

PUBLIC STREET AND UTILITY EASEMENT

Garfield Street & Fowler Avenue

THE STATE OF MONTANA, for the use and benefit of the Agricultural Experiment Station and MONTANA STATE UNIVERSITY (formerly known as Montana State College and/or the Agricultural College of the State of Montana) of Bozeman, Montana, GRANTOR, in consideration of \$ 1.00 and for other and valuable considerations, receipt of which is acknowledged, grants to The City of Bozeman, a municipal corporation of the State of Montana, with offices at 411 East Main, Bozeman, Montana 59715, GRANTEE, its successors and assigns, a perpetual street and utility easement for the use of the public, in, through, and across a strip of land situated in Gallatin County, Montana, thirty-two and one-half (32.5) feet wide for Garfield Street and fifty (50) feet wide for Fowler Avenue to be located on the following described real property:

The easement is located across Tract D of Certificate of Survey 1243A, an unplatted tract of land in the northwest quarter of Section 14, and Tract B of Certificate of Survey 1243 more particularly described and depicted on the attached Exhibit(s) A and B

which by this reference are made a part hereof.

The GRANTOR states that they possess the real property described above and that they have a lawful right to grant an easement thereon.

The GRANTOR further agrees that the GRANTEE may peaceably hold and enjoy the rights and privileges herein granted without any interruption by the GRANTOR.

The terms, covenants, and provisions of this easement shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors, and assigns of the parties hereto.

DATED this ____ day of _____, 20__.

MONTANA STATE UNIVERSITY
(formerly known as Montana State
College and/or the Agricultural
College of the State of Montana)

By _____
President, Montana State University

STATE OF MONTANA)
) ss.
County of Gallatin)

On this ____ day of _____, 2003, before me the undersigned, a Notary Public for the State of Montana, personally appeared, _____, known to me to be the _____ of _____ and the person whose name is subscribed to the within instrument and acknowledged to me that he executed the within instrument for and on behalf of _____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

(SEAL)

Notary Public for the State of Montana

(Printed Name)
Residing in _____
My Commission Expires _____

ACCEPTED:

CITY OF BOZEMAN
by Clark V. Johnson
City Manager

ATTEST:

Clerk of the Commission

STATE OF MONTANA)
) ss.
County of Gallatin)

On this ____ day of _____, 2003, before me the undersigned, a Notary Public for the State of Montana, personally appeared CLARK V. JOHNSON and ROBIN L. SULLIVAN, known to me to be the City Manager and Clerk of the Commission for the City of Bozeman and the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same for and on behalf of the City of Bozeman.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal on the day and year first above written.

(SEAL)

Notary Public for the State of Montana

(Printed Name)
Residing in _____
My Commission Expires _____

EXHIBIT A

A public street and utility easement across Tract D of Certificate of Survey 1243A, as filed with the Gallatin County Clerk and Recorder, Tract B of Certificate of Survey 1243, as filed with the Gallatin County Clerk and Recorder, and a tract of land in the northwest quarter of Section 14, all located in Section 14, Township 2 South, Range 5 East, P.M.M., City of Bozeman, Gallatin County, Montana, as shown on Exhibit B, and being more particularly described as follows:

A 32.50-foot wide strip of land lying south of the following described line:

Commencing at the northeast corner of said Tract D, being the True Point of Beginning;

Thence along the north line of said Tract D, also being the north sixteenth line of the northeast quarter of said Section 14, South $89^{\circ}50'45''$ West a distance of 2524.19 feet, to the northwest corner of said Tract D, also being the center-north sixteenth corner of said Section 14;

Thence along the north sixteenth line of the northwest quarter of said Section 14, South $89^{\circ}34'27''$ West a distance of 1346.10 feet, to the northwest sixteenth corner of said Section 14;

Thence continuing along said north sixteenth line, South $89^{\circ}31'43''$ West a distance of 1345.82 feet, to the southeast corner of said Tract B;

Thence continuing along said north sixteenth line, South $89^{\circ}31'43''$ West a distance of 50.00 feet;

