

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

UTILITY RIGHT-OF-WAY EASEMENT

THIS INDENTURE, is made and entered into this ____ day of _____, 20____, by and between the following:

MIKE D. DIMICH SONS
344 Howard Ave
Billings, MT 59101
Hereinafter referred to as **GRANTOR**

and

CITY OF BILLINGS, a Municipal Corporation
City Hall – 210 North 27th Street
Billings, Montana 59101
Hereinafter referred to as **GRANTEE**

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

WITNESS THAT GRANTOR warrants to be the legal owner of the below-referenced property and does hereby grant and convey unto **GRANTEE**, a 20-foot-wide perpetual utility right-of-way easement over, across, under, and through said real property in Yellowstone County, Montana, for the benefit of Tracts 2, 3, 4, 5 and 6 of the Amended Plat of Certificate of Survey No. 21, Magelssen Acres, more particularly described as follows, to wit:

EASEMENT LAND DESCRIPTIONS

Tracts of land situated in the NE1/4 of Section 9, T. 1 S., R. 26 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said easements being a portion of Tracts 4, 5 and 6 of the Amended Plat of Certificate of Survey No. 21, Magelssen Acres, less Road-Right-Of-Way on file and of record in the office of the Yellowstone County Clerk and Records Office, recorded June 12th, 1952 under document No. 492688 more particularly described as follows, Basis of Bearing being GPS Observation State Plane NAD83 of the North line of Section 9, T. 1 S., R. 26 E., P.M.M. Between found monuments of the N1/4 corner and the northeast corner of said Section 9 (N 89° 58' 08" E).

EASEMENT AREA "A"

Beginning at the southwest corner of said Tract 5; Thence N 00°15'06" W along the west line of said Tract 5 for a distance of 20.00 feet; Thence N 89°55'54" E leaving said west line for a distance of 143.00 feet, and running parallel with the south line of said Tracts 4 and 5; Thence N 00°15'06" W for a distance of 56.00 feet running parallel with the east line of said Tract 4; Thence N 89°55'54" E for a distance of 25.00 feet to a point on the east line of said Tract 4; Thence S 00°15'06" E along said east line for a distance of 20.00 feet; Thence S 89°55'54" W for a distance of 5.00 feet running parallel with the south line of said Tract 4; Thence S 00°15'06" E for a distance of 56.00 feet running parallel with the east line of said Tract 4 to a point on the south line of said Tract 4; Thence S 89°55'54" W for a distance of 163.00 feet along the south line of said Tracts 4 and 5 to

the easement Point Of Beginning, said easement containing an area of 4,480 square feet more or less and;

EASEMENT AREA "B"

Beginning at the south 20.0 feet of said Tract 6 of the Amended Plat of Certificate of Survey No. 21, Magelssen Acres, said easement containing an area of 3,954 square feet more or less.

DESCRIPTION OF EASEMENT AREA AS SHOWN IN SHADED AREA OF "EXHIBIT A" AND "EXHIBIT B", ATTACHED HERETO AND INCORPORATED HEREIN

This perpetual easement is granted and conveyed to **GRANTEE** for the purposes of constructing, reconstructing, maintaining, improving, operating, servicing, repairing, replacing or adding sanitary sewer lines and other necessary or desirable appurtenances over, across, under, and through the said real property, together with the right of free ingress and egress at all times for such purposes.

GRANTOR and their successors 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** agrees 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**.
3. **GRANTOR** agrees that authorized representatives of **GRANTEE** may freely travel within the easement right-of-way with their equipment in the performance of their duties for purposes of this easement at any time, day or night, regardless of outside weather conditions.
4. **GRANTOR** agrees to obtain the permission of **GRANTEE'S** 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, **GRANTOR** agrees to perform any work necessary to modify the existing sanitary sewers 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 **GRANTEE**.
5. **GRANTOR** agrees that the sole responsibility of **GRANTEE** for any surface restoration due to any construction, replacement, repair, or service work to the sanitary sewer and/or water lines by **GRANTEE**, shall be limited to trench backfill compaction and placement of backfill material to existing grade by the **GRANTEE**.
6. **HOLD HARMLESS AGREEMENT:**
 - **GRANTOR** agrees that the owner or owners of the above-described property shall at all times fully relieve and save harmless **GRANTEE** and its authorized representatives for any and all property damages that may be caused within said easement right-of-way, such as, but not limited to, ruts or deep tracks in lawns, gardens, or flower beds, broken or crushed shrubs, bushes, hedges,

