

THIS INDENTURE, made this 23rd day of November, A.D., 1910, by and between the GREAT FALLS TOWNSITE COMPANY, a corporation organized under the laws of the State of Montana, party of the first part, hereinafter called the GRANTOR, and the CITY OF GREAT FALLS, a municipal corporation created and existed under and by virtue of the laws of the State of Montana in that behalf provided, party of the second part, hereinafter called the CITY,

W I T N E S S E T H:

WHEREAS, heretofore, to-wit: on the 1st day of June, A.D., 1910, the GREAT FALLS WATER POWER AND TOWNSITE COMPANY, a corporation, proposed to the Mayor and City Council of the City of Great Falls that if the said Mayor and City Council of said City would vacate and abandon a certain park of said City called and known as "RIVERSIDE PARK", and certain drives therein and appertaining thereto, and would grant and convey the lands embraced in said park and said drives situated in said City and described as follows, to-wit:

FIRST DESCRIPTION: All of that certain piece or parcel of land situate, lying and being in the City of Great Falls, described as follows: Commencing at the intersection of the North line of First Avenue North with the West line of the right-of-way of the Great Northern Railway, and running thence Northerly and Easterly along the said Westerly and Northerly line of the said right-of-way of the said Great Northern Railway to the East line of Sixth Street produced; thence North along the said East line of said Sixth Street ~~PERPENDICULAR~~ to the Missouri river; thence Westerly and Southerly

following the meanderings of said river to the said North line of said First Avenue North; thence East along the said North line of said First Avenue North to the place of beginning.

SECOND DESCRIPTION: A strip of land 100 feet in width, that is to say, 50 feet on each side of the center line thereof, said center line beginning and extending as follows: Beginning at an Iron Pin on the East line of Sixth Street produced, 428.46 feet North of the center line of Eighth Avenue North; thence, Easterly at an angle of $60^{\circ} 4'$ to the right (Magnetic course N. $39^{\circ} 33'$ E.) from the said East line of Sixth Street produced, 1562.73 feet to an Iron Pin; thence, easterly at an angle of $30^{\circ} 5'$ to the right (Magnetic course N. $69^{\circ} 38'$ E.) 2484.08 feet to an Iron Pin on the center line of Fifteenth Street produced. The last described Iron Pin being the point of curve of an $8^{\circ} 44'$ curve to the right, whose length is 468.34 feet and whose radius is 656.6 feet to an Iron Pin on the center line of Sixteenth Street produced; said Iron Pin being the Point of Compound Curve and the point of curve of an $8^{\circ} 44'$ curve to the left, whose length is 468.34 feet and whose radius is 656.6 feet to the point of tangency, the same being an Iron Pin on the center line of Seventeenth Street produced, 90 feet North of the Intersection of the center lines of Seventeenth Street and Tenth Avenue North produced; thence easterly on a line parallel with and 90 feet North of the Center line of Tenth Avenue North produced, 3010.0 feet to an Iron Pin on the center line of Twenty-Fourth Street produced,

unto the said GREAT FALLS WATER POWER AND TOWNSITE COMPANY, its successors and assigns, the said GREAT FALLS WATER POWER AND

TOWNSITE COMPANY would grant and convey unto the said CITY OF GREAT FALLS for park purposes eighty (80) acres of land situated with the City near Black Eagle Falls to be selected by the Mayor and City Council of said City, and would pay unto the said City, to be used for park purposes, the sum of FIFTEEN THOUSAND (\$15,000.) DOLLARS. And

WHEREAS, thereafter on the day last aforesaid, the City Council of said City, at a regular meeting thereof, unanimously adopted a certain resolution, more than two-thirds of all of the members of said City Council elect voting in favor thereof, vacating and abandoning the said park as and for a park of said City, and the said drives therein and appertaining thereto embraced within the lands above described and accepted the said proposal of the said GREAT FALLS WATER POWER AND TOWNSITE COMPANY; which said resolution was by the Mayor of said City, on the day last aforesaid, duly approved, and thereby the said Mayor and City Council of said City did vacate and abandon the said park and the drives therein and appertaining thereto, hereinbefore particularly described as aforesaid, accordingly. And

