

RESOLUTION NO. R16-69

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT WITH CLARKS FORK DITCH COMPANY FOR THREE RIGHT-OF-WAY DITCH CROSSINGS FOR CONSTRUCTION, INSTALLATION, OPERATION AND MAINTENANCE OF PARALLEL WATER PIPELINES AND ASSOCIATED UNDERGROUND UTILITIES THROUGH, OVER, AND ACROSS THE EXISTING DITCH AND RIGHT OF WAY.

WHEREAS, an "Easement Deed" between Clarks Fork 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 Dickerson.

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

APPROVED by the Mayor this 2nd day of August, 2016.

CITY OF LAUREL



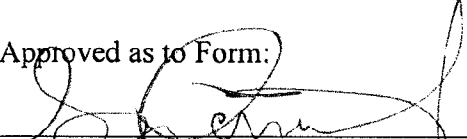
Mark A. Mace, Mayor

ATTEST:



Shirley Ewan, Clerk/Treasurer

Approved as to Form:



Sam S. Painter, Civil City Attorney

EASE

3790926

09/28/2016 10:36 AM Pages: 1 of 8 Fees: 66.00
Jeff Martin Clerk & Recorder, Yellowstone MT



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

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EASEMENT DEED

Clarks Fork Ditch Company, 1315 4th Ave, Laurel, MT 59044 ("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 1st 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 three right-of-way ditch crossings for construction, installation, operation and maintenance of parallel water pipelines and associated underground utilities through, over and across the existing ditch and right of way belonging to GRANTOR. The easement is more fully described as follows:

The point of intersection of the centerline of the easements with the centerline of the Clark Fork Ditch Company's right-of-way is described as follows:

Crossing 1: Beginning at the North Quarter (N1/4) corner of Section 20, Township 2 South, Range 24 East P.M.M. Yellowstone County, Montana; thence South 20 degrees 30 minutes 15 seconds West a distance of 2055.93 feet to the point of intersection.

Crossing 2: 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 42 degrees 49 minutes 47 seconds West a distance of 1711.35 feet to the point of intersection.

Crossing 3: 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 40 degrees 27 minutes 25 seconds East a distance of 808.79 feet to the point of intersection.



Temporary Construction Easement

For the initial construction phase of the underground utilities, three (3) separate ditch crossings shall be 80 feet wide, 40 feet on either side of the centerline of the transmission main pipes as shown in Figures 1 and 2.

These temporary construction easements will become void upon completion of construction and acceptance of the final product.

Permanent Easement

Upon completion of initial construction, these easements shall be permanent maintenance and utilities easements that are 30 feet wide, 15 feet on either side of the centerline of the transmission main pipes shown in Figures 1 and 2.

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.

