

## UTILITY EASEMENT

**FOR VALUE RECEIVED, THE BOARD OF REGENTS OF HIGHER EDUCATION OF THE MONTANA UNIVERSITY SYSTEM**, an agency of the State of Montana, whose address is 32 Campus Drive, Missoula, MT 59812 ("Grantor"), hereby grants to **MISSOULA COUNTY PUBLIC SCHOOLS**, District #1, 915 South Avenue, Missoula, MT 59801, a political subdivision of the State of Montana, ("Grantee"), and to its successors, assigns, and apportions, an easement ten (10') feet in width, inside the location of the utility equipment, upon which to construct, operate, maintain, replace, upgrade, and remove an underground conduit and fiber optic line and necessary appurtenances, over, under, along, and across that certain real property located in Missoula County, Montana, and particularly described as follows:

Lying within, or lying within public street right-of-way immediately adjacent to, all those portions of the south half of Section 22, and the north half of Section 27, Township 13 North, Range 19 West, Principal Meridian, Montana, described as follows:

Parcel B of Missoula County Certificate of Survey No. 2558; Blocks 17, 24, 37, and 40 of the Supplementary Plat of a Portion of Montana Addition; Blocks 6 and 7 of Hammond Addition No. 2 and Supplement to Hammond Addition No. 2; and Block 18 of Hammond Addition; all subdivision plats on file and of record in Missoula County, Montana; with the alignment of said fiber optic line being generally shown on the attached Exhibit "A".

**GRANTEE** shall be solely responsible for restoring the real property and repairing any damage to facilities, such as the irrigation system, to as near its original condition as reasonably possible, after any usage of the easement, whether original construction, maintenance, replacement, reconstruction, or removal.

**TOGETHER** with reasonable right of access to and from the easement area over lands of the Grantor using existing roads and trails where practicable; the right to use and keep the easement area free and clear of any and all obstructions or structures, except fences; and the right to clear and remove all timber, brush, or vegetation from the easement area that may, in the Grantee's sole opinion, endanger the conduit or fiber optic line, communications systems, or necessary appurtenances.

**GRANTOR** covenants with the Grantee that the Grantor is lawfully seized and possessed of the real estate above-described, that the Grantor has a good and lawful right to convey it, or any part thereof.

The terms and conditions of this easement shall run with the land and shall be binding on the successors, or assigns of the Grantor.

This easement is granted and its terms and conditions agreed to by the Grantor on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

GRANTOR:

THE BOARD OF REGENTS OF THE  
MONTANA UNIVERSITY SYSTEM ATING  
FOR THE STATE OF MONTANA AND IN THE  
INTEREST OF THE UNIVERSITY OF  
MONTANA

By: *Royce Engstrom*  
Royce Engstrom, President  
University of Montana

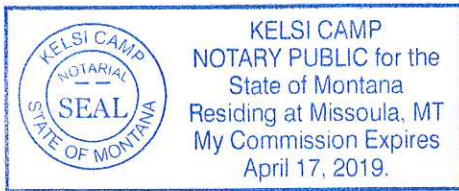
State of Montana  
County of Missoula

On this 21st day of October, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Royce C. Engstrom, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

SEAL

*Kelsi Camp*  
Signature



\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Notary Public for

\_\_\_\_\_  
Residing at

\_\_\_\_\_  
My commission expires



**EXHIBIT "A"**  
**FIBER OPTIC LINE ROUTE**  
**MISSOULA, MONTANA**

**WGM**  
**GROUP**  
 ENGINEERING SURVEYING PLANNING  
 1111 EAST BROADWAY • MISSOULA, MT 59802  
 TEL: 406-728-4811 • FAX: 406-728-2478

PROJECT: 16-08-20  
 FILE No: 160920\_exh-to line route.dwg  
 FILE PATH: \\p:\proj\160920\160920\160920.dwg  
 LAYOUT: Layout1  
 SURVEYED: ---  
 DESIGNED: ---  
 DRAFT: CED  
 APPROVE: KFA  
 DATE: OCTOBER 2016  
 SHEET: 3 OF 3 SHEETS