

CITY OF BILLINGS
PUBLIC WORKS DEPARTMENT

Project: WO 19-12
County: Yellowstone
Designation: West End Reservoir

PURCHASE AGREEMENT

Parcel A:

Township 2 South Range 25 East of the Principal Montana Meridian, in Yellowstone County Montana.

A tract of land situated in Tract 2 of Certificate Of Survey 3505 on file and of record under Document No. 3643531, at the Yellowstone County Clerk and Recorders office, Billings, Yellowstone County, Montana. Basis of Bearings being GPS observation of the north line of said Certificate of Survey 3505, (N 89°46'25" E)

Said tract being more particularly described as follows:

Beginning at the P.T. on the East R-O-W of Duck Creek per said Certificate of Survey 3505; Thence N 51°01'19" E and leaving said R-O-W for a distance of 670.91 feet; Thence N 89°46'25" E for a distance of 181.41 feet to a point on the Low Water Mark, December 2011 per said Certificate of Survey 3505; Thence S 39°30'23" W and along said Low Water Mark for a distance of 382.95 feet; Thence S 07°57'10" E for a distance of 60.02 feet; Thence S 88°35'11" W for a distance of 81.65 feet; Thence S 34°33'38" W for a distance of 386.94 feet; Thence S 31°18'45" W for a distance of 81.65 feet to a point on the East R-O-W line of said Duck Creek; Thence N 34°10'13" W and along said R-O-W and leaving said Low Water Mark for a distance of 69.68 feet to the beginning of a non-tangent curve to the right; Thence along the curve to the right with a radius of 492.96 feet, an arc length of 282.07 feet with a delta angle of 32°47'04" (chord bearing N 17° 46' 41" W chord length of 278.24 feet to the Point of Beginning. Said tract of land containing a Gross and Net area of 4.000 Acres, more or less. Further described as Tract 2B as shown by **Exhibit "A"**, consisting of one sheet attached hereto and made part hereof.

Parcel B:

Township 2 South, Range 25 East of the Principal Montana Meridian, in Yellowstone County Montana.

Section 4: Lots 1 and 7

EXCEPTING therefrom the following 2 Tracts of land:

1. Certificate of Survey No. 3505

2. That part conveyed to the State of Montana for the benefit and use of its Highway Commission by Bargain and Sale Deed recorded August 3, 1990, in Book 1351, Page 1564 under Document #1568773.

List Names & Addresses of the Grantors:

Gene J. Klamert and Ronna J. Klamert
2100 South 44th Street West
Billings, MT 59106

THIS AGREEMENT, is made this _____ day of _____, 2021, 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 Gene J. Klamert and Ronna J. Klamert, 2100 South 44th St. West, Billings, MT, herein called "GRANTOR."

The parties agree as follows:

1. CITY shall pay GRANTOR such sums of monies as set out below. GRANTOR agrees to pay all taxes and assessments due and owing, including those for year 2021. GRANTOR shall execute and deliver to CITY a notarized instrument of conveyance corresponding to the interest being acquired.
2. This agreement shall not be binding unless and until approved of and accepted by the CITY's authorized representative.
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 parcels and easement 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. 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 has 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. CITY shall pay GRANTOR for as follows:

4.00 acres by warranty deed	\$47,250.00
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50' wide easement by easement agreement	\$2,457.00
Parcel B (river bottom parcel)	\$0.00

Total **49,707.00**

5. CITY shall make payment to GRANTOR by a check in the amount of \$49,707.00, to be made payable to Gene J. Klamert and Ronna J. Klamert and 2100 South 44th St. West, Billings, MT.
6. It is understood and agreed that CITY is acquiring this parcel for construction and use of a river water intake, pump station, transmission pipeline 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. These Improvements shall be of no cost or expense to GRANTOR and 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.
7. As requested by Grantor, CITY agrees to provide rip rap or other Corps of Engineers approved means of flood protection measures along the southeast or river facing portion of Tract 2B in an effort to protect river migration north to Grantor's adjacent Tract 2A property, but the City makes no guarantees and warranties of any kind, expressed or implied, to Grantor by agreeing to provide such measures of flood protection.
8. It is understood that as of the date of this agreement, Tract 2B has an irrigation ditch that flood irrigates tract 2A. At Grantor's direction and permission, the CITY agrees to reroute Grantor's existing irrigation private ditch to irrigate tract 2A so that it is no longer on Tract 2B. The City has no ownership right to said rerouted ditch and no duty to operate, maintain, or repair said rerouted ditch, and Grantor holds the City harmless for any liabilities whatsoever, including personal injury and property damages, resulting from said rerouted ditch. The City grants no water rights to Grantor pursuant to this agreement nor makes any guaranties or warranties as to the flow and fitness of this water for irrigation purposes.
9. This agreement, upon execution by an agent of CITY and presentation to GRANTOR so designated, constitutes a written offer of compensation in the full amount of the appraised value, a summary of the property and property rights being acquired and notice that possession need not be given until payment has been received by GRANTOR.

