

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

## **STORM DRAIN UTILITY AND ACCESS EASEMENT**

For valuable consideration, **GERALD A. NEUMANN** ("Grantor"), who hereby warrants that he is the owner of fee simple title to Lot 5, Block 1, Shadowbrook Subdivision, 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 southeast 10.0 feet of Lot 5, Block 1, of Shadowbrook Subdivision, according to the official plat recorded May 7, 1999, on file in the Office of the Clerk and Recorder of said Yellowstone County under Document No. 3050029.

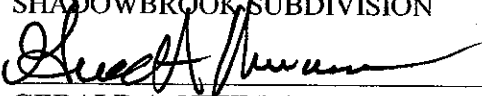
Together with reasonable right of access to and from the easement area over lands of the Grantor using existing roads where practicable, the right to use and keep the easement area free and clear of any and all obstructions or structures, and the right to clear and remove all timber, brush or vegetation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

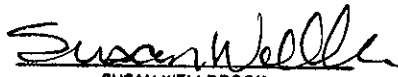
PROPERTY OWNER; LOT 5, BLOCK 1  
SHADOWBROOK SUBDIVISION  
  
GERALD A. NEUMANN

STATE OF MONTANA        )  
  :SS  
County of Yellowstone    )

On this 28<sup>th</sup> day of September, 2009, before me, a Notary Public for the State of Montana, personally appeared **GERALD A. NEUMANN**, 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.



  
SUSAN WELLBROOK  
NOTARY PUBLIC for the State of Montana  
Residing at Billings, Montana  
My Commission Expires  
September 29, 2012

\_\_\_\_\_  
Notary Public in and for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

**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

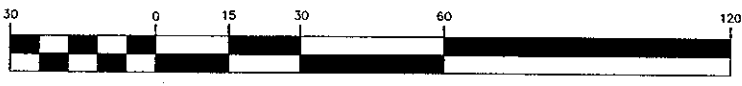
Printed Name: \_\_\_\_\_

Residing at \_\_\_\_\_

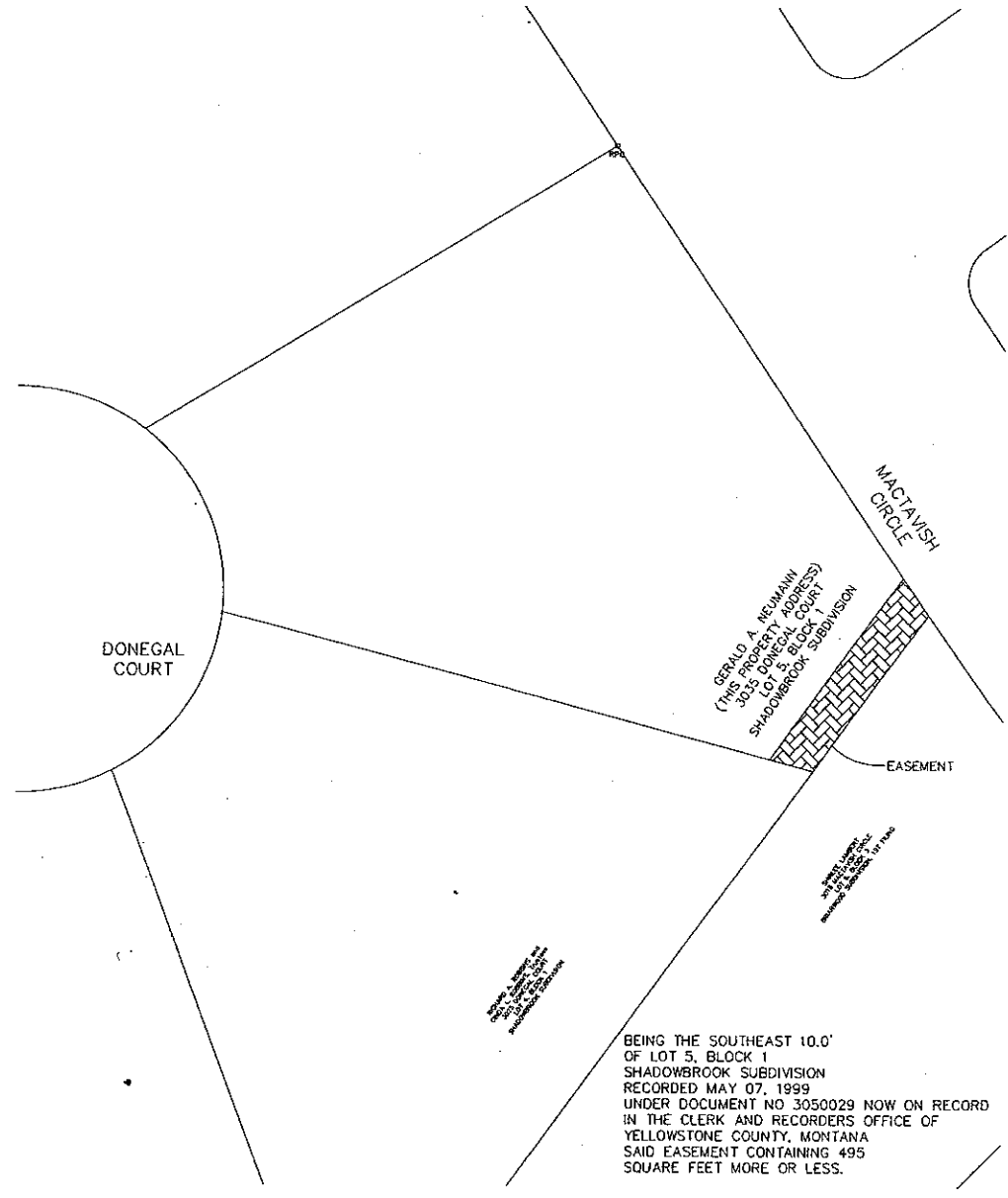
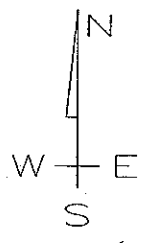
My commission expires \_\_\_\_\_

# EXHIBIT "A"

## GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.



BEING THE SOUTHEAST 10.0'  
OF LOT 5, BLOCK 1  
SHADOWBROOK SUBDIVISION  
RECORDED MAY 07, 1999  
UNDER DOCUMENT NO 3050029 NOW ON RECORD  
IN THE CLERK AND RECORDERS OFFICE OF  
YELLOWSTONE COUNTY, MONTANA  
SAID EASEMENT CONTAINING 495  
SQUARE FEET MORE OR LESS.