

WARRANTY DEED

This Deed, made this _____ day of _____, 2018, in consideration by the **City of Billings**, the receipt of which is acknowledged, **witnesses that**,

Jay C. Lyndes
PO Box 31733
Billings, MT 59107-1733

(Grantor) does hereby **grant**, to the **City of Billings (Grantee)**, a political subdivision of the State of Montana, 210 North 27th Street, Billings, MT 59103, the following described real property:

A tract of land situated in Tract 1 of Certificate of Survey No. 3202, as recorded under Document 3300544, on file and of record in the office of the Yellowstone County Clerk and Recorder, City of Billings, Yellowstone County, Montana, said tract being more particularly described as follows, to wit:

Beginning at the Northwest corner of TRACT 1 of Certificate of Survey Number 3202; Thence, N 89° 05' 07" E, 223.64 feet along the South right-of-way of Central Avenue; Thence on a curve to the left with a radius of 453.00 feet, and an arc length of 234.04 feet, (chord bearing S 66° 41' 42" W, chord length 231.45 feet); Thence on a curve to the left with radius 80.64 feet, and an arc length of 12.70 feet, (chord bearing S 47° 20' 48" W, chord length of 12.93 feet) to a point on the West boundary of TRACT 1; Thence, N 00° 54' 38" W, 96.77 feet to the point of beginning, and containing 8,097 square feet, more or less.

As shown by Exhibit "A", consisting of one sheet attached hereto and made part hereof.

Purpose of Acquisition is to create a right-of way parcel for construction and use of public road, utility and related appurtenant structures, pursuant to §76-3-201(1)(h), MCA, as a division of land that creates rights-of-way or utility sites.

Excepting and reserving to Grantor, however, all gas and oil, hydrocarbons and any other materials, beneath the surface of the above described and conveyed premises, together with the right to extract the same, provided that in the exercise of such right the surface thereof shall not be disturbed, interfered with or damaged. This reservation does

not include sand, gravel and other road building materials, which are conveyed by this Deed.

Further excepting and reserving unto the **Grantor**, his successors and assigns all water, water rights, ditches, canals, irrigation systems, existing or as relocated, if any, including but not limited to, water stock or shares, bonds, certificates, contracts and any and all other indicia of water, water right and ditch ownership, or any interest therein appurtenant to the land described therein, save and except groundwater for the use, benefit and purposes of the **Grantee**.

Grantor further expressly waives and relinquishes all rights, as owner or successor in interest provided under law, for any preference to repurchase all or a portion of this property should it be determined no longer to be necessary for **Grantee's** purposes.

Except for the reservations referenced hereinabove, this grant is made with the covenants expressed in Section 30-11-110, MCA, and warranty that marketable, fee simple title is hereby conveyed, subject to:

- a) All reservation, restrictions and exceptions contained in prior recorded conveyance or instruments pertaining to said lands or any thereof, and all zoning regulations;
- b) All vested rights for easements and rights-of-way; and
- c) All taxes, charges and assessments, of whatsoever nature, lawfully laid against, or imposed upon said land, or any thereof, for the year 2018 and all subsequent years, and which are assumed by Grantee.

This Deed was executed on the date of its last acknowledgment.

By: _____
Jay C. Lyndes, owner

STATE OF MONTANA

County of _____
This instrument was signed and sworn to before me
On _____ by _____
(Name of signer)

(Notary Signature)
[Affix seal/stamp to left or below]

CITY OF BILLINGS ACCEPTANCE

This deed is accepted and its terms and conditions agreed to by the City of Billings on this _____ day of _____, 2018.

ATTEST:

APPROVAL:

Denise Bohlman, City Clerk

William A. Cole, Mayor

(SEAL)

STATE OF MONTANA
County of Yellowstone

This instrument was signed and sworn to before me

On _____ by _____

William A. Cole, Mayor, City of Billings
(Name of Signer)

(Notary Signature)

[Affix seal/stamp to left or below]