

After recording return to:
City of Missoula
Public Works and Mobility Department
Engineering Division
435 Ryman Street
Missoula, MT 59802

PUBLIC UTILITY EASEMENT

THIS MUNICIPAL UTILITY EASEMENT (“Easement”), is made as of this 29th day of September, 2022, by City of Missoula, whose address is 435 Ryman St, Missoula, MT 59802 (“**Grantor**”).

WHEREAS, the Grantor is the owner of certain real property located in the City of Missoula, Missoula County, Montana, legally described as:

That certain tract of land shown on Certificate of Survey No. 1461, on file and of public record in Missoula County, Montana, located in the Northeast Quarter of Section 05, Township 12 North, Range 19 West, Principal Meridian, Montana; containing 4.64 acres, more or less. (“**Servient Property**”);

WHEREAS, Grantor is proposing to divide or reconfigure real property in the City of Missoula, Grantor desires to grant a public utility easement across the Servient Property.

NOW THEREFORE, Grantor grants permanent public utility easement over, upon, under and across a portion of the Servient Property described in the attached exhibit.

The above-described Easement shall be governed by the following terms, conditions, and restrictions:

1. Permanent Easement. The Easement shall include the right, privilege, and authority to:

- A. Excavate for, and to construct, build, install, lay, patrol, operate, place, maintain, repair, replace, relocate, inspect, add to, and remove underground public utility infrastructure, along with all appurtenances incident thereto or necessary therewith, and make excavations therefor from time to time, in, under, and through the above-described premises within said Easement Area, and shall have the right to reasonable entry, access and temporary use of property immediately adjacent to said Easement for necessary activities related to constructing, maintaining, occupying, improving, repairing, and removing the utility infrastructure and associated facilities located within the Easement Area.
- B. Authorize third parties to access and use the Easement Area for the purpose of connecting to the public utility facility(s) located thereon.

- C. Remove from the Easement Area any vegetation, buildings, structures, fences, fill, or other materials or obstructions, or appurtenances attached to or connected therewith, for any reason; and
- D. The right of ingress and egress in, under, over, across, and through the Easement Area at any and all times for any purpose.
- 2. Prohibited Activities.** Any activity within the Easement Area, or use of the Easement Area, or allowing another to engage in or use the Easement Area, in any manner inconsistent with the purposes of this Easement or detrimental to use of the Easement, including but not limited to placing, installing, or constructing any buildings, structures, fences, trees, shrubs, fill or other obstructions. Planting of grass is allowed.
- 3. Restoration.** Upon the initial construction and upon each and every occasion that the Easement is used, utility provider shall restore the premises, and any improvements disturbed by utility provider, to as good a condition as they were prior to any such installation or work, including the restoration of pavements, gravel areas, topsoil, and lawn.
- 4. Easement to Run with the Land.** This Easement shall run with the land and inure to the benefit of and be binding and obligatory upon the heirs, executors, administrators, successors, and assigns of the respective parties.
- 5. Governing Law and Venue.** The terms and conditions of this easement shall be governed by the laws of the State of Montana; and the venue for any dispute pertaining to this easement shall be in the Fourth Judicial District, Missoula County, Montana.

IN WITNESS WHEREOF, the undersigned have caused this Easement to be executed the day and year first written above.

[signature appears below]

BY GRANTOR:

By: [Name]

STATE OF _____)
:ss.
County of _____)

This instrument was signed and acknowledged before me on this ____ day of _____, 20__, by _____, as owner of the property identified as the Servient Property above.

(Notarial Seal)

Printed Name:
Notary Public for the State of _____
Residing at:
My Commission Expires: _____, 20__