

## RELEASE OF EASEMENT

Northwestern Energy, a potential beneficiary of that certain Portion of South Second Street Vacated Per City of Missoula Resolution No. 3521 in Lots 3 and 4, Block 87, Knowles Addition No. Three as recorded in the office of the Clerk and Recorder, Missoula County, Montana, hereby agrees to release and relinquish any claim to said easement(s) as shown on attached Exhibit A.

DATED this 7<sup>th</sup> Day of APRIL, 2021.

Northwestern Energy

By

Mike Cassidy

Title

REAL ESTATE REPRESENTATIVE

STATE OF MONTANA )

) ss

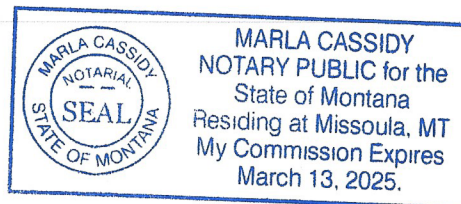
County of Missoula )

On this 7<sup>th</sup> day of April, 2021, before me the undersigned, a Notary Public for the State of Montana, personally appeared Mike Cassidy (Name / Title / Real Estate Rep, Northwestern Energy Company) known to me personally (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day, month, and year in this certificate first above written.

Marla Cassidy

Notary Signature



## RELEASE OF EASEMENT

Blackfoot Communications, a potential beneficiary of that certain Portion of South Second Street Vacated Per City of Missoula Resolution No. 3521 in Lots 3 and 4, Block 87, Knowles Addition No. Three as recorded in the office of the Clerk and Recorder, Missoula County, Montana, hereby agrees to release and relinquish any claim to said easement(s) as shown on attached Exhibit A.

DATED this 11<sup>TH</sup> Day of MAY, 2021.

Blackfoot Communications

By Jared Jarrett

Title OSP ENGINEERING MGR.

STATE OF MONTANA )

) ss

County of Missoula )

On this 11<sup>TH</sup> day of MAY, 2021, before me the undersigned, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_ (Name / Title / Company) \_\_\_\_\_ known to me personally (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day, month, and year in this certificate first above written.

NAME: JARED JARRETT  
TITLE: ENGINEERING MANAGER  
COMPANY: BLACKFOOT COMMUNICATIONS

Rick Shaner

Notary Signature



RICK SHANER  
NOTARY PUBLIC for the  
State of Montana  
Residing at Missoula, MT  
My Commission Expires  
March 06, 2023.

## RELEASE OF EASEMENT

Charter Spectrum, a potential beneficiary of that certain Portion of South Second Street Vacated Per City of Missoula Resolution No. 3521 in Lots 3 and 4, Block 87, Knowles Addition No. Three as recorded in the office of the Clerk and Recorder, Missoula County, Montana, hereby agrees to release and relinquish any claim to said easement(s) as shown on attached Exhibit A.

DATED this 12<sup>th</sup> Day of APRIL, 2021.

Charter Spectrum

By Benny Murphy

Title CONSTRUCTION

COORDINATION

STATE OF MONTANA )

) ss

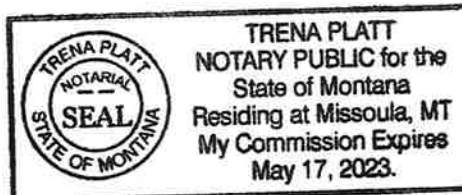
County of Missoula )

On this 12<sup>th</sup> day of April, 2021, before me the undersigned, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_ (Name / Title / Benny Murphy Company) Charter Spectrum known to me personally (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day, month, and year in this certificate first above written.

Trena Platt

Notary Signature



## RELEASE OF EASEMENT

Missoula Electric Cooperative, a potential beneficiary of that certain Portion of South Second Street Vacated Per City of Missoula Resolution No. 3521 in Lots 3 and 4, Block 87, Knowles Addition No. Three as recorded in the office of the Clerk and Recorder, Missoula County, Montana, hereby agrees to release and relinquish any claim to said easement(s) as shown on attached Exhibit A.

DATED this 6<sup>th</sup> Day of April, 2021.

Missoula Electric Cooperative

By

Title

Mark P. Hayden  
General Mgr.

STATE OF MONTANA )

) ss

County of Missoula )

On this 6<sup>th</sup> day of April, 2021, before me the undersigned, a Notary Public for the State of Montana, personally appeared Mark P. Hayden, General Manager of Missoula Electric Cooperative, Inc. known to me personally (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day, month, and year in this certificate first above written.

Erik J. Langaunet

Notary Signature



ERIK J LANGAUNET  
NOTARY PUBLIC for the  
State of Montana  
Residing at Missoula, MT  
My Commission Expires  
October 28, 2021.



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RECORDING INFORMATION ABOVE

## RELEASE OF PUBLIC UTILITY EASEMENT

**KNOW ALL MEN BY THESE PRESENTS that, Qwest Corporation, d/b/a CenturyLink QC, a Colorado Corporation, hereinafter called "Company"**

For and in consideration of One Dollar (\$1.00) and other good and valuable considerations, the receipt whereof is hereby confessed and acknowledged, does hereby release all the right and interest acquired by the Company or its assignors under that certain right of way grant, recorded in the official records of the Clerk of Records office of Missoula County, Missoula, Montana, unto the present owner or owners, as their respective interest may appear therein, in the following described property to wit:

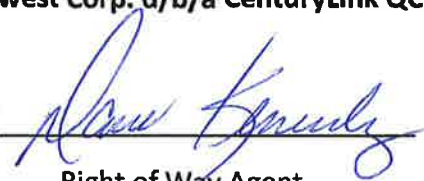
Platted portion of South 2<sup>nd</sup> Street West, Missoula county, Montana, of record as Knowles Addition Number 3, in Book 3 Pages 312-313. See attached survey of area requested released.

And hereby expressly excepting and reserving to the Company, any and all interest otherwise acquired in said property, except as stated above.

IN WITNESS WHEREOF, the Company has caused these presents to be executed this 27th day of May 2021.

Qwest Corp. d/b/a CenturyLink QC

BY



Right of Way Agent

STATE OF COLORADO )

) ss.

COUNTY OF Broomfield )

The foregoing instrument was acknowledged before me this 1 day of JUNE, 2021, by Danett Kennedy, Sr. ROW Manager of Qwest Corporation, d/b/a/CenturyLink QC, a Corporation.

My commission expires: OCT. 7, 2022

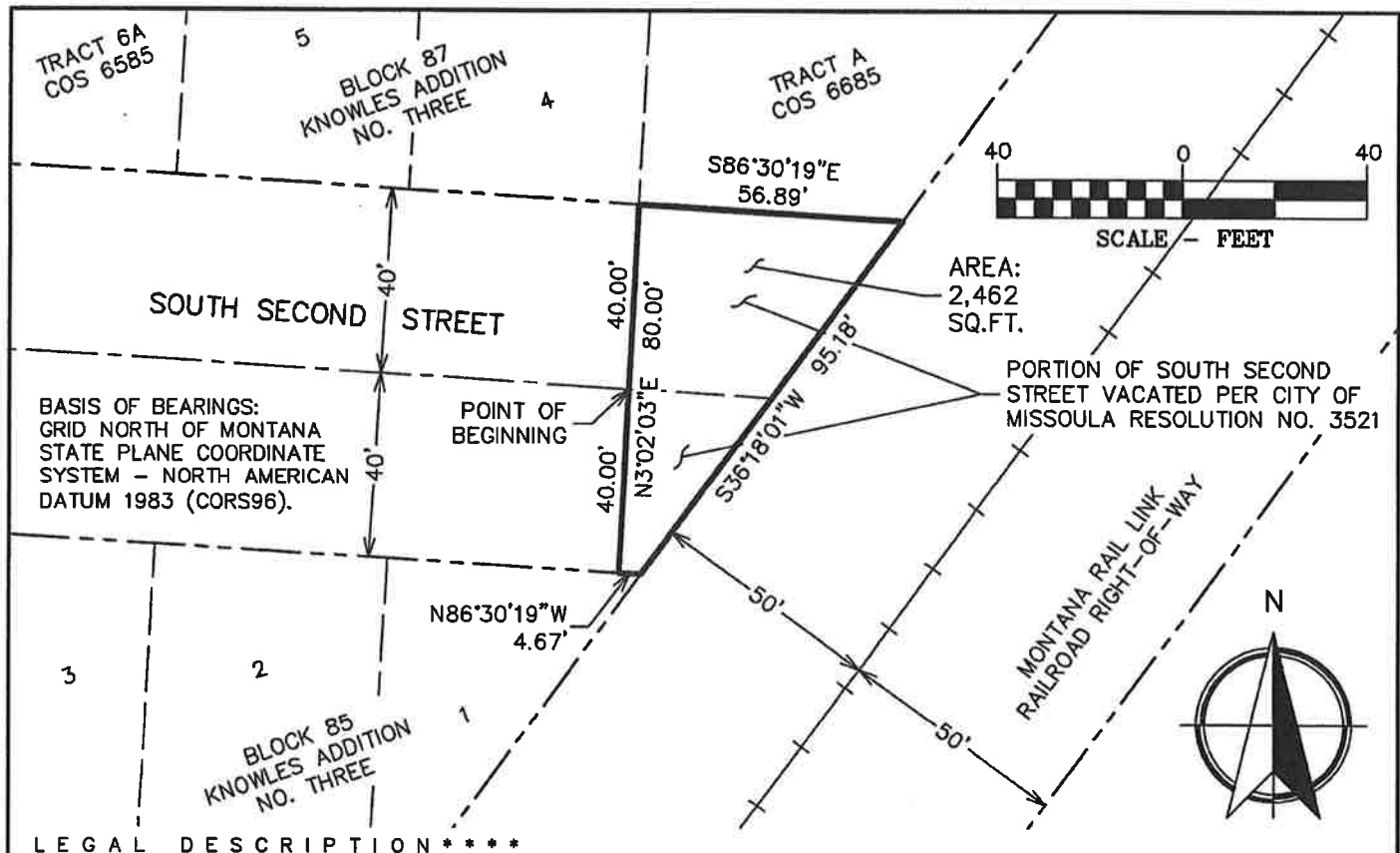
WITNESS my hand and official seal.



Notary Public



(SEAL)



LEGAL DESCRIPTION \*\*\*\*\*

A TRACT OF LAND BEING THE VACATED PORTION OF SOUTH SECOND STREET PER MISSOULA RESOLUTION NO. 3521, ON FILE AND OF PUBLIC RECORD IN MISSOULA COUNTY, MONTANA; LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT A OF CERTIFICATE OF SURVEY NO. 6685, ON FILE AND OF PUBLIC RECORD IN MISSOULA COUNTY, MONTANA; THENCE N 03°02'03" E ALONG THE WESTERLY LINE OF SAID TRACT A, 40.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTH SECOND STREET; THENCE S 86°30'19" E ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 56.89 FEET TO A POINT ON THE NORTHWESTERLY LINE OF MONTANA RAIL LINK RAILROAD RIGHT-OF-WAY; THENCE S 36°18'01" W ALONG SAID NORTHWESTERLY LINE, 95.18 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH SECOND STREET; THENCE N 86°30'19" W ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 4.67 FEET TO A POINT ON THE SOUTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID TRACT A; THENCE N 03°02'03" E ALONG SAID SOUTHERLY PROLONGATION, 40.00 FEET TO THE POINT OF BEGINNING; CONTAINING 2,462 SQUARE FEET, MORE OR LESS.

SURVEYOR'S STATEMENT \*\*\*\*\*

THIS EXHIBIT WAS PREPARED UNDER MY SUPERVISION.

*Kirk F. Adkins*

03/10/2021  
DATE

KIRK F. ADKINS, P.L.S.  
MONTANA LICENSE NO. 16734LS  
FOR WGM GROUP, INC.



UNLESS SIGNED, SEALED, AND DATED, THIS IS  
A PRELIMINARY OR UNOFFICIAL DOCUMENT AND  
CANNOT BE RELIED UPON IN WHOLE OR PART.