WHEREAS, the Grantor has, since the adoption of said resolution, succeeded to all of the rights and obligations in the premises of the said GREAT FALLS WATER POWER AND TOWNSITE COMPANY. And,

WHEREAS, since the adoption of said resolution the Mayor and City Council of said City have selected the said eighty (80) acres of land, provided by and in said resolution to be selected by them as and for a park for said City near Black Eagle Falls

in said City, hereinafter described, and other lands for parks and public grounds for the use of said City and its inhabitants, and other lands as and for drives and driveways to be improved as driveways by and for the use of said City and its inhabitants; and the said City, acting by and through its Mayor and said City Council, has granted and conveyed to the Grantor the lands first above described and has otherwise performed the terms, conditions and obligations contained and set forth in said resolution duly adopted, as aforesaid, so as to entitle the said City to have granted to it by the Grantor the lands hereinafter described.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, and in order to carry out and perform the obligations assumed by the said GREAT FALLS WATER POWER AND TOWNSITE COMPANY by virtue of said resolution and its proposals therein mentioned, the Grantor does by these presents GRANT, BARGAIN, SELL, CONVEY, and CONFIRM unto the CITY OF GREAT FALLS, and its successors, to be used, improved and maintained by the City and its successors as and for public parks and driveways by the City and its inhabitants forever, but not otherwise, those certain pieces or parcels of land situate, lying and being in the County of Cascade and State of Montana, particularly described as follows, to-wit:

FIRST DESCRIPTION: Black Eagle Park.

Beginning at a point which is the intersection of the center line of Ninth Avenue North with the center line of Twenty-third Street in the City of Great Falls, Montana; thence Easterly along the center line of Ninth Avenue North 1139.60 feet; thence Northerly at an angle of 90° 9' to the

left 314.60 feet to an iron pin, the same being the Southwest corner of the parcel of land herein conveyed, said iron pin being located upon the North boundary line of the right-of-way of the Chicago, Milwaukee & Puget Sound Railway opposite Station 131+38.57 (C.M.& P.S. location of July 1910) Beginning at the said iron pin, thence Easterly at an angle of 90° 8' to the right (from the course last described) 2807 feet along the North boundary of the Chicago, Milwaukee & Puget Sound Railway right-of-way to an iron pin; thence Northerly at an angle of 90° 8' to the left 1483.68 feet to an iron pin; said iron pin being located upon the South boundary line of land belonging to the GREAT FALLS POWER COMPANY; thence Westerly at an angle of 91° 28' to the left 1337.60 feet along the South boundary line of the GREAT FALLS POWER COMPANY lands to an iron pin, said iron pin being located at a point designated as corner No. 59 upon the maps of the said Great Falls Power Company land; thence Southwesterly at an angle of 25° to the left, continuing along the South boundary line of the Great Falls Power Company land 1642 feet to an iron pin; thence Southerly at an angle of 63° 32' to the left 711.50 feet to the iron pin at the Southwest corner of the parcel of land herein and hereby described, the same being the point of beginning; according to the plat annexed hereto and marked "EXHIBIT A", containg eighty (80) acres more or less.

SUBJECT, nevertheless, to such rights therein and thereto as were granted by the said GREATFALLS WATER POWER AND TOWNSITE COMPANY to the ROYAL MILLING COMPANY, a corporation, by an instrument in writing made and dated June 21, 1894, whereby the said Royal Milling Company acquired a right-of-way

over and across a portion of the above described parcel of land for the maintenance of towers and a cable line for the transmission of power.

SECOND DESCRIPTION: Rainbow Falls Park:

All of that portion of the Southeast Quarter of Section thirty-four (34) in Township 21 North of Range 4 East of the Montana Meridian, particularly described as follows: Beginning at the stone monument at the Southeast corner of said Section 34 in the Township and Range aforesaid; thence North along the Section line between Sections thirty-four (34) and thirty-five (35) in said township and range 348 feet to an iron pin, the same being the Southeast corner of the parcel of land herein and hereby described; beginning at the said iron pin continue North along the said Section line between said Sections 34 and 35 1635 feet to an iron pin, said iron pin being located upon the South boundary line of the land belonging to the GREAT FALLS POWER COMPANY and at a point one-half way on the West side of the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}SW\frac{1}{4}$) of Section 35, Township 21 North of Range 4 East; thence Westerly at an angle of $89^{\circ}59'$ to the left along the South boundary line of the land of the Great Falls Power Company 2672.10 feet to an iron pin, the same being located upon the center line (North and South) of the said Section 34, and at a point one-half way on the East side of the Northeast quarter of the Southwest quarter ($NE\frac{1}{4}SW\frac{1}{4}$) of Section 34, Township and Range aforesaid; thence South at an angle of $90^{\circ}34'$ to the left along the North and South center line of Section 34, 1635.10 feet to an iron pin; thence East at an

angle of $89^{\circ}26'$ to the left 2656.40 feet to the iron pin at the Southeast corner of the parcel of land herein described, the same being the point of beginning. According to the plat thereof hereunto annexed and marked "EXHIBIT B"; said parcel of land containing 100 acres more or less.

THIRD DESCRIPTION. Block 268, to-wit:

All of Block Numbered 268, as shown on the plat of the Third Addition to the Townsite of Great Falls, on file and of record in the office of the county clerk of Cascade County, Montana, said Block 268 being bounded on the North and South respectively by Third Avenue North and Second Avenue North, and on the West and East respectively by Nineteenth Street and Twentieth Street.

FOURTH DESCRIPTION: Block 273 described as follows, to-wit: Beginning at the stone monument at the intersection of the center line of Second Avenue North with the center line of Twenty-third Street in the Fourth Addition to the Townsite of Great Falls; running thence Easterly on the center line of Second Avenue North produced 470 feet; thence Northerly at an angle of $90^{\circ}9'$ to the left 40 feet to an iron pin, the same being located at the Southwest corner of the parcel of land herein and hereby described. Beginning at the said iron pin continue thence Northerly on the course last described 320.70 feet to an iron pin, the same being located at the Northwest corner of the parcel of land herein and hereby described; thence easterly at an angle of $90^{\circ}9'$ to the right 350 feet to an iron pin, the same being located at the Northeast

corner of the parcel of land herein and hereby described;
thence Southerly at an angle of 89°51' to the right 320.70
feet to an iron pin, the same being located at the Southeast
corner of the parcel of land herein and hereby described;
thence Westerly at an angle of 90° 9' to the right 350 feet
to an iron pin, the same being the point of beginning.

FIFTH DESCRIPTION. Block 300, to-wit: All of
Block Numbered 300 as shown on the plat of the First Addition
to the Townsite of Great Falls on file and of record in the
office of the said County Clerk and Recorder of said County,
said Block 300 being bounded on the North and South respectively
by Second Avenue North and First Avenue North, and on the
West and East respectively by Twelfth Street and Thirteenth
Street.

Also the following described parcels of land are
granted for driveways and ways to be used and maintained
by the City and its successors, as and for driveways and
ways for use by the City and its inhabitants as such, but
not otherwise, forever.

FIRST DRIVEWAY. An extension of VALERIA WAY, so-called:
There is hereby granted a right-of-way as and for an
extension of said VALERIA WAY one hundred (100) feet in
width, that is to say fifty (50) feet on each side of the
center line of said way beginning and extending as follows:
Beginning at the point where the center line of Valeria Way,
so-called, produced intersects the East line of the above de-
scribed Black Eagle Park, said point being marked by an iron
pin located upon the said East line of said Black Eagle Park,

404.28 feet North of the Southeast corner of said Park, the said iron pin being the point of curve of a 4° curve to the left North and East from the center line of said Valeria Way, the radius of said curve being 1432.69 feet, and the length of said curve being 600 feet to the point of tangency, the same being an iron pin; thence Northeasterly 769.75 feet to an intersection with the South line of the land belonging to the said GREAT FALLS POWER COMPANY, said intersection being marked by an iron pin.

SECOND DRIVEWAY. Highland Park Extension.

