

Project No. SID 1382 County of Yellowstone
Designation Colton Boulevard

RIGHT OF WAY AGREEMENT

Parcel from Station-To-Station Subdivision Section Township Range

Tracts of land situated in Tract 1A of Certificate of Survey 3364 Amended, as recorded in Document No. 3544428, in Section 34, T.1 N., R.25E, Parcel 1A., AMD (11), P.M.M., Yellowstone County Montana, and as shown on the attached Exhibit A; such tracts being more particularly described as follows:

Warranty Deed - A 20 foot wide right of way to be deeded to the city with such land being south of, contiguous, adjacent, and parallel to the north line of said Tract 1A, and containing an area of 39,034 sq. ft., more or less.

Temporary Construction Easement - A 25 foot wide temporary construction easement with such easement being south of, contiguous, adjacent, and parallel to the southerly line of the above said 20 foot wide permanent roadway right of way, and containing an area of 48,793 sq. ft., more or less.

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

KZ BAR Limited Partnership
3415 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. **THE GRANTOR**, hereby grants the City of Billings a Right of Way Tract of 20 feet wide and a Temporary Easement of 25 feet wide for the period of one year or the duration of the construction project.

3. **IT IS UNDERSTOOD AND AGREED** the Right of Way Tract and 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.

4. **IT IS UNDERSTOOD AND AGREED** the City will relocate the irrigation ditch serving the property, reconstruct and relocate the existing main head gate, install 4 new head gates, stub out two water mains to the property to the outer edge of the southern pavement line of Colton Boulevard, stub out two sanitary sewer mains to the outer edge of the southern pavement line of Colton Boulevard, and construct a new barbwire fence. The City will be able to construct Colton Boulevard which will consist of 5' boulevard sidewalk on the north side, curb and gutter on the north side, and 26' of pavement. 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. The City agrees that no work will be done that will disturb the irrigation of the Grantor's property until the irrigation season is completed without permission from 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: _____
 Cari Martin (Date)
 CITY CLERK

EXHIBIT A
CERT. OF SURVEY No. 3364 AMENDED - TRACT 1A
RIGHT-OF-WAY ACQUISITION &
TEMPORARY CONSTRUCTION EASEMENT
CITY OF BILLINGS, MONTANA

APRIL, 2015

