

## STORM DRAINAGE EASEMENT

THIS INDENTURE is made and entered into this \_\_\_ day of \_\_\_\_\_, 2015, by and between Westfeeds, Inc., the owners of a certain parcel of land situated SECTION 33 AND 34, T.1N., R.26E., P.M.M., in the City of Billings, Yellowstone County, Montana, hereinafter referred to as GRANTORS, and the CITY OF BILLINGS, a Municipal Corporation, hereinafter referred to as GRANTEE.

THE GRANTORS do hereby give, grant and convey unto the GRANTEE, their successors and assigns, the right, privilege and authority to construct, reconstruct, maintain, operate, repair and improve necessary fixtures and appurtenances to convey storm drainage through, over, under and across the area being an EASEMENT AREA described on the attached EXHIBIT A, PERMANENT EASEMENT, SITUATED IN LOT 1A, AMENDED PLAT OF LOTS 1, 2, AND 3, BLOCK 1 OLD SPUR INDUSTRIAL SUBDIVISION to have and hold forever.

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, walls, nor any other fixed objects of any kind, shape or form, without the express written permission by an authorized representative of Grantee.
2. Grantors agree that authorized representatives of the City of Billings may freely travel within the easement with its equipment in the performance of their duties at any time, day or night, regardless of outside weather conditions having given a minimum of twenty-four (24) hours prior notice of any activity to the owner(s) of the above described real property. In the unlikely event of an emergency, the twenty-four (24) hours prior notice requirement shall be waived. To ensure proper restoration, it is the responsibility of the Grantee to document conditions existing prior to any construction within the easement area.
3. Grantors agree to obtain the permission of the Public Works Department of Grantee prior to replacing or removing any fill dirt within the easement and all such work shall be done at the Grantor's, their successors, or assigns expense and without expense to the City.
4. Grantors agree that the responsibility of the City of Billings for any surface restoration due to any construction, replacement, repair or service work to the storm drain management system by the City of Billings, shall be limited to backfill and compaction to the existing ground, restore any paved areas to like condition, and to grade, seed and fertilize existing sodded areas to the satisfaction of the property owners. All areas disturbed during construction, replacement, repair or service work to the storm drain management shall be landscaped to its original condition. If a working sprinkler system exists prior to any construction, replacement repair or service work by the City of Billings, the City of Billings will restore the sprinkler system to original working condition as part of the restoration process.

