

City Attorney's Office
316 North Park Avenue
Room 203
Helena, MT 59623
(406) 457-8595

QUIT CLAIM DEED

THIS INDENTURE is made this _____ day of _____, 2015, by and between **ERIC K. FEAVER and ELLEN J. FEAVER, as Trustees of the Eric and Ellen Feaver Family Trust**, 901 Flowerree Street, Helena, Montana 59601, Grantors, and the **CITY OF HELENA, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, 316 North Park Avenue, Helena, Montana 59623, Grantee.

Grantors, for value received, does hereby convey, remise, release, and forever quitclaim unto Grantee and its successors and assigns, all of Grantors' interest in the following described real estate situated in the County of Lewis and Clark, State of Montana:

Lot 2 of the Swaney Minor Subdivision in the City of Helena, Lewis & Clark County, Montana, as shown on the plat filed under Doc. No. 3036912 in the records of the Clerk and Recorder of Lewis & Clark County, Montana

TO HAVE AND TO HOLD, all and singular the said premises, with the appurtenances, unto the Grantee and its successors and assigns forever.

SUBJECT TO the following restrictions and conditions:

1. The above-described property shall be owned, held, and maintained in perpetuity by the City of Helena as open space for the purpose of public, non-motorized, outdoor recreational use. Should the above-described property, or any part thereof, ever be used in a manner inconsistent with the non-motorized access and open space use to which it has been made subject hereunder, including the sale, trade, or conveyance to a "for profit" private party for residential or commercial development purposes, then, and in that case, all real property conveyed hereunder shall revert to Eric K. Feaver and Ellen J. Feaver, as Trustees of the Eric and Ellen Feaver Family Trust, or their successors.

2. The City of Helena may impose reasonable controls, restrictions, and prohibitions with respect to this use which may include, but are not limited to, designating trails, constructing trails, adding trail amenities, restricting public access to environmentally vulnerable portions, and enforcing City of Helena regulations for natural park use that apply to other City of Helena natural parks. Any trail system developed over the subject property shall be consistent with the property's topography with an emphasis on minimizing erosion and weed proliferation. Installation of structures in conjunction with a public trail system which are not consistent with maintaining the subject property as open space are prohibited.

IN WITNESS WHEREOF, the Grantors have caused their names to be subscribed on the date first above written.

ERIC AND ELLEN FEAVER FAMILY TRUST

By _____
ERIC K. FEAVER, Trustee

By _____
ELLEN J. FEAVER, Trustee

STATE OF MONTANA)
) ss.
COUNTY OF LEWIS & CLARK)

On this _____ day of _____, 2015, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **ERIC FEAVER and ELLEN FEAVER**, known to me or proved to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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

Kimberly Ann Sell
Notary Public for State of Montana
Residing at Helena, Montana
My Commission expires 4/30/2019.