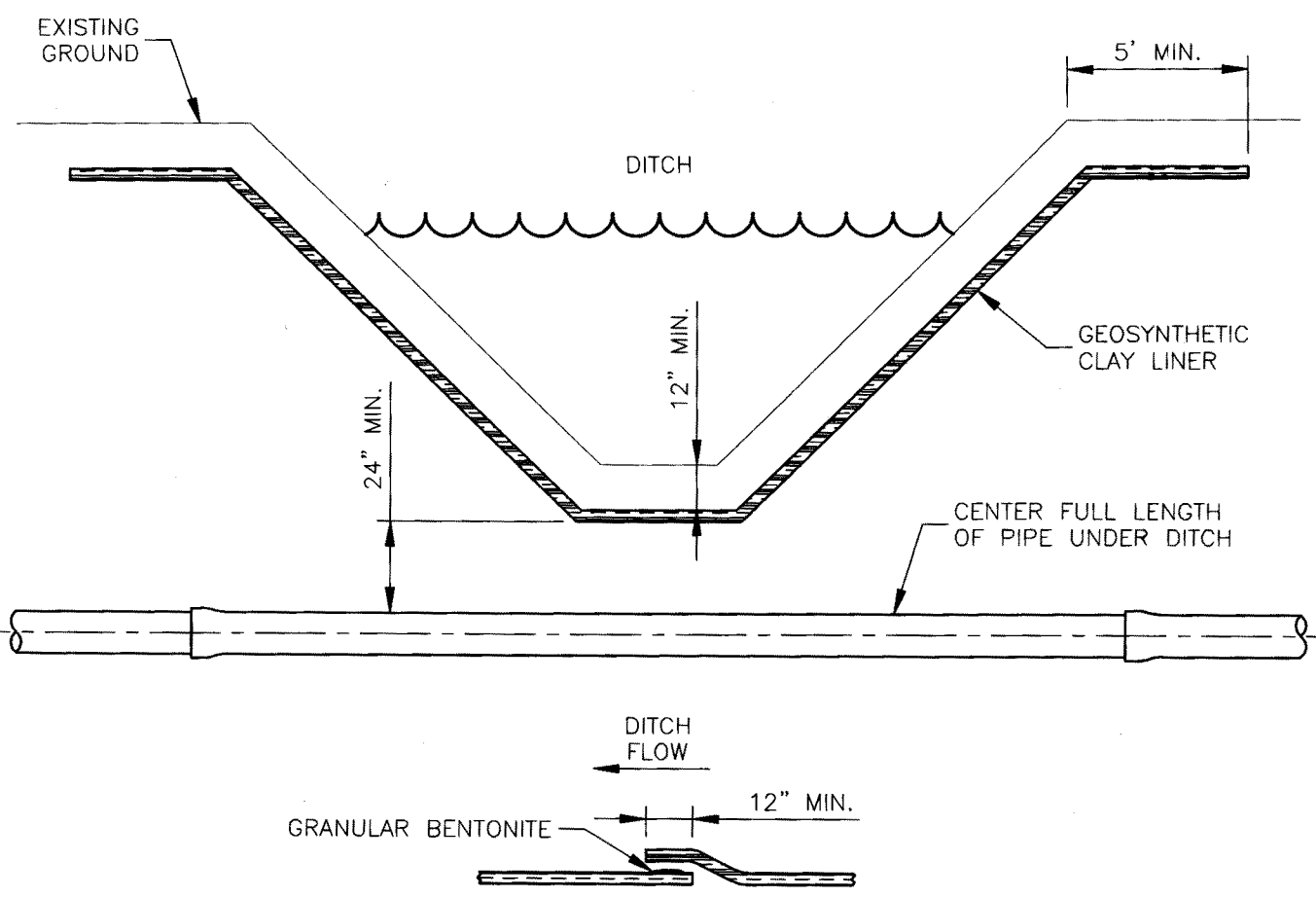
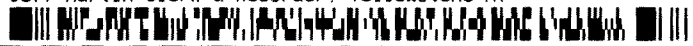
GRANTEE agrees as follows:

1. In connection with the construction, operating, inspecting, repairing, substituting, removing, enlarging, replacing and maintaining of the water pipeline, 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 Figure 3.

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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 3:
Clarks Fork Ditch Crossing Detail**

CITY OF LAUREL, MONTANA
NEW WATER TREATMENT PLANT INTAKE

F:\2-07128-Laurel On-Call\TO_26 -- New WTP Intake Study\CADD_2-07128-T026-Exhibits\2-07128-T026-Ditch Crossing 3-Detail Clarks Fork.dwg

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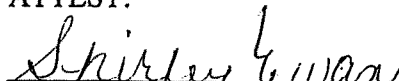
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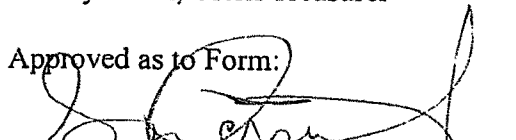
CITY OF LAUREL

