

***CITY OF BILLINGS
PUBLIC WORKS DEPARTMENT***

Project: WO 16-05

County: Yellowstone

Designation: Central Avenue – Shiloh Road to 32nd Street West Road Improvements

RIGHT OF WAY PURCHASE AGREEMENT

Parcel from Station-To-Station Subdivision Section Township Range:

A tract of land consisting of merged parcels (a) Tract 1 of Certificate of Survey No. 2547, (b) Boundary Relocation Tract 2B of Amended Tract 2 of Certificate of Survey No. 2547, and (c) Boundary Relocation Tract 1-B-2 of Amended Tract 1-B of Certificate of Survey No. 2277, according to the official plats thereof on file and of record in the office of the County Clerk and Recorder of Yellowstone County, Montana, under Document No. 1545572 for the clause (a) parcel, under Document No. 3447704 for the clause (b) parcel, and under Document No. 3380133 for the clause (c) parcel.

List Names & Addresses of the Grantors:

Montana University System for the Use and
Benefit of Montana State University – Billings
1500 University Drive
Billings, MT 59101-0245

THIS AGREEMENT, is made this _____ day of _____, 2017, between City of Billings, a political subdivision of the State of Montana, 210 North 27th Street, Billings, MT, 59103, by its authorized representatives, herein called "CITY," its successors and assigns, and Montana University System for the Use and Benefit of Montana State University – Billings, 1500 University Drive, Billings, MT 59101-0245, herein called "GRANTORS."

The parties agree as follows:

1. GRANTORS agree to pay all taxes and assessments due and owing, including those for year 2018. GRANTORS shall execute and deliver to CITY a notarized instrument of conveyance corresponding to the interest being acquired.
2. This agreement shall not be binding unless and until approved of and accepted by the CITY's authorized representative and the Montana Board of Regents.

3. The parties have, herein, set out the whole of their agreement, the performance of which constitutes the entire consideration for the grant of said right of way and shall relieve the CITY of all future claims or obligations on that account or on account of the location, and construction of the proposed road improvements. GRANTORS represent that to the best of their knowledge no hazardous materials have been stored or spilled on the subject property during their ownership or during previous ownerships at least insofar as they have observed or have been informed. In the alternative, if GRANTORS have knowledge of storage or spill of hazardous materials on the subject property, that information is set out below. This sale is conditional upon full disclosure of any such information.

4. It is understood and agreed that CITY is acquiring this right-of-way to construct the Central Avenue – Shiloh Road to 32nd Street West Road Improvements project which will consist of street widening, curb and gutter, sidewalk, storm drain, and construction of a roundabout. These improvements require 15,304.28 square feet of property to be obtained by the CITY from GRANTOR. This land is valued at \$61,217.12 based on comparable land sales. The cost of improvements is estimated to be \$84,131.78. The GRANTOR shall be assessed the value of these improvements through a Special Improvement District based on the actual cost of improvements determined at the time of construction. The GRANTOR will only be required to pay for the cost of improvements greater than the value of the land shown above. These Improvements shall be maintained according to CITY's policy in effect at such time maintenance is necessary. CITY further agrees that any future modifications to the existing property necessary to reasonably match these Improvements shall be at no cost or expense to GRANTORS; any future modifications to Central Avenue to accommodate development of the property shall be at the expense of the developer(s).

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

RECOMMENDED FOR APPROVAL

GRANTORS

Project Coordinator For City of Billings (Date)

Grantor (Date)

Grantor (Date)

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

BY: _____
Thomas W. Hanel , MAYOR (Date)

ATTEST:

BY: _____
Denise Bohlman, CITY CLERK (Date)

APPROVED AS TO FORM:

By: _____
Brent Brooks, City Attorney (Date)