

RESOLUTION NO. 4470

A RESOLUTION APPROVING A MONTANA-DAKOTA UTILITIES CO. ELECTRIC LINE EASEMENT ACROSS CERTAIN CITY OWNED REAL PROPERTY.

WHEREAS, the City of Miles City owns certain real property located in Custer County, Montana, described as Section 4, Township Seven North, Range 47 East, in an area commonly known as the Spotted Eagle recreation area;

AND WHEREAS, certain electric lines owned by Montana-Dakota Utilities Co. (MDU) are located on and across said property, and MDU has requested a formal easement pertaining to the placement and maintenance of said lines;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The "Montana-Dakota Utilities Co. Electric Line Easement," attached hereto as Exhibit "A" and incorporated by this reference, is hereby approved; and the Mayor of the City of Miles City shall be authorized to execute the same on behalf of the City.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY TWO-THIRDS OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 13TH DAY OF SEPTEMBER, 2022.



John Hollowell, Mayor

ATTEST:



Mary Rowe, City Clerk

MONTANA-DAKOTA UTILITIES CO.
ELECTRIC LINE EASEMENT

THIS EASEMENT, made this 13th day of September, 2022, between MONTANA-DAKOTA UTILITIES CO., a Delaware corporation, 400 North Fourth Street, Bismarck, North Dakota, hereinafter called 'COMPANY,' its successors and assigns, and the following named persons, hereinafter, whether singular or plural, called 'OWNER,' namely: _____

CITY OF MILES CITY

whose address is 17 South 8th Street, Miles City, MT 59301

WITNESSETH, that for valuable considerations received, OWNER does hereby grant unto COMPANY, its successors and assigns, an easement 50' feet in width, being 25' feet left, and 25' feet right of the center line, as laid out and/or surveyed in and to the tract of land hereinafter described for the purpose of erecting and constructing thereon, and thereafter to reconstruct, increase the capacity of, operate, inspect, protect, maintain, repair and remove an electric line, including without limitation pole structures supporting one or more electric power circuits together with crossarms, cables, wires, guys, supports, anchors, fixtures, and such other structures, installations and facilities, and to license, permit or otherwise agree to the joint use or occupancy of the line by any other persons, associations or corporations, said tract of land being situated in the County of Custer, State of Montana and more particularly described as follows:

A Fifty (50') foot easement located across a tract of land in Section 4, Township Seven (T7N) North, Range Forty-Seven (R47E) East of the M.P.M, Custer County, Montana

***Easement more fully described on attached Exhibits A and B.**

Said line may be constructed either overhead, as described above, or underground, or the said line, if constructed overhead, may be converted from overhead to an underground line at some future time.

The OWNER, its successors and assigns, hereby grants to COMPANY, its successors and assigns, the right at all reasonable times of ingress and egress to the above described premises across adjacent lands of Owner, its successors and assigns, at convenient points for the enjoyment of the aforesaid uses, rights and privileges.

OWNER, its successors and assigns, agrees not to build, create or construct or permit to be built, created, or constructed any obstruction, building, engineering works or other structures upon, over, or under the above described tract of land or that would interfere with said electric line or COMPANY'S rights hereunder. Company shall have the right, but not the obligation, to remove, cut and trim trees and shrubbery located within 25' feet of the center line of the electric line and trees located outside such area where they interfere with or threaten to endanger the operation or maintenance of said line.

Said electric line and every part hereof shall be confined to the area granted under this easement, except that the COMPANY shall have the right of placing and maintaining guys and anchors at greater distance from said center line where necessary to support said electric line.

COMPANY hereby agrees that it will pay any and all damages that may result to the crops, fences, buildings and improvements on said premises caused by constructing, reconstructing, increasing the capacity of, inspecting, protecting, maintaining, repairing, converting to underground, operating or removing said electric line. It is agreed the removal and trimming of trees and shrubs within the area of the easement or that interfere with or endanger the operation and maintenance of the electric line shall not be regarded as compensable damages. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by COMPANY and one by OWNER; these two shall select the third person. The award of these three persons shall be final and conclusive.

If the herein described lands are in the State of North Dakota, this easement is limited to a term of 99 years.

If the herein described lands are in the State of Wyoming, OWNER does hereby release and waive all rights under and by virtue of the homestead exemption laws of that state.

IN WITNESS WHEREOF, OWNER has executed this easement as of the day and year first above written.

[Signature]
John Hollowell, Mayor

[Signature]
Attested by: Mary Rowe, City Clerk

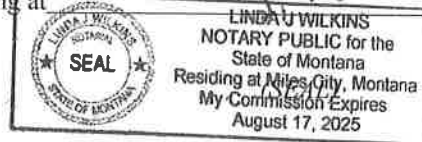
STATE OF Montana)
) :ss
COUNTY OF Custer)

On this 26th day of September, 2022, before me personally appeared John L. Hollowell + Mary Rowe

known to me to be the same person described in and who executed the above and foregoing instrument and acknowledged to me that they executed the same, (known to me to be the Mayor and City Clerk respectively, of the corporation that is described in and that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.)