EXHIBIT "A"  
LOCATED IN THE SW 1/4 OF SECTION 21,  
T. 13 N., R. 19 W., P.M., M.  
MISSOULA, MONTANA



WGM GROUP  
WWW.WGMGROUP.COM

PROJECT: 20-09-01  
FILE No: 200901\_sape-vac.dwg  
FILE PATH  
R:\projects\200901\CAD Data\Exhibits  
LAYOUT: SH11  
SURVEYED: ---  
DESIGN: ---  
DRAFT: CEG  
APPROVE: KFA  
DATE: MARCH 10, 2021  
SHEET 1 OF 1 SHEETS

Return to: City of Missoula  
435 Ryman Street  
Missoula, MT 59802

## **BICYCLE & PEDESTRIAN PUBLIC ACCESS & UTILITY EASEMENT**

Parcel Geocode Numbers: (04-2200-21-3-34-03-0000 & 04-2200-21-3-34-02-0000)

**THIS CONVEYANCE**, made this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between Bricks and Spurs LLC, Kelly P. Scariano, Franklin Scariano, and Sherpa Properties Limited Liability Company, as property owners and parties of the first part, **Grantors**, and the City of Missoula, a municipal corporation organized pursuant to the laws of the State of Montana and party of the second part, **Grantee**.

**KNOW ALL MEN BY THESE PRESENTS THAT** Bricks and Spurs LLC, Kelly P. Scariano, Franklin Scariano, and Sherpa Properties Limited Liability Company, owners of the property described as Tract A of Certificate of Survey No. 6685, including a portion of the right-of-way of S. Second Street north of its centerline (Area 1), vacated per City of Missoula Resolution No. 3521, on file and of record in Missoula County, Montana, AND Sherpa Properties Limited Liability Company, owner of the property described as Lots 1, 2, and 3 of Block 85 Knowles Addition No. Three including a portion of the right-of-way of S. Second Street south of its centerline (Area 2), vacated per said Resolution No. 3521, do hereby grant and convey, subject to the conditions and limitations herein set forth, to the Grantee a Bicycle & Pedestrian Public Access Easement & Public Utility Easement over, upon and across those portions of the hereinabove described real property as shown on Exhibit "A" attached hereto and by this reference incorporated herein.

**TO HAVE AND TO HOLD**, the same unto the said Grantee, together with all the rights and privileges incident to the use and enjoyment thereof.

This Easement is conveyed to Grantee, its successors and assigns, in perpetuity to use in common with Grantors, and his/her/its successors and assigns, subject to the terms, provisions, and conditions described below:

1. **Purpose**. The easement is for the construction of a trail for public pedestrian, bicycle, and electric assist bicycle (e-bike) use, and motorized use as needed for accessibility under the Americans with Disabilities Act, emergency access, maintenance, or other applicable laws or regulations. The easement is also for the construction and maintenance of utility lines, including, but not limited to main lines and services for



sanitary sewer, water, electric, gas, and communications.

2. Use. Grantee is granted the right to use at all times and for any purpose, and to go over, upon, under, and across the land encumbered by the Easement and to maintain, improve, repair, replace, and remove (collectively "construct") improvements and utility lines thereon in a manner that will not unreasonably interfere with the rights granted hereunder. All use shall be in compliance with applicable statutes, ordinances, and regulations, including, without limitation, applicable zoning.
3. Restriction of Access. Grantee, in its discretion, may restrict or prohibit access to the Easement from time-to-time for special events or to construct improvements. As a courtesy to Grantors, Grantee will give seven (7) days advance written notice of any temporary closure lasting longer than twenty-four hours.
4. Construction, Operation, and Maintenance. Grantee shall construct all improvements within the Easement and agrees to maintain said public access easement area in accordance with City of Missoula Municipal Codes. The Grantors agree not to build any kind of permanent structure which will prevent public access to the easement. The Grantee agrees to provide regulatory enforcement of the usage of this public bicycle and pedestrian easement in accordance with City of Missoula Municipal Codes applicable to public rights-of-way.

