



DOCUMENT: 733958 EASEMENT

RECORDED: 8/5/2019 11:57:18 AM

Regina Plettenberg, CLERK AND RECORDER

Fee \$0.00 By

*Carrianna M Newton*

Deputy

Return to: Ravalli County Road and  
Bridge Department  
330 Fairgrounds Rd.  
Hamilton, MT 59840

**PUBLIC EASEMENT OF WINGWALL FOR REPLACEMENT CULVERT**

Return: Commissioners

THIS CONVEYANCE made this 31 day of JULY, 2019, by and between Richard R. and Lauralyn K. Smith as owner of the land (hereinafter in referred to as, "Grantor"), and Ravalli County, Montana, (hereinafter in referred to as "Grantee").

**WITNESSETH:**

The Grantor is the sole owner of the real property located in Ravalli County, Montana described as Lot 5, COS 658883 and hereby grants, conveys and warrants to the Grantee, its successors and assigns, a permanent easement and right-of-way across the real property as described on attached Exhibit "C", for the purpose of constructing, maintaining, altering, reconstructing and/or removing a concrete wingwall for a culvert for Roaring Lion Creek, under Westside Road in Ravalli County.

Grantee shall have the right at all future times to enter upon the said premises as described in Exhibit "C" as necessary to maintain and repair, replace or remove said culvert and appurtenances at the sole expense of the Grantee.

The Grantor represents that they are the lawful owner(s) and seized of the real property over which and upon the easement described herein is granted, and that they have good and lawful right and authority to grant said easement.

**PURPOSE AND USE OF EASEMENT:**

The described easement on Exhibit "C" is for a portion of the wingwall of a culvert replacement for Roaring Lion Creek underneath Westside Road, in Ravalli County.

CONDITONS OF EASEMENT:

- The Grantor agrees not to build any kind of permanent structure that will prevent access to the easement for the wingwall for maintenance purposes.
- Grantee is financially responsible for all permits and costs to construct and maintain the wingwall and culvert.
- All disturbed ground shall be restored as close as possible to its original condition by the Grantee within 2-weeks after culvert installation and after any impacts from maintenance and repairs.

**Binding Effect.** This grant of Easement, which shall be recorded at the Ravalli County Clerk and Recorder's Office, is binding upon the heirs, executors, personal representatives, assigns and successors of the parties hereto and shall run with the land.

IN WITNESS WHEREOF, the Grantor has hereunto set his/her hand and seal this 31<sup>st</sup> day of July, 2019.

GRANTOR:

Grantor Information

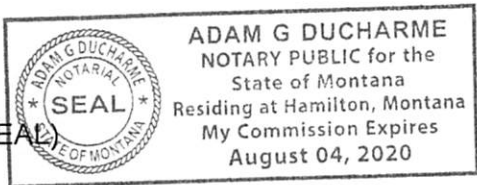
By Richard R. Smith  
Richard R. Smith

By Lauralyn K. Smith  
Lauralyn K. Smith

STATE of MONTANA            )  
  ) ss.  
Ravalli County                )

ON this 31<sup>st</sup> day of July 2019, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Richard R. Smith + Lauralyn K. Smith known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day and year in this certificate first above written.



Adam G. Ducharme  
Printed Notary Name: Adam G. Ducharme  
Notary Public for the State of Montana.  
Residing at Hamilton  
My Commission Expires: 8.4.2020  
MM/DD/YYYY



BOARD OF COUNTY COMMISSIONERS

Ravalli County, Montana

[Signature]  
Chair

[Signature]  
Commissioner

[Signature]  
Commissioner

ATTEST:

[Signature]  
Clerk & Recorder

[Signature]  
Deputy



Ravalli County Legal Review

Name: [Signature]  
Title: Deputy County Attorney

# EXHIBIT C

## SEC. 2, T5N, R21W, P.M.M.

**LEGAL DESCRIPTION:**

A PORTION OF LOT 5 OF CERTIFICATE OF SURVEY NO. 658883, LOCATED IN THE SE1/4 OF SECTION 2, T.5N, R.21W, P.M.M., RAVALLI COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 5; THENCE ALONG THE NORTH BOUNDARY OF LOT 5, N86°36'58"W, 668.47 FEET TO THE POINT OF BEGINNING; THENCE S04°40'11"E, 16.43 FEET; THENCE S85°19'49"W, 20.83 FEET; THENCE N04°40'11"E, 19.38 FEET TO A POINT ON THE NORTH BOUNDARY OF SAID LOT 5; THENCE ALONG SAID NORTH BOUNDARY, S86°36'58"E, 21.04 FEET TO THE POINT OF BEGINNING.

**LOT 4**  
**COS 658883**

**LOT 5**  
**COS 658883**