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)

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

ATTEST:

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

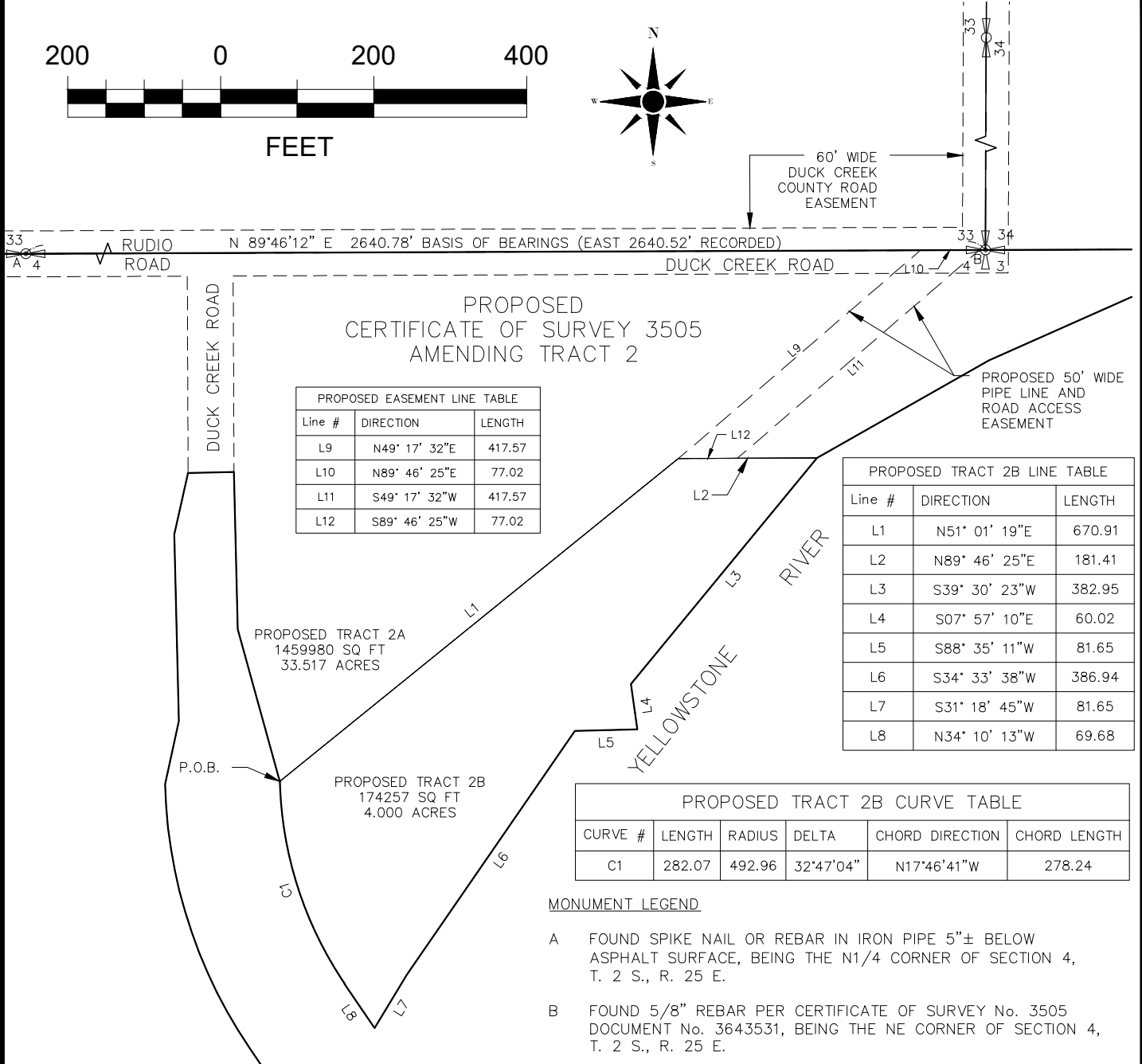
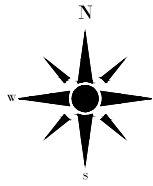
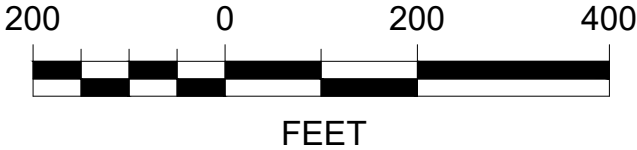
BY: _____
Denise Bohlman, CITY CLERK (Date)

