

**REQUEST TO VACATE PUBLIC RIGHT-OF-WAY  
CITY OF BILLINGS**

**Description of Right-of-Way to be vacated:**

The alley adjacent to and between lots 1-12 and 13-24, block 38, Foster Addition to the City of Billings. Said alley is between 7<sup>th</sup> Ave N and 8<sup>th</sup> Ave N.

We, being all the abutting property owners, request of the City Council the vacation of the above described:

<u>      </u> Street	<u>  X  </u> Alley	<u>      </u> Other R/W
<b><u>SIGNATURE</u></b>	<b><u>DATE</u></b>	<b><u>PROPERTY OWNERSHIP</u></b>
<u>Kari K Beebe</u> (Beebe)	<u>12/15/14</u>	<u>Foster Addition, Block 38, Lots 7 and 8</u>
<u>[Signature]</u> (Bargas)	<u>12/15/14</u>	<u>Foster Addition, Block 38, Lots 9 and 10</u>
<u>[Signature]</u> (AlleyCat Investments, LLC)	<u>12/1/14</u>	<u>Foster Addition, Block 38, Lots 21-24</u>
<u>[Signature]</u> (Honaker Realty LLC)	<u>12/1/14</u>	<u>Foster Addition, Block 38, Lots 1-6 and 18-20</u>
<u>David C. Thomas</u> (Thomas Properties LLP)	<u>12/1/14</u>	<u>Foster Addition, Block 38, Lots 11-17</u>

(Additional signatures, if needed, can be on additional sheets.)

**WE, the utility companies and governmental departments, listed below, approve, or disapprove this request as noted by our signatures.**

	Approved By/Date	Disapproved By/Date
City Public Works	_____	_____
Heights Water	_____	_____
Montana Dakota Utilities	_____	_____
Northwestern Energy	_____	_____
Charter	_____	_____
CenturyLink	_____	_____
City/Co. Planning Board	_____	_____

(A letter of explanation may be attached with "See Attached Letter" entered in the appropriate signature slot.)

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City Public Works	_____	_____
Heights Water	_____	_____
Montana Dakota Utilities	<u>Scott Dmohue 11-7-14</u>	_____
Northwestern Energy	_____	_____
Charter	_____	_____
CenturyLink	_____	_____
City/Co. Planning Board	_____	_____

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~~The petitioner acknowledges and understands that the City will appoint an appraiser to estimate the value of the real property being vacated, and the petitioner agrees that the fee for the appraiser will be borne by the petitioner(s).~~

~~ATTACHMENTS:~~

- ~~\_\_\_\_\_ Ownership Reports on all Abutting Property~~
- ~~\_\_\_\_\_ Comments from all Utilities~~
- ~~\_\_\_\_\_ Map of R/W to be Vacated~~
- ~~\_\_\_\_\_ Traffic Accessibility Study (When required by the City)~~

~~AN APPLICATION FEE OF \$200 MUST ACCOMPANY THIS PETITION.~~

~~Fee Received By: \_\_\_\_\_ Date: \_\_\_\_\_~~

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Heights Water	_____	_____
Montana Dakota Utilities	_____	_____
Northwestern Energy	<u>Kau [Signature] 11/10/14</u>	_____
Charter	_____	_____
CenturyLink	_____	_____
City/Co. Planning Board	_____	_____

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Northwestern Energy	_____	_____
Charter	<u>Donj Alford 2/11/15</u>	_____
CenturyLink	_____	_____
City/Co. Planning Board	_____	_____

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Montana Dakota Utilities	_____	_____
Northwestern Energy	_____	_____
Charter	_____	_____
CenturyLink	_____	_____
City/Co. Planning Board	<u>Tammie Baker</u>	<u>WILL REQUIRE 2/17/15</u>

*EASEMENT TO MAINTAIN + ACCESS OVERHEAD + UNDERGROUND TELCO FACILITIES*

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Fee Received By: \_\_\_\_\_ Date: \_\_\_\_\_





# FIRST MONTANA TITLE

COMPANY OF BILLINGS

*Your FIRST choice since 1955!*

January 7, 2015

Brent Morford  
KLJ Engineering  
2611 Gabel Road  
Billings, MT 59102-7329

Dear Mr. Morford,

As requested, we have prepared an ownership report on the following legal descriptions:

Lots 1 and 2, Block 38 Foster's Addition to the Town of Billings;  
Lots 3, 4, 5 and 6, Block 38 Foster's Addition to the Town of Billings;  
Lots 7 and 8 Foster's Addition to The town of Billings;  
Lots 9 and 10, Block 38 Foster's Addition to the Town of Billings;  
Lots 11, 12, 13, 14, 15 16 and 17, Block 38 Foster's Addition to the Town of Billings;  
Lots 18, 19 and 20, Block 38 Foster's Addition to the Town of Billings;  
and Lots 21, 22, 23, and 24, Block 38 Foster's Addition to the Town of Billings;

As of December 16, 2014, at 5:00 PM, we find ownership as follows on the attached pages.

This report is limited to verification of the ownership of the above described property, and the liability for this report will not exceed the amount paid for said report. No search has been made for easements, restrictions, liens, judgments or other encumbrances.

First Montana Title Co.

