

January 5, 2021

**ITEM 192-1003-R0121**

**Request for Authorization to Grant a Permanent Easement – University of Montana-Missoula**

---

**THAT**

Pursuant to Board of Regents Policy 1003.6, the Board of Regents of Higher Education approves the University of Montana to grant a permanent easement, encompassing 2,625 feet to Thomas A. Power and Pamela Shore of 320 Evans Avenue, Missoula, MT 59801.

---

**EXPLANATION**

1. The University of Montana (UM) is the recorded owner of a parcel of land described at Book 853 (Micro), Page 105 (Ex.A).
  2. Thomas Power and Pamela Shore (Power) are the recorded owners of land, on which they have a residence, located to the east of the UM property described at Book 668 \*Micro), Page 1286. (Ex. A)
  3. A portion of the concrete driveway which is the access from Evans Avenue to the Power residence cuts across the UM property.
  4. UM recently hired Mark Sommers and Bruce Bugbee of American Public Lands Exchange to conduct title research on both parcels.
  5. Nowhere in the chain of titles is there evidence of awareness of the encroachment.
  6. UM and Power desire to resolve the legal status of the encroachment by UM conveying a perpetual easement for the driveway on the Power parcel. (Ex. C)
- 

**ATTACHMENTS**

- Attachment #1: Exhibit A: Proposed Easement Area
- Attachment #2: Exhibit B: Existing Conditions
- Attachment #3: Exhibit C: Draft Easement