

CITY OF BILLINGS
PUBLIC WORKS DEPARTMENT

Project: WO 17-05
County: Yellowstone
Designation: Monad Road & Daniel Street Traffic Signal Improvements

RIGHT OF WAY PURCHASE AGREEMENT

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

A tract of land situated in the SW1/4 of Section 8, T. 1 S., R. 26 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being a portion of Lot 1, of the plat of Northern Pacific Industrial Site, 1st Filing, on file and of record in the office of the Yellowstone County Clerk and Recorders Office, recorded February 15th, 1957, under document No. 578072.

List Names & Addresses of the Grantors:

Wymont Realty Co., formerly organized under the laws of the State of Montana as Wymont Holding Co., a Montana corporation
402 Daniel Street
Billings, MT 59101-3217

THIS AGREEMENT, is made this _____ day of _____, 2019, 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 Wymont Realty Co., formerly organized under the laws of the State of Montana as Wymont Holding Co., a Montana corporation, 402 Daniel Street, Billings, MT 59101-3217, herein called "GRANTORS."

The parties agree as follows:

1. GRANTOR, hereby grants CITY Right of Way through a Quit Claim Deed recorded _____, 20____ under Document No.'s _____ and _____ on file and of record in the Records of Yellowstone County, Montana.
2. GRANTOR agrees to pay all taxes and assessments due and owing, including those for year 2018. City shall bear or address taxes assessed for 2019, if any. GRANTOR shall execute and deliver to CITY a notarized instrument of conveyance corresponding to the interest being acquired.

3. This agreement shall not be binding unless and until approved of and accepted by the CITY's authorized representative and GRANTORS' authorized representative(s).
4. 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 CITY of all future claims or obligations on that account or on account of the location, and construction of the proposed road improvements. GRANTOR represents 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 GRANTOR 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.
5. It is understood and agreed that CITY is acquiring this Right Of Way to construct the Monad Road and Daniel Street Traffic Signal Improvements project which will consist of road reconstruction and street widening, concrete curb and gutter, pedestrian accessibility ramps with a retaining wall in the southwest corner, storm drain improvements, water line replacement, and construction of a traffic signal. Water line to be replaced extends from approximately 470 feet west of the intersection to approximately 120 feet east of the intersection and approximately 115 feet north of the intersection to approximately 120 feet south of the intersection. Part of the storm drain improvements include approximately 47' of lateral pipe in the southwest corner of the intersection that ties GRANTOR's boulder pit to CITY inlet and manhole. These improvements require 613 square feet, more or less, of property to be obtained by CITY from GRANTOR. This land is needed to construct large curb radii within the intersection that will accommodate heavy truck traffic. It will also provide necessary room for ADA sidewalk improvements, storm drain improvements, and signal foundation placement. 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 GRANTOR; any future modifications 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.

GRANTOR

Grantor (Date)

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

BY: _____
William A. Cole, MAYOR (Date)

APPROVED AS TO FORM:

BY: _____
Brent Brooks, City Attorney (Date)

QUIT CLAIM DEED

THIS DEED, made this _____ day of _____, 20____, in consideration by the **CITY OF BILLINGS**, THE receipt whereof is acknowledged, **WITNESSTH THAT:**

Wymont Realty Co., formerly organized under the laws of the State of Montana as
Wymont Holding Co., a Montana corporation
402 Daniel Street
Billings, MT 59101-3217

do hereby **GRANT, BARGAIN, SELL CONVEY, AND FOREVER QUIT CLAIM** to the **CITY OF BILLINGS**, a political subdivision of the State of Montana, 210 North 27th St, Billings, MT 59103, for the benefit and use of **The Public** the following described real property, to wit:

A tract of land situated in the SW1/4 of Section 8, T. 1 S., R. 26 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being a portion of Lot 1, of the plat of Northern Pacific Industrial Site, 1st Filing, on file and of record in the office of the Yellowstone County Clerk and Records Office, recorded February 15th, 1957, under document No. 578072, more particularly described as follows;

Beginning at the northeast corner of said Lot 1, basis of bearing being the plat of Northern Pacific Industrial Site, 1st Filing; thence S 00° 04' 00" W along the west right-of-way line of Daniel Street for a distance of 35.00 feet; thence N 44° 56' 00" W for a distance of 49.50 feet, to a point on the south right-of-way line of Monad Road; thence S 89° 56' 00" E along said Monad Road right-of-way for a distance of 35.00 feet to the Point of Beginning.