Katrina M. Kruger  
Title Officer

First Montana Title  
204 North 29<sup>th</sup> Street  
406-248-3000  
[katrina@firstmontanatitle.com](mailto:katrina@firstmontanatitle.com)

**Tax Code:** A07225

**Legal Description:**

Lots 1 and 2, Block 38, of Foster's Addition to the Town of Billings, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 12383.

Vested: Honaker Realty, LLC

Deed Reference: Warranty Deed No. 3722071

**Tax Code:** A07226

**Legal Description:**

Lots 3, 4, 5 and 6, Block 38, of Foster's Addition to the Town of Billings, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 12383.

Vested: Honaker Realty, LLC

Deed Reference: Warranty Deed No. 3722072

**Tax Code:** A07227

**Legal Description:**

Lots 7 and 8, Block 38, of Foster's Addition to the Town of Billings, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 12383.

Vested: Kari K. Beebe

Deed Reference: Quit Claim Deed No. 3705761

**Tax Code:** A07228

**Legal Description:**

Lots 9 and 10, Block 38, of Foster's Addition to the Town of Billings, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 12383.

Vested: Bonnie M. Bargas

Deed Reference: Quit Claim Deed No. 3601154

**Tax Code:** A07229

**Legal Description:**

Lots 11 and 12, Block 38, of Foster's Addition to the Town of Billings, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 12383.

Vested: Thomas Properties LLP, a Montana limited liability partnership

Deed Reference: Special Warranty Deed No. 3619121

**Tax Code:** A07230

**Legal Description:**

Lots 13, 14, 15, 16 and 17, Block 38, of Foster's Addition to the Town of Billings, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 12383.

Vested: Thomas Properties LLP, a Montana limited liability partnership

Deed Reference: Warranty Deed No. 3619121

**Tax Code:** A07233

**Legal Description:**

Lots 18, 19 and 20, Block 38, of Foster's Addition to the Town of Billings, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 12383.

Vested: Honaker Realty, LLC

Deed Reference: Warranty Deed No. 3723045

**Tax Code:** A07234

**Legal Description:**

Lots 21, 22, 23 and 24, Block 38, of Foster's Addition to the Town of Billings, in the City of Billings, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 12383.

Vested: Alley Cat Investments, LLC

Deed Reference: Warranty Deed No. 372265

END OF OWNERSHIP REPORT.

## Brokers Property Evaluation

# Downtown Alley

Alley Adjacent to Lot 1-24 Block 38  
Billings, Montana 59101

**NAI** Business Properties

Matt Robertson - *Principal / Broker*  
NAI Business Properties

tel +1 406 256 5000

cell +1 406 671 1158

fax +1 406 256 9494

mrobertson@naibusinessproperties.com

www.naibusinessproperties.com



## Table of Contents

<b>3</b>	Engagement Letter
<b>4</b>	Section 01 Executive Summary
<b>6</b>	Section 02 Property Summary
<b>11</b>	Section 03 Evaluation 13) Sales Comparison Approach 14) Sales Comparison Map
<b>15</b>	Section 04 Weighted Valuation
<b>16</b>	Section 05 About Us
<b>19</b>	Section 06 Assumptions
<b>20</b>	Section 07 Exhibits 20) Property Site Map 21) Property Administrative Order

January 12, 2015

William Honaker  
2700 1st Avenue North  
Billings, Montana 59101

Attention: Mr. William Honaker

Dear Mr. Honaker,

The Brokers Property Evaluation of a commercial property utilizes a combination of the information gathered from a drive-by exterior examination, interior site analysis, external data sources, previous lease data, property assessment data, recent comparable leases, current area leasing information, pertinent property profit and loss information, as well as a thorough photo documentation of the subject property.

The BPE includes area information, site description, structure description, county assessment data, pertinent and available documents of record, three assessments of value (Income, Sales Comparison and Cost), as well as photographs of the subject property. The descriptions and statements made in this analysis are from sources that are deemed reliable, however no warranty is made as to the accuracy thereof.

This analysis only represents the personal, impartial and unbiased professional opinion of the authors.

The liability of the analysis to the authors shall be limited to the fee collected from the client, and the authors assume no responsibility for additional costs incurred by the client on this project.

Sincerely,

Matt Robertson  
Principal / Broker

**NAI**Business Properties

Commercial Real Estate Services, Worldwide.

o. +1 406 256 5000  
m. +1 406 671 1158  
e. [mrobertson@naibusinessproperties.com](mailto:mrobertson@naibusinessproperties.com)

## Alley Adjacent to Lot 1-24 Block 38

# Downtown Alley

The subject property consists of an alley with approximately 0.138 acres, located between North 27th Street and North 26th Street in downtown Billings and is currently being utilized as an alley. The land under the improvement is fee simple interest with total size of 6,000 square feet. The improvements include a paved surface and assumed utility infrastructure (which is not included within the analysis). The author did not include any benefit or detriment due to existing utility easements located on the property. The property was owned by the city of Billings at the time of the analysis.

The property is currently located within city limits of Billings and has an assumed zoning of Community Commercial (CC) due to existing zoning of adjacent properties. The CC zoning is intended to promote uses geared towards accommodating retail, service and office facilities. The property appeared to be in fair condition at the time of the analysis.