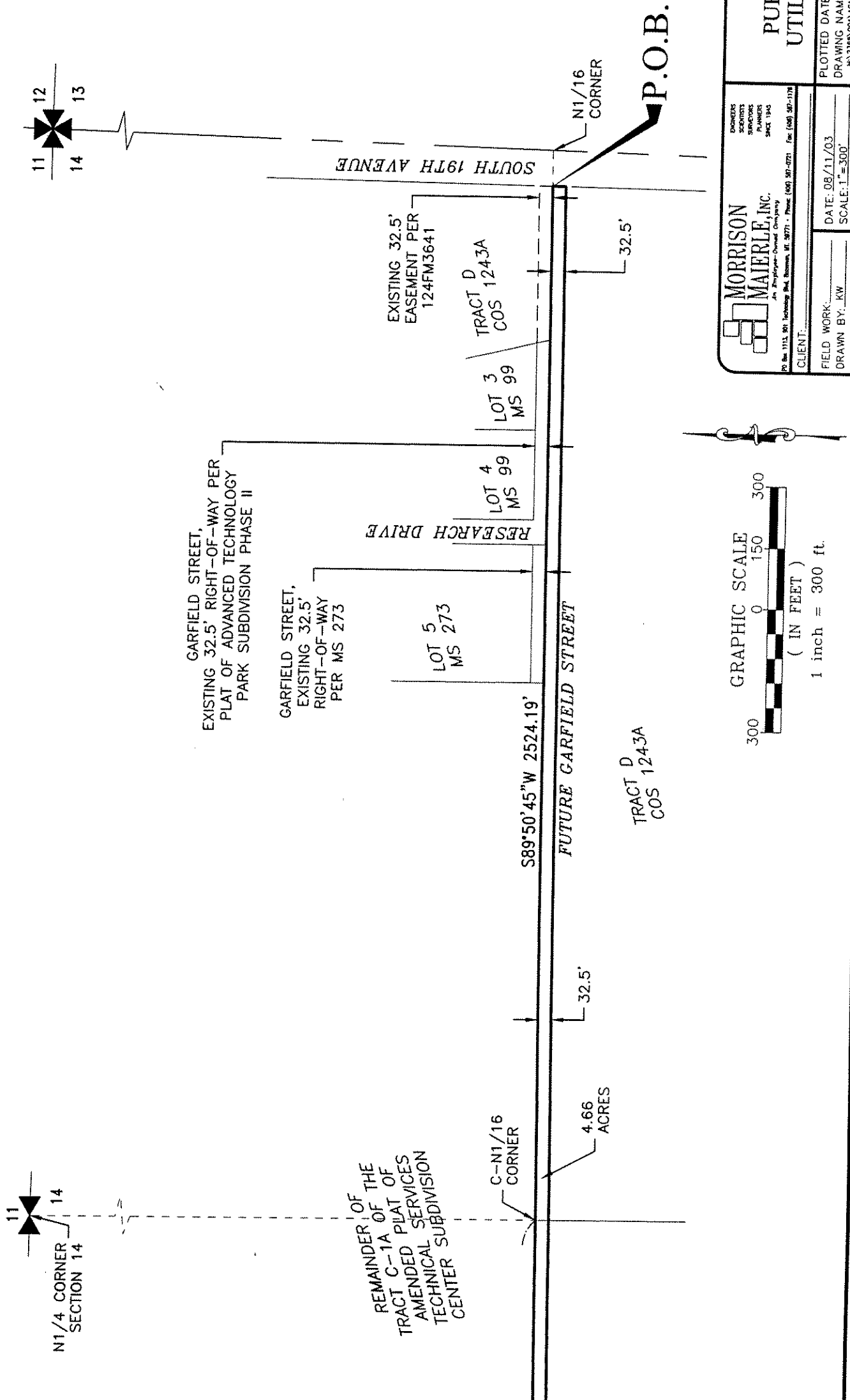
Together with, a 50.00-foot wide strip of land lying westerly of the following described line:

Commencing at said southeast corner of Tract B;

Thence along the east line of said Tract B, North $00^{\circ}15'24''$ West a distance of 608.73 feet, to the northeast corner of said Tract B, and the end of said line.

The length of the easement sideline being adjusted, as required, so as to begin on the east line of said Tract D, and end on said north line of Tract B.

Said easement contains 4.62 acres, more or less.



MORRISON MAERLE, INC.
An Engineering and Surveying Company
PO Box 1113 901 Technology Blvd, Durham, NC 27711 • Phone: (919) 587-0771 • Fax: (919) 587-1718
CLIENT: _____