Said described tract having an area of 613 square feet (0.014 acres), more or less;
said described tract also being as shown on attached Exhibit A.

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 al 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 reversions, remainders, tenements, hereditaments and appurtenances thereto, unto the **CITY OF BILLINGS**, and to its successors and assigns forever.

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

By: _____

As: _____

Of: Wymont Realty Co., formerly organized under the laws of the State of Montana as Wymont Holding Co., a Montana corporation
402 Daniel Street
Billings, MT 59101-3217

State of Montana

County of Yellowstone

This instrument was signed and sworn to before me

on _____ By: _____

As: _____

Of: Wymont Realty Co., formerly organized under the laws of the State of Montana as Wymont Holding Co., a Montana corporation
402 Daniel Street
Billings, MT 59101-3217

(Notary Signature)

[Affix seal/stamp to the left or below]

ACKNOWLEDGMENT AND ACCEPTANCE OF CONVEYANCE

The Mayor and City Council of the City of Billings acknowledges receipt of this perpetual easement 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 Montana

County of Yellowstone

This instrument was signed and sworn to before me

on _____ by _____

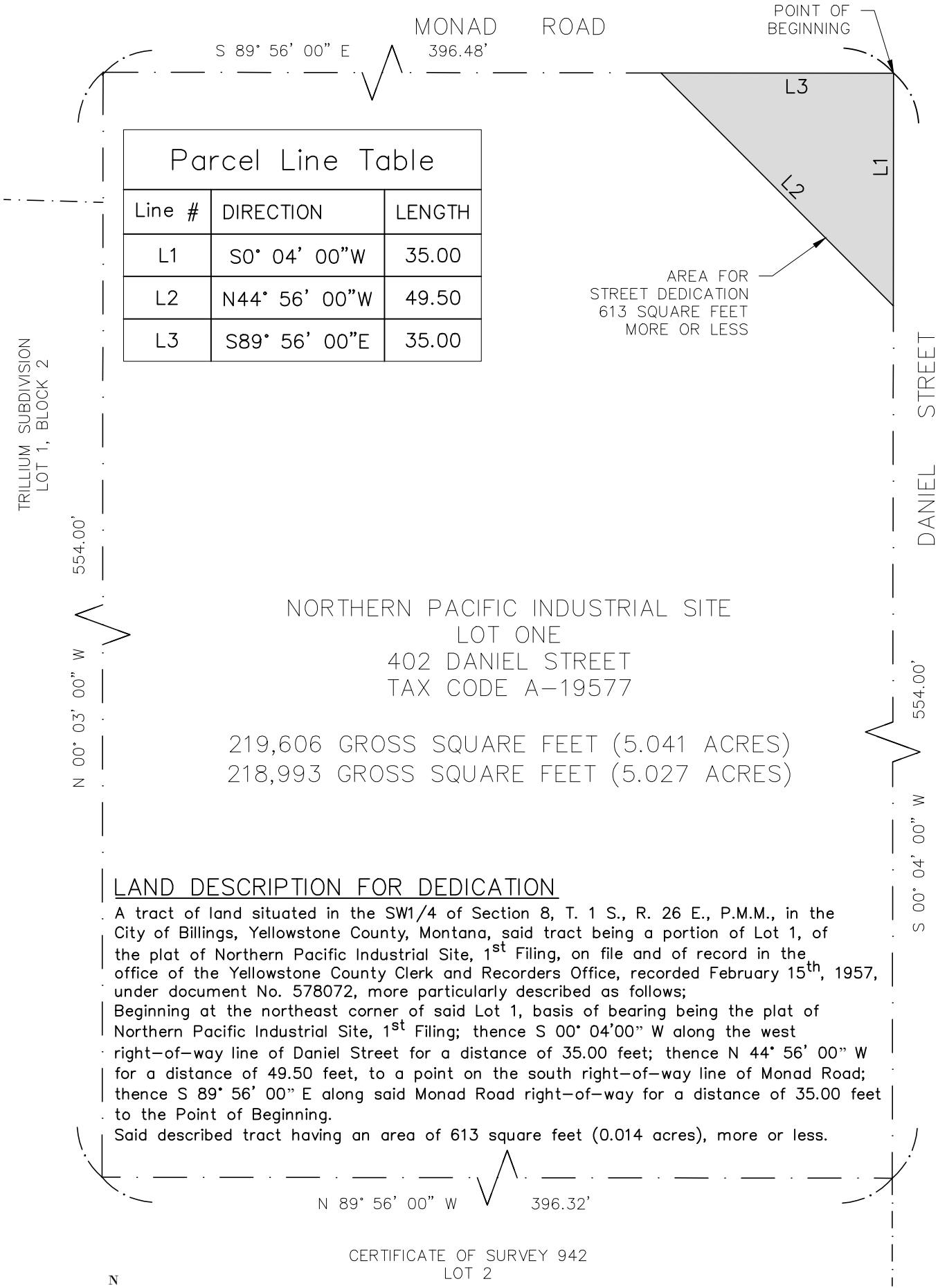
William A. Cole, Mayor, City of Billings
(Name of signer)