The author assumed that the property will appeal to both individual users and developers based on its proximity to the Central Business District. The property appeared to be in fair condition based on the visual inspection.

# Executive Summary

**Date of Analysis/Effective Date**.....January 12, 2015  
**Client**.....William Honaker  
**Owner of Record**.....City of Billings

## Key Highlights:

- Located in Downtown Billings
- Good Access from 7th Avenue North and 8th Avenue North
- Paved Road Access
- Currently Used as an Alley



Based on a thorough analysis of the property, the most likely user would be a developer. The author's analysis and assumptions of: use/condition factors of the property, current market data, actual and market income information and general assesment of the property; results in a blended market value range of \$27,120.00 to \$44,400.00. Taking the above stated values the proposed Market Value is \$36,062.66 (\$6.01 PSF).

# Overview

## Address

Alley Adjacent to Lot 1-24 Block 38  
Billings, Montana 59101

## Property Legal

Alley Adajcent to Lot 1-24 Block 38 of the  
Foster Addition

## Conforming Use Determination

Based on the current use the property appears  
to be conforming (Per Article 27-301 of the  
Unified Zoning Regulations)

## Property GeoCode/Tax ID

NA / NA

## 2014 Assessed Market Value

Land Assessed Value

NA / PSF

Improvement Value

NA / PSF

2014 Tax Liability

\$ -

SID's

\$ -

Total Assessed Value

NA / PSF

Taxes in Arrears

\$ -

## Site Specs

Land Size: 6,000 SF

Acres: 0.1377

Topography: Level

Utilities: No City Services

Zoning: Community Commercial

Front Feet: 300'  
*N 27th St.*

Lot Depth: 20'  
*7th Avenue*

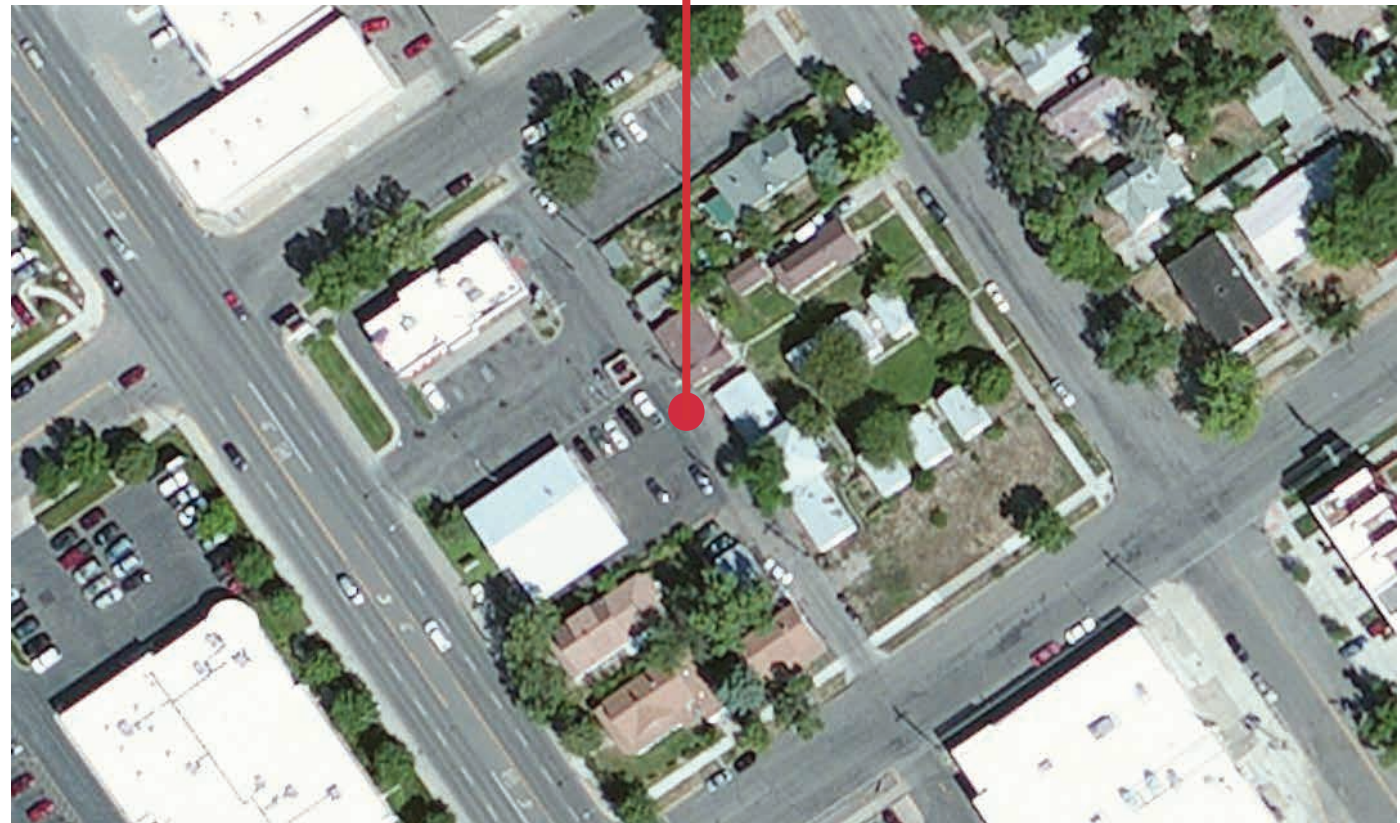
Frontage: Fair



# Property Zoning Description

Community Commercial – The Community Commercial zone is intended primarily to accommodate community retail, service and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. Facilities within the classification will generally serve the community, and commensurate with the purchasing power and needs of the present and potential population within the trade area. It is intended that these business facilities be provided in business corridors or in islands centrally located in the trade area rather than a strip development along arterials.