(THIS SPACE FOR RECORDING DATA ONLY)

[Signature]
Notary Public, Custer County,
State of Montana
Residing at Miles City MT



My Commission Expires: August 17, 2025

W.O. _____ L.R.R NO _____

FILE NO. _____ TRACT NO. _____

Exhibit B

EASEMENT AREA 1

A POWER LINE EASEMENT LYING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AS LOCATED IN TRACT S OF SECTION 4, T7N, R47E, P.M.M., CITY OF MILES CITY, CUSTER COUNTY, MONTANA:

COMMENCING AT THE NORTHERLY CORNER OF TRACT Y OF SECTION 4; THENCE N 38° 55' 15" E, ALONG THE SOUTHEASTERLY SIDE OF TRACT 2, A DISTANCE OF 31.20 FEET TO THE POINT OF BEGINNING; THENCE S 51° 11' 13" E, A DISTANCE OF 1672.85 FEET; THENCE N 68° 44' 48" E, A DISTANCE OF 1253.44 FEET TO THE EASTERLY SIDE OF TRACT S. SAID POINT BEING S 15° 22' 53" W, ALONG SAID EASTERLY SIDE, A DISTANCE OF 8.71 FEET FROM THE EASTERLY CORNER OF SAID TRACT S.

SAID EASEMENT CONTAINS 3.32 ACRES MORE OR LESS AND IS SUBJECT TO ANY EXISTING EASEMENTS AND RIGHT-OF-WAY.

EASEMENT AREA 2

A POWER LINE EASEMENT LYING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AS LOCATED IN TRACT S OF SECTION 4, T7N, R47E, P.M.M., CITY OF MILES CITY, CUSTER COUNTY, MONTANA:

COMMENCING AT THE EASTERLY CORNER OF TRACT Y OF SECTION 4; THENCE S 79° 52' 00" E, ALONG THE SOUTHERLY SIDE OF TRACT S, A DISTANCE OF 311.20 FEET TO THE POINT OF BEGINNING; THENCE N 68° 46' 33" E, A DISTANCE OF 954.91 FEET TO THE EASTERLY SIDE OF SAID TRACT S. SAID POINT BEING S 15° 22' 53" W, ALONG SAID EASTERLY SIDE, A DISTANCE OF 292.43 FEET TO THE SOUTHEASTERLY CORNER OF SAID TRACT S.

SAID EASEMENT CONTAINS 1.10 ACRES MORE OR LESS AND IS SUBJECT TO ANY EXISTING EASEMENTS AND RIGHT-OF-WAY.

EXHIBIT A
POWER LINE EASEMENT
 AS LOCATED TRACT S OF SECTION 4
 TOWNSHIP 7 NORTH - RANGE 47 EAST - P.M.M.
 CITY OF MILES CITY, CUSTER COUNTY, MONTANA

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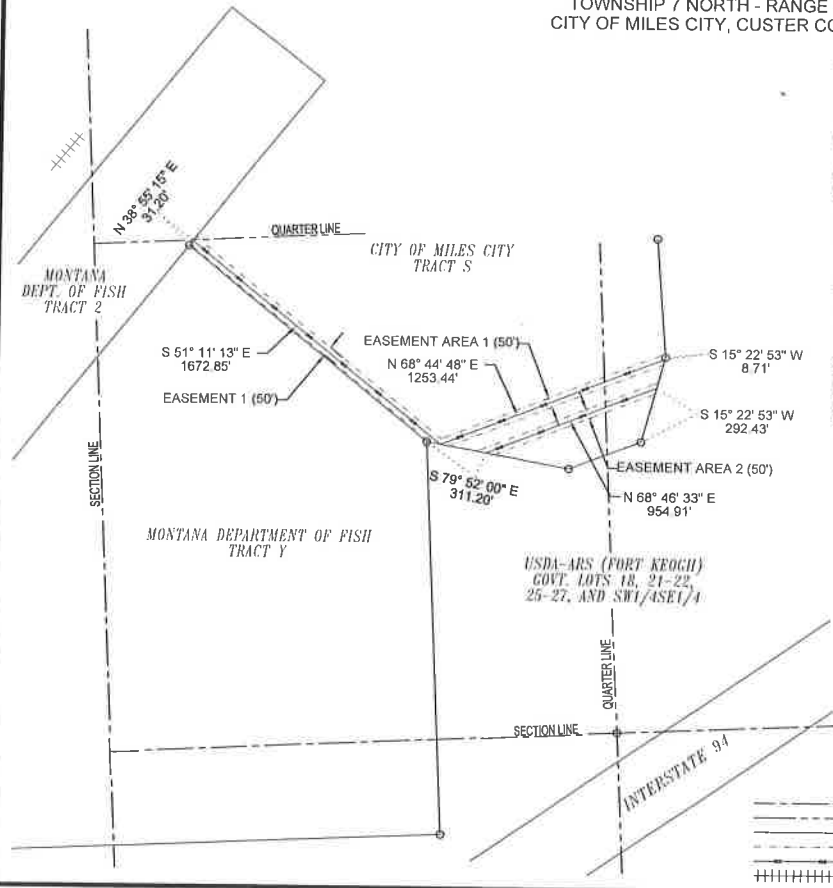
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I CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS WORK PERFORMED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

8-15-22
 JOHN PAULSON R.L.S. 11705LS
 11705LS
 LAND SURVEYOR

PERSON AUTHORIZING SURVEY;
 JUSTIN WILLIAMS - MDU
 BASIS OF BEARING: MONTANA STATE PLANE
 GRID DISTANCES - CF: 0.9993414995



SCALE 1" = 500'

- = REBAR & CAP SET
- = PIN FOUND
- ⊠ = COMPUTED
- = SECTION LINE
- - - = QUARTER LINE
- = PROPERTY LINE
- - - = EASEMENT LINE
- = POWER LINE
- ||||| = RR TRACKS



PROJECT NO. 2201200