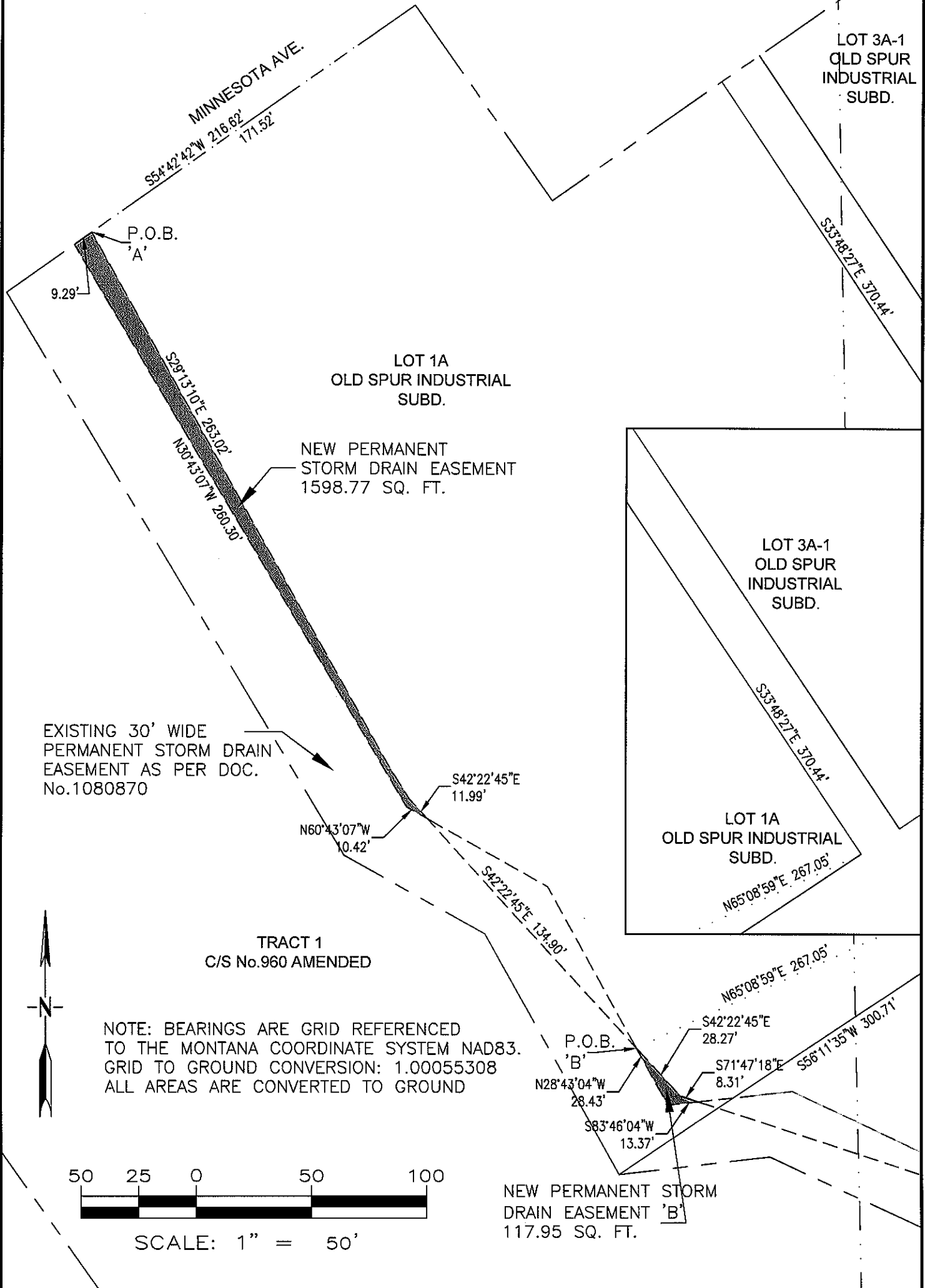


# EXHIBIT 'A'

## STORM DRAIN EASEMENT

SEC. 33

SEC. 34



<b>MORRISON MAIERLE, INC.</b> <small>An Employee-Owned Company</small>	Engineers Surveyors Scientists Planners	315 N. 25th Street Suite 102 Billings MT 59101 Phone: (406) 656-6000 Fax: (406) 237-1201	DRAWN BY: <u>DGS</u> CHK'D. BY: <u>JDI</u> APPR. BY: <u>CJA</u> DATE: <u>09/2014</u>	CITY OF BILLINGS YEGEN DRAIN MT	PROJECT NO. 0686.083.01
	COPYRIGHT © MORRISON-MAIERLE, INC., 2014 V:\0686\183.01\ACAD\Survey\Easements\YEGEN DRN ESMT_LT1A_BLK1_OSPR.dwg Plotted by D.Schmitz on Sep/22/2014			BILLINGS	FIGURE NUMBER <b>FIG. A</b>
STORM DRAIN EASEMENT EXHIBIT LOT 1A, OLD SPUR INDUSTRIAL SUBDIVISION, SEC. 33 & 34, T.1N., R.26E., PMM, YELLOWSTONE COUNTY, MONTANA					

**Legal Description – Permanent Easement**  
**Lot 1A, Amended Plat of Lots 1, 2 and 3, Block 1**  
**Old Spur Industrial Subdivision**  
**January 2015**

A permanent storm drain easement located in Lot 1A, Old Spur Industrial Subdivision recorded in the office of the Yellowstone County Clerk and Recorder as Document No. 1080873, Section 33 and 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, where said easement runs across, adjoins, or touches the aforementioned tract, being more particularly described as follows:

**Permanent Easements 'A' and 'B'**

**Easement 'A'**

Commencing at the Northeast corner of said Lot 1A common to the South right-of-way of Minnesota Avenue; thence S54°42'42"W along said South right-of-way of Minnesota Avenue, a distance of 171.52 feet to the Point of Beginning; thence S29°13'10"E, a distance of 263.02 feet; thence S42°22'45"E, a distance of 11.99 feet to a point on the Easterly line of a 30 foot wide permanent storm drain easement as per the Plat of Old Spur Industrial Subdivision; thence N60°43'07"W, a distance of 10.42 feet and N30°43'07"W, a distance of 260.30 feet along said Easterly easement line to the Southerly right-of-way of Minnesota Avenue, thence N54°42'42"E, along said Southerly right-of-way line a distance of 9.29 feet to the Point of Beginning, containing 1,598.77 square feet more or less, subject to easements either of record or apparent on the ground, and all according to Exhibit A (Figure A) attached hereto.

The sidelines of said permanent easement are to be shortened or extended to prevent gaps or overlaps.

All areas are computed at ground.

All measured distances are grid. For conversion to ground, multiply by 1.00055308

The basis of bearings for this legal and attached Exhibit A is the Montana Coordinate System NAD83.

**Easement 'B'**

A permanent storm drain easement located in Lot 1A, Old Spur Industrial Subdivision recorded in the office of the Yellowstone County Clerk and Recorder as Document No. 1080873, Section 33 and 34, T.1N., R.26E., P.M.M., Yellowstone County, Montana, where said easement runs across, adjoins, or touches the aforementioned tract, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 1A common to the South right-of-way of Minnesota Avenue; thence S54°42'42"W along said South right-of-way of Minnesota Avenue, a distance of 171.52 feet; thence S29°13'10"E, a distance of 263.02 feet; thence S42°22'45"E, a distance of 146.89 feet to the Point of Beginning being a point on the Easterly line of a 30 foot wide permanent storm drain easement as per the Plat of Old Spur Industrial Subdivision; thence S42°22'45"E, a distance of 28.27 feet; thence S71°47'18"E, a distance of 8.31 feet to a point on said Easterly easement line; thence S83°46'04"W, a distance of 13.37 feet and N28°43'04"W, a distance of 28.43 feet along said Easterly easement line to the Point of Beginning being S65°08'59"W, a distance of 267.05 feet from the Southeast corner of said Lot 1A, containing 117.95 square feet more or less, subject to easements either of record or apparent on the ground, and all according to Exhibit A (Figure A) attached hereto.

The sidelines of said permanent easement are to be shortened or extended to prevent gaps or overlaps.

All areas are computed at ground.

All measured distances are grid. For conversion to ground, multiply by 1.00055308

The basis of bearings for this legal and attached Exhibit A is the Montana Coordinate System NAD83.