### Alley Adjacent to Lot 1-24 Block 38



# Billings Area Info

Yellowstone County maintains the status as the most populated county in Montana. Billings, the business, transportation and sales hub between Denver and Calgary, Seattle and Minneapolis, is the largest city and the county seat in Yellowstone County. As of the 2012 census, the city had an estimated total population of 106,954, the only city in Montana to surpass 100,000 people. The major industries driving the economy of Billings are agriculture, energy, transportation, medical, and education. Shopping and cultural activities draw visitors from a large area as well. Billings has avoided the economic downturn that affected most of the nation 2008–2012 as well as avoiding the housing bust. With the Bakken oil play in eastern Montana and western North Dakota, the largest oil discovery in U.S. history, as well as the Heath shale oil play just north of Billings, the city's already rapid growth rate is escalating in general.

## Local Land Market Trends

Due to national economy slump and the fall of investment portfolio's new development reduced significantly within the Billings area. Over the past few years we have seen a significant drop in land values, due to excess inventory, low absorption and higher vacancy within the specific industry sectors. Lease rates have remained relatively stable within the industry types thus creating no incentive for new development. The only land sector that seems to be gaining traction is that of an industrial nature, with the increased activity in the Northeast many energy companies look to Billings as a business hub. Long run expectations for the Billings land market are positive with slow growth over the next 5+ years to reach the levels that were obtained in the early 2008's.



Sales



Vacancy



Net Absorption



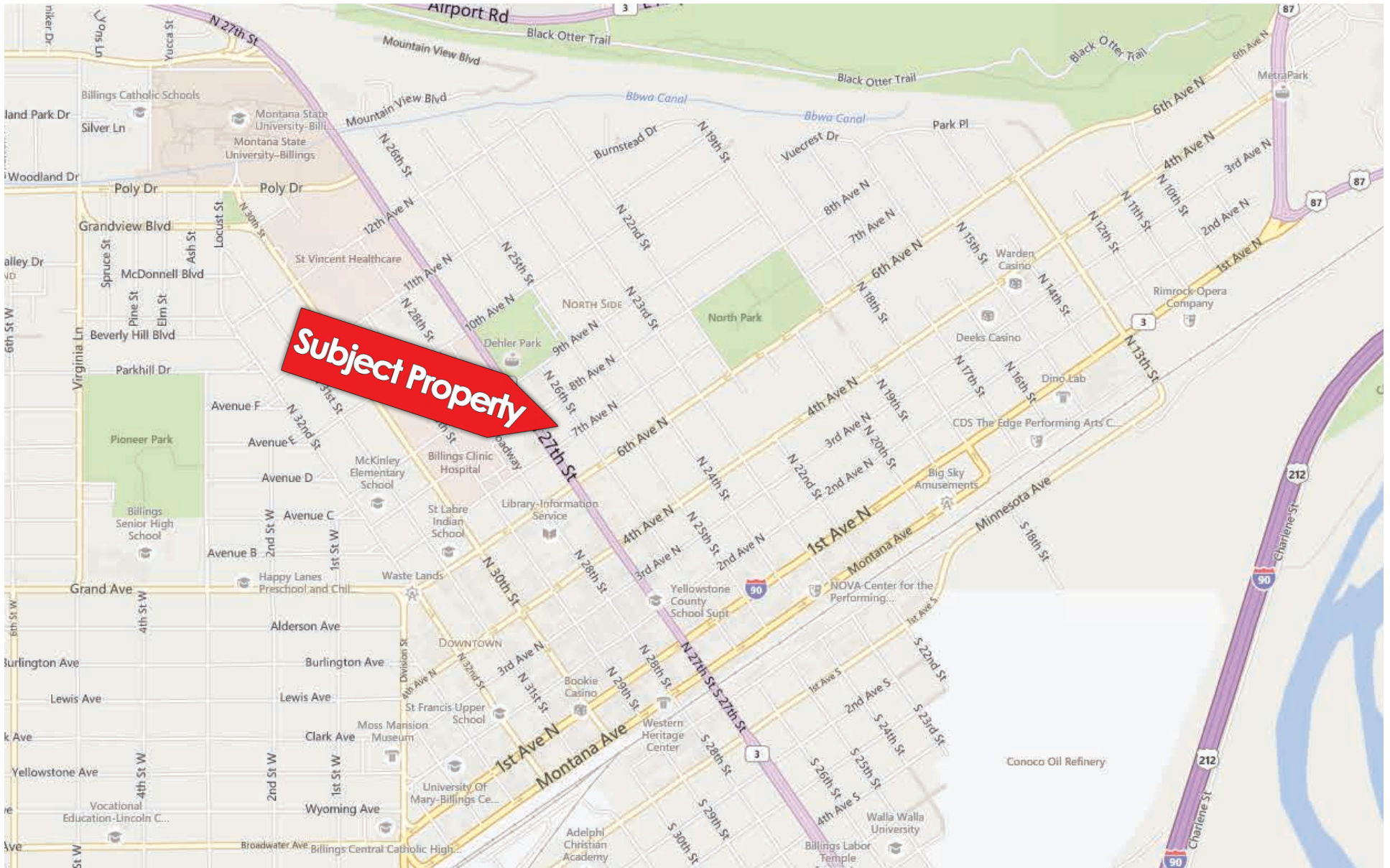
Construction



Lease Rates



# Property Aerials & Map





## Site Details

The subject property borders:

North:	8th Ave N
South:	7th Ave N
East:	Residential
West:	Retail and Residential

## Traffic Counts

Traffic Count numbers are based on a blend of past three years:

N 27th St.:	21,970 ADT
7th Avenue:	less than 2500 ADT
8th Avenue:	less than 2500 ADT

*ADT: Average Daily Traffic*



# Market Value Determinants

**Market Value** is the estimated amount for which a property, considered in its highest and best use, should exchange for on the date of valuation between a willing buyer and a willing seller in an arms-length transaction after proper marketing, wherein the parties had each acted knowledgeably, prudently, and without compulsion or undue pressures.

In order to assess a property's market value the authors need to consider the highest and best use of the property. Four determinants are typically used in valuating a property's highest and best use and they are as follows:

**Legally Allowable** - Only those uses that are, or may be, legally allowed which may exclude uses that are not, and unlikely to become, allowed by zoning, uses forbidden by government regulations, and uses prohibited by deed restrictions or covenants. Properties with a use that predates existing zoning regulations may be legally nonconforming. Such grand fathered uses are generally legal even though they do not meet current zoning regulations. However, some such uses may not be reproduced if the legally nonconforming improvement is destroyed or damaged beyond a certain point.

**Physically Possible** - Any potential use must be physically possible given the size, shape, topography, and other characteristics of the site.

**Financially Feasible** - The proposed use of a property must generate adequate revenue to justify the costs of construction plus a profit for the developer/investor.

**Maximally Productive** – The use must generate the highest net return (profit) to the developer/investor.

For the purpose of this analysis the author's assumption of the property's highest and best use of this is as a **Development Land** and its projected use is as such unless otherwise noted.

# Valuation **Explanation**

*For this opinion of value the authors will be utilizing a combination of three different approaches to estimate the market value of the subject property and they are as follows:*

**Income Valuation Approach** considers property's estimated value is based on the net income produced or capable to produce and considers an expected/appropriate rate of return for the type, condition and location of the subject property. (Not utilized within this analysis).

**Sales Comparison Approach** estimates the value of a property by comparing it to other similar properties in the marketplace that have sold recently. This approach assumes that a buyer is not willing or liable to spend more than an they would for an equally desirable property. The Sales Comparison Approach involves finding sold properties comparable to the subject property, and adjusting/comparing the comparable to the subject property based on their inherent difference i.e. (Time, Motivation, Location, Construction, Condition, Type/Use and Economies of Scale).

**Cost Approach** considers the estimated value of a property to be the sum of all its parts, taking into consideration land value, land improvements, structure improvement, and depreciation. This approach is utilized if applicable. (Not utilized within this analysis).

*Source(s) of information used in this analysis: Yellowstone County Public Records, City of Billings Public Records, NAI Business Files, Local Appraisers, Local MLS and other local market participants.*



