

WARRANTY DEED

This Deed, made this _____ day of _____, 2021, in consideration of \$1,912.50 (one thousand, nine-hundred, twelve dollars and fifty cents) paid by the **City of Billings**, the receipt of which is acknowledged, **witnesses that,**

Dan Smith
25 Hallowell Lane
Billings, MT 59101

and

Barbara Smith
25 Hallowell Lane
Billings, MT 59101

(Grantors) does hereby **grant, warrant, sell, bargain and convey** 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 strip of land being the west 30 feet of Tract 1, Certificate of Survey 1930, located in the NE1/4 of the NE1/4 of Section 9, Township 1 South, Range 26 East. P.M.M., Yellowstone County, Montana.

As shown by Exhibit "A", 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 reservations does not include sand, gravel and other road building materials, which are conveyed by this Deed.

Further excepting and reserving unto the Grantor, his/her 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.

The 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.

To have and to hold the above described and conveyed premises, with all the reversions, remainders, tenements, hereditaments and appurtenances thereto, unto the Grantee, and to its successors and assigns forever.

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

By: [Signature]

By: [Signature]

As: Owner

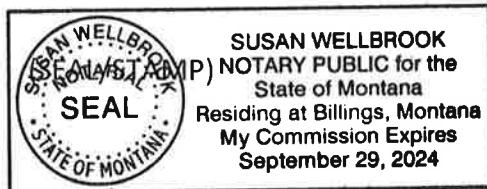
As: Owner

Dan Smith
25 Hallowell Lane
Billings, MT 59101

Barbara Smith
25 Hallowell Lane
Billings, MT 59101

State of Montana
County of Yellowstone

This instrument was signed before me on this 24th day of February, 2021, by Dan Smith and Barbara Smith
(print name of signer(s)).



[Signature]
Notary Signature

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

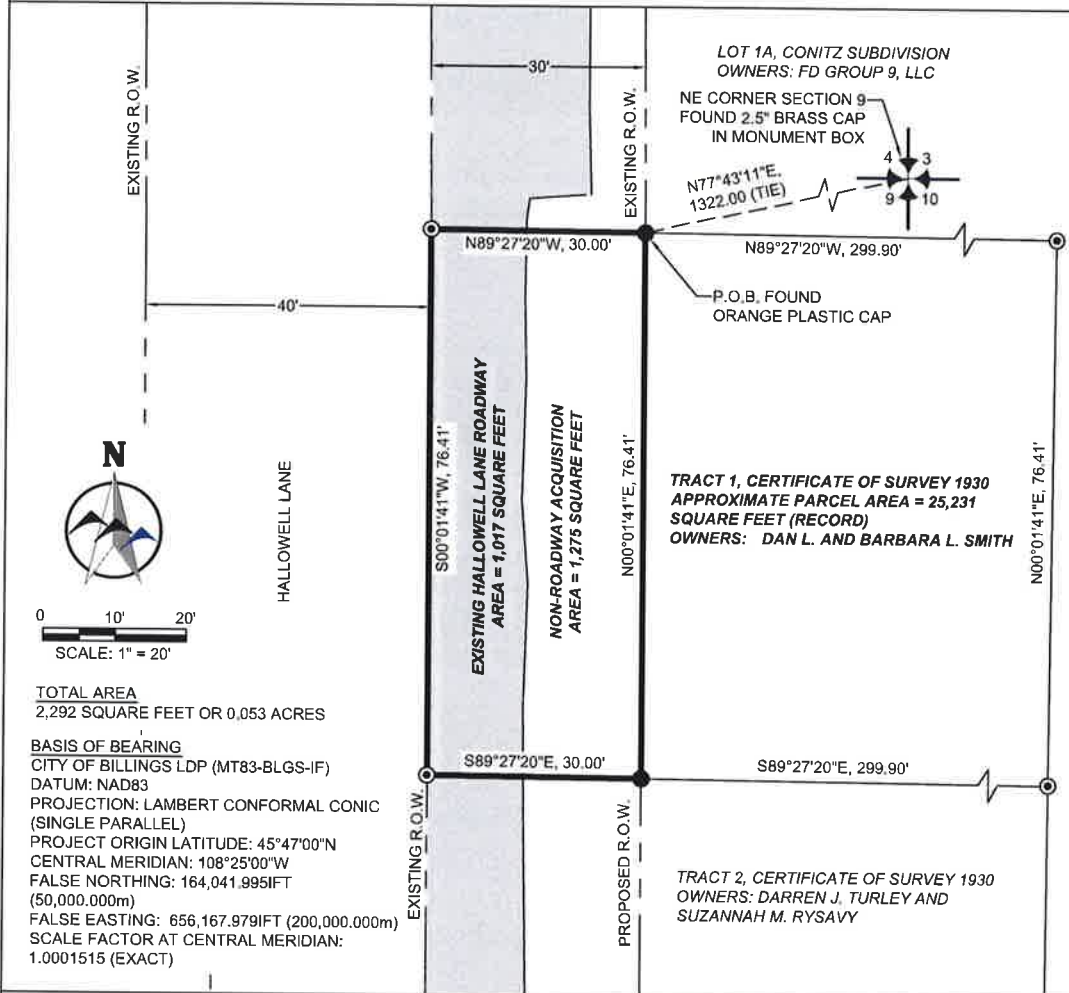
(SEAL)

