

WARRANTY DEED

THIS DEED, made this _____ day of _____, 20____, in consideration by the **City of Billings**, the receipt of which is acknowledged, **witnesses that**,

Eggebrecht Family Limited Partnership
3808 Towhee Lane
Billings, MT 59102-7723

(Grantors) do hereby **GRANT, BARGAIN, SELL, CONVEY, WARRANT AND CONFIRM** unto the **CITY OF BILLINGS (Grantee)**, a political subdivision of the State of Montana, 210 North 27th Street, Billings, MT 59103, for the benefit and use of **The Public** the following described real property, to wit:

A tract of land situated in Tract 1-B-1A, Amended Tract 1-B-1 of Certificate of Survey No. 1492, as recorded under Document No. 1392379, less that portion of said Tract 1-B-1A, deeded by Bargain and Sale Deed, under Document No. 3523207, documents are 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 Northeast corner of TRACT 1-B-1A of Certificate of Survey 1492, being a point on the East right-of-way of South 38th Street West and the South right-of-way of Central Avenue; Thence, from said point of beginning, S 00° 49' 21" E, 74.30 feet along the West right-of-way of South 38th Street West; Thence, S 89° 04' 57" W, 13.60 feet; Thence on a curve to the left with a radius of 102.50 feet, and an arc length of 55.73 feet (chord bearing N 37° 16' 54" W, chord length 55.04 feet); Thence, S 89° 04' 57" W, 1018.89 feet to the South right-of-way of Central Avenue; Thence, N 78° 46' 42" E, 167.58 feet along the South right-of-way of Central Avenue; Thence, N 89° 04' 57" E, 900.37 feet along the South right-of-way of Central Avenue to the point of beginning, and containing 30,648 square feet, more or less.

AS SHOWN by Exhibit "A", consisting of one sheet attached hereto and made a 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) M.C.A. as a division of land that creates rights-of-way or utility sites.

EXCEPTING AND RESERVING, however, all gas and oil, 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 in anyway damaged.

FURTHER EXCEPTING AND RESERVING, unto the grantors, their 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 herein.

TO HAVE AND TO HOLD the above described and conveyed premises, with all the reversion

IN WITNESSTH WHEREOF, the undersigned have executed these premises the day and year first above written.

By: _____

By: _____

As: _____
Of: Eggebrecht Family Limited Partnership
3808 Towhee Lane
Billings, MT 59102-7723

As: _____
Of: Eggebrecht Family Limited Partnership
3808 Towhee Lane
Billings, MT 59102-7723

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]

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]

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this deed and hereby accepts the property interest conveyed through this instrument.

William A. Cole Mayor, City of Billings

ATTEST:

Denise R. Bohlman, City Clerk

STATE OF MONATNA

County of Yellowstone

This instrument was signed and sworn to before me