APPROVED AS TO FORM:

By: _____
Gina Dahl, Acting. City Attorney (Date)

EXHIBIT "A"

WARRANTY DEED / AGREEMENT WITHIN TRACT 2 OF CERTIFICATE OF SURVEY 3505
 RECORD IN THE OFFICE OF THE YELLOWSTONE COUNTY CLERK AND RECORDERS OFFICE,
 RECORDED OCTOBER 25th, 2012, UNDER DOCUMENT NO. 3643531
 YELLOWSTONE COUNTY, MONTANA



PROPOSED EASEMENT LINE TABLE		
Line #	DIRECTION	LENGTH
L9	N49° 17' 32"E	417.57
L10	N89° 46' 25"E	77.02
L11	S49° 17' 32"W	417.57
L12	S89° 46' 25"W	77.02

PROPOSED TRACT 2B LINE TABLE		
Line #	DIRECTION	LENGTH
L1	N51° 01' 19"E	670.91
L2	N89° 46' 25"E	181.41
L3	S39° 30' 23"W	382.95
L4	S07° 57' 10"E	60.02
L5	S88° 35' 11"W	81.65
L6	S34° 33' 38"W	386.94
L7	S31° 18' 45"W	81.65
L8	N34° 10' 13"W	69.68

PROPOSED TRACT 2B CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	282.07	492.96	32°47'04"	N17°46'41"W	278.24

- MONUMENT LEGEND**
- A FOUND SPIKE NAIL OR REBAR IN IRON PIPE 5"± BELOW ASPHALT SURFACE, BEING THE N1/4 CORNER OF SECTION 4, T. 2 S., R. 25 E.
 - B FOUND 5/8" REBAR PER CERTIFICATE OF SURVEY No. 3505 DOCUMENT No. 3643531, BEING THE NE CORNER OF SECTION 4, T. 2 S., R. 25 E.

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Said tract being more particularly described as follows:
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 Thence N 51°01'19" E and leaving said R-O-W for a distance of 670.91 feet; Thence N 89°46'25" E for a distance of 181.41 feet to a point on the Low Water Mark, December 2011 per said Certificate of Survey 3505; Thence S 39°30'23" W and along said Low Water Mark for a distance of 382.95 feet; Thence S 07°57'10" E for a distance of 60.02 feet; Thence S 88°35'11" W for a distance of 81.65 feet; Thence S 34°33'38" W for a distance of 386.94 feet; Thence S 31°18'45" W for a distance of 81.65 feet to a point on the East R-O-W line of said Duck Creek; Thence N 34°10'13" W and along said R-O-W and leaving said Low Water Mark for a distance of 69.68 feet to the beginning of a non-tangent curve to the right; Thence along the curve to the right with a radius of 492.96 feet, an arc length of 282.07 feet with a delta angle of 32°47'04" (chord bearing N 17° 46' 41" W chord length of 278.24 feet to the Point of Beginning.
 Said tract of land containing a Gross and Net area of 4.000 Acres, more or less.

Proposed 50' wide pipe line and road access easement description:
 Beginning at the most northwest corner of Tract 2B of Proposed Certificate Of Survey 3505, Amending Tract 2;
 Thence N 49°17'32" E for a distance of 417.57 feet to a point on the north line of Section 4, T. 2 S., R. 25 E., P.M.M., Yellowstone County, Montana; Thence N 89°46'25" E along said section line for a distance of 77.02 feet;
 Thence S 49°17'32" W and leaving said section line for a distance of 417.57 feet; Thence S 89°46'25" W for a distance of 77.02 feet the Point of Beginning.
 Said easement tract of land containing a Gross and Net area of 0.476 Acres, more or less.