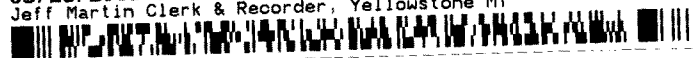

Mark A. Mace, Mayor

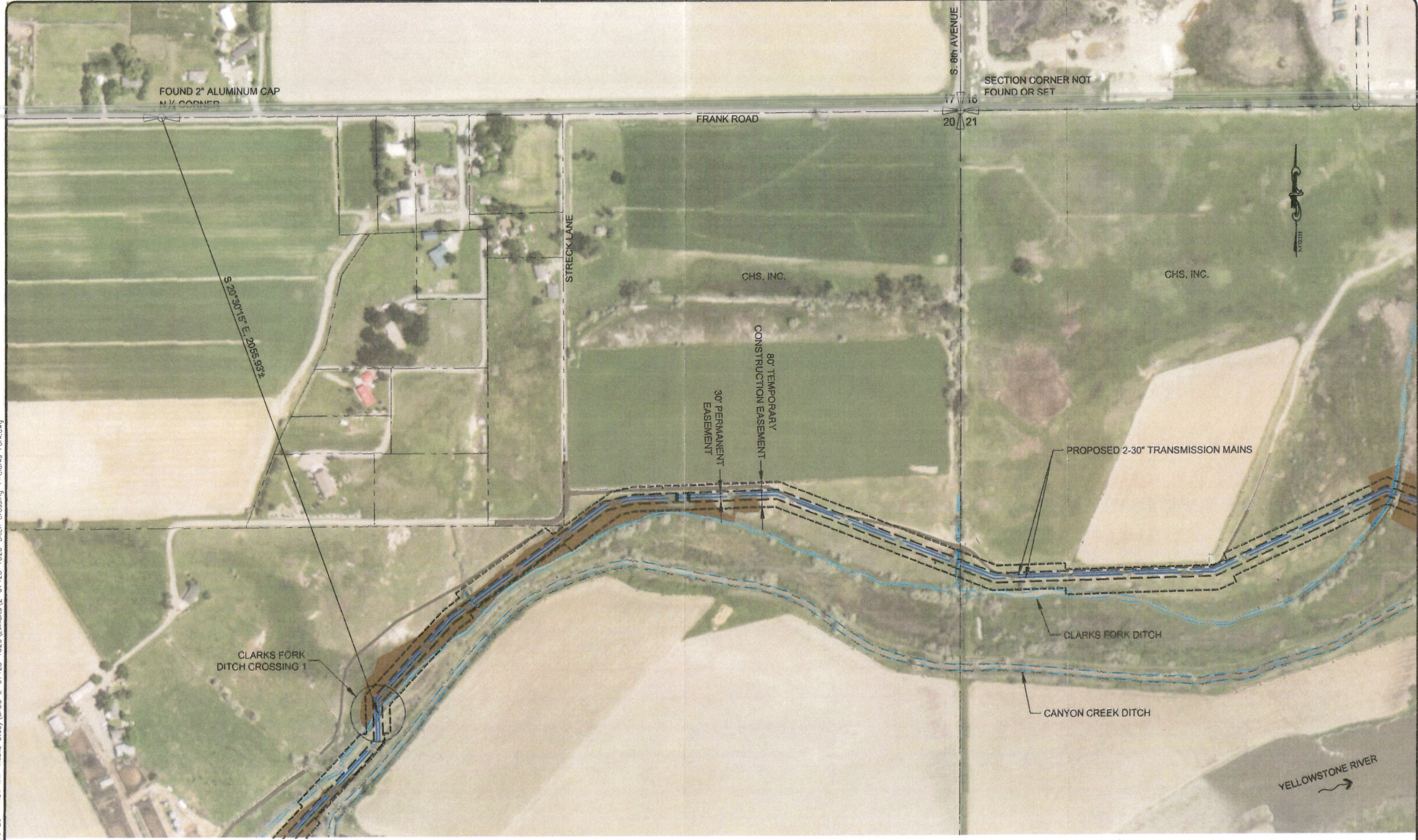
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Approved as to Form:


Sam S. Painter, Civil City Attorney





FOUND 2" ALUMINUM CAP
N 1/4 CORNER

SECTION CORNER NOT
FOUND OR SET

S 20° 09' 15" E, 20555.93%

FRANK ROAD

S. 8th AVENUE

STRECK LANE

CHS, INC.

CHS, INC.