APPROVED AS TO FORM:

City Attorney

HALLOWELL LANE RIGHT-OF-WAY ACQUISITION

EXHIBIT A - TRACT 1, C.O.S. 1930
LOCATED IN SECTION 9, T.1 S., R. 26 E., P.M.M., YELLOWSTONE COUNTY, MONTANA



TOTAL AREA
2,292 SQUARE FEET OR 0.053 ACRES

BASIS OF BEARING
CITY OF BILLINGS LDP (MT83-BLGS-IF)
DATUM: NAD83
PROJECTION: LAMBERT CONFORMAL CONIC (SINGLE PARALLEL)
PROJECT ORIGIN LATITUDE: 45°47'00"N
CENTRAL MERIDIAN: 108°25'00"W
FALSE NORTHING: 164,041.9951FT (50,000.000m)
FALSE EASTING: 656,167.9791FT (200,000.000m)
SCALE FACTOR AT CENTRAL MERIDIAN: 1.0001515 (EXACT)

LEGAL DESCRIPTION

A STRIP OF LAND BEING THE WEST 30 FEET OF TRACT 1, CERTIFICATE OF SURVEY 1930, LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 9, TOWNSHIP 1 SOUTH, RANGE 26 EAST. P.M.M., YELLOWSTONE COUNTY, MONTANA.

SAID STRIP OF LAND CONTAINS 2,292 SQUARE FEET OR 0.053 ACRE ALONG WITH AND SUBJECT TO ANY EASEMENTS OF RECORD OR IMPLIED.

CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY CORRECTLY REPRESENTS WORK PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



DATE: 2/22/2021
DATE OF FIELD SURVEY: 8/31/2020

NOTES:

- 1) THIS SURVEY IS INTENDED TO CREATE A PARCEL FOR TRANSFER TO THE CITY OF BILLINGS TO FACILITATE WIDENING OF HALLOWELL LANE RIGHT-OF-WAY.
- 2) UNDERLYING EASEMENTS MAY EXIST AND ARE NOT SHOWN ON THIS SURVEY.
- 3) DISTANCES SHOWN HEREON ARE UNITS OF INTERNATIONAL FEET.

LEGEND:

- SET YELLOW PLASTIC CAP ON 5/8" REBAR (ZISKA18636LS) OR FOUND AS NOTED
- ⊙ CALCULATED POINT (NOTHING FOUND OR SET)
- EXISTING HALLOWELL LANE ROADWAY
- RIGHT-OF-WAY CENTERLINE
- RIGHT-OF-WAY PARCEL BOUNDARY
- - - CITY OF BILLINGS RIGHT-OF-WAY
- P.O.B. POINT OF BEGINNING

<p>HALLOWELL LANE ROW ACQUISITION EXHIBIT A - TRACT 1, C.O.S. 1930 YELLOWSTONE COUNTY, MT</p>	<p>PREPARED FOR CITY OF BILLINGS 2224 MONTANA AVENUE BILLINGS, MT 59101</p>	<p>DESIGNED BY: <u>JKZ</u> DRAWN BY: <u>SEA</u> CHECKED BY: <u>JKZ</u> DATE: <u>2/22/21</u></p>
<p>PREPARED BY WWC ENGINEERING 560 S. 24TH STREET W., SUITE 201 BILLINGS, MT 59102 (406) 894-2210 www.wwcengineering.com</p>	<p>SHEET 1 OF 1</p>	