

Return to:  
City of Billings  
210 N. 27<sup>th</sup> St.  
Billings, MT 59101

## DECLARATION OF PUBLIC ACCESS EASEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the undersigned owner, CANYON CREEK DITCH COMPANY, 1807 East Lane, Billings MT 59101, does, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, hereby grant unto the CITY OF BILLINGS, MONTANA, a municipal subdivision, 210 N. 27th St., Billings, MT 59101, an easement over, through, and across certain real property situated in the NW1/4 of Section 19, T. 1 S., R. 26 E., P.M.M., in the City of Billings, Yellowstone County, Montana, being more particularly described as follows, to wit:

The south 20' of the north 77.5' of that tract of land described in a Warranty Deed recorded in Book 67, Page 368 under Document No. 115489 and a Warranty Deed recorded in Book 149, Page 206 under Document No. 242974, Yellowstone County records; said easement also being as shown on the attached Exhibit "A".

The Owner does hereby create this easement for the purpose of constructing, reconstructing, maintaining, operating, repairing, improving, replacing, and using a pedestrian bridge and any necessary fixtures and appurtenances over, through, and across said real property, together with the right of free ingress and egress for pedestrian traffic at all times.

This easement is created for the benefit of the public and shall run with the real property and is binding on all parties having any right, title, or interest in the described property or any part thereof, their heirs, executors, successors, administrators, and assignees, and shall bind each owner thereof.

CANYON DITCH COMPANY

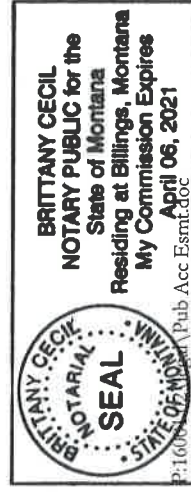
By: Everett A. Gabel

Title: President

STATE OF MONTANA )  
County of Yellowstone )

:SS

On this 20<sup>th</sup> day of October, 2017, before me, the undersigned Notary Public for the State of Montana, personally appeared Everett A. Gabel, known to me to be the persons who signed the forgoing instrument as President of Canyon Ditch Company, and acknowledged to me that said company executed the same. Witness my hand and seal the day and year herein above written.



Brittany Cecil  
Notary Public in and for the State of Montana

## ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

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

\_\_\_\_\_  
Mayor, City of Billings

ATTEST:

\_\_\_\_\_  
City Clerk

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. Witness my hand and seal the day and year herein above written.

\_\_\_\_\_  
Notary Public in and for the State of Montana

# EXHIBIT A

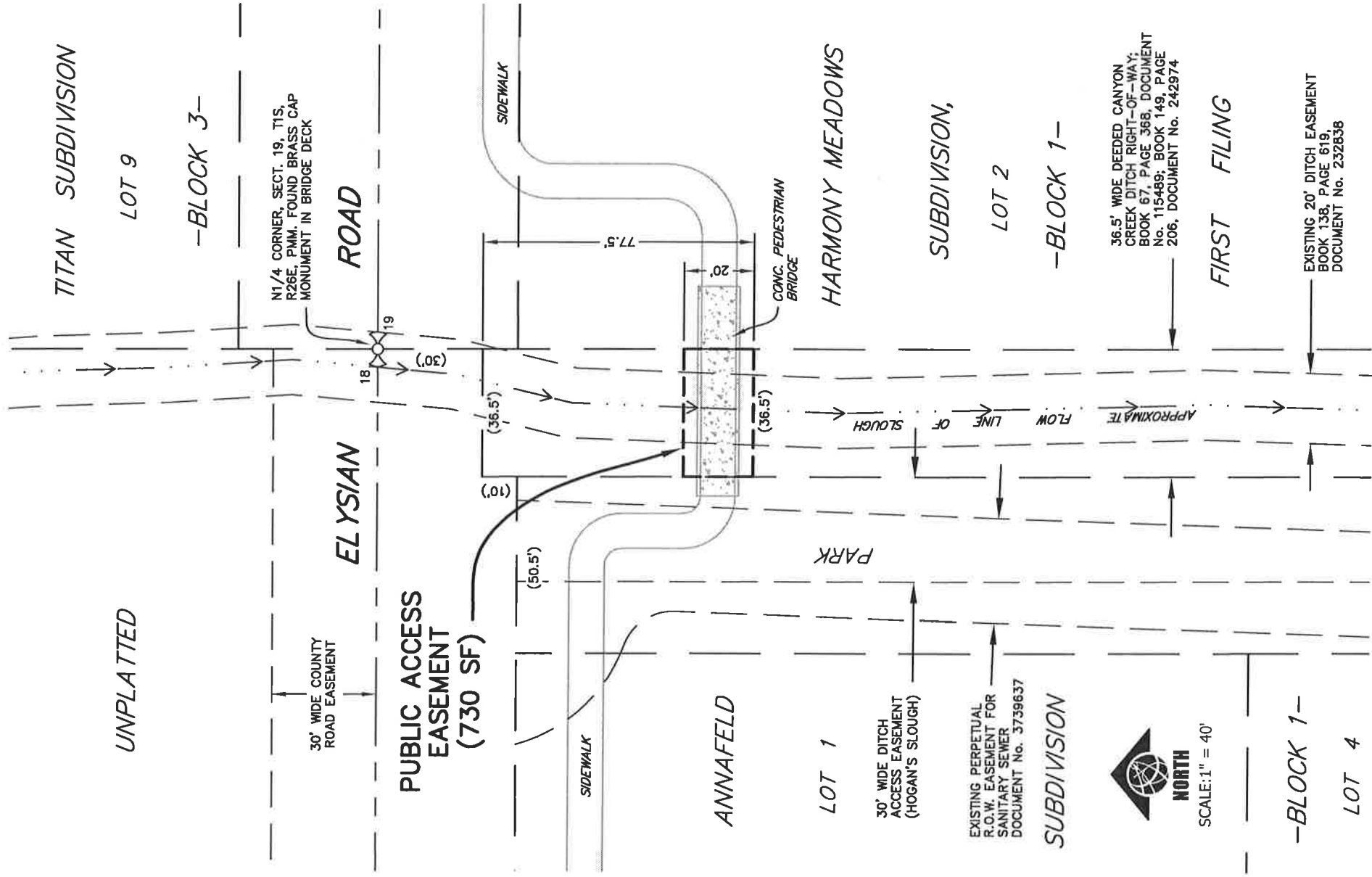
PUBLIC ACCESS EASEMENT WITHIN CANYON CREEK DITCH CO. RIGHT-OF-WAY SITUATED IN THE NW1/4, SECT. 19, T1S, R26E, PMM, IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : McCALL DEVELOPMENT

OCTOBER, 2017

PREPARED BY : SANDERSON STEWART 

BILLINGS, MONTANA



**NORTH**  
SCALE: 1" = 40'