

RETURN TO:
CITY OF BILLINGS
Attn : City Clerk
P.O. Box 1178
Billings, MT 59103

***** ACCESS EASEMENT *****

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 the **RIVER PARK RETIREMENT COURT LLC**, of Post Office Box 731, Sedro, Woolley Washington 98284, (“Grantee”) and their successors, assigns and apportionees an easement upon which to grant access and construct, operate, maintain, replace, upgrade and remove utilities and necessary appurtenances which may deem necessary to develop Tract 14, Certificate of Survey 4, (Brittain Acres), Recorded April 11, 1945, Under Document No. 399701, Records of Yellowstone County, Montana, over, under, along and across that certain real property situated in the SW1/4 of Section 23, Township 1 North, Range 26 East, P.M.M., City of Billings, Yellowstone County, Montana, being more particularly described as follows:

DESCRIPTION OF EASEMENT
SEE ATTACHED EXHIBIT “A”

A portion of land, being 30.0 feet in width through abandoned Central Branch of Burlington Northern Railroad Company Right-Of-Way. As described within Parcel 15 of Quitclaim Deed, Recorded January 29, 1985, Under Document No. 1338276, Records of Yellowstone County. Further described as; Commencing at the northeast corner of said Tract 14 Certificate of Survey 4, (Brittain Acres); thence in a southwesterly direction and along the east line of said Tract 14 for an approximate distance of 45.00 feet to the True Point of Beginning, Point being the Centerline of a 30.00 wide access easement; thence along a curve right with an approximate radius of 360.0 feet and an approximate arc length of 168.00 feet to the existing westerly Right-Of-Way of Yellowstone River Road.

Easement is intended to occupy an existing entrance into said Tract 14 off of Yellowstone River Road and is to be as used as built.

The above described parcel contains 5,025 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 outside the easement area that may hinder access or utility installation and maintenance.

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 replace and/or restore the area to its original state.
2. **COOPERATION WITH GRANTOR:** Grantee shall at all times cooperate with Grantor

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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.

DRAFT

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on this _____ day of _____, 20____.

CITY:

CITY OF BILLINGS, a Montana
Municipal Corporation

By: _____
THOMAS W. HANEL, Mayor

ATTEST:

By: _____
DENISE R. BOHLMAN, City Clerk

STATE OF MONTANA)

: ss.

County of Yellowstone)

On this _____ day of _____, 20____ before me, a Notary Public for the State of Montana, personally appeared **THOMAS W. HANEL** and **DENISE R. BOHLMAN**, 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: _____