

**RESOLUTION NO. R16-68**

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT WITH CANYON CREEK DITCH COMPANY FOR A RIGHT-OF-WAY DITCH CROSSING FOR CONSTRUCTION, INSTALLATION, OPERATION, AND MAINTENANCE OF PARALLEL WATER PIPELINES AND ASSOCIATED UNDERGROUND UTILITIES.**

WHEREAS, an "Easement Deed" between Canyon Creek Ditch Company as Grantors and the City of Laurel as Grantee has been prepared; and

WHEREAS, said easement will allow the City access across certain portions of real property owned by the Grantors in order to construct and maintain the City's water pipelines and associated underground utilities; and

WHEREAS, acceptance of the easement is in the best interests of the City, as it is necessary to maintain existing water service to the City's citizens and businesses.


NOW, THEREFORE, BE IT RESOLVED that the City Council hereby accepts the attached Easement and authorizes the Mayor to execute both on behalf of the City.

INTRODUCED at a regular meeting of the City Council on August 2, 2016, by Council Member McGee.

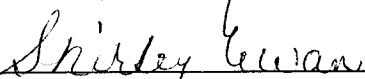
PASSED and APPROVED by the City Council of the City of Laurel this 2<sup>nd</sup> day of August, 2016.

APPROVED by the Mayor this 2<sup>nd</sup> day of August, 2016.

CITY OF LAUREL

  
Mark A. Mace, Mayor

ATTEST:

  
Shirley Ewan, Clerk/Treasurer

Approved as to Form:

  
Sam S. Painter, Civil City Attorney

After recording please return to:  
City of Laurel  
P.O. Box 10  
Laurel, MT 59044

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

## EASEMENT DEED

Canyon Creek Ditch Company, 1555 Campus Way, Billings, MT 59102 ("GRANTOR"), does hereby, in consideration of the sum of one dollar (\$1.00) and other good and valuable considerations, grant to CITY OF LAUREL, of 115 W 1<sup>st</sup> Street, Laurel, MT 59044 ("GRANTEE"):

GRANTOR is desirous of granting and giving an easement to the GRANTEE, its successors, permittees, licensees and assigns, and its agents and employees, for a right-of-way ditch crossing for construction, installation, operation and maintenance of parallel water pipelines and associated underground utilities. The easement is more fully described as follows:

The point of intersection of the centerline of the easement with the centerline of the Canyon Creek Ditch Company's right-of-way is described as follows:

Beginning at the North Quarter (N1/4) corner of Section 21, Township 2 South, Range 24 East P.M.M. Yellowstone County, Montana; thence South 30 degrees 33 minutes 39 seconds East a distance of 836.10 feet to the point of intersection.

### Temporary Construction Easement

For the initial construction phase of the underground utilities, this easement shall be 80 feet wide, 40 feet on either side of the centerline of the transmission main pipes as shown in Figure 1.

This temporary construction easement will become void upon completion of construction and acceptance of the final product.

### Permanent Easement

Upon completion of initial construction, this easement shall be a permanent maintenance and utilities easement that is 30 feet wide, 15 feet on either side of the centerline of the transmission main pipes shown in Figure 1.



This grant includes the right of the GRANTEE to enter at all times upon this real property by using existing roads, trails or other routes on this real property causing the least damage and inconvenience to GRANTOR in order to survey and establish the route and location of the easement and water lines and to:

1. Construct, inspect, operate, repair, substitute, remove, enlarge, replace and maintain the utilities, pipeline, services, connections, accessories and appurtenances; and
2. Trim, remove or otherwise control any trees and brush inside the boundaries of the easement, after notification to GRANTOR, which may, in the opinion of the GRANTEE, interfere or threaten to interfere with or be hazardous to the construction, operation and maintenance of the water pipeline.

