

Right of Way Application No. 19153
Affecting a 60-foot strip through
E2NW4, Sec. 10, Twp. 16N, Rge. 15W
Missoula County, Montana

EASEMENT NO. D-17490

EASEMENT GRANT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF MONTANA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Know ye that the State of Montana (hereinafter referred to as "Grantor"), in consideration of the sum of Fifty Thousand Seven Hundred Forty and No/100 Dollars (\$50,740.00), now paid, grants to Clearwater East Road Users' Association (hereinafter referred to as "Grantee") a right of way upon and across State lands for private access roads to serve 53 lots for single-family residential and associated outbuilding use, one single-family residence per lot, as follows:

60-foot strips through E2NW4, Section 10, Township 16 North, Range 15 West, Principal Meridian Montana, Missoula County, Montana, as shown and depicted on the Exhibit attached hereto and made a part hereof and containing 9.70 acres, more or less.

The grant of this easement is subject to the following conditions:

The Grantee shall comply with the Montana Antiquities Act, Title 22, Chapter 3, MCA. In particular, Section 22-3, Parts 4 and 8.

It is also agreed that Grantee's membership shall comply with such rules or regulations as may be hereafter imposed by the State Board of Land Commissioners to ensure that the environment will be adequately protected and the public health and safety not be endangered.

Provided, however, that the easement granted herein is not exclusive and Grantee's membership shall not interfere with the Grantor and its successors, assigns, lessees or other parties authorized to use State lands, in their right, at all times to go upon, cross and re-cross the land covered by said easement and any road thereon, at any point, for any and all purposes in a manner that will not unreasonably interfere with the rights granted to Grantee's membership.

Provided, further, that this easement is granted under the express condition that the rights herein granted to Grantee's membership shall not interfere with the Grantor's use of the adjacent land.

Provided, further, that permission must be obtained in writing, from the Director, Department of Natural Resources and Conservation, prior to the construction of any improvements in the easement area herein granted.

This easement is intended to provide Grantee's membership access to the following described lands, hereinafter referred to as the Dominant Tenement: Lots 1 through 11 and Lots 33 through 37 of Certificate of Survey No. 5310 and Lots 23 through 32, Lots 38 through 40, Lots 42 through 65 of Certificate of Survey Number 6114, both Certificates of Survey filed for record in the records of Missoula County, Montana and generally located in the E2NW4NW4, E2SW4NW4, NE4NW4, SE4NW4 in Section 10, Township 16 North, Range 15 West, P.M.M.

It is understood that the Dominant Tenement lands are comprised of residential lots that are currently leased and may be sold pursuant to §77-2-318, MCA. Authority under said statute includes the ability to grant any easement necessary to provide legal access to said residential properties made available for sale. Consistent with Administrative Rules of Montana, 36.25.1002, Grantor has required the formation of this road users' association for the purpose of providing a shared maintenance responsibility for those lots within the dominant tenement that are currently leased and/or may be sold pursuant to §77-2-318, MCA, including the purpose of providing legal access to those lots so sold.

It is understood and agreed that the dominant tenement contains lots which are currently unleased. When such unleased lots in the dominant tenement enter into either the leasing program or the sales program, lessees or purchasers shall be required to become a member of this road users' association and bear responsibility for the obligations within this easement and within the bylaws for the road users' association.

This easement is issued for the purpose of providing private, non-commercial access to the dominant tenement lands described above for one single-family residence and associated outbuildings per lot. This easement does not provide access for the construction or operation of any restaurant, bar, hotel, motel, office space, storage space, shopping center, or any structure of public accommodation. No additional or expanded use is authorized pursuant to this easement.

This easement may not be transferred or assigned by the Grantee road users' association without being approved by the Grantor and made upon the prescribed forms issued by the Department. Provided, however, this easement may not be partially assigned to individual landowners or lessees of the dominant tenement and shall only be assigned to another legally constituted road users' association. The foregoing notwithstanding, the Grantor's approval of the assignment of this easement shall not be unreasonably withheld so long as the Grantee membership is in compliance with the terms and conditions of this paragraph and this easement.

If a member of the grantee road users' association, who has purchased their lot in the dominant tenement described herein, proposes to subdivide and create an additional lot or tract of record from the existing lot as shown on Certificate of Survey Number 5310 or 6114 that also requires subdivision approval by a local governing body, the Grantee member shall provide notice to the Grantor no less than thirty (30) days prior to submittal of the proposal to the local governing body for consideration.

