April 8, 2013

Mr. Mike Tierney, Planner
Montana Department of Transportation
P.O. Box 201001
Helena, MT 59620-1001

Re: Memorandum of Understanding
Emergency Access for the Amended Plat of Lot 11A, Block 1; Zimmerman Trail Subdivision
Zimmerman Place and Highway 3; Billings, Montana

Dear Mr. Tierney:

This letter sets forth the memorandum of the agreement reached between the Montana Department of Transportation ("MDT") and the City of Billings ("City") relating to the Amended Plat of Lot 11A, Block 1; Zimmerman Trail Subdivision ("Subdivision") proposed by Kincaid Land, LLC, a Montana limited liability company ("Subdivider").

The City agrees that the agreement between the City and the Subdivider will require anyone working within the MDT right-of-way to follow MDT standards as found in the MDT reference materials as set forth on the approach permit issued by MDT. See the last WHEREAS clause and Sections III.E., IV.A. and IV.B. of the attached Subdivision Improvements Agreement.

The City agrees that the agreement between the City and the Subdivider will require the Subdivider to construct a secondary emergency access connecting Lot 10A (Common Area) of the Subdivision with Highway 3. The access will be consistent with the Preliminary Plat submitted by Sanderson Stewart; approved before construction by MDT, the Billings Fire Department, and the City Engineering Department; will be constructed in accordance with the International Fire Code adopted by the City. See Section IV.C.1. of the Attached Subdivision Improvements Agreement.

The City agrees that the agreement between the City and the Subdivider will require the Subdivider to maintain the secondary emergency access road, the gate, and the signage. See Section IV.B.2. of the attached Subdivision Improvements Agreement.

The City agrees that it will enforce the obligations of the Subdivider.

Sincerely,

Thomas W. Hanel, Mayor

cc: Stefan Streeter, District Manager, MDT Billings
Stan Jonutis, Traffic Engineer, MDT Billings