# Sales Comparison Approach

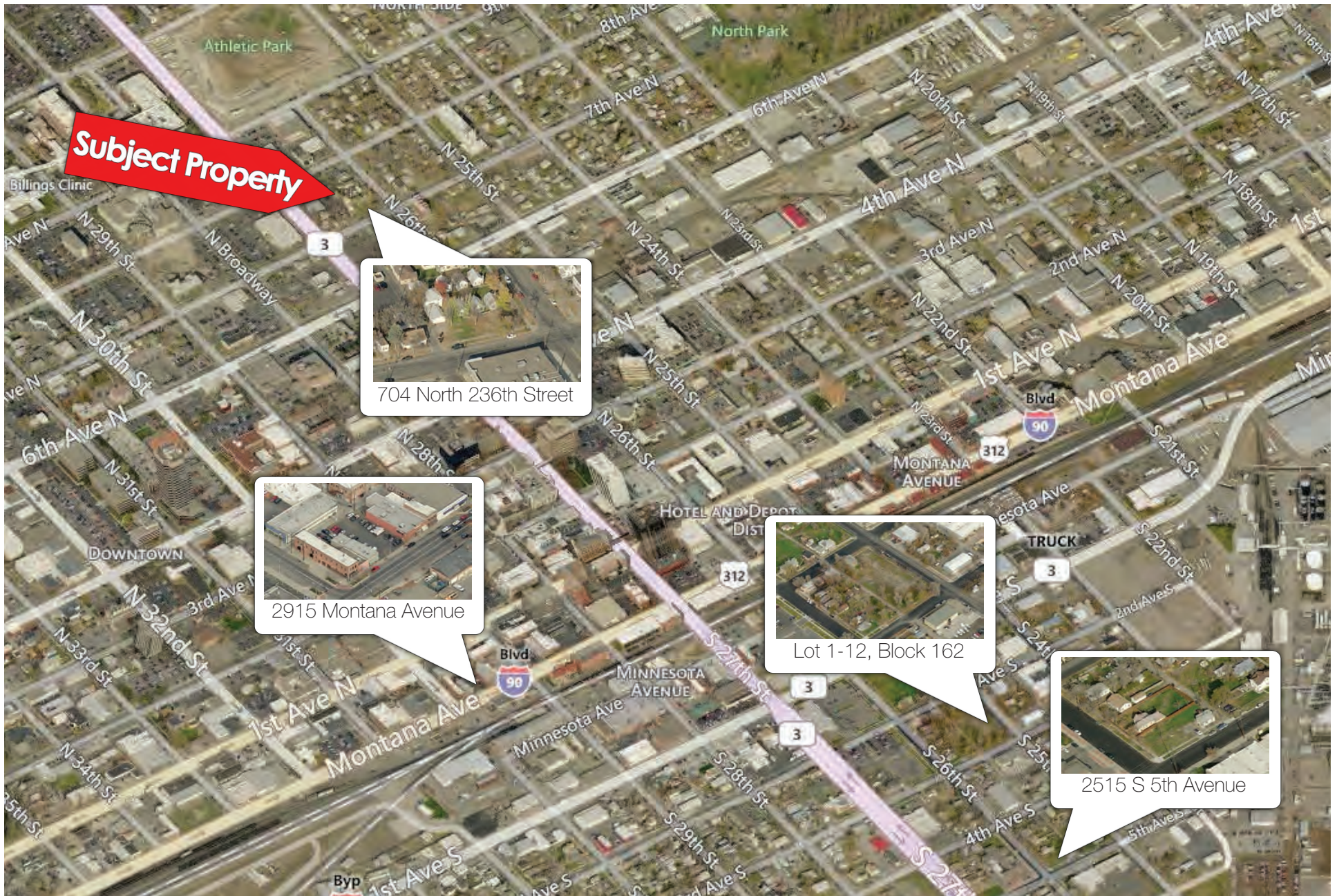
In applying the direct sales comparison approach the author has conducted a search of sold properties that fall within the comparable scope of the subject property.

	Subject Property	Comparable #1	Comparable #2	Comparable #3	Comparable #4
<b>Location</b>	 Alley Adjacent to Lot 1-24 Block 38 Billings, Montana	 704 North 236th Street Billings, MT	 2915 Montana Avenue Billings, MT	 2515 S 5th Avenue Billings, MT	 Lot 1-12, Block 162 Billings, MT
<b>Date Sold</b>	-	10/27/14	1/13/12	2/8/11	5/9/14
<b>Sales Price</b>	-	\$45,590.00	\$80,000.00	\$29,000.00	\$166,000.00
<b>Topography</b>	Level	Level	Level	Level	Level
<b>Land Size (SF)</b>	6,000 Square Feet	7,000 Square Feet	9,578 Square Feet	10,454 Square Feet	42,000 Square Feet
<b>Year Built/Remodeled</b>	NA	NA	NA	NA	NA
<b>Zoning</b>	Community Commercial	Community Commercial	Central Business District	Community Commercial	Community Commercial
<b>Coverage</b>	NA	NA	NA	NA	NA
<b>Property Type</b>	Development Property	Office Land	Parking Lot	Multi-Family Lot	Fenced Lot
<b>Condition</b>	Fair	Good	Fair	Average	Good
<b>\$/SF Bldg Area/w. Land</b>	-	\$6.51 PSF	\$8.35 PSF	\$2.77 PSF	\$3.95 PSF
<b>Comparison Criteria</b>					
<b>Time</b>		Even	Even	Even	Even
<b>Motivation</b>		Even	Even	Even	Even
<b>Location</b>		Even	Even	Plus	Plus
<b>Construction</b>		Even	Minus	Plus	Plus
<b>Condition</b>		Even	Even	Even	Even
<b>Type/Use</b>		Even	Even	Even	Even
<b>Economies of Scale</b>		Even	Even	Even	Even
<b>Overall Adjustment</b>		\$ - PSF	\$0.95 PSF	\$1.75 PSF	\$1.65 PSF
<b>Adjusted \$/SF</b>		\$6.51 PSF	\$7.40 PSF	\$4.52 PSF	\$5.60 PSF
<b>Average Adjusted \$/SF</b>	\$6.01 PSF				
<b>Adjusted Comp Value</b>	\$36,062.66				

### Comparison Rating Criteria

**Even:** No Adjustment, Similar to Subject Property. **Minus:** Downward Adjustment, Better than/Superior to Subject Property. **Plus:** Upward Adjustment, Poorer than/Inferior to Subject Property.

# Sales Comparison Map



# Weighted Total Valuation

**Income Valuation Approach** considers property's estimated value is based on the net income produced or capable to produce and considers an expected/appropriate rate of return for the type, condition and location of the subject property. This approach was not utilized within this analysis.

**Sales Comparison Approach** involves finding sold properties comparable to the subject property, and adjusting/comparing the comparable to the subject property based on their inherent difference i.e. (Time, Motivation, Location, Construction, Condition, Type/Use and Economies of Scale). This approach has been used exclusively.

