



Commission Memorandum

REPORT TO: Honorable Mayor and City Commission

FROM: Griffin Nielsen, Engineer I
Shawn Kohtz, City Engineer

SUBJECT: Authorize the City Manager to sign a public sidewalk easement with Bozeman Health for sidewalks within the West Bozeman ASC project in Loyal Garden Subdivision.

MEETING DATE: June 17, 2019

AGENDA ITEM TYPE: Consent Agenda

RECOMMENDATION: Authorize the City Manager to sign a public sidewalk easement with Bozeman Health for sidewalks within the West Bozeman ASC project in Loyal Garden Subdivision.

BACKGROUND: Attached is a copy (original to City Clerk) of the partially executed easement. Engineering staff reviewed the document and found it to be acceptable.

FISCAL EFFECTS: N/A

ALTERNATIVES: As suggested by the City Commission.

Attachments: Public Sidewalk Easement

Report compiled on: 6/5/19

PUBLIC SIDEWALK EASEMENT

Bozeman Health, GRANTOR, in consideration of \$1.00 and for other and valuable considerations, receipt of which is acknowledged, grants to The City of Bozeman, a municipal corporation of the State of Montana, with offices at 121 North Rouse Avenue, Bozeman, Montana 59715, GRANTEE, its successors and assigns, a perpetual sidewalk easement for the use of the public, in, through, and across a strip of land situated in the City of Bozeman, County of Gallatin, State of Montana, to be located on the following described real property:

The easement is more particularly described on the attached Exhibit "A" and Exhibit "B" which by this reference is made a part hereof.

The GRANTOR states that they possess the real property described above and that they have a lawful right to grant an easement thereon.

The GRANTOR further agrees that the GRANTEE may peaceably hold and enjoy the rights and privileges herein granted without any interruption by the GRANTOR.

The terms, covenants, and provisions of this easement shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors, and assigns of the parties hereto.

DATED this 28th day of May, 2019.

SIGNATURE PAGE TO FOLLOW

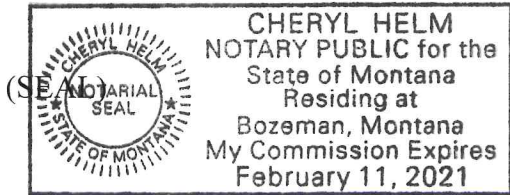
By: Brad Ludford
Grantor

State of Montana

SS

County of Gallatin

This record was acknowledged before me on May 28, 2019 (Date) by Bradley Ludford, as Chief Financial Officer of Bozeman Health



Cheryl Helm
Notary Public for the State of Montana

ACCEPTED:

CITY OF BOZEMAN

By _____
City Manager

ATTEST:

City Clerk

State of Montana
County of Gallatin

This record was acknowledged before me on _____ (Date) by ANDREA SURRATT and ROBIN CROUGH, as City Manager and City Clerk, respectively, of the City of Bozeman.

(SEAL)

Notary Public for the State of Montana

EXHIBIT B

HUFFINE LANE

Point of Commencement



AMENDED PLAT OF
LOTS 1 - 3, BLOCK 1,
LOYAL GARDEN
SUBDIVISION,
PHASE 1A

LOT 1A

Point of Beginning
N89°38'30"E 14.00'

S0°21'30"E 306.37' (TIE)

COTTONWOOD ROAD

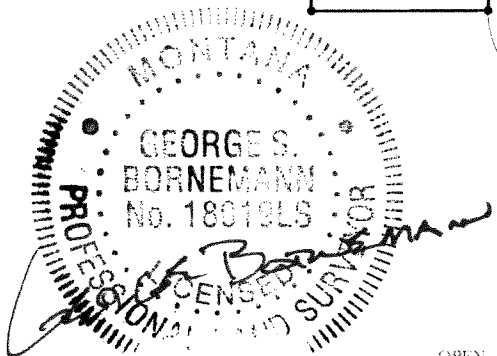
N0°21'30"W 128.56'

S0°21'30"E 128.56'

S89°38'30"W 14.00'

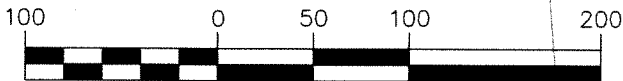
ALPHA DRIVE

OPEN SPACE P



OPEN SPACE P

GRAPHIC SCALE



(IN FEET)

1 inch = 100 ft.

Drawn By CDK
Checked By GSB
Date 4/26/19
CTA # USPI SURGCENT
Cad File: USNTV010



LIVINGSTON, MT
(406)222-0104
Fax (406)222-1007

PUBLIC SIDEWALK EASEMENT
GRANTOR: BOZEMAN HEALTH
GRANTEE: CITY OF BOZEMAN

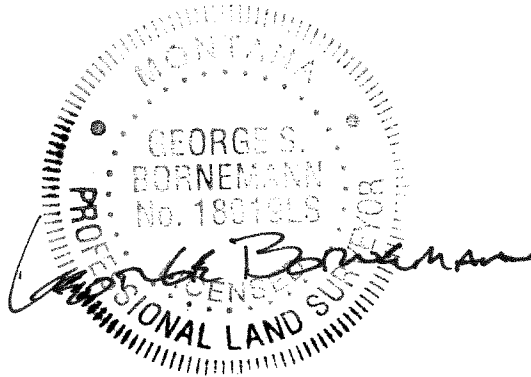
EXHIBIT **B**
REF SHEET#
SHEET#

EXHIBIT A

EASEMENT - DESCRIPTION

A Public Sidewalk Easement located on a portion of Lot 1A of Amended Plat of Lots 1 - 3, Block 1, Loyal Garden Subdivision, Phase 1A, Document No. 2644170, in the Office of the Gallatin County Clerk and Recorder, located in the northeast quarter of Section 16, Township 2 South, Range 5 East, Principal Meridian, Montana, City of Bozeman, County of Gallatin, State of Montana, being more particularly described as follows:

Commencing at the northeast corner of said Lot 1A, said point also being on the southerly right-of-way line of Huffine Lane and the westerly right-of-way line of Cottonwood Road; thence S0°21'30"E along the easterly line of said Lot 1A and said westerly right-of-way line, a distance of 306.37 feet to the **Point of Beginning**; thence continuing along the easterly line of said Lot 1A and said westerly right-of-way line S0°21'30"E, 128.56 feet; thence S89°38'30"W, 14.00 feet; thence N0°21'30"W, 128.56 feet; thence N89°38'30"E, 14.00 feet to the **Point of Beginning**. Containing 1,800 square feet.



Drawn By _____ CDK
 Checked By _____ GSB
 Date _____ 4/26/19
 CTA # USPI SURGCENT
 Cad File: _____ USNTV010



LIVINGSTON, MT
 (406)222-0104
 Fax (406)222-1007

PUBLIC SIDEWALK EASEMENT
 GRANTOR: BOZEMAN HEALTH
 GRANTEE: CITY OF BOZEMAN

EXHIBIT A
REF SHEET#
SHEET#