GRANTEE agrees as follows:

1. In connection with the construction, operating, inspecting, repairing, substituting, removing, enlarging, replacing and maintaining of the water pipelines, it will repair or replace, at its sole expense, any existing fences, roads, ditches, and appurtenances of the property that may be disturbed by its construction of parallel water pipelines and maintenance of such pipelines.
2. During operations involving excavation, it will remove from the site any large rocks or surplus excavated material or any debris that may have been exposed by the excavation. GRANTEE will leave the finished surface in substantially the same condition as existed prior to construction.
3. Ditch crossings will be constructed in accordance with the Figure 2.



This instrument shall be binding upon the parties hereto and all successors in interest and assigns of the parties.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands this 6 day of JUNE, 2016.

CANYON CREEK DITCH COMPANY

Everett Gabel  
Everett Gabel, President  
Gabel

Attest

By: Everett Gabel  
Its President

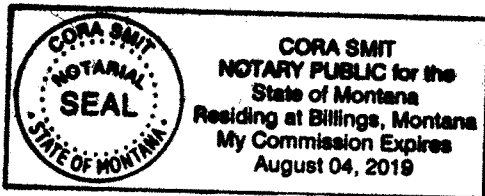
STATE OF Montana )

: ss

County of Yellowstone )

This instrument was acknowledged before me on June 6, 2016,  
by Everett Gabel, President of Canyon Creek Ditch Company.  
Gabel

Cora Smit  
Notary Public for the State of Montana






**Acknowledgement and Acceptance of Easement:**

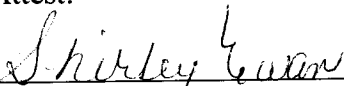
The Mayor for the City of Laurel, Yellowstone County, Montana, on behalf of the City Council, acknowledges receipt of this Easement and hereby accepts the Easement conveyed through this instrument pursuant to City Council Resolution # R 16-68.

this 2nd day of August, 2016.

  
Mark A. Mace  
~~Mayor~~

for  
DOUG POEHLS, COUNCIL PRESIDENT

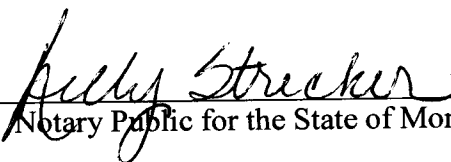
Attest:

  
Shirley Ewan  
City Clerk/Treasurer

(NOTARIAL SEAL)

STATE OF MONTANA     )  
                                       : ss  
County of Yellowstone    )

This instrument was acknowledged before me on August 2, 2016,  
by ~~Mark A. Mace, as Mayor~~ and Shirley Ewan, City Clerk/Treasurer  
DOUG POEHLS, COUNCIL PRESIDENT

