

**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 situated in Lots 1 – 3, Block 1 of Central Acres Subdivision, 1st Filing, Document No. 528910, of record at the Yellowstone County Clerk & Recorder, City of Billings, Yellowstone County, Montana.

List Names & Addresses of the Grantors:

Leo C Schwehr Bypass Trust

14 32nd Street West

Billings, MT 59102-6617

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 Leo C Schwehr Bypass Trust, Billings, MT 59102-6617, herein called "GRANTORS."

The parties agree as follows:

1. THE GRANTORS, 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.
2. This agreement shall not be binding unless and until approved of and accepted by the CITY's authorized representative and GRANTORS' authorized representative(s).
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 their has observed or has 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, multi-use path, storm drain, traffic signal improvements, and construction of a 30-foot drive approach serving Lots 1, 2, and the eastern 40 feet of Lot 3, Block 1 of Central Acres Subdivision, First Filing. The road improvements project will also remove the asphalt from the existing parking area and replace it with topsoil and grass seed. These improvements will be at no cost to the GRANTORS. It is agreed that the area of asphalt removal (approximately 3,600 square feet) of this asphalt plus an additional 1,000 square feet (totaling approximately 4,600 square feet) will count as area credited in calculations for storm drain improvements on the future development of the unimproved portion of the lot. Any redevelopment exceeding the 4,600-square foot allotment must comply with the CITY’s Stormwater Management Manual. The road improvement project, at no cost to the GRANTORS, will also remove the driveway approach from 32nd Street West and rebuild it as full-height curb-gutter and sidewalk. These Improvements shall be maintained according to CITY’s policy in effect at such time maintenance is necessary.

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: _____
William A. Cole , MAYOR (Date)

ATTEST:

BY: _____
Denise Bohlman, CITY CLERK (Date)

APPROVED AS TO FORM:

By: _____
Brent Brooks, City Attorney (Date)