

RETURN TO:  
CITY OF BILLINGS  
CITY CLERK  
P.O. Box 1178  
Billings, MT 59103

**\*\*\* UTILITY RIGHT-OF-WAY EASEMENT \*\*\***

For valuable consideration, The **CITY OF BILLINGS**, ("Grantor") a political subdivision of the State of Montana, whose address is Post Office Box 1178, Billings Montana 59103, through its City Council, does hereby **GRANT, SELL and CONVEY** to the **MONTANA DAKOTA UTILITIES CO.**, of 5181 Southgate Drive, Billings, MT 59101-4627, ("Grantee") and their successors, assigns and apportionees an easement upon which to construct, operate, maintain, replace, upgrade and remove underground gas service lines and necessary appurtenances, under, along and across that certain real property situated in Section 11, Township 1 South, Range 26 East, P.M.M., Yellowstone County, Montana, being more particularly described as follows:

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

INSERT LEGAL DESCRIPTION OF EASEMENT HERE.

The above described parcel contains \_\_\_\_\_ square feet, more or less.

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, except fences, and the right to clear and remove all timber, brush or vegetation within the easement area that may endanger the gas line, communications system or necessary appurtenances.

In addition, the Grantee, its successors, agents, contractors, and employees 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, agents, contractors, and employees to remove, replace and/or restore any gravel, vegetation, concrete or asphalt to its original state.
2. **COOPERATION WITH GRANTOR:** Grantee shall at all times cooperate with Grantor and comply with reasonable requests not inconsistent with the purpose for which this agreement is issued.
3. **CLEANUP:** Shall upon completion of the work, clean all ground occupied of all rubbish, excess material, temporary structures and equipment.
4. **ACCEPTANCE:** All parts of the site shall be left in acceptable condition.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon, the successors and assigns of the parties hereto.

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

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CITY: CITY OF BILLINGS, a Montana  
Municipal Corporation

By: \_\_\_\_\_  
THOMAS W. HANEL, Mayor

ATTEST:

By: \_\_\_\_\_  
CARI MARTIN, City Clerk

STATE OF MONTANA)  
: ss.  
County of Yellowstone )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013 before me, a Notary Public for the State of Montana, personally appeared THOMAS W. HANEL and CARI MARTIN, known to me to be the Mayor and City Clerk, respectively, of the City of Billings, Montana, and acknowledged to me that they executed the foregoing instrument.

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

\_\_\_\_\_ (Signature)

(NOTARIAL SEAL)

\_\_\_\_\_ (Printed Name)  
Notary Public for the State of Montana  
Residing in Billings, Montana  
My Commission Expires: \_\_\_\_\_

MONTANA DAKOTA UTILITIES CO.,:

By: \_\_\_\_\_

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

Its: \_\_\_\_\_

STATE OF MONTANA)  
: ss.  
County of Yellowstone )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013 before me, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_, of MONTANA DAKOTA UTILITIES CO., and acknowledged to me that (s)he executed the foregoing instrument as the authorized representative of MONTANA DAKOTA UTILITIES CO.

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

\_\_\_\_\_ (Signature)

(NOTARIAL SEAL)

\_\_\_\_\_ (Printed Name)  
Notary Public for the State of Montana  
Residing in Billings, Montana  
My Commission Expires: \_\_\_\_\_