

**RESOLUTION NO. R21-121**

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN UNDERGROUND GAS PIPELINE EASEMENT FOR NORTHWESTERN CORPORATION D/B/A NORTHWEST ENERGY FOR THE PURPOSE OF CONSTRUCTING, OPERATING, AND MAINTAINING AN UNDERGROUND PIPELINE TO BE INSTALLED BENEATH THE CITY'S RIVERSIDE PARK.**

WHEREAS, the City and Northwest Energy's previous negotiated agreement was not approved by the City Council and both Parties, by and through their authorized representatives, negotiated a new Easement that contains newly proposed terms and conditions; and

WHEREAS, the most recent Easement entitled "Underground Gas Pipeline Easement" between the City of Laurel as Grantor and the Northwestern Corporation d/b/a Northwest Energy as Grantee has been approved as an offer to the City Council by Northwest Energy for consideration and approval; and

WHEREAS, the Parties have agreed to an increase in the annual fee and a one-time cash gift to be utilized for park improvements as provided in the attached documents; and

WHEREAS, a copy of the Easement and Map (Exhibit A) detailing the terms of the Easement and location of the pipeline to be installed is attached hereto and incorporated herein; and

WHEREAS, the issuance of the easement is in the best interests of all Parties.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby accepts the offer and approves the attached Underground Gas Pipeline Easement and Exhibit A and authorizes the Mayor and Clerk Treasurer to execute the same on the City's behalf.

Introduced at a regular meeting of the City Council on November 10, 2021, by Council Member McGee.

PASSED and APPROVED by the City Council of the City of Laurel this 10<sup>th</sup> day of November 2021.

APPROVED by the Mayor this 10<sup>th</sup> day of November 2021.

CITY OF LAUREL

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Bethany Langve, Clerk-Treasurer

Approved as to form:

\_\_\_\_\_  
Sam S. Painter, Civil City Attorney

**RETURN TO:**  
NORTHWESTERN ENERGY  
Lands & Permitting Department  
11 East Park Street  
Butte, MT 59701-1711

## UNDERGROUND GAS PIPELINE EASEMENT

**CITY OF LAUREL**, PO Box 10 Laurel, MT 59044-0010, ("**GRANTOR**"), in consideration of an annual payment of \$1,500.00 and a one-time gift of \$15,000.00 to enhance the City Park, as consideration, in hand paid, the receipt of which is acknowledged, does grant and convey to **NORTHWESTERN CORPORATION, a Delaware corporation, d/b/a NORTHWESTERN ENERGY, ("GRANTEE")**, of 11 East Park Street, Butte, Montana 59701-1711, its successors, assigns, and apportionees, a permanent easement, four hundred forty six and a half feet (446.5') in length and forty feet (40') in width, upon which to construct, operate, maintain, replace, upgrade, and remove a natural gas transmission pipeline, together with all necessary appurtenances, over, under, along, and across that certain real property located in **Yellowstone County, Montana**, and particularly described as follows:

### TOWNSHIP 2 SOUTH, RANGE 24 EAST, M.P.M.

**SECTION 15:** Tract 1 of Certificate of Survey 3387, as described on Document No. SP3491272, recorded 1/9/2009, with Clerk and Recorder of Yellowstone County, MT as shown on Exhibit "A" attached hereto and made a part hereof.

NOTE: The permanent easement will be centered off the installed gas transmission line.

**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 permanent structures, except fences and walking paths; and the right to clear and remove all timber, brush or vegetation **ONLY** from any maintenance area of the easement that may, in Grantee's sole opinion, endanger the pipeline, or necessary appurtenances. Grantee will not clear cut the easement path at any time.

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

The annual payment shall be due by Grantee and paid to Grantor each year on the anniversary date of the final date of execution of this easement by Grantor.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**GRANTOR:**            **City of Laurel**

By: \_\_\_\_\_ Its: \_\_\_\_\_

By: \_\_\_\_\_ Its: \_\_\_\_\_

(Acknowledgements appears on following page)

STATE OF \_\_\_\_\_ )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

This document was acknowledged before me on \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, the \_\_\_\_\_  
Of the City of Laurel, Montana

(NOTARY SEAL)

Notary Signature: \_\_\_\_\_  
Notary Print Name: \_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_ 20\_\_\_\_  
Project: Gas Line Project  
Sap No. \_\_\_\_\_  
Acquired by: \_\_\_\_\_  
Qrm# \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 )ss.  
COUNTY OF \_\_\_\_\_ )

This document was acknowledged before me on \_\_\_\_\_  
\_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, the \_\_\_\_\_  
Of the City of Laurel, Montana

