

FINAL DRAFT

PERPETUAL RIGHT-OF-WAY EASEMENT

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged on this _____ day of _____, 20____, the undersigned, LEROY J. WALTER & NORMA J. WALTER, 1807 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 in a parcel of land described as Government Lot 2 and a fraction of Government Lot 5 in Section 19, T. 1 S., R. 26 E., P.M.M., less Lee Subdivision; said easement being more particularly described as follows:

Beginning at a point on the north line of said Gov't Lots 2 & 5, whence said point bears S 89°58'09" W along said north line a distance of 57.00 feet from the northeast corner of said Gov't Lots 2 & 5; thence, from said Point of Beginning, leaving said north line, S 00°07'22" E a distance of 10.00 feet; thence S 89°58'09" W a distance of 1380.35 feet; thence N 88°33'45" W a distance of 390.20 feet to a point on said north line of Gov't Lots 2 & 5; thence N 89°58'09" E along said north line a distance of 1770.40 feet to said Point of Beginning; said easement having an area of 15,573 square feet; said easement also being as shown on attached Exhibit 'A'.

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.

Grantors shall continue to have the right to use and enjoy the above-described property, except as to the rights herein granted, subject to the following restrictions:

1. Grantors and their successors agree not to construct, nor cause to be constructed, within the easement right-of-way, any type of building or structure, such as, but not limited to, houses, garages, sheds, kennels, fences, nor any other fixed objects of any kind, shape or form, except as many be licensed by Grantee.
2. Grantors agree not to plant, nor cause to be planted within the easement right-of-way any trees, bushes, shrubs, hedges nor any other plantings of a similar nature, except as may be licensed by Grantee.
3. Grantors agree that authorized representatives of the City of Billings can freely travel within the easement right-of-way with their equipment in the performance of their duties at any time, day or night, regardless of outside weather conditions.
4. Grantors agree to obtain the permission of the Public Works Department or Grantee prior to placing or removing any fill dirt within the easement right-of-way and, in addition, in the event such permission is granted, the Grantors agree to perform any work necessary to modify the existing sanitary sewer lines and appurtenances, which work may be required prior to placing or removing any fill dirt within the easement right-of-way and all such work shall be done at the Grantor's expense and without expense to the City.

FINAL DRAFT

NORMA J. WALTER

**FINAL
DRAFT**

STATE OF MONTANA)
) ss.
County of Yellowstone)

On this _____ day of _____, 20____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared _____ to me known to be the person whose name is subscribed to the within instrument and acknowledged to me that she/he executed the same.

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 _____

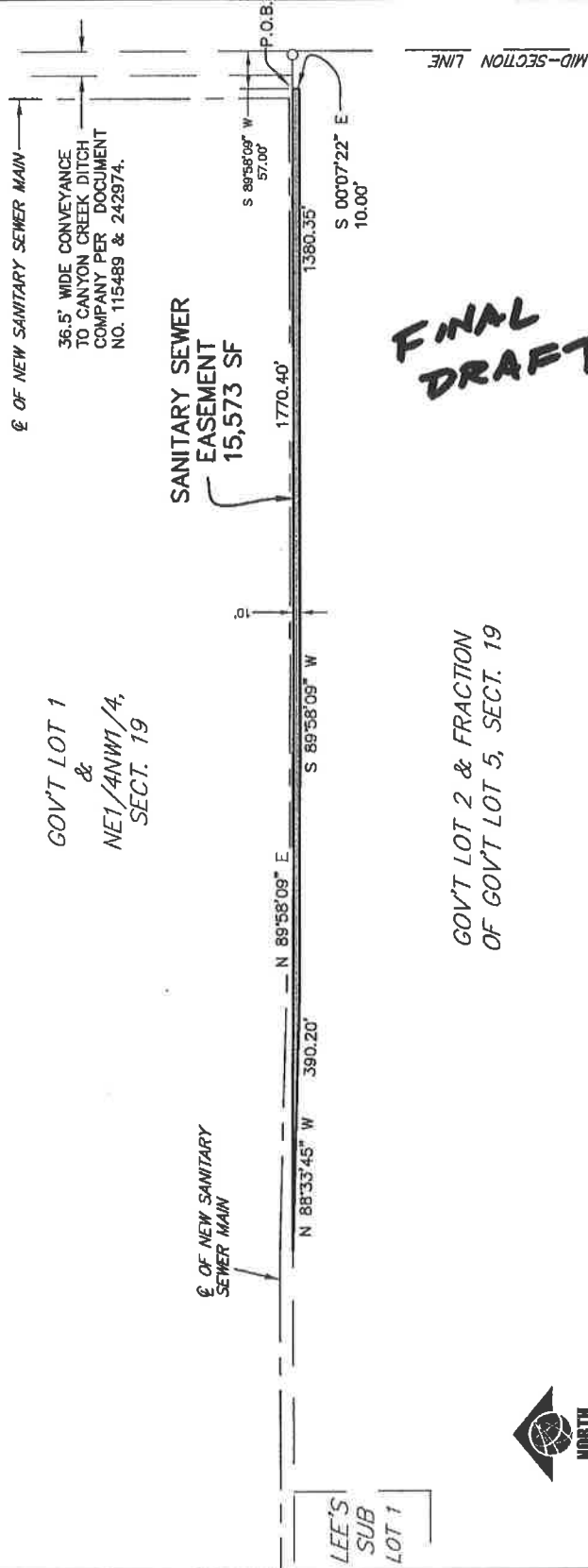
EXHIBIT A

SANITARY SEWER EASEMENT LOCATED WITHIN
GOV'T LOTS 2 & 5, SECT. 19, T1S, R26E, PMM

PREPARED FOR : THE CITY OF BILLINGS
FEBRUARY, 2015
PREPARED BY : SANDERSON STEWART
BILLINGS, MONTANA

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

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



SCALE: 1"=200'