

**\*\*\* DRAINAGE WAY EASEMENT \*\*\***

FOR VALUABLE CONSIDERATION, **STEVEN KIENITZ** and **MAUREEN KIENITZ**, (“Grantor”) of 1639 St. Johns Avenue, Billings, MT 59102 does hereby GRANT, to the **CITY OF BILLINGS, MONTANA**, (“Grantee”) a municipal corporation, whose address is Post Office Box 1178, Billings Montana 59103, a perpetual easement to construct, reconstruct, maintain, operate, repair and improve necessary features and appurtenances of an existing concrete drainage way and retaining wall over, across, under and through the following described real property that is located in the City of Billings, Yellowstone County, Montana:

A tract of land situated in Lot 22, Block 5 of Wilshire Heights Subdivision, Eighth Filing, per Document No. 978719, recorded June 3, 1975 and on file at the Yellowstone County Clerk & Recorder office, Billings, Yellowstone County, Montana.

BASIS OF BEARING, The north line of lots 21 & 22 of block 5, of said Wilshire Heights Subdivision, Eighth Filing, (N 79°58'00" E).

Said tract of land more particularly described as follows:  
Being the east 10.00 feet of said Lot 22, Block 5 of Wilshire Heights Subdivision, Eighth Filing, containing an area of 950 square feet more or less.

More commonly referred to as 3244 Durland Drive.

**DESCRIPTION OF EASEMENT**  
**SEE ATTACHED EXHIBIT “A”**

This easement shall continue from the date it is executed by all parties so long as the need continues to use the property for the above-described purposes, and shall terminate when the City of Billings ceases to use the property to maintain, operate, repair and improve necessary features and appurtenances for the Drainage Way & Retaining Wall.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
**STEVEN KIENITZ (Co-Owner)**

\_\_\_\_\_  
**MAUREEN KIENITZ (Co-Owner)**

STATE OF MONTANA                    )  
  ): ss  
County of Yellowstone            )

On this \_\_\_\_ day of \_\_\_\_\_, 2012 before me a Notary Public for the State of Montana, personally appeared **STEVEN KIENITZ** and **MAUREEN KIENITZ**, 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)

(SEAL)

\_\_\_\_\_(Printed Name)

Notary Public for the State of Montana  
Residing at Billings, Montana  
My Commission Expires: \_\_\_\_\_

**ACKNOWLEDGEMENT AND ACCEPTANCE OF CONVEYANCE**

THIS EASEMENT is hereby accepted pursuant to City Council approval on the  
\_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF BILLINGS,  
a Montana Municipal Corporation

By: \_\_\_\_\_  
**THOMAS W. HANEL, MAYOR**

ATTEST:

\_\_\_\_\_  
**CARI MARTIN, City Clerk**

STATE OF MONTANA )  
: ss  
County of Yellowstone )

On this \_\_\_\_ day of \_\_\_\_\_, 2012 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 of Billings, respectively, 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)

(SEAL)

\_\_\_\_\_(Printed Name)

Notary Public for the State of Montana  
Residing at Billings, Montana  
My Commission Expires: \_\_\_\_\_