There is hereby granted a right-of-way through the North Half ($N\frac{1}{2}$) of Section 13, Township 20 North of Range 3 East of the Montana Meridian, one hundred (100) feet in width, that is to say fifty (50) feet on each side of the center line thereof beginning and extending as follows:

Part 1. Beginning at the point where the center line of Valeria Way intersects the center line of Ninth Avenue South, said point being 215.89 feet East of the stone monument located at the intersection of the center line of Ninth Avenue South with the center line of Eighth Street in the Original Townsite of Great Falls; run thence Southwesterly on the said center line of Valeria Way 620.12 feet to an iron pin, the same being the point of beginning and the initial point on the center line of Part 1 of the right-of-way herein conveyed. Beginning at the said initial point, the same being the point of curve of a 6° curve to the left South and East from the center line of Valeria Way, the radius of said curve being 955.36 feet and the length of the curve being 1155 feet to the point of tangency, the same being an iron pin; thence Southeasterly 1442 feet to

an iron pin, said iron pin being the point of curve of a 6° curve to the left whose radius is 955.36 feet and whose length is 1155 feet. From the said point of curve run thence along the curve above described 267.70 feet to an intersection with the North line of the Highland Park Addition to Great Falls, said intersection being the terminal point of Part 1 of the right-of-way herein and hereby conveyed.

Part 2: Beginning at the terminal point of Part 1 first above described, continue along the 6° curve last described 887.30 feet to the point of tangency, the same being an iron pin located upon the center line of Gibson Avenue in the said Highland Park Addition; thence Easterly along the center line of Gibson Avenue 115.45 feet to an iron pin, said iron pin being the point of curve of an 8° curve to the left whose radius is 716.78 feet and whose length is 1124.58 feet; thence along said curve 809.35 feet to an intersection with the North line of said Highland Park Addition to Great Falls, said intersection being the point of beginning or initial point of Part 2 of the right-of-way herein and hereby conveyed. Beginning at the said initial point continue along the 8° curve last described 315.23 feet to the point of tangency, the same being an iron pin located upon the center line of Twelfth Street produced South from the First Addition to Great Falls and 2711.69 feet South of the stone monument at the intersection of the center line of Ninth Avenue South with the center line of Twelfth Street. From the said point of tangency run thence Northerly along the center line of Twelfth Street 1662.87 feet to an iron pin, the same being located upon the said center line of Twelfth Street produced South from the First Addition

to Great Falls and 1048.82 feet South of the intersection of the center line of Ninth Avenue South with the center line of Twelfth Street, the said iron pin last described being the point of curve of a 9° curve to the right whose radius is 637.27 feet and whose length is 1000.74 feet to the point of tangency, the same being an iron pin; thence Easterly on a line parallel with and 410.8 feet South of the center line of Ninth Avenue South to an intersection with the Eastern line of Section 13, Township 20 North of Range 3 East about 33 feet.

THIRD DRIVEWAY. Southwest extension of Valeria way from Tenth Avenue South to the Missouri river. There is also granted a right-of-way one hundred (100) feet in width, that is to say fifty (50) feet on each side of the center line thereof beginning and extending as follows: Beginning at the point where the center line of Valeria Way intersects the center line of Ninth Avenue South (Said point being 215.89 feet East of the stone monument located at the intersection of the center line of Ninth Avenue South with the center line of Eighth street in the original townsite of Great Falls); run thence Southwesterly on the said center line of Valeria Way 620.12 feet to the iron pin, the same being the point of beginning or initial point of the center line of the right-of-way herein and hereby conveyed. Beginning at the said initial point continue on the course last described and run thence Southwesterly on a true extension of the center line of Valeria way to the eastern edge of the Missouri river about 5440 feet. This grant is SUBJECT, nevertheless, to the prior rights of the Great Northern Railway crossing a portion of said granted right-of-way. The said several driveways in this paragraph granted are shown upon the plat hereto annexed and marked "EXHIBIT C".

FOURTH DRIVEWAY: There is hereby granted a right-of-way through Lot one (1), Section three (3), Township 20 North of Range 4 East, Montana Meridian. The Western line of the right-of-way herein conveyed is a line parallel to and fifty (50) feet west of the line herein described; the Eastern line of the right-of-way herein conveyed is the eastern line of Lot 1, Section 3, Township 20 North of Range 4 East. BEGINNING at an Iron Pin located upon the South line of Lot 1, Section 3, Township 20 North of Range 4 East, and 15.50 feet West of the stone at the southeast corner of the said Lot 1; Run thence northerly 1800.18 feet in a direct line from the said Iron Pin to the stone monument at the Closing Corner common to sections 2 and 3, Township 20 North of Range 4 East. Also a right-of-way through the Southeast quarter of the Southeast quarter ($SE\frac{1}{4}SE\frac{1}{4}$) of Section 34, Township 21, North of Range 4 East, Montana Meridian. Width of right-of-way fifty (50) feet on each side of the center line herein described.