Failure to fully comply with any portion of this section shall be considered a material breach of the conditions of this easement and is cause for termination as provided below. All members of the road users' association shall be subject to the terms and conditions of this easement.

A conveyance fee of one percent (1%) of the sales price, or one percent (1%) of the fair market value, as determined by the Grantor, shall be paid when a member of the Grantee road users' association or successor in interest whose lot within the dominant tenement was purchased pursuant to §77-2-318, MCA or any subsequent statutory authority creates a new lot or tract from said original lot of record as shown and described on Certificate of Survey Number 5310 or 6114; or sells anything less than its entire interest in the existing lot of record.

In the case of any action by a Grantee member who has purchased their lot in the dominant tenement which alters the legal description of and increases the burden on that lot benefited by this easement, including but not limited to creation of a new lot or tract of record,

the payment of the conveyance fee shall occur prior to filing a final subdivision plat, certificate of survey or other document(s) that purports to or does alter the legal description of and increase the burden on the lot within the dominant tenement benefited by this easement. Any such action shall require each resulting, created lot owner to become members of the road users' association and will require amendment of this easement.

The Grantee's membership shall be responsible for controlling any noxious weeds introduced by Grantee's activity on State-owned land. The Grantee's methods of control must be reviewed by the Grantor's Area Field Office that has jurisdiction for that locale.

The Grantee's membership shall comply with the Montana County Noxious Weed Management Act, Section 7-22-2101 MCA et. seq., as follows:

The Grantee's membership shall notify the local weed board that is responsible for that geographical area that the project is located in. If vegetation is disturbed for any reason, Grantee's membership shall be required to submit to the local weed board a written plan specifying the methods to be used to accomplish revegetation and shall be required to revegetate the disturbed area. The plan must describe the time and method of seeding; fertilization, recommended plant species, use of weed-free seed, and the weed management procedures to be used. This plan is subject to approval by the local weed board, and therefore must be signed by the chairman of the board. Upon termination of this easement, Grantee's membership shall reclaim the entire area in accordance with this paragraph.

Provided, further, that the Grantee road user association shall provide maintenance to the roads shown on Exhibit A attached hereto and made a part hereof pursuant to the organized Declaration of Covenants and Bylaws of the Clearwater East Road Users' Association, Inc.

Provided, that Grantor may terminate this right of way for a material breach of any of the conditions or provisions of this deed. Before termination, the Board shall give Grantee written notice of intent to terminate and a reasonable period to cure the breach.

It is further provided that whenever said lands herein granted as a right of way shall cease to be used for such purpose, the right of way shall terminate upon notice to that effect being given to the said grantee named herein.

IN TESTIMONY WHEREOF, the State of Montana has caused these presents to be executed by the Governor, and to be attested by the Secretary of State, and countersigned by the Director, Department of Natural Resources and Conservation, and the Great Seal of the State, and the Seal of the State Board of Land Commissioners to be hereunto affixed this 14 day of February A.D. 2022.

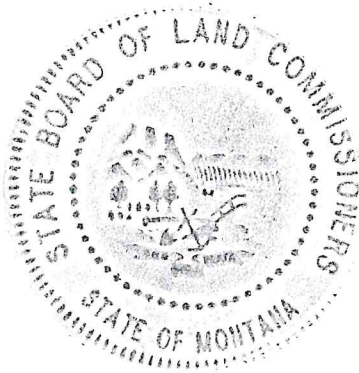
.....
Governor of the State of Montana

ATTEST:

.....
Christi Jackson
Secretary of State

Countersigned by:





Amanda Koster

.....
Director, Department of Natural
Resources and Conservation

Accepted and Approved:

Clearwater East Shore Road Users
Association

[Signature]

.....
President

Jody B. Welter

.....
Printed Name

Attest:

Karen Linford

.....
Secretary and/or Treasurer

KAREN J. Linford Secretary

.....
Printed Name

Lori Drew

Lori Drew - Treasurer

ACCESS EASEMENT
Clearwater East Shore Cabinsite

MONTANA DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION

Section 10
T.16N., R.15W., P.M.M.
Missoula County, Montana

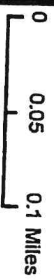
LEGEND

STATE Department of Natural Resources
and Conservation

SP Small Private



Easement from State to
Road User Association - Acres = 9.70
Road Right-of-Way width = 60ft.



GeoControl, LLC 11-19-2021
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