  
Notary Public for the State of Montana



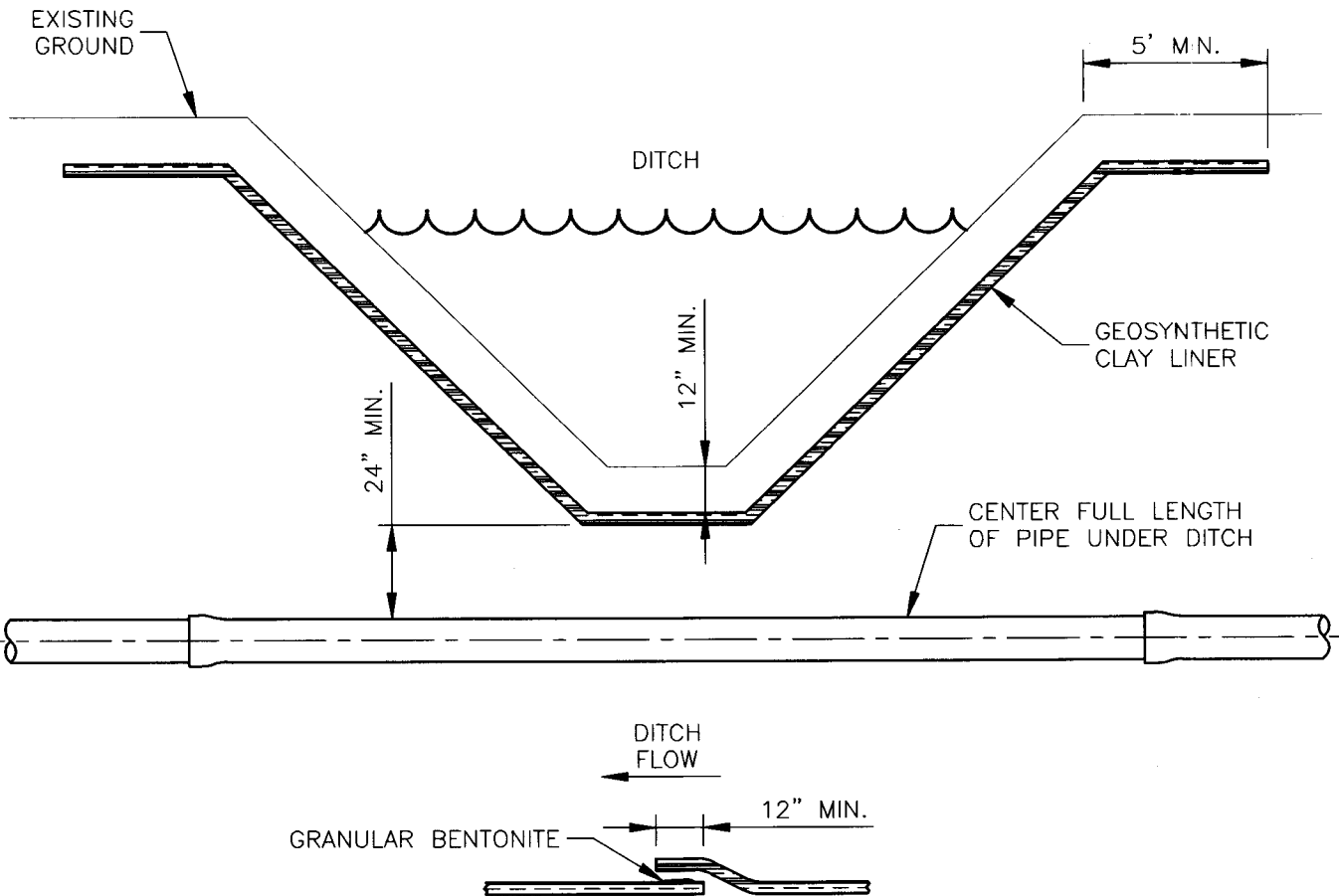
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Jeff Martin Clerk & Recorder, Yellowstone MT



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**GENERAL NOTES:**

1. PROVIDE GEOSYNTHETIC CLAY LINER AS MANUFACTURED BY BENTOMAT (600CL) OR APPROVED EQUAL.
2. EXTEND MAT A MINIMUM OF 10' UPSTREAM AND DOWNSTREAM FROM THE LIMITS OF EXCAVATION.
3. COVER LINER WITH SOILS FREE OF ANGULAR STONES OR OTHER FOREIGN MATERIAL THAT MAY DAMAGE THE LINER AND WITH A MAXIMUM PARTICLE SIZE OF 1".



**Figure 2:  
Canyon Creek Ditch Crossing Detail**

CITY OF LAUREL, MONTANA  
NEW WATER TREATMENT PLANT INTAKE

RESOLUTION NO. R16-68

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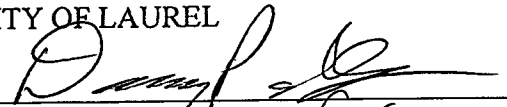
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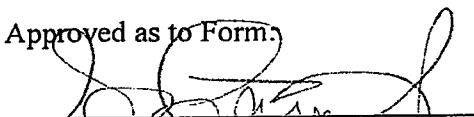
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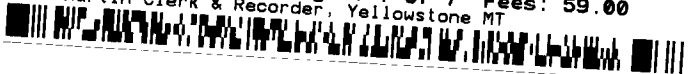
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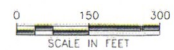
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**Figure 1:**  
**Canyon Creek Ditch Crossing**  
 CITY OF LAUREL, MONTANA  
 NEW WATER TREATMENT PLANT INTAKE