The Grantors acknowledges that they are the lawful owners and seized of the real property upon and over which the easement described herein is granted, and that they have good and lawful right and authority to grant said easement.

**Binding Effect.** This grant of Easement, which shall be recorded at the Missoula County Clerk and Recorder's office, is binding upon the heirs, executors, personal representatives, assigns and successors of the parties hereto and shall run with the land.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals.

**GRANTORS:**

**Bricks and Spurs LLC**

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

\_\_\_\_\_  
**Kelly P. Scariano,**

\_\_\_\_\_  
**Franklin Scariano**

State of Montana     )  
                                  )ss  
County of Missoula    )

This instrument was acknowledged before me on \_\_\_\_\_, by  
\_\_\_\_\_, acting as \_\_\_\_\_ of Bricks and  
Spurs LLC.

SS \_\_\_\_\_  
Notary Signature

Printed Name: \_\_\_\_\_

State of Montana     )  
                                  )ss  
County of Missoula    )

This instrument was acknowledged before me on \_\_\_\_\_, by Kelly P.  
Scariano.

SS \_\_\_\_\_  
Notary Signature

Printed Name: \_\_\_\_\_

State of Montana     )  
                                  )ss  
County of Missoula    )

This instrument was acknowledged before me on \_\_\_\_\_, by Franklin Scariano.

SS \_\_\_\_\_  
Notary Signature

Printed Name: \_\_\_\_\_

**Sherpa Properties LLC**

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

State of Montana     )  
                                  )ss  
County of Missoula    )

This instrument was acknowledged before me on \_\_\_\_\_, by \_\_\_\_\_, acting as \_\_\_\_\_ of Sherpa Properties LLC.

SS \_\_\_\_\_  
Notary Signature

Printed Name: \_\_\_\_\_

**CITY OF MISSOULA ACCEPTANCE**

This easement is accepted and its terms and conditions agreed to by the City of Missoula on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

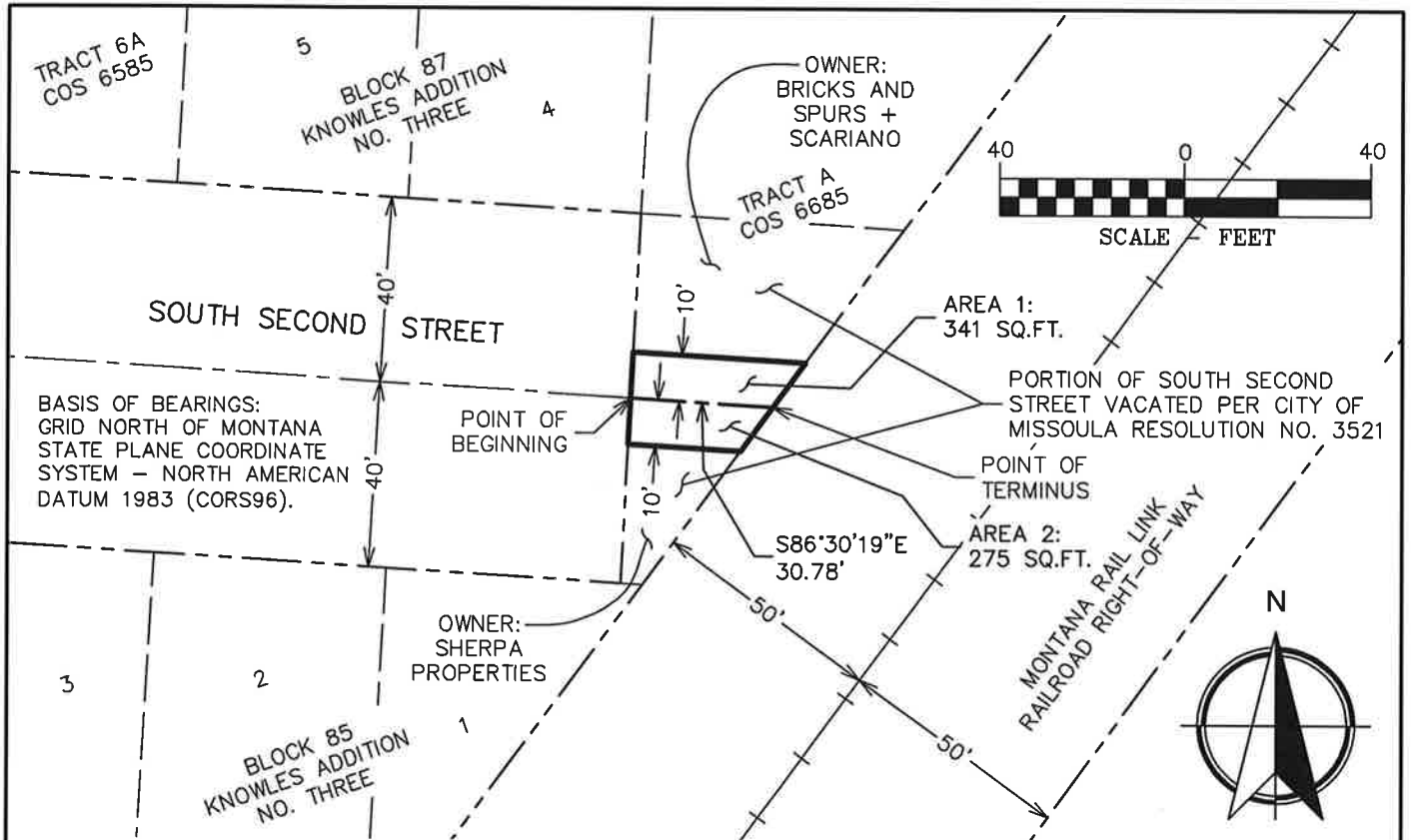
ATTEST:

