

RETURN TO:
CITY OF BILLINGS, ENGINEERING
Attn : Tyler Westrope
2224 Montana Avenue
Billings, MT 59101

STORM DRAIN UTILITY AND ACCESS EASEMENT

For valuable consideration, **SHIRLEE LAMBERT** ("Grantor"), who hereby warrants that she is the owner of fee simple title to Lot 6, Block 3, Briarwood Subdivision, 1st Filing, does hereby **GRANT** and **CONVEY** to the **CITY OF BILLINGS**, ("Grantee"), whose address is P.O. Box 1178, Billings Montana 59103, its successors, assigns and apportionees, an easement upon which Grantor grants access to construct, operate, and maintain a drainage culvert, drainage way, and necessary appurtenances, over, under, along and across that certain real property situated in Section 27, Township 1 South, Range 26 East, P.M.M., City of Billings, Yellowstone County, Montana, being more particularly described as follows:

DESCRIPTION OF EASEMENT **SEE ATTACHED EXHIBIT "A"**

Being the northwest 10.0 feet of Lot 6, Block 3, of Briarwood Subdivision 1st Filing, according to the official plat recorded February 16, 1983, on file in the Office of the Clerk and Recorder of said Yellowstone County under Document No. 1255033.

Together with reasonable right of access to and from the easement area over lands of the Grantor using existing roads where practicable, the right to use and keep the easement area free and clear of any and all obstructions or structures, and the right to clear and remove all timber, brush or vegetation outside the easement area that may hinder access or utility installation and maintenance.

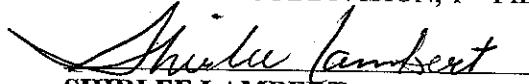
In addition, Grantee, its successors and assignees, agree to the following conditions of entry:

1. **DAMAGE TO PROPERTY:** Grantee shall exercise care to avoid damaging the property in any manner not consistent with the uses for which this agreement is made. If additional damage does occur it shall be the responsibility of the Grantee, its successors and assignees, to replace and/or restore the area to its original state.
2. **CLEANUP:** Grantee shall clean all ground occupied of all rubbish, excess material, temporary structures and equipment upon completion of the work.
3. **ACCEPTANCE:** All parts of the site shall be left in acceptable condition.

The rights, conditions and provisions of this easement shall run with the land and be binding upon the successors and assigns of the parties hereto forever.

IN WITNESS WHEREOF, the GRANTOR warrants that she has the right to convey, free and clear of all encumbrances; the above-described interests in the real estate described and has hereunto set her hand.

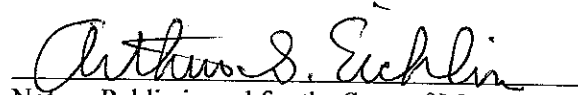
PROPERTY OWNER; LOT 6, BLOCK 3
BRIARWOOD SUBDIVISION, 1ST FILING


SHIRLEE LAMBERT

STATE OF MONTANA)
 :SS
County of Yellowstone)

On this 5TH day of OCTOBER, 20 09 before me, a Notary Public for the State of Montana, personally appeared **SHIRLEE LAMBERT**, whose name is subscribed to the foregoing instrument, and acknowledged to me that they duly executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.


Notary Public in and for the State of Montana

Printed Name: ARTHUR S. EICHLIN
Residing at BILLINGS, MONTANA
My commission expires MAY 8, 2010

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement and hereby accepts the property interest conveyed through this instrument.

Mayor, City of Billings

ATTEST:

City Clerk

STATE OF MONTANA)
 :SS
County of Yellowstone)

On this _____ day of _____, 20____, before me, a Notary Public in and for the State of Montana, personally appeared RON TUSSING and _____, known to me to be the Mayor and City Clerk of Billings, respectively, and acknowledged to me that they duly executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public in and for the State of Montana

