

180.00STATE OF MONTANA DEPARTMENT OF TRANSPORTATION  
(hereinafter referred to as State, Department, Grantee, and/or MDT)

**RIGHT-OF-WAY AGREEMENT**

ROWFORMSACQ1200 (Revised 7-19-2017)

PE PROJECT ID: NH 53-1(41)6

MT 3 – Zimmerman TR INTR SCT IMPRV  
DESIGNATION

RW PROJECT ID: NH 53-f1(41)6

Yellowstone  
COUNTY

UNIFORM PROJECT No.: 8888-041-000

Parcel	From Station	To Station	QtrQtr, Tract, COS #, etc.	Section	Township	Range
4	116+45.53 RT	117+98314 RT	A tract of land within the Dedicated Park, Block 1 of Plat of Zimmerman Trail Subdivision, in the City of Billings	27	1 N	25 E

List Names & Addresses of the Grantors  
(Contract Purchaser, Contract Seller, Lessee, etc.)

City of Billings (Park)  
PO Box 1178  
Billings, Montana 59103-1178

Vern Heisler, PE  
Deputy Public Works Director  
(406) 657-8236  
[HeislerV@ci.billings.mt.us](mailto:HeislerV@ci.billings.mt.us)

1. In consideration of the payments herein set forth and the specific agreements to be performed by the parties hereto and written in this agreement, the parties bind themselves to the terms and conditions stated herein. No verbal representations or agreements shall be binding upon either party. This agreement is effective upon execution by the Acquisition Manager or a designated representative, and possession of the property is granted to the Department when it sends the payment(s) agreed to below. Grantors certify that any encumbrances on the property are shown on this agreement. If Grantors sell their remaining property prior to the highway project being constructed, Grantors agree to provide the Purchaser(s) with a copy of this entire Right-of-Way Agreement and agree to make the sale of their remaining property subject to all the terms and conditions contained in this Right-of-Way Agreement. Grantors contract that they will, on Department's request, execute deeds and/or easements required by Department for all real property agreed to be conveyed by this agreement.
2. COMPENSATION FOR LAND AND IMPROVEMENTS (List acreage and improvements to be acquired.)  
Land in Fee:  
0.014 AC Exempt Land @ \$ 120,000/AC \$ 1,680.00
3. OTHER COMPENSATION:  
Access Control Administrative Fee \$ 500.00
4. TOTAL COMPENSATION (includes all damages to the remainder): \$ 2,180.00
5. IT IS UNDERSTOOD AND AGREED THE STATE SHALL MAKE PAYMENT AS FOLLOWS:  
A warrant in the amount of **\$ 2,180.00** to be made payable to the City of Billings Treasurer and mailed to them at PO Box 1178, Billings, Montana 59103-1178.
6. It is understood and agreed that Grantor conveys all rights of ingress and egress, including future or potential easements of access, except Grantor reserves the right of reasonable access to and from Grantor's adjacent property. The amount being paid to Grantor herein is not based upon the loss of any property right, but is a settlement for the imposition of access control.
7. This agreement, upon execution by an agent of the Department of Transportation and presentation to the owners so designated, constitutes a written offer of compensation in the full amount of the determined value, a summary of the property and property rights being acquired and agreement that possession of the property is granted to the Department when it sends the payment(s).

(Continued from Previous Page)

THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT ON THE DATES SHOWN:

**Grantors' Statement:** We understand that we are required by law to provide our correct taxpayer identification number(s) to the Montana Department of Transportation and that failing to comply may subject us to civil and criminal penalties. We agree to provide our **correct** taxpayer identification number(s) by submitting a completed and signed W-9 or W-8 form. We further agree to provide MDT with a completed and signed W-9 or W-8 from all persons and/or entities receiving payments by assignment from us in this agreement. We further agree and authorize MDT to process the payments outlined in this agreement by withholding a percentage of the payments, if required by the IRS, if we fail to submit the W-9 or W-8 forms within 30 days of signing this agreement.

Signature:

(Date)

RECOMMENDED FOR APPROVAL:

APPROVED FOR AND ON BEHALF OF DEPARTMENT:

Callista Montgomery, Right-of-Way Agent (Date)

NSOP items approved, if applicable (Date)

Consultant Project or RW Manager, if applicable (Date)

Celia B. "C.B." Clearwood, RW Supervisor (Date)

Acquisition Manager (Date)