

**CITY OF POLSON**

**RESOLUTION NUMBER 2023-017**

**A RESOLUTION TO GRANT A UTILITY EASEMENT ACROSS REAL PROPERTY OWNED BY THE CITY OF POLSON.**

**WHEREAS**, section 2.03.200 of the City of Polson Municipal Code provides the City Manager with powers and duties of day-to-day operations;

**WHEREAS**, Stephen Love and Sandi Love have requested a utility easement through a portion of city owned property located on the corner of Skyview Lane and Mission View Drive, legally described as:

SKYLINE ADDITION #3, S10, T22 N, R20 W, Lot 00I, PARK I;

**WHEREAS**, the utility easement would extend 20' westwardly from the Eastern boundary line of the parcel that runs from the Northern boundary line to the Southern boundary line; **FURTHER**, the Loves' property borders the Southern boundary line of the parcel; **FURTHER**, the parcel is an undeveloped lot that is classified as a city park;

**WHEREAS**, granting the utility easement allows for the least intrusive sewer connection for the Loves' property to a main line; **FURTHER**, the Loves understand that they are responsible for all fees and expenses for, but not limited to, permits, excavation, installation, construction, maintenance, repairs, and/or other costs related to utility lines that service Grantee's parcel.

**NOW THEREFORE BE IT RESOLVED** that the City Manager of the City of Polson grants a utility easement across real property legal described as:

SKYLINE ADDITION #3, S10, T22 N, R20 W, Lot 00I, PARK I;

**BE IT FURTHER RESOLVED** that the City Clerk is hereby instructed to file the utility easement agreement with the Cleark and Recorder of Lake County. That this easement agreement shall become effective from and after the date of the filing of said document with the Lake County Clerk and Recorder.

**APPROVED AND ADOPTED** this 16th day of October 2023.

**THE CITY OF POLSON**

BY:

\_\_\_\_\_  
Eric Huffine, Mayor

Attest:

\_\_\_\_\_  
Ed Meece, City Manager

\_\_\_\_\_  
Cora E. Pritt, City Clerk

STATE OF MONTANA     )  
  :SS  
County of Lake            )

On this \_\_\_ day of \_\_\_\_\_, 2023, before me the undersigned Notary Public for the State of Montana, personally appeared **Eric Huffine**, known to me to be the Mayor of the City of Polson and known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

\_\_\_\_\_  
Notary Public for the State of Montana

\_\_\_\_\_  
Printed Name of Notary  
Residing at Polson, Montana  
My commission expires: \_\_\_/\_\_\_/\_\_\_

Return to:

City Clerk  
City of Polson  
106 First Street East  
Polson, MT 59860

**CITY OF POLSON**  
**UTILITY EASEMENT AGREEMENT**

This easement modification made this 16th day of October, 2023, by property owners, **City of Polson**, Montana (Grantor), and **Stephen Love and Sandi Love** (Grantee), and, does hereby grant and convey unto Grantee a Utility Easement, across, over, and through certain real property (the Property) legally described below:

SKYLINE ADDITION #3, S10, T22 N, R20 W, Lot 00I, PARK I.

WHEREAS an existing power line crosses the above the Property.

WHEREAS Grantor desires to a Utility Easement extending 20' westwardly from the Eastern boundary line of the Property as recorded in Plat 193496 dated May 4, 1970, that runs from the Northern boundary line to the Southern boundary line as shown in Exhibit A. FURTHER that the easement will service a single parcel, legal described as:

Loves Mission View, S15, T22 N, R20 W, Lot 2, Acres 1.97,  
(Geocode: 15-3228-15-1-01-19-0000).

WHEREAS Grantor and Grantee acknowledge that Grantee will be the solely responsible for all fees and expenses for, but not limited to, permits, excavation, installation, construction, maintenance, repairs, and/or other costs related to utility lines that service Grantee's parcel on the Property.

WHEREAS Grantor and Grantee acknowledge that utility connection plan review and a City of Polson excavation permit is required at least 15 days prior to any construction and/or excavation. FURTHER that any access to the utility easement by Grantee requires 15 days prior notice by mail and posting, this may be waived with express written permission from Grantor or in emergency situations pursuant to City of Polson Municipal Code 12.06.036.

WHEREAS Grantor and Grantee acknowledge that the utility easement is not exclusive and may be used by Grantor, their heirs, executor, successors, administrators, and assignees, and shall bind each owner thereof. FURTHER, that Grantor use of the utility easement is at their sole expense associated with their service lines.

In consideration of the sum of ten (\$10.00) dollars and other good and valuable considerations paid by each of the parties hereto, receipt of which is hereby acknowledge by each of the parties hereto, and by consent of all the parties hereto, hereby agree to grant the above-described easement, and provide as follows:

1. The forgoing recitals are true and correct and are incorporated herein by reference.
2. The 20' Utility Easement extending westwardly from the Eastern boundary line of the parcel that runs from the Northern boundary line to the Southern boundary line as shown in Exhibit A.
3. Access to the easement requires 15-day notice by mail and posting, this may be waived with express written permission from Grantor or in emergency situations pursuant to City of Polson Municipal Code 12.06.036.
4. All monies for fees and expenses including, but not limited to, for permits,

excavation, installation, construction, maintenance, repairs, and/or other costs related to utility lines that service each respective parcel within the utility easement to be borne by the benefitted party.