**Cost Approach** considers the estimated value of a property to be the sum of all its parts, taking into consideration land value, land improvements, structure improvement, and depreciation. This approach was not utilized within this analysis.

Approach to Value	Value Indicated	Weighting	Blended - PSF Value
Sales Comparison	\$36,062.66	100.00%	\$36,062.66 - \$6.01 PSF
<b>Weighted Market Value:</b>			<b>\$36,062.66 - \$6.01 PSF</b>

## Market Value Breakdown

Overall Value Range .....	\$27,120.00 - \$44,400.00
Weighted Market Value .....	\$36,062.66 (\$6.01 PSF)

**January 12, 2015**

Effective Date

Matt W. Robertson  
Broker/Principal

# About NAI Business Properties

NAI Business Properties brings industry leading resources to its disposition and acquisition services. Speed, agility, and keen insight are hallmarks of our services. The result is connecting properties with our exclusive list of investors. NAI Business Properties' disposition services rely upon the skills and insights of our experienced team of brokerage, marketing and data resource management professionals. Our process begins with an internal launch meeting that unifies client's objectives with marketing and sales strategies. This launch begins a process that involves the following phases:

- Comprehensive Property Profile - competitive review and capital market summary
- Marketing Promotional Strategy Development - advertising, direct mail, email, html flyers, web listings, and a public relations tactical outline
- Sales Planning & Execution - database profile analysis, identification of network connections, and direct contact with an exclusive list of buyers
- Client Communication - communication of progress through regularly scheduled activity reports and updates
- Maximum Price - the result is the capitalization of market dynamics to achieve a competitive bid environment in order to maximum sale price

NAI Business Properties' key point of differentiation in our disposition services is the volume of strong relationships we have established with institutional, local, regional and national private equity firms, life companies, and owner/investors. We create and maintain a database of property and investor profiles that encompasses portfolio details and acquisition criteria of these nationwide firms.

The information gathered and analyzed by the NAI Business Properties team allows us to utilize the speed and the efficiency of technology to promptly connect our investors and institutional partners with properties that correspond to their acquisition requirements. Our clients have access to more opportunities and can make faster and better decisions armed with targeted information.



## Matt Robertson

Principal / Broker

### BACKGROUND & EXPERIENCE

Matt's process driven approach and keen market insight has assisted clients' in consistently capturing unseen revenue for their assets. This process includes reducing expenses, maximizing revenue and increasing occupancy. Investors, owners and buyers appreciate Matt's passion for the industry and personal approach which has helped him develop long-term relationships as a trusted advisor and consultant.

Matt joined NAI Business Properties in September 2009 and became an owner in June of 2012. Prior to joining NAI, Matt brokered commercial transactions that included investment, office and industrial properties within Yellowstone County from 2004 on.

As a business finance major from Montana State University - Billings Matt has excelled in investment and property analysis as well as market analytics. In college Matt was chosen as one of five top business students within the country to participate in a Global Business Leadership Conference - hosted at Leigh High University and the Iaccoca Institute.

### PROFESSIONAL AFFILIATIONS

Montana Commercial Real Estate Supervising Broker (#14178)  
Society of Industrial and Office Realtors

### EDUCATION DESCRIPTION

Montana State University - Billings, Bachelor's Degree - *Business Finance*  
Montana Licensed Real Estate Supervising Broker

### Scope of Responsibilities

Matt Robertson has more than 10 years experience in industrial and office investment sales, as well as tenant and landlord representation.

Since joining NAI Business Properties, Matt has taken the lead in developing a strong presence in the office, industrial and investment market.

Matt has also conducted hundreds of property evaluations.



# Matt Robertson

Principal / Broker

5 NAI Business Properties

## SIGNIFICANT TRANSACTIONS

### Office and Industrial

Northwest Scientific - Industrial	22,000 SF
CN Plaza - Office	15,980 SF
1050 Broadwater Avenue - Office	14,120 SF
Knox Lumber - Industrial	45,543 SF
Z&G Glass - Office/Industrial	11,094 SF
State Farm Operation Center - Office	15,100 SF
Trolley Station - Office	8,750 SF

### Tenant/Buyer Representation

United Way - Office	15,100 SF
GTS Interior Supply - Industrial	23,050 SF
Montana Tech - Bureau of Mines and Geology	6,500 SF
Job Connection - Office	8,750 SF
Ryco Hydraulics - Industrial	8,600 SF
Energy Equity - Industrial	13,640 SF
Forbidden Manufacturing - Industrial	7,650 SF
Vistec Industrial Services - Industrial	5,600 SF
Roger Daniel Business Park - Office	19,500 SF
Riverstone Health - Industrial	7,450 SF

# Assumptions

## Section 06 Assumptions

This valuation has been prepared subject to the following general assumptions and limiting conditions. They are critical to the analysis and conclusion contained in this report.

No responsibility is assumed for legal or title considerations.

Title to the property is assumed to be good and marketable, free and clear of all liens or encumbrances unless otherwise stated in this report. Encumbrances considered in the valuation include but are not limited to: real estate taxes, recorded easements and/or covenants, CC&R's, purchase options or sale agreements signed leases, and unpaid bond debt.