ENGINEERS
SURVEYORS
PLANNERS
SINCE 1945

FIELD WORK: _____
DATE: 08/11/03
DRAWN BY: KW
SCALE: 1" = 300'
CHECKED BY: _____
PROJ #: 3638.001.02/010

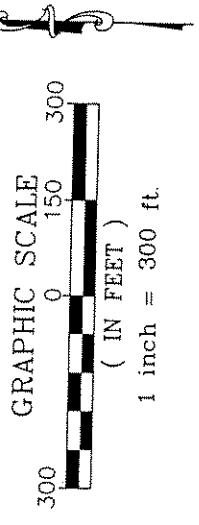
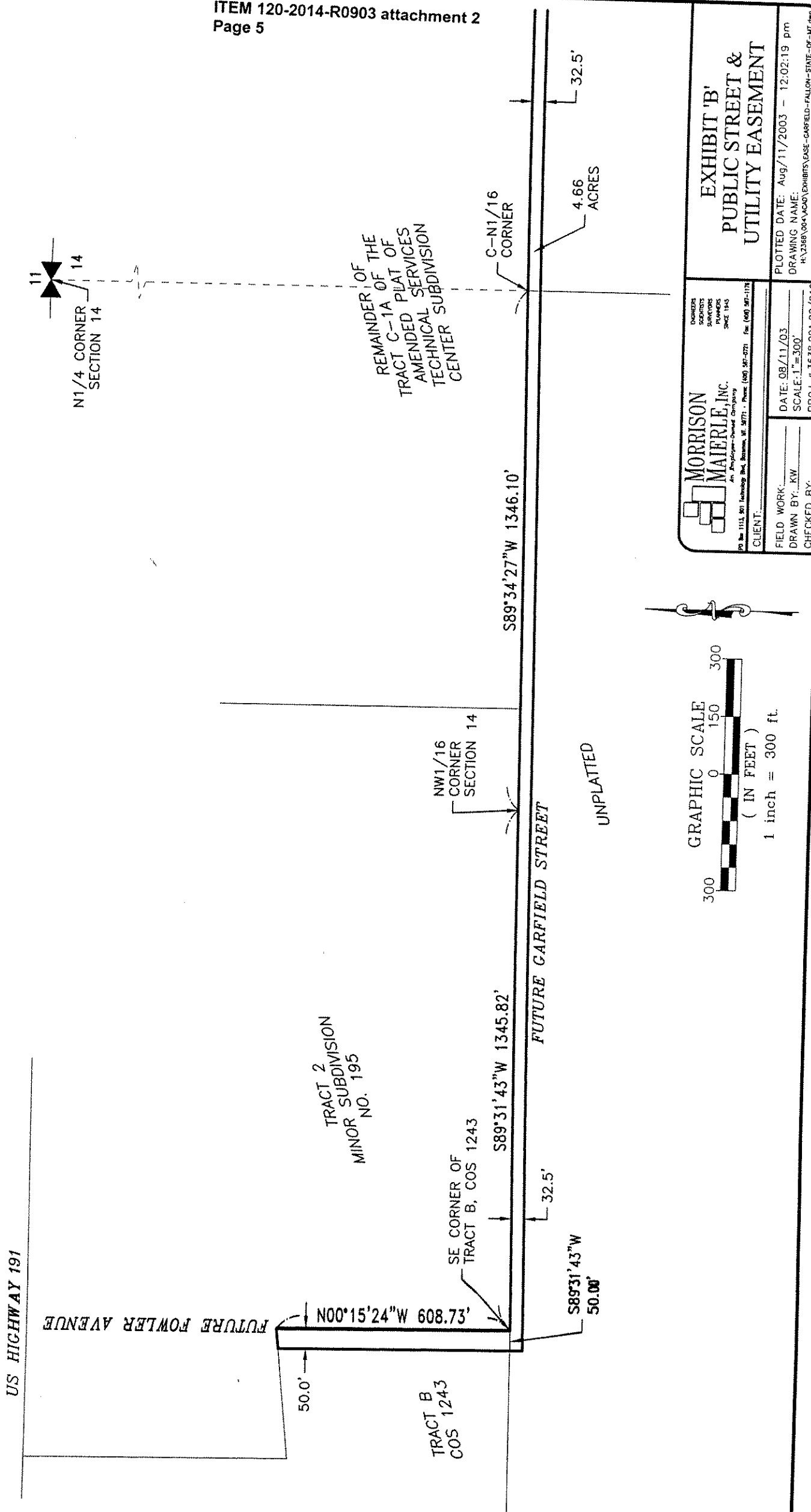


EXHIBIT 'B'
PUBLIC STREET &
UTILITY EASEMENT

PLOTTED DATE: Aug/11/2003 - 12:02:20 pm
DRAWING NAME: H:\2386\004\ACAD\EXHIBITS\BASE-GARFIELD-FALCON-STATE-OF-N.C.dwg
SHEET 1 OF 2



MORRISON MAIERLE, INC.
An Employee-Owned Company
100 West 1115, 801 Technology Blvd, St. Louis, MO 63101 • Phone: (636) 597-0771 • Fax: (636) 597-1176

CLIENT: _____

FIELD WORK: _____

DRAWN BY: KW

CHECKED BY: _____

DATE: 08/11/03

SCALE: 1"=300'

PROJ # 3638.001.02/010

EXHIBIT 'B'
PUBLIC STREET & UTILITY EASEMENT

PLOTTED DATE: Aug/11/2003 - 12:02:19 pm

DRAWING NAME: H:\2388\04\040\EXHIBITS\BASE-GARFIELD-FALLOW-STATE-OF-MT.dwg

SHEET 2 OF 2