30' PERMANENT
EASEMENT

80' TEMPORARY
CONSTRUCTION EASEMENT

PROPOSED 2-30" TRANSMISSION MAINS

CLARKS FORK
DITCH CROSSING 1

CLARKS FORK DITCH

CANYON CREEK DITCH

YELLOWSTONE RIVER



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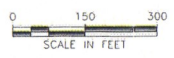
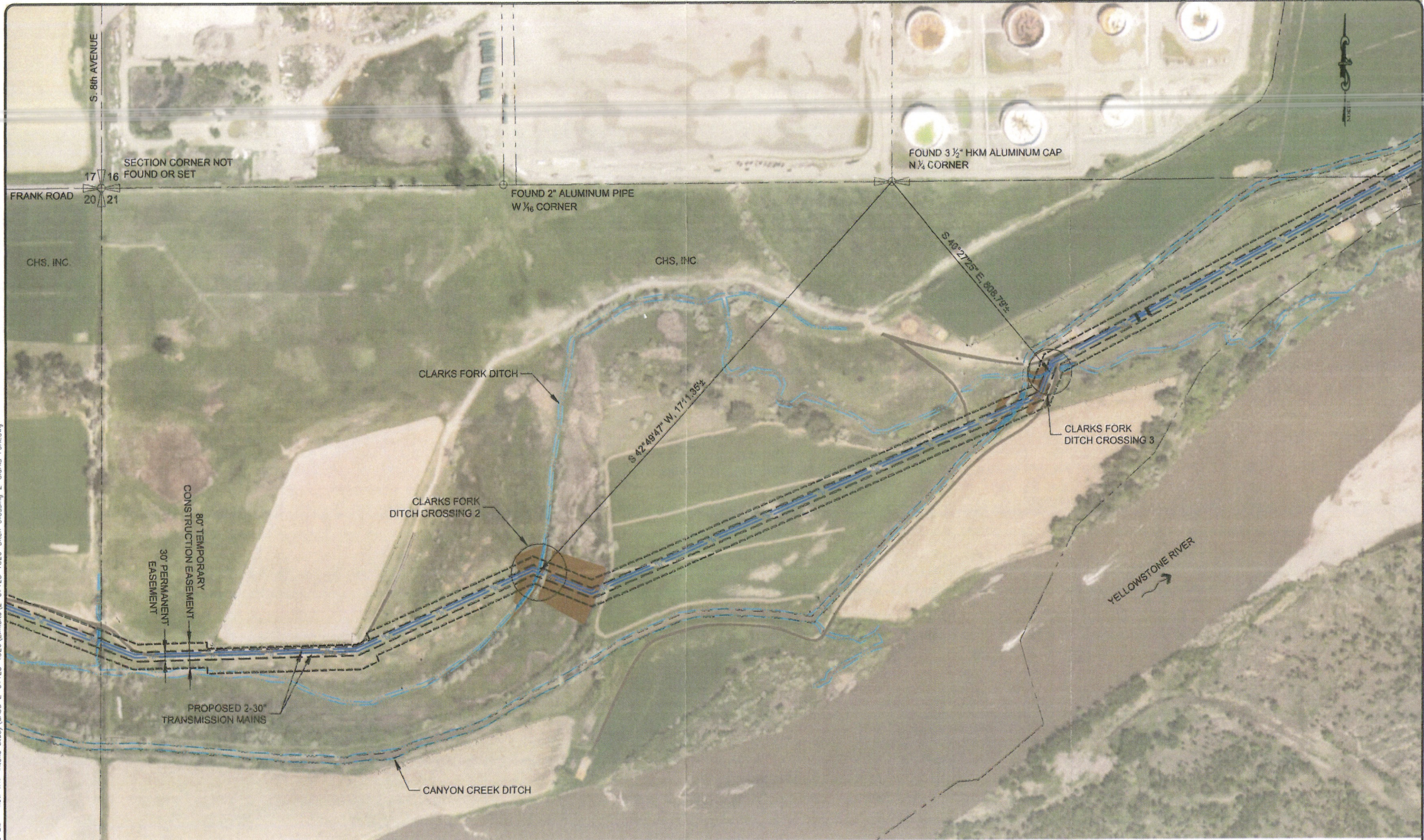


Figure 1:
Clarks Fork Ditch Crossing

CITY OF LAUREL, MONTANA
 NEW WATER TREATMENT PLANT INTAKE

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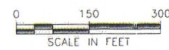


Figure 2:
Clarks Fork Ditch Crossings
 CITY OF LAUREL, MONTANA
 NEW WATER TREATMENT PLANT INTAKE