

**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 3 and Tract 4, Certificate Of Survey No. 2702 as recorded in Document No. 1642566, in the N1/2 of Section 2, T. 1 S., R. 25 E., P.M.M., Yellowstone County, Montana.

A Tract of land situated in Tract 2-A, Certificate Of Survey No. 2702 as recorded in Document No. 3478524, in the N1/2 of Section 2, T. 1 S., R. 25 E., P.M.M., Yellowstone County, Montana.

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

Yegen Grand Avenue Farms Inc.
3440 Grand Avenue
Billings, MT 59103

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- 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 Right of Way through a Warranty Deed recorded _____, 20____ under Document No.'s _____ and _____ on file and of record in the Records of Yellowstone County, Montana and a Temporary Construction Permit, 20 feet wide for the period of one year or the duration of the construction project.
 - 3. 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.

4. **IT IS UNDERSTOOD AND AGREED** the City will construct the Grand Avenue Improvements which will consist of widening, curb and gutter, multi-use path, storm drain, construction of two roundabouts entering the property (located at 38th Street West and 36th Street West), construction of a full access at Country Manor Boulevard, 2 right/in right/out accesses to Lots 1 and 2, Block 1, Cardwell Ranch Subdivision, stub out three 12” water mains/services to the property, stub out three 8” sanitary sewer mains/services, and two 12” storm drain mains/services to the property line. These improvements do not include a left turn lane into Country Manor Boulevard. The property owner/developer will be required to construct the left turn lane into property from Grand Avenue at Country Manor Boulevard when the property is developed into any use other than agriculture. These improvements (excluding the left turn lane at Country Lane Boulevard) 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. This includes installing 24” culverts crossing Country Manor Boulevard and 38th Street West and reconstructing any irrigation structures, ditches, and fences in order to still serve the property. Any modifications to Grand Avenue needed in the future in order to accommodate development of the property will be at the expense of the developer. If the improvements are not constructed within 3 years of the date of this agreement, the agreement is void, and the city will be required to revert the land to the property owner.

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: _____
CITY CLERK (Date)