

RIGHT OF WAY EASEMENT

THIS RIGHT OF WAY EASEMENT (herein "Easement") is made and entered into this ____ day of _____, 200____, by and between **Montana State University**, a _____ of the State of Montana University System with address at _____, the Grantor, and **Barnard Land and Livestock, LP**, with address at P. O. Box 362, Bozeman, MT, 59771, the Grantee.

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, Grantor grants and conveys to Grantee, its heirs, successors and assigns a perpetual, nonexclusive right of way easement for unrestricted ingress, egress, vehicular travel and underground utilities three feet (3') in width and two-hundred and twenty feet (220') in length along the westerly border of Grantor's real property in the SE¼ of the SE¼ of Section Ten (10), Township Two (2) South of Range Six (6) East, P.M.M., shown and described on Certificate of Survey No. 1860 on file and of record in the Office of the Clerk and Recorder, Gallatin County, Montana, which easement is shown on **Exhibit A**, attached hereto and by this reference incorporated herein and more particularly described as follows:

Commencing at a point 1329.66 feet West of the Southeast corner of Section Ten (10) Twp. Two (2) South of Range Six (6) East, P.M.M., Gallatin County, Montana on the South line of said Section as the Point of Beginning; thence North 00 degrees 24 minutes 33 seconds West, 220 feet; thence North 88 degrees 48 minutes 31 seconds East, 3 feet; thence South 00 degrees 24 minutes 33 seconds East, 220 feet; thence South 88 degrees 48 minutes 31 seconds West, 3 feet to the Point of Beginning.

This Easement is appurtenant to Grantee's adjacent lands, shall run with said lands, is freely assignable or transferrable by the Grantee and is forever binding upon the parties hereto, their respective heirs, successors or assigns.

This Easement is granted for the purpose of widening by three (3') feet an existing fifty-seven (57') foot strip of land owned by the Grantee and used as a right of way off of Kelly Canyon Road for ingress and egress to Grantee's adjacent lands, which strip lies between the Grantor's real property on the East and a parcel on the West located in the Southeast quarter of Section 10, Township 2 South, Range 6 East, P.M.M., Gallatin County, Montana, described in a Deed recorded in Film 2, Page 1074, records of Gallatin County, Montana. By this Easement, said fifty-seven (57') foot strip is expanded by three (3') feet to the East onto the Grantor's real property so as to provide Grantee with a legal right of way sixty (60') feet in width off of Kelly Canyon Road to its adjacent lands.

Except for underground utilities and an existing fence, no improvements shall be

EXHIBIT A

