

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

UTILITY EASEMENT

THIS UTILITY EASEMENT is granted this _____ day of November, 2015, by 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, hereinafter referred to as "City," to the **NORTHWESTERN CORPORATION D/B/A NORTHWESTERN ENERGY**, a Delaware Corporation, 40 East Broadway Street, Butte, Montana 59701-9394, hereinafter referred to as "NWE."

1. By executing these easements, City grants NWE the following utility easements over, under, and across the following-described property:

A. The City Golf Course and Parcel #3 of the Golf Course Minor Subdivision as shown on Certificate of Survey No. 312033, filed in the office of the Clerk and Recorder of Lewis and Clark County, Montana, shown on Exhibit "A" attached hereto and by this reference made a part hereof.

This easement is twenty-five feet (25') wide, measured from and parallel to the rear lot lines of the Cloverview P.U.D. as shown on Certificate of Survey No. 294332, filed in the office of the Clerk and Recorder of Lewis and Clark County, Montana.

B. A twenty foot by twenty foot (20'x20') underground electric utility easement on the City Golf Course adjacent to McHugh Lane, shown on Exhibit "A" attached hereto and by this reference made a part hereof.

2. NWE is authorized to maintain, replace, upgrade, and remove the existing underground electric and gas infrastructure and any necessary appurtenances over, under, along, and across this easement, provided the placement does not create a hazard or impede the City's use of the property. This easement does not grant the right to any other public utility entity to utilize the easement.

3. NWE is also granted reasonable right of access to and over the property of the City using existing roads and trails where practicable, and the right to use and keep the easement area free

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