Printed Name: _____

Residing at _____

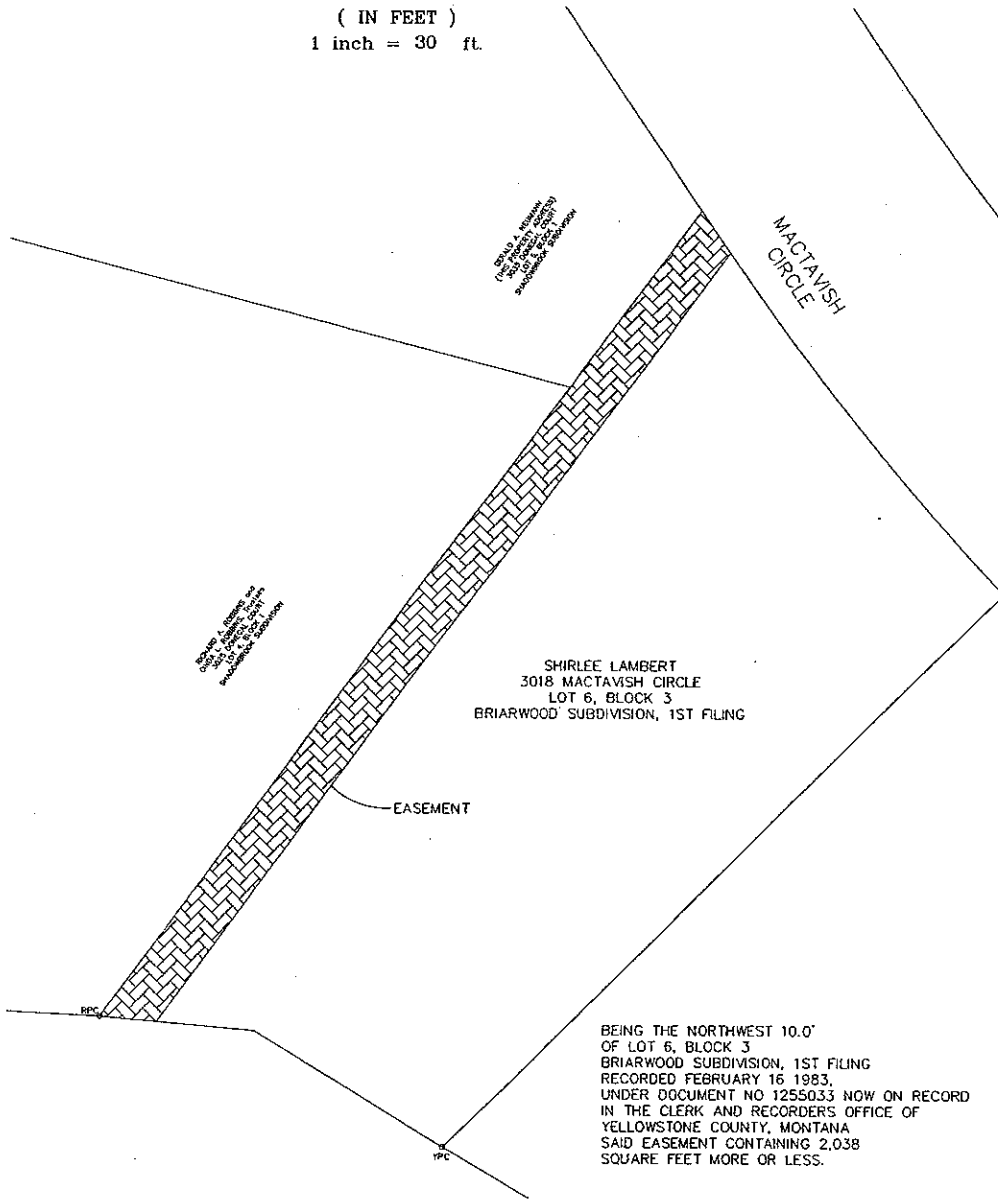
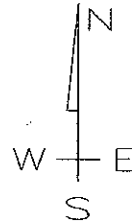
My commission expires _____

EXHIBIT "A"

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



BEING THE NORTHWEST 10.0'
OF LOT 6, BLOCK 3
BRIARWOOD SUBDIVISION, 1ST FILING
RECORDED FEBRUARY 16 1983
UNDER DOCUMENT NO 1255033 NOW ON RECORD
IN THE CLERK AND RECORDERS OFFICE OF
YELLOWSTONE COUNTY, MONTANA
SAID EASEMENT CONTAINING 2,038
SQUARE FEET MORE OR LESS.