

WARRANTY DEED

This Deed, made this _____ day of _____, 2021, in consideration by the **City of Billings**, the receipt of which is acknowledged, **witnesses that**,

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

(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:

Parcel A:

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 Records 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. **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.

Purpose of Acquisition is to create parcel for construction and use of a river water pump station 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 2021 and all subsequent years, and which are assumed by Grantee.

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

By: _____
Gene J. Klamert, owner

Ronna J. Klamert, 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 _____, 2021.

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

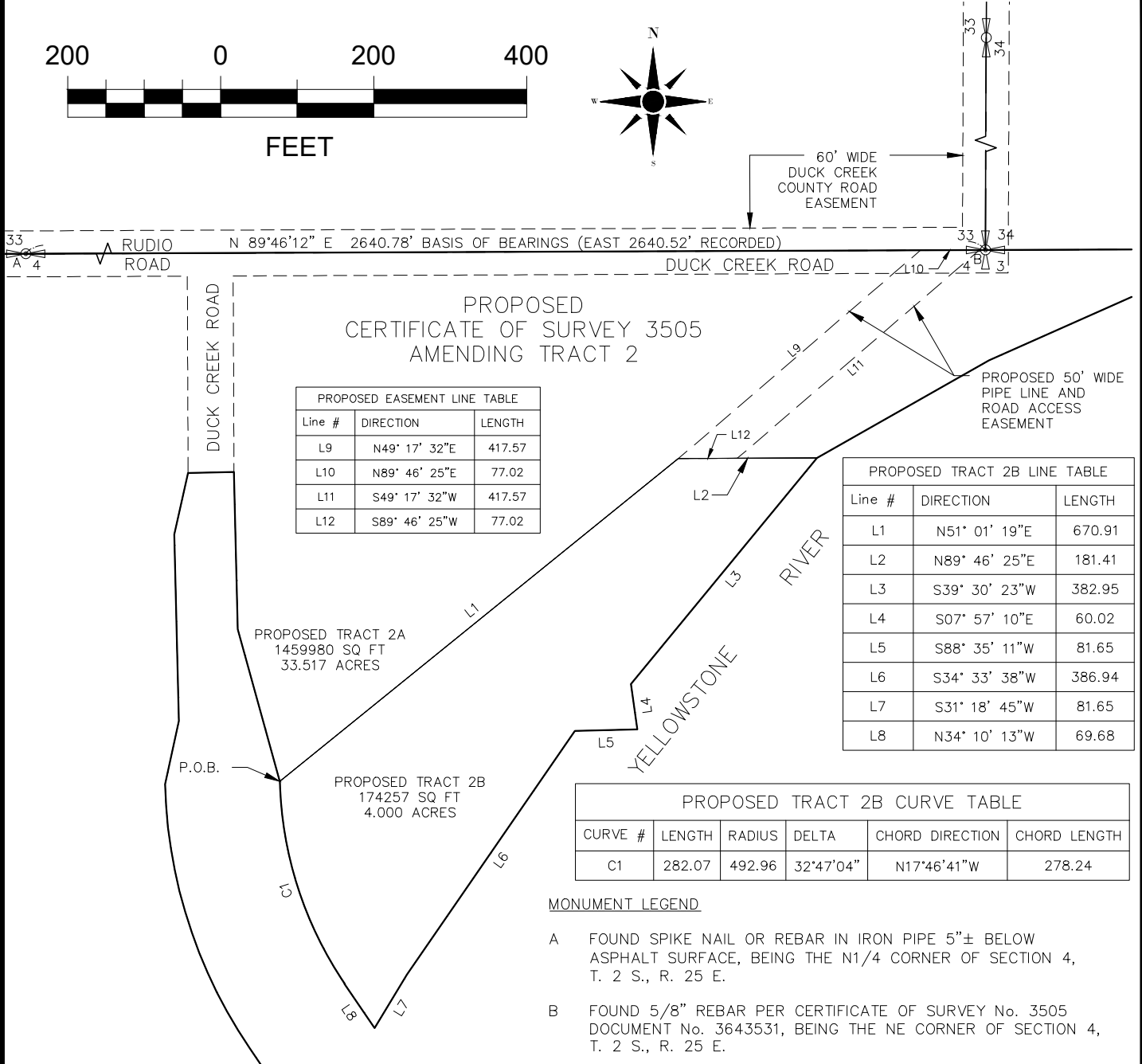
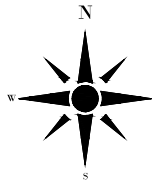
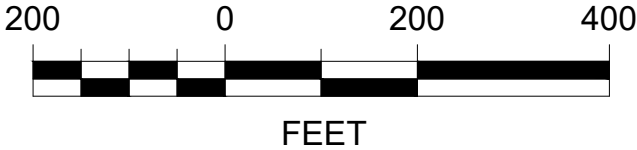
(Name of Signer)

(Notary Signature)

[Affix seal/stamp to left or below]

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.

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.

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.