

Return to:
The City of Billings
P.O. Box 1178
Billings, MT 59103

UTILITY RIGHT-OF-WAY EASEMENT

THIS INDENTURE, made and entered into this ___ day of _____, 2021, by and between the following:

*Tractor & Equipment Co.
17035 West Valley Highway
Tukwila, WA 98188*

Hereinafter referred to as GRANTOR

And

CITY OF BILLINGS, a Municipal Corporation
City Hall – 210 North 27th Street
P.O. Box 1178
Billings, Montana 59101

Hereinafter referred to as GRANTEE

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged.

WITNESS THAT GRANTOR does hereby grant and convey unto the GRANTEE, a 30-foot-wide perpetual easement and right-of-way, over, across, under, and through certain real property located in the Harnish Development Park, Yellowstone County, Montana, more particularly described as follows, to wit:

A 30-foot wide access and utility easement being south of the northern property line of Parcels 1A and 1B of Certificate of Survey 1391 located in Section 24, Township 01S, Range 25E, PMA, Yellowstone County, Montana; the northern thirty feet from the northeastern corner of Parcel 1B, proceeding west to the northwestern corner of parcel 1A. The south sideline of said easement being extended or shortened to intersect with the east property line of Parcel 1B and the west property line of Parcel 1A. Hereinafter referred to as the "Easement Area" and set forth in Exhibit A, attached and incorporated herein.

This perpetual easement to Grantee is for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing, and replacing public sanitary sewers and/or water service 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 sewers and/or water lines and appurtenances, and adding additional sanitary sewer and/or water lines.

Grantor 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. Grantor 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. Grantor agrees 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.

IN WITNESS WHEREOF, the GRANTOR has hereunto set their hand the day and year herein above written.

GRANTOR

By: _____

Brian Heeb

Title: Vice President & Chief Financial Officer

STATE OF WASHINGTON)

: ss

County of King)

On this 22nd day of December, 2021, before me, a Notary Public in and for the State of Washington, personally appeared Brian Heeb known to me to be the person who signed the foregoing instrument as the Vice President & Chief Financial Officer of **GRANTOR** and who acknowledged to me that said company executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.



Jagoda Nichols

Notary Public in and for the State of Washington

Printed name: Jagoda Nichols

Residing at: King County, Washington

My commission expires: 04-15-2024

**ACKNOWLEDGEMENT AND ACCEPTANCE OF
CONVEYANCE**

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

“CITY”

CITY OF BILLINGS, MONTANA

By: _____
Mayor

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, respectively, of the City of Billings, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they duly executed the same on behalf of the City of Billings.

IN WITNESS WHEREOF, I have set my hand and affixed my Notarial Seal the day and year above written.

Notary Public in and for the State of _____
Printed Name _____
Residing at _____
My commission expires _____

