

EASEMENT

CITY OF BILLINGS, MONTANA, a municipality of the State of Montana, PO Box 1178, Billings, MT 59103 (“Grantor”), in consideration of \$1.00 and other good and valuable considerations, the receipt of which is acknowledged, does hereby grant and convey to **SECURITIES BUILDING, LLC**, 2708 First Avenue North, Billings, MT 59101-2356 (“Grantee”), and to its successors, assigns and apportionees, an exclusive easement containing approximately 245 square feet in area upon which to place, maintain, repair and replace trash dumpsters, receptacles, and related facilities for the purpose of trash storage and removal, and necessary appurtenances, under, along and across that certain real property located in Yellowstone County, Montana, and particularly described as follows (the “Easement Area”):

That portion of Lot 7, Block 109, Original Plat of the Town of Billings on file in the office of the Clerk and Recorder of Yellowstone County containing approximately 245 square feet in area and located in the northwest corner of said Lot 7.

TOGETHER with reasonable right of access to and from the Easement Area over lands of the Grantor; the right to use and keep the Easement Area and access thereto free and clear of any and all obstructions or structures;

PROVIDED that the parties acknowledge Grantor’s intention to construct a mixed use parking structure to be known as the Empire Parking Garage (the “Project”) over the real estate above-described as shown on Exhibit A attached hereto and made a part hereof; and in the event the Project is constructed, the Easement Area shall be contained within the Project improvements, as shown and designated on Exhibit A.

THE GRANTOR covenants with the Grantee that the Grantor is lawfully seized and possessed of the real estate above described and that the Grantor has a good and lawful right to convey it, or any part thereof.

DATED this _____ day of _____, 2013.

CITY OF BILLINGS, MONTANA

By: _____
Thomas W. Hanel, Mayor

ATTEST:

By: _____
Cari Martin, City Clerk

STATE OF MONTANA
County of Yellowstone

This instrument was acknowledged before me on _____, by THOMAS W. HANEL, Mayor, and CARI MARTIN, City Clerk, of the City of Billings.

Signature of Notary

