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

and clear of any and all obstructions or structures, including the right to clear and remove all timber, brush, or vegetation outside of the easement area if the vegetation endangers the electric or gas utility infrastructure, or its necessary appurtenances, after consultation with the City.

IN WITNESS WHEREOF, City executed this easement the day and year first above written.

CITY OF HELENA, MONTANA

ATTEST:

By___

Ronald J. Alles, City Manager

By_

Debbie Havens, City Clerk

APPROVED AS TO FORM:

By_

Thomas J. Jodoin, City Attorney

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

On the _____ day of November, 2015, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Ronald J. Alles and Debbie Havens**, the City Manager and City Clerk of the City of Helena, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same in such capacities.

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.