

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

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

For valuable consideration, **RICHARD A. ROBBINS or CINDA L. ROBBINS, TRUSTEES**, ("Grantor"), who hereby warrants that he is the owner of fee simple title to Lot 4, 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 a portion of the southeast 10.0 feet of Lot 4, Block 1, of Shadowbrook Subdivision, as shown on the attached Exhibit, and according to the official plat recorded May 07, 1999, and now 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 4, BLOCK 1  
SHADOWBROOK SUBDIVISION

Richard A. Robbins  
SIGNATURE

Richard A. Robbins  
PRINTED NAME

STATE OF MONTANA        )  
  :SS  
County of Yellowstone    )

On this 10<sup>th</sup> day of October, 2009, before me, a Notary Public for the State of Montana, personally appeared Richard A. Robbins, 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: \_\_\_\_\_

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

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



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

**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

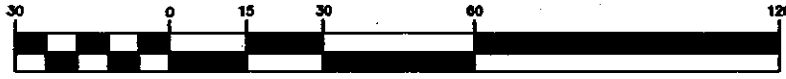
Printed Name: \_\_\_\_\_

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

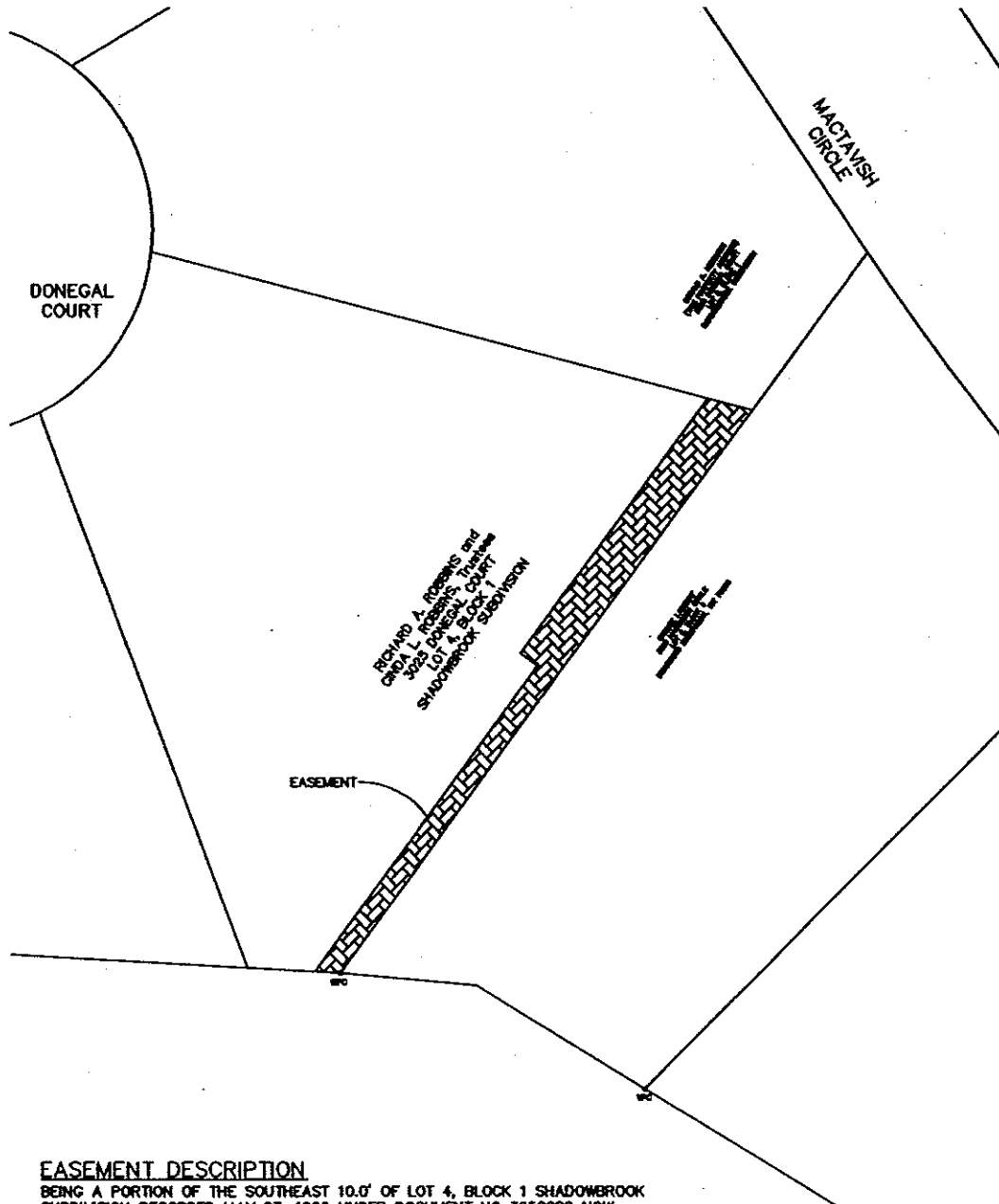
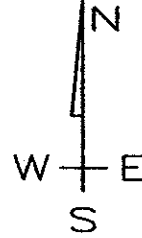
My commission expires \_\_\_\_\_

# EXHIBIT "A"

## GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.



### EASEMENT DESCRIPTION

BEING A PORTION OF THE SOUTHEAST 10.0' OF LOT 4, 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, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4; THENCE N 88°40'04" W ALONG THE SOUTH LOT LINE OF SAID LOT 4 FOR A DISTANCE OF 5.97 FEET; THENCE N 38°24'39" E FOR A DISTANCE OF 85.28 FEET; THENCE N 53°35'21" W FOR A DISTANCE OF 5.00 FEET; THENCE N 38°24'39" E FOR A DISTANCE OF 73.88 FEET TO A POINT ON THE NORTH LOT LINE OF SAID LOT 4; THENCE S 75°15'10" E ALONG THE SAID NORTH LOT LINE FOR A DISTANCE OF 10.76 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE S 38°24'39" W FOR A DISTANCE 162.85 FEET TO THE POINT OF BEGINNING.  
SAID EASEMENT CONTAINING 1,192 SQUARE FEET MORE OR LESS.