

CITY OF BILLINGS
PUBLIC WORKS DEPARTMENT

Project No. WO 09-15 County of Yellowstone
Designation Grand Avenue

RIGHT OF WAY AGREEMENT

Parcel from Station-To-Station Subdivision Section Township Range

A Tract of land situated in Tract 2A, Certificate of Survey 2974, Amended Tract 2A as recorded in Document No. 3647208, in the SW1/4 Section 34, T.1N., R.25E., P.M.M., Yellowstone County, Montana.

List Names & Addresses of the Grantor, Con. Purchaser & Lessee

Michelotti Sawyers & Nordquist Mortuary Inc
3605 Grand Avenue
Billings, MT 59102

1. IN CONSIDERATION OF THE SPECIFIC AGREEMENTS TO BE PERFORMED BY BOTH PARTIES HERETO AND WRITTEN IN THIS AGREEMENT, THE PARTIES HERETO BIND THEMSELVES TO THE TERMS AND CONDITIONS SET FORTH HEREIN. NO VERBAL AGREEMENTS SHALL BE BINDING UPON EITHER PARTY AND THIS AGREEMENT SHALL BECOME EFFECTIVE UPON EXECUTION BY A DESIGNATED REPRESENTATIVE OF THE CITY OF BILLINGS.

2. COMPENSATION FOR LAND AND IMPROVEMENTS

Value of Land	Subtotal: \$25,821
Value of Site Improvements in place	<u>Subtotal: \$11,712</u>
Total compensation for land and improvements	\$37,533

3. TOTAL COMPENSATION FOR PARCEL \$37,550 (rounded)

4. THE GRANTOR, hereby grants the City of Billings Right of Way through a Warranty Deed and a Temporary Construction Permit, 20 feet wide for the period of one year or the duration of the construction project.

5. IT IS UNDERSTOOD AND AGREED the Temporary Easement Area will be cleared of any debris after construction and left in a good, workmanlike condition that is satisfactory to the property owner.

6. **IT IS UNDERSTOOD AND AGREED** the City will construct the Grand Avenue Improvements which will consist of widening, curb and gutter, sidewalk, storm drian, construction of one right-in, right-out access, and one $\frac{3}{4}$ access. These improvements will be at no cost to the Grantor and shall be maintained according to the City policy in effect at such time maintenance is necessary. The City also further agrees to modify the existing property, as necessary, to reasonably match the new improvements at no cost to the Grantor.

WITNESS WHEREOF, the parties hereto have executed this agreement the day and year as written below.

RECOMMENDED FOR APPROVAL

For Engineering Division (Date)

Owner (Date)

Owner (Date)

**APPROVED FOR AND ON BEHALF OF
THE CITY OF BILLINGS**

ATTEST

BY: _____
MAYOR (Date)

BY: _____
Billie Guenther (Date)
CITY CLERK