

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

***** UTILITY RIGHT-OF-WAY EASEMENTS *****

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 **NORTHWESTERN ENERGY**, of 1944 Monad Road, Billings Montana 59102, ("Grantee") and their successors, assigns and apportionees an easement upon which to construct, operate, maintain, replace, upgrade and remove underground power lines and necessary appurtenances, over, 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 power 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: _____

NORTHWESTERN ENERGY:

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 NORTHWESTERN ENERGY, and acknowledged to me that (s)he executed the foregoing instrument as the authorized representative of NORTHWESTERN ENERGY.

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: _____