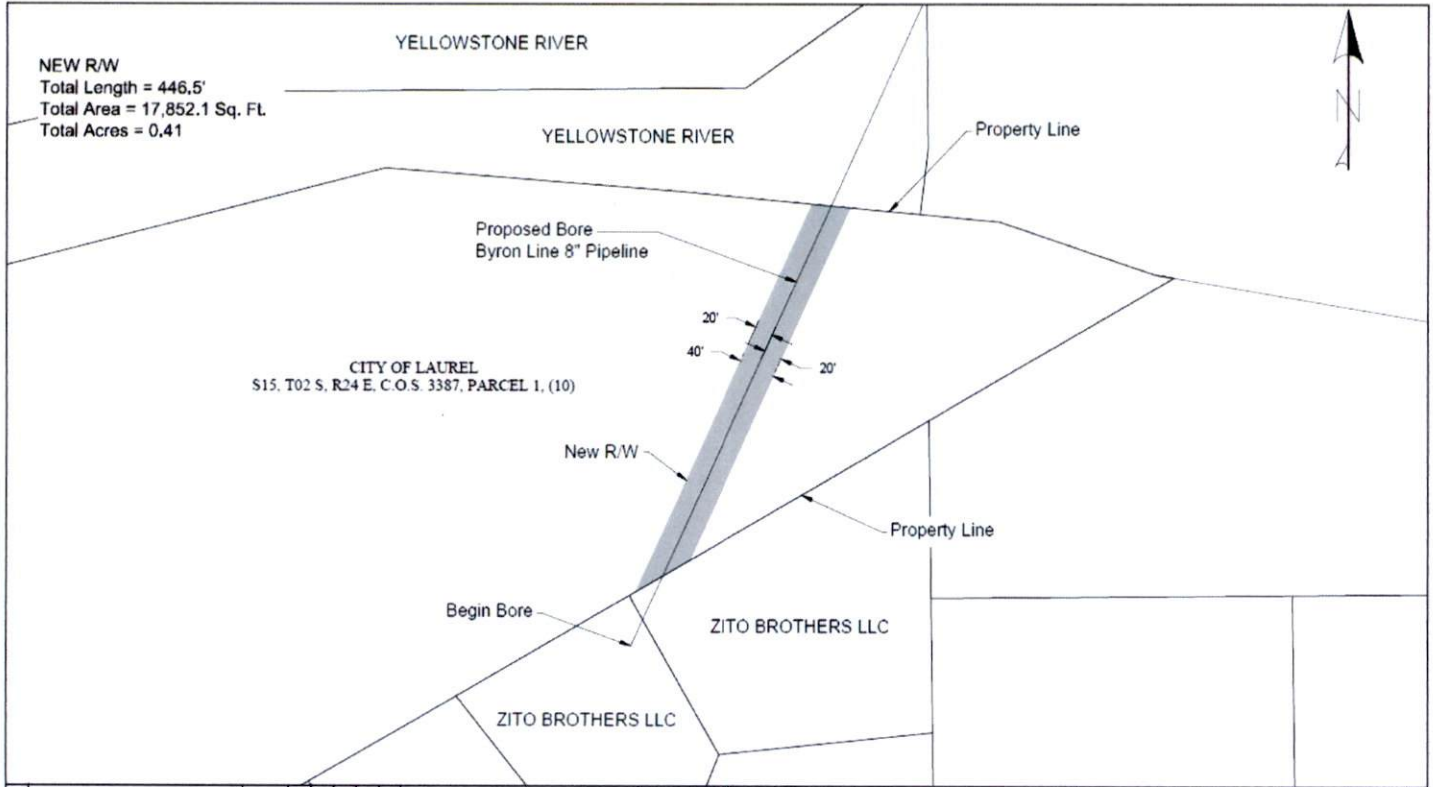
(NOTARY SEAL)

Notary Signature: \_\_\_\_\_  
Notary Print Name: \_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_ 20\_\_\_\_

Project: Byron Gas Line Project  
Sap No. \_\_\_\_\_  
Acquired by: R.Ishkanian/C. Smith  
Qrm# 26000500-0110

# Exhibit "A"

The following is made a part of that certain Underground Gas Pipeline Easement dated \_\_\_\_\_ by and between City of Laurel, Montana. "Grantor" and Northwestern Corporation, a Delaware corporation, d/b/a NorthWestern Energy "Grantee"



|                            |  |  |  |  |               |  |  |  |  |   |  |
|----------------------------|--|--|--|--|---------------|--|--|--|--|---|--|
| <b>NorthWestern Energy</b> |  |  |  |  |               |  |  |  |  | Byron Line 8" Crossing<br>City Of Laurel Property |  |
| DRAWN: S. Dossan           |  |  |  |  | DATE: 03/2021 |  |  |  |  | DRAWING NUMBER: <b>Exhibit A</b>                  |  |
| CHECKED:                   |  |  |  |  | SCALE: 1"=50' |  |  |  |  | SHEET 1 OF 1                                      |  |
| ENGINEERED:                |  |  |  |  | APPROVED:     |  |  |  |  |   |  |

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## TOWNSHIP 2 SOUTH, RANGE 24 EAST, M.P.M.

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