It is assumed that any easements noted on the title report without specific locations will have no material effect on the normal use of any of the subject parcels.

Responsible ownership and competent property management are assumed unless otherwise stated in this report.

The information furnished by others is deemed to be reliable; however, no warranty is given for its accuracy.

All engineering is assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.

It is assumed that there are no hidden or non-apparent conditions of the property, subsoil or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them. Unless otherwise noted, the author did not observe the existence of hazardous materials, which may or may not be present on the property. The presence of hazardous materials, if any, may impact the value of the property. The value estimate is predicated on the assumption there is no such material on or in the property, which would cause a loss in value. No responsibility is assumed for any such conditions, or for the expertise or engineering knowledge required to discover them. Should the client have concerns over the existence of hazardous materials on or in the property, they should consider the services of a qualified, independent engineer or contractor to determine the existence and/or extent of any hazardous materials, as well as the cost associated with any required mitigation and/or removal.

It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless otherwise stated in this report.

Any forecasts or projections contained in this report are the product of the analysis of current, historical, and anticipated market conditions and assume continuation of prevailing political, social, economic, and environmental conditions. Such factors, contingent forecasts and/or projections are subject to change at any time.

It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless non-conformity has been stated, defined and considered in this evaluation report.

It is assumed that all required licenses, certificates of occupancy or other legislative or administrative authority from any local, state or national governmental, or private entity organization have been or can be obtained or renewed for any use on which the value estimates contained in this report are based.

Any sketch or rendering in this report may show approximate dimensions and is included to assist the reader in visualizing the property and are not to scale. Maps and exhibits if included in this report are provided for the reader's reference only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report. No survey has been made for the purpose of this report.

The Americans With Disabilities Act (ADA) became effective in January 1992. The author has not made a specific compliance survey or analysis of this property to determine whether it is in conformance with the various, detailed requirements of the ADA. The value estimate is predicated on the assumption that, except as identified by the author, the subject improvements comply with the ADA. It is possible that a comprehensive compliance survey could reveal additional areas in which the property does not conform to one or more of the Act's requirements. If so, this could have a negative effect upon the market value or marketability of the property.

The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and improvements must not be used in conjunction with any other valuation and are invalid if so used.

Possession of this report or a copy thereof does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed.

All photos, unless otherwise specified, are courtesy of Matt Robertson, Bing.com or Google.com.

# Site Map



<b>KLJ</b>	
PROJECTED BRM	REVISION CJ
PROJECT NUMBER 2614177	
ISSUE DATE 10/30/14	

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**PROPOSED ALLEY RIGHT-OF-WAY VACATION**  
FOSTER ADDITION, BLOCK 38  
BILLINGS, MT

**RIGHT-OF-WAY VACATION EXHIBIT**

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# Administrative Order

**ADMINISTRATIVE ORDER NO. 56**

Pursuant to Administrative Order, the following procedure is hereby established for determining the valuation of public rights-of-way proposed for vacation.

1. If the City of Billings and the petitioner mutually agree that vacating a public right-of-way is appropriate, and the public has no cost basis in the right-of-way, staff may recommend to the City Council that the right-of-way be returned to the adjacent property from which it was originally dedicated at no cost. This will generally be limited to rights-of-way within platted but undeveloped subdivisions. It would not generally apply to unimproved rights-of-way within otherwise developed parts of the city.
2. In all other cases, the value of public right-of-way to be vacated shall be established in accordance with City Ordinance #90-4922, except the following administrative procedure may be used in lieu of the preparation of a formal appraisal with the mutual agreement of the petitioner and the City.
  - a. The value of public right-of-way to be vacated shall generally be considered to have a value equivalent to the adjacent property to which it would become attached. Costs associated with making the right-of-way whole for development (i.e., relocation of utilities, etc.) will be considered a cost of development and will not generally be deducted from the real property value.
  - b. The petitioner may elect to submit comparable sales data from recent property transactions within a reasonable proximity of the proposed right-of-way vacation area. The petitioner and the City may mutually agree to a property value based upon comparable sales data in lieu of the preparation of a formal appraisal.
  - c. On a case-by-case basis, the petitioner and the City may agree to a lesser value of the vacated right-of-way based upon the proposed use of the acquired land. This would generally involve proposed developments where the vacated right-of-way would be converted to open green space, park area, or other such use that could be construed as an overall public benefit.

This Administrative Order is intended to recognize the stewardship aspect of administering public assets while acknowledging the equity issues associated with vacation of right-of-way within previously undeveloped areas. It is also intended to recognize that public rights-of-way could be vacated for less than appraised value in those cases where the proposed use would reflect a general benefit to the public.

Dated this 25 day of January 1999

  
Mark Watson, City Administrator

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**NAI Business Properties**

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8th Ave N

N 26th St

PROPOSED ALLEY TO BE VACATED

N 27th St

7th Ave N



**PROPOSED ALLEY RIGHT-OF-WAY VACATION**

FOSTER ADDITION, BLOCK 38  
BILLINGS, MT

**RIGHT-OF-WAY VACATION EXHIBIT**

DRAFTED	BRM
REVIEWED	CJ
PROJECT NUMBER	2614177
ISSUE DATE	10/30/14