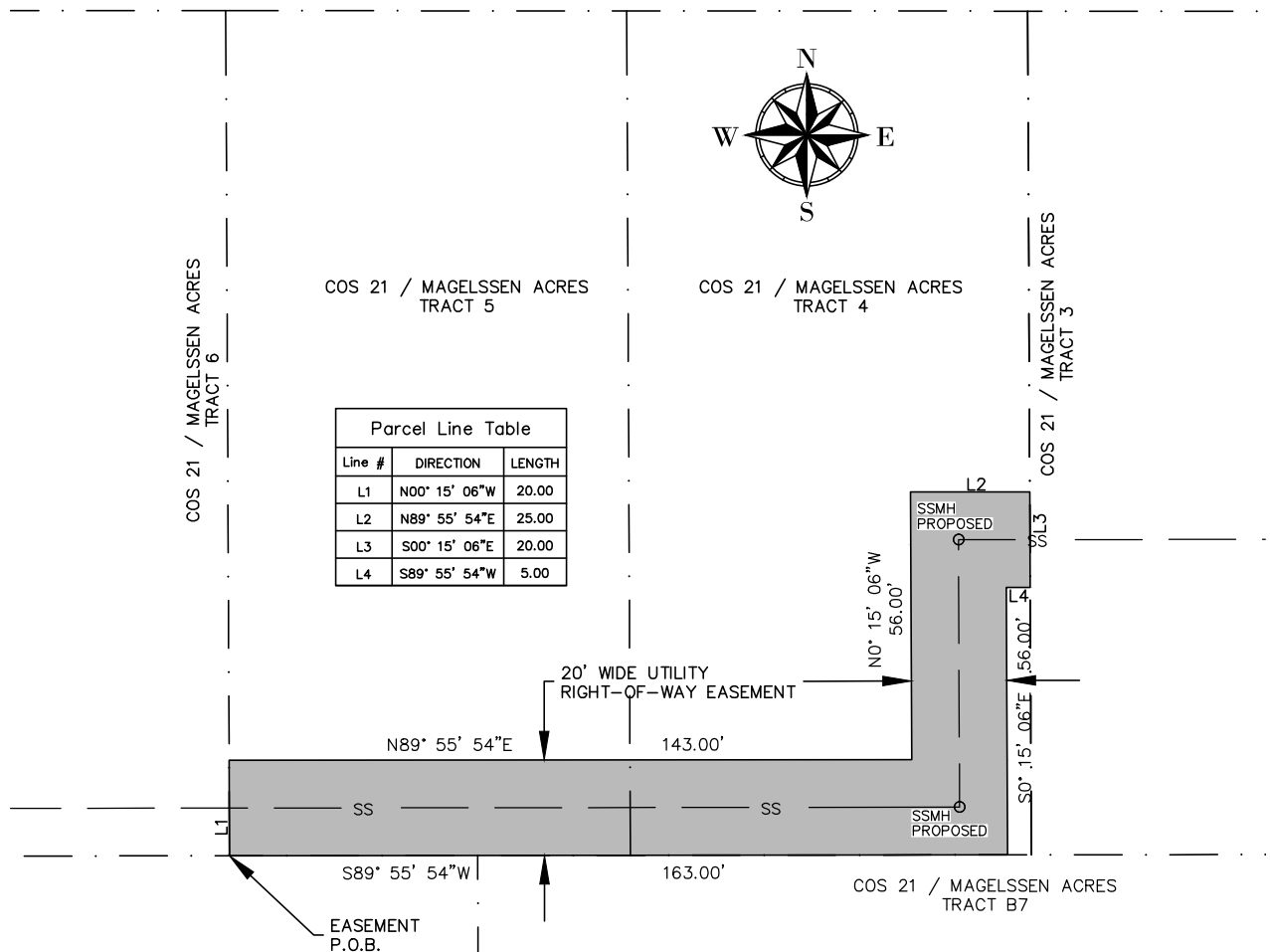
EXHIBIT "A"

UTILITY RIGHT-OF-WAY EASEMENT

WITHIN A PORTION OF TRACTS 4 AND 5 OF THE AMENDED PLAT OF
 CERTIFICATE OF SURVEY NO. 21, MAGELSSSEN ACRES, LESS ROAD RIGHT-OF-WAY
 ON FILE AND OF RECORD IN THE OFFICE OF THE YELLOWSTONE COUNTY
 CLERK AND RECORDERS OFFICE, RECORDED JUNE 12TH, 1952 UNDER DOCUMENT NO. 492688
 CITY OF BILLINGS, MONTANA

SECTION 4 T. 1 S., R. 26 E.
 SECTION 9 T. 1 S., R. 26 E.

STATE AVENUE

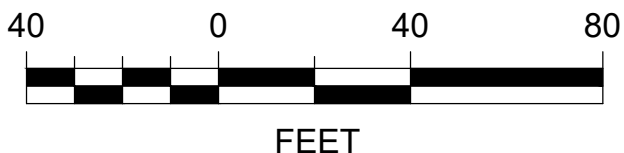


EASEMENT LAND DESCRIPTION

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EASEMENT A

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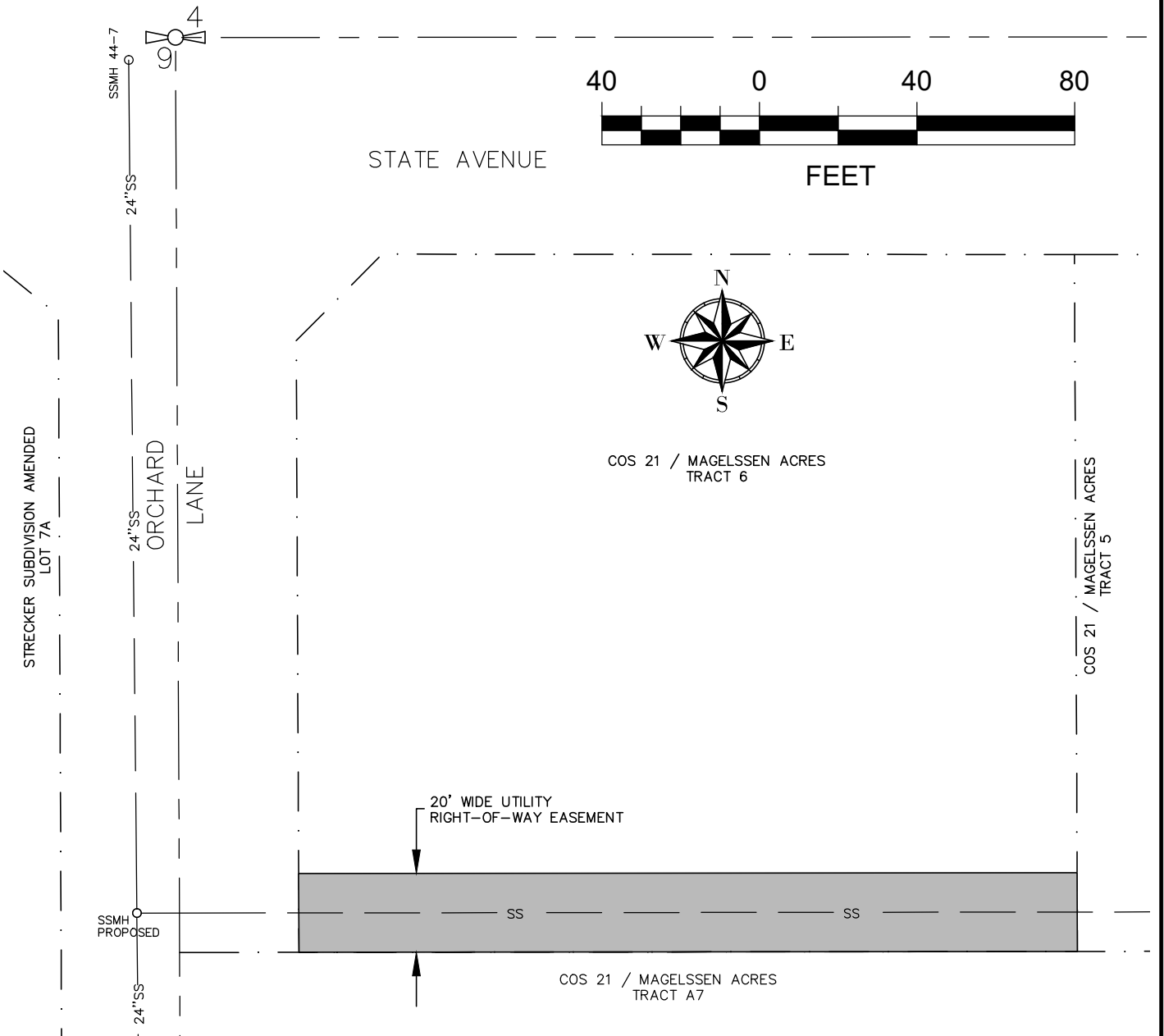
CITY OF BILLINGS, MONTANA
 UTILITY RIGHT-OF-WAY
 EASEMENT EXHIBIT

4300 BLOCK STATE AVENUE

EXHIBIT IS PREPARED FOR AND BY THE CITY OF BILLINGS, MONTANA

EXHIBIT "B"

UTILITY RIGHT-OF-WAY EASEMENT
WITHIN A PORTION OF TRACT 6 OF THE AMENDED PLAT OF
CERTIFICATE OF SURVEY NO. 21, MAGELSSSEN ACRES, LESS ROAD RIGHT-OF-WAY
ON FILE AND OF RECORD IN THE OFFICE OF THE YELLOWSTONE COUNTY
CLERK AND RECORDERS OFFICE, RECORDED JUNE 12TH, 1952 UNDER DOCUMENT NO. 492688
CITY OF BILLINGS, MONTANA



EASEMENT LAND DESCRIPTION

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EASEMENT B

Beginning at the south 20.0 feet of said Tract 6 of the Amended Plat of Certificate of Survey No. 21, Magelssen Acres, said easement containing an area of 3,954 square feet more or less.

CITY OF BILLINGS, MONTANA
UTILITY RIGHT-OF-WAY
EASEMENT EXHIBIT

4322 STATE AVENUE

EXHIBIT IS PREPARED FOR AND BY THE CITY OF BILLINGS, MONTANA