

FINAL DRAFT

PERPETUAL RIGHT-OF-WAY EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged on this _____ day of _____, 20____, the undersigned, GARY J. ARMSTRONG LIVING TRUST, 1701 East Lane, Billings, MT 59101, hereinafter called "Grantors", hereby grant and convey unto THE CITY OF BILLINGS, a municipal corporation and political subdivision of the State of Montana, of the address of City Hall, Billings, Montana 59101, hereinafter called "Grantee", a perpetual easement and right-of-way over, across, under and through the following described tracts of real property in Yellowstone County Montana:

An easement situated within a parcel of land described as Government Lot 1 and the NE1/4NW1/4 of Section 19, T. 1 S., R. 26 E., P.M.M., excepting therefrom the north 30' for county road (Elysian Road) as conveyed to Yellowstone County by Deed recorded February 6, 1904 in Book P of Deeds, Page 21; also excepting therefrom the east 20' more or less as conveyed to the Yellowstone Canyon Creek Ditch Company by Deed recorded in Book 67, Page 368, under Document No. 115489; also excepting therefrom the west 16.5' of the east 36.5' more or less as conveyed to the Canyon Creek Ditch Company by Deed recorded in Book 149, Page 206, under Document No. 242974; said easement being more particularly described as follows:

Commencing at the N1/4 corner of said Section 19; thence S 00°07'22" E along the north-south midsection line of said Section 19, a distance of 30.00 feet to a point on the southerly right-of-way line of Elysian Road; thence S 89°58'20" W along said right-of-way line, a distance of 42.88 feet to the true Point of Beginning; thence, from said Point of Beginning, leaving said right-of-way line, S 01°58'02" W a distance of 387.26 feet; thence S 00°07'22" E a distance of 907.23 feet to a point on the south line of said Government Lot 1 and the NE1/4NW1/4 of Section 19; thence S 89°58'09" W along said south line a distance of 2349.15 feet to the N1/16 corner (west) of said Section 19; thence N 00°01'18" W along the west line of said Section 19 a distance of 30.00 feet; thence, leaving said west line, N 89°58'09" E a distance of 579.13 feet; thence S 88°33'45" E a distance of 390.21 feet; thence N 89°58'09" E a distance of 1349.91 feet; thence N 00°07'22" W a distance of 887.73 feet; thence N 01°58'02" E a distance of 331.34 feet; thence along a tangent curve to the left with a central angle of 72°10'56", a radius of 15.00 feet, and a length of 18.90 feet (chord bears N 34°07'26" W a distance of 17.67 feet); thence along a reversing curve to the right with a central angle of 68°10'27", a radius of 45.00 feet, and a length of 53.54 feet (chord bears N 36°07'40" W a distance of 50.44 feet) to a point on said southerly right-of-way line of Elysian Road; thence N 89°58'20" E along said right-of-way line a distance of 71.57 feet to said Point of Beginning; said easement having an area of 94,326 square feet; said easement also being as shown on attached Exhibits 'A-1' & 'A-2'.

This Perpetual easement to Grantee is for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing and replacing sanitary sewer lines over, across, under and through the said real property, together with the right of free ingress and egress at all times for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing and replacing said sanitary sewer lines and appurtenances, and adding additional sanitary sewer lines.

The Grantor grants this easement under the condition that no damage be done to the existing center pivot irrigation system and associated facilities located along the easterly and southerly lines of said parcel. Should damage be done to said irrigation system and/or the associated facilities, the Grantor requires that repairs be made to the Grantor's satisfaction.

FINAL DRAFT

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt and hereby accepts the property interest conveyed through this instrument.

Mayor, City of Billings

ATTEST: _____
City Clerk

**FINAL
DRAFT**

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 _____ and _____, 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 official seal the day and year in this certificate first above written.

(SEAL)

Signature of Notary

Printed name of Notary

NOTARIAL SEAL * STATE OF MONTANA
RESIDING AT BILLINGS, MONTANA
MY COMMISSION EXPIRES _____

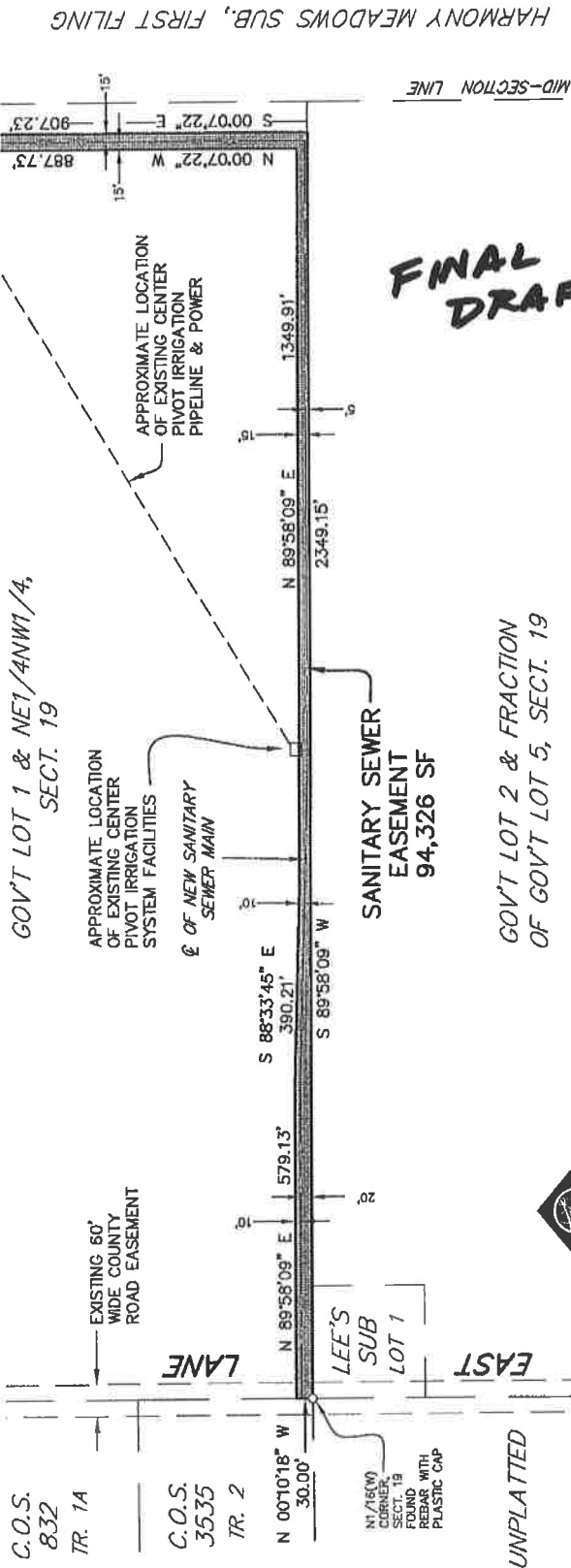
EXHIBIT A-2

SANITARY SEWER EASEMENT LOCATED WITHIN GOV'T LOT 1
& THE NE1/4NW1/4 OF SECT. 19, T1S, R26E, PMM

PREPARED FOR : THE CITY OF BILLINGS
PREPARED BY : SANDERSON STEWART

FEBRUARY, 2015
BILLINGS, MONTANA

GOV'T LOT 1 & NE1/4NW1/4,
SECT. 19



FINAL DRAFT

GOV'T LOT 2 & FRACTION
OF GOV'T LOT 5, SECT. 19