- 5. This easement shall run with the real property and be binding on all parties having any right, title, or interest in the described property or any part thereof, their heirs, executor, successors, administrators, and assignees, and shall bind each owner thereof.

IN WITNESS WHEREOF, the Grantor and Grantee have executed this UTILITY EASEMENT AGREEMENT instrument this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**Grantor:**

\_\_\_\_\_  
Edwin Meece, City Manager  
City of Polson, 106 1<sup>st</sup> Street East, Polson MT 59860

**Grantee:**

\_\_\_\_\_  
Stephen Love  
8415 W. Lake Cochran Rd, Monroe WA 98272

\_\_\_\_\_  
Sandi Love

STATE OF MONTANA    )  
                                      :SS  
County of Lake         )

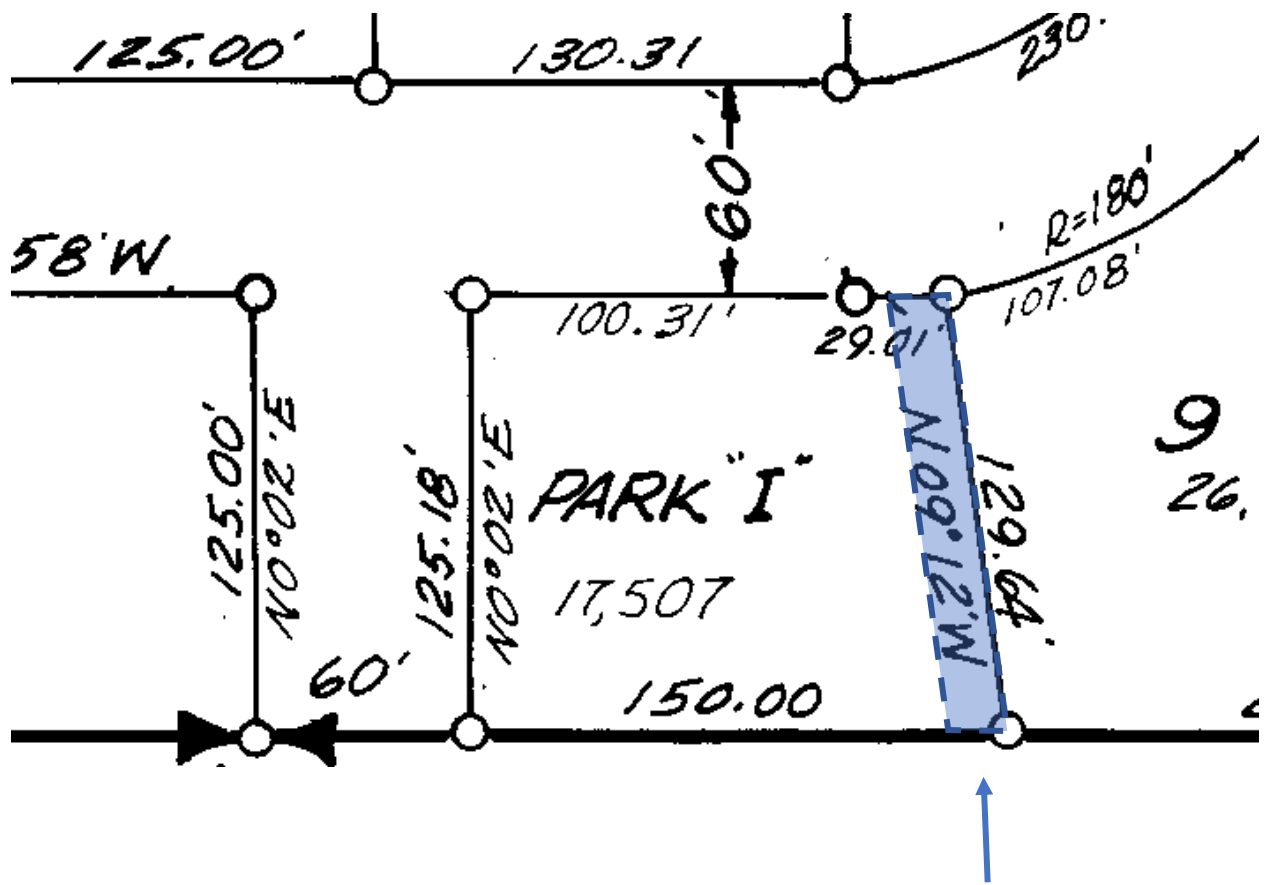
On this \_\_\_ day of \_\_\_\_\_, 2023, before me the undersigned Notary Public for the State of Montana, personally appeared **Stephen Love and Sandi Love**, known to me personally (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the foregoing instrument, 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 in this certificate first above written.

\_\_\_\_\_  
Notary Public for the State of Montana

\_\_\_\_\_  
Printed Name of Notary  
Residing at Polson, Montana  
My commission expires: \_\_\_/\_\_\_/\_\_\_

EXHIBIT A



20' Utility Easement Extending Westwardly  
From Eastern Boundary Line