BEGINNING at the stone monument at the Closing Corner common to Sections 2 and 3, Township 20 North of Range 4 East, said closing corner being the Point of Curve of an 8° curve to the right (north and East) from the course last described through Lot 1, Section 3, Township 20 North of Range 4 East; run thence on the said 8° curve 363.12 feet to an intersection with the South line of the Rainbow Falls Park site; said intersection being 544.18 feet West of the southeast corner of the said Rainbow Falls Park.

TO HAVE AND TO HOLD the said several parcels of land above described, together with the appurtenances, unto the said City and its successors forever for the several uses and purposes aforesaid, but not otherwise; SUBJECT, nevertheless, to the conditions and reservations following.

This grant is made by the Grantor and accepted by the City for itself and its successors upon this express condition: That so long as the City and its successors shall use the said several parcels of land for the purposes and uses for which the same are granted, as aforesaid, the City and its successors shall have and enjoy such use; but if any piece or parcel of said lands hereby granted shall ever be granted or conveyed for use, or shall ever be used for any purpose or purposes other than the uses and purposes for which the same are granted as aforesaid, then and in such event this grant as to such parcel or parcels so granted, or diverted, or undertaken or intended so to be, shall be and become void and the title to such parcel or parcels shall immediately revert to and revest in the Grantor, its successors and assigns, and it and they shall thereupon be and become entitled to the possession thereof.

Nothing herein shall be construed so as to limit the power of the City to ornament, develop and improve the said lands granted for park purposes, to any extent the City may choose, as parks and pleasure grounds for the use of the City and its inhabitants. Nor shall anything herein limit the right of the City to improve the said parcels of land granted for drives and ways as drives and ways.

This grant is made SUBJECT to a prior grant heretofore made by the GREAT FALLS WATER POWER AND TOWNSITE COMPANY, a corporation, to the GREAT FALLS POWER COMPANY, a corporation, dated August 26, 1910, and of record in the office of the county clerk of Cascade County, Montana, in Book 61 of Deeds at page 163, and if this grant shall be found to be in conflict with such prior grant, then such prior grant shall control wherever in conflict herewith.

RESERVATION. That there be, and hereby is EXPRESSLY RESERVED from the operation of this grant the following rights, that is to say: Grantor reserves unto itself, its successors and assigns, for the use and benefit of the GREAT FALLS POWER COMPANY, a corporation, its successors and assigns, rights-of-way for such transmission lines as may hereafter be or become necessary or convenient for the transmission of electric energy by wire or electric cable, and for the poles or towers necessary for the support and maintenance thereof over, across, along and upon said above described Black Eagle Park and said above described Rainbow Falls Park, and over across, along and upon said several granted ways; But Grantor, for itself, its successors and assigns, COVENANTS to and with the City that such transmission lines shall forever be safely maintained and that the towers or poles necessary for the support and maintenance thereof shall be so placed and maintained as to cause as little inconvenience as possible to the City and its inhabitants in the use of said several parks and ways.

IN TESTIMONY WHEREOF, the Grantor has caused its corporate name to be hereunto subscribed and its corporate seal affixed by its vice-president, in that behalf duly authorized and empowered, and these presents to be attested by its Secretary the day and year first above written.

GREAT FALLS TOWNSITE COMPANY

BY

James H. [Signature]

Vice-president

Attest: *W. H. [Signature]*
Secretary

STATE OF MONTANA, }
County of Cascade. } ss.

On this 23 day of November,
A.D., 1910, personally appeared before me, R. E. WILLIAMS,
a Notary Public for the State of Montana, residing at
the City of Great Falls in said county and state,
James O. Grady
~~JOHN C. MCPHON~~, known to me to be the vice-president of
the corporation described in and which executed the
foregoing instrument, who acknowledged to me that said
corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set
my hand and official seal the day
and year in this certificate first
above written.

R. E. Williams

Notary Public for the State of Montana
Residing at Great Falls, Montana.
My Commission expires July 24, 1913.