APPROVAL:

\_\_\_\_\_  
Martha L. Rehbein, CMC  
City Clerk

\_\_\_\_\_  
John Engen  
Mayor

(SEAL)



LEGAL DESCRIPTION \*\*\*\*\*

A STRIP OF LAND 20.00 FEET WIDE BEING A PORTION OF THE VACATED PORTION OF SOUTH SECOND STREET PER MISSOULA RESOLUTION NO. 3521, ON FILE AND OF PUBLIC RECORD IN MISSOULA COUNTY, MONTANA; LOCATED IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; SAID STRIP OF LAND LYING 10.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT A OF CERTIFICATE OF SURVEY NO. 6685, ON FILE AND OF PUBLIC RECORD IN MISSOULA COUNTY, MONTANA; THENCE S 86°30'19" E, 30.78 FEET TO A POINT ON THE NORTHWESTERLY LINE OF MONTANA RAIL LINK RAILROAD RIGHT-OF-WAY TO THE POINT OF TERMINUS OF SAID CENTERLINE; THE SIDELINES OF SAID STRIP OF LAND TO BE LENGTHENED OR SHORTENED AS NECESSARY TO INTERSECT THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH SECOND STREET AND THE NORTHWESTERLY LINE OF MONTANA RAIL LINK RAILROAD RIGHT-OF-WAY; CONTAINING 616 SQUARE FEET, MORE OR LESS.

SURVEYOR'S STATEMENT \*\*\*\*\*

THIS EXHIBIT WAS PREPARED UNDER MY SUPERVISION.

*Kirk F. Adkins*

KIRK F. ADKINS, P.L.S.  
MONTANA LICENSE NO. 16734LS  
FOR WGM GROUP, INC.

03/04/2021  
DATE



UNLESS SIGNED, SEALED, AND DATED, THIS IS A PRELIMINARY OR UNOFFICIAL DOCUMENT AND CANNOT BE RELIED UPON IN WHOLE OR PART.

EXHIBIT "A"  
LOCATED IN THE SW 1/4 OF SECTION 21,  
T. 13 N., R. 19 W., P.M., M.  
MISSOULA, MONTANA



WGM GROUP  
WWW.WGMGROUP.COM

PROJECT: 20-09-01  
FILE No: 200901\_0000-leg.dwg  
FILE PATH:  
# \Projects\200901\CAD Data\Exhibits  
LAYOUT: Sh11  
SURVEYED: ---  
DESIGN: ---  
DRAFT: CEO  
APPROVE: KFA  
DATE: MARCH 4, 2021  
SHEET 1 OF 1 SHEETS

3625.

RECENT PUBLISHED ENGINEERING

[illegible]

State of Montana

County of Missouri  
 On this, any day of April, nineteen hundred and eight, before me, Frank P. Keith, a Notary Public in and for said County of Missouri, State of Missouri, personally appeared Hiram Kowalski, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

and and affixed my official seal, the day and year in this

Robert Sibley being first duly sworn deposes and says that he is the Engineer in charge whose supervision the survey was completed under on the W. & M. County, Montana, that the enclosed plat is a correct representation of the survey made and that the width is laid out accordingly low and that the width of a track the national land office has laid out is correct and that the lot and lands are correctly represented on said plat.

Subscribed and sworn before me this 6<sup>th</sup> day of April, A.D. 1908.

Notary Public, in and for Missoula County, State of Montana.

This Plate is hereby approved, this 13<sup>th</sup> day of April A.D. 1908.

*R.R. Wilbur*  
Library of Congress

H.D. Boyes  
C. 101-101-101

• See to it that  
Percy Kendall.

F. Van Den Broekpostel.  
F. S. M. and

Chief of the city of Missoula

I hereby certify that the foregoing instrument was filed in my office on the 12th day of April, A.D. 1908. at 11 o'clock.

W.H. Smith  
 Clerk - Recorder of Missoula County, Montana

By E. L. Smith

London


STATE OF MISSISSIPPI

County of Alameda, ss. Surveyors Certificate

College Park, Md. 05 07, with Department

The author has contributed equally to this work. © 2011 Wiley Periodicals, Inc. *J Biomed Mater Res Part B: Appl Biomater* 98B: 100–107, 2011

Casey, C. J. 1998. *Journal of the American Water Resources Association* 34(1): 1-10.

ARTIST: 

THE UNIVERSITY OF CHICAGO PRESS

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*[Signature]*

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County Clerk  
Vol 82 PAGE 312

RECEIVED MAY 13 1976

RESOLUTION NUMBER 3521

A RESOLUTION CLOSING AND VACATING A PORTION OF SOUTH SECOND STREET, BETWEEN BLOCKS 85 AND 87, KNOWLES ADDITION NUMBER 3, TO THE CITY OF MISSOULA.

WHEREAS, the City Council did, on the 26th day of April, 1976, adopt Resolution Number 3514 declaring it to be the intention of the City Council to close and vacate a portion of South Second Street between Blocks 85 and 87, Knowles Addition Number 3, to the City of Missoula, and

WHEREAS, the City Council did, on the 10th day of May, 1976, hear all matters pertaining to the proposed closing and vacation of said portion of South Second Street, which is particularly described as follows, to-wit:

Beginning at the Southwest corner of Lot 3, Block 87, Knowles Addition No. 3; thence South a distance of 80 feet to a point on the South right-of-way line of South Second Street; thence East along said South right-of-way line a distance of 7 feet to a point at intersection with the Westerly right-of-way line of the Bitterroot Branch of the Burlington Northern Railroad; thence Northeasterly along said right-of-way to a point of intersection with the North right-of-way line of South Second; thence West a distance of 59.3 feet to the point of beginning.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of Missoula, Montana, that the portion of South Second Street between Blocks 85 and 87, Knowles Addition Number 3, to the City of Missoula, be and the same is, hereby closed and vacated, subject to an easement over and across said street for the installation, maintenance, and repair of any and all public utilities.

PASSED AND ADOPTED by the City Council and

APPROVED by the Mayor this 10th day of May, 1976.

ATTEST:

APPROVED:

Berniece Helm /s/  
City Clerk

Robert E. Brown /s/  
Mayor

(SEAL)

STATE OF MONTANA )  
COUNTY OF MISSOULA ) SS  
CITY OF MISSOULA )

I hereby certify that the above and foregoing instrument is a true and correct copy of Resolution Number 3521 as the same appears upon the records of my office as City Clerk for the City of Missoula, Montana.

DATE: May 17, 1976

Berniece Helm  
City Clerk  
City of Missoula