I, DAVID L. VILEM, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED UNDER THE LAWS OF THE STATE OF WYOMING, THAT THIS DRAWING WAS MADE FROM NOTES TAKEN DURING AN ACTUAL SURVEY AND IS A TRUE REPRESENTATION OF THE SURVEY.



PCAE ENGINEERING, INC.  
 5506 HIGHWAY BLVD.  
 P.O. BOX 2185  
 CIRCLEVILLE, WYO. 82716  
 PH. (307) 667-0800

**Legal Description – Temporary Construction Easement  
4973-16 Lucy Ann and Jason L. Bush  
January 8, 2013**

A temporary easement located in the SW1/4SW1/4 of Section 33, T50N, R73W and NW1/4 and S1/2 of Section 4, T49N, R73W of the 6<sup>th</sup> P.M., Campbell County, Wyoming, as recorded in Book 2729 of Photos, Page 198 of the Campbell County Clerks records, being more particularly described as follows:

Commencing at the southwest corner of said Section 33, being monumented by a 1991 BLM brass cap;

Thence N44°17'22"E, 1927.81 feet to a point on the north line of the SW1/4SW1/4 of said section 33, also being the easterly limits of aforementioned temporary easement and being the point of beginning;

Thence along the easterly limits of a 55 foot wide temporary easement, S00°56'04"E, 119.97 feet to a point;

Thence continuing along said easterly limits, parallel with the west sixteenth line of said Section 33, S01°04'32"W, 1246.04 feet to a point on the south line of said SW1/4SW1/4, being the end of said 55 foot wide temporary easement;

Thence along the centerline of said temporary easement, being 70 feet wide, lying 35 feet on either side, S01°04'32"W, 335.31 feet to an angle point;

Thence continuing along said centerline, S23°59'02"E, 2003.07 feet to a non-tangent circular curve concave to the west;

Thence continuing along said centerline, through said curve with a delta angle of 18°20'21", a radius length of 624.73 feet, an arc length of 199.96 feet, a chord bearing of S12°37'21"E and a chord length of 199.11 feet to a non-tangent circular curve concave to the east;

Thence continuing along said centerline, through said curve with a delta angle of 14°15'49", a radius length of 642.58 feet, an arc length of 159.97 feet, a chord bearing of S14°31'58"E and a chord length of 159.56 feet to a point;

Thence continuing along said centerline, S24°05'01"E, 214.79 feet to a point;

Thence continuing along said centerline, S27°58'48"E, 588.81 feet to a point, being the end of aforementioned 70 foot wide temporary easement;

Thence along aforementioned described line, being the beginning of a 150 foot wide temporary easement, lying 35 feet westerly and 115 easterly of described line, S27°58'48"E, 308.94 feet to an angle point;

Thence continuing along said described line, S51°37'07"E, 54.67 feet to an angle point;

Thence continuing along said described line, S29°08'33"E, 38.44 feet to a point on the northerly right of way of Interstate 90 and being the point of termination, from which the north quarter corner of aforementioned Section 4 lies N01°42'43"W, 3586.68 feet, monumented by a 1991 BLM brass cap.

The sidelines of said temporary easement are to be shortened or extended to prevent gaps and overlaps.

Said temporary easement contains 242930 square feet more or less.

The area computed does not include the permanent easement area. All areas are computed at ground.

All measured distances are grid, for conversion to ground, multiply by 1.00025907.

The basis of bearing for this legal description and for the attached Exhibit "A" is Wyoming State Plane Grid, NAD83, East Zone (4901).

**EXHIBIT A – PG. 2**