(Notary Signature)

[Affix seal/stamp to the left or below]

EXHIBIT "A"

PUBLIC RIGHT-OF-WAY DEDICATION WITHIN LOT 1, OF NORTHERN PACIFIC INDUSTRIAL SITE, 1ST FILING ON FILE AND OF RECORD IN THE OFFICE OF THE YELLOWSTONE COUNTY CLERK AND RECORDERS OFFICE, RECORDED FEBRUARY 15th, 1957, UNDER DOCUMENT NO. 578072
CITY OF BILLINGS, MONTANA



Parcel Line Table		
Line #	DIRECTION	LENGTH
L1	S0° 04' 00"W	35.00
L2	N44° 56' 00"W	49.50
L3	S89° 56' 00"E	35.00

AREA FOR STREET DEDICATION
613 SQUARE FEET
MORE OR LESS

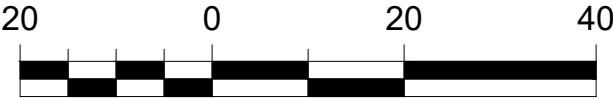
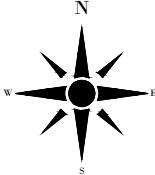
NORTHERN PACIFIC INDUSTRIAL SITE
LOT ONE
402 DANIEL STREET
TAX CODE A-19577

219,606 GROSS SQUARE FEET (5.041 ACRES)
218,993 GROSS SQUARE FEET (5.027 ACRES)

LAND DESCRIPTION FOR DEDICATION

A tract of land situated in the SW1/4 of Section 8, T. 1 S., R. 26 E., P.M.M., in the City of Billings, Yellowstone County, Montana, said tract being a portion of Lot 1, of the plat of Northern Pacific Industrial Site, 1st Filing, on file and of record in the office of the Yellowstone County Clerk and Recorders Office, recorded February 15th, 1957, under document No. 578072, more particularly described as follows;
Beginning at the northeast corner of said Lot 1, basis of bearing being the plat of Northern Pacific Industrial Site, 1st Filing; thence S 00° 04' 00" W along the west right-of-way line of Daniel Street for a distance of 35.00 feet; thence N 44° 56' 00" W for a distance of 49.50 feet, to a point on the south right-of-way line of Monad Road; thence S 89° 56' 00" E along said Monad Road right-of-way for a distance of 35.00 feet to the Point of Beginning.
Said described tract having an area of 613 square feet (0.014 acres), more or less.

CERTIFICATE OF SURVEY 942
LOT 2



FEET

CITY OF BILLINGS, MONTANA
QUIT CLAIM DEED EXHIBIT
CITY W.O. 17-05

THIS EXHIBIT IS PREPARED BY:
THE CITY OF BILLINGS, MONTANA