

**CITY OF BILLINGS**  
**PUBLIC WORKS DEPARTMENT**

Project No. W.O. 19-15 County of Yellowstone  
Designation 24<sup>th</sup> S W & Central Signal Improvements

## **RIGHT OF WAY AGREEMENT**

Parcel from Station-To-Station Subdivision Section Township Range

A part of Lot 1, Block 18 of Central Heights Subdivision, Third Filing situated in the NW1/4, NW1/4, NW1/4, of Section 7, T1S, R26E, P.M.M, City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Yellowstone County, Montana; (document number: 548747).

Said part being more particularly described as follows:

Commencing at the northwest corner of said Section 7, Government Lot 1; thence S 53° 15' 28" E 50.10 feet to the True Point of Beginning, thence along the southerly right-of-way of Central Avenue N 89° 57' 21" E, 25.10 feet to the beginning of a non-tangent curve concave to the southeast, having a radius of 25.00 feet, and being subtended by a chord that bears S 44° 50' 23" W, length 35.43 feet; thence along said curve southwesterly 39.37 feet through a central angle of 90° 13' 57" to a point on the easterly right-of-way of South 24th Street West; thence along said right-of-way N 0° 16' 35" W, 25.10 feet to the point of beginning. Said part contains 136 square feet, more or less, as according to the attached Exhibit A.

List Names & Addresses of the Grantor, Con. Purchaser & Lessee

Automatic Real Estate, LLP  
1924 1<sup>st</sup> Ave North  
Billings, MT 59101-2443

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- 1. IN CONSIDERATION OF THE PAYMENTS HEREIN SET FORTH AND THE SPECIFIC AGREEMENTS TO BE PERFORMED BY BOTH PARTIES HERETO AND WRITTEN IN THIS AGREEMENT, THE PARTIES HERETO BIND THEMSELVES TO THE TERMS AND CONDITIONS SET FORTH HEREIN. NO VERBAL AGREEMENTS SHALL BE BINDING UPON EITHER PARTY AND THIS AGREEMENT SHALL BECOME EFFECTIVE UPON EXECUTION BY A DESIGNATED REPRESENTATIVE OF THE CITY OF BILLINGS.**

2. **COMPENSATION FOR LAND AND IMPROVEMENTS** (List acres and/or sq. ft. and improvements in the taking.)

Land Acquisition: 136 square feet

Severance damage for ½ of parking stall: 76.5 square feet

Temporary Construction Permit for Sign Relocation: 38.6 square feet

Sign relocation and related construction work

Total compensation for land, damages, and improvements Total     \$28,300.00

3. **TOTAL COMPENSATION FOR PARCEL** \_\_\_\_\_ \$28,300.00

4. **IT IS UNDERSTOOD AND AGREED** the Grantor will relocate their business sign at the southeast corner of Central Avenue and S 24<sup>th</sup> St W prior to project construction.

5. **IT IS UNDERSTOOD AND AGREED** the City will construct curb, gutter, sidewalk and street improvements along the radius of acquired property at no cost to the Grantor. These improvements shall be maintained according to the City policy in effect at such time maintenance is necessary. The City further agrees to remove landscaping and sprinklers as required to accommodate the improvements at no cost to the Grantor. The City also further agrees to modify the existing property, as necessary, to reasonably match the new improvements and restore disturbed lawn and sprinkler system that is agreeable to the property owner at no cost to the Grantor. Any additional work requested by the Grantor, but not necessary to construct the improvements at the south east corner of Central Ave and S 24<sup>th</sup> St W intersection, shall be the Grantor's sole responsibility.

6. **IT MAY BE NECESSARY** for the City of Billings, in some instances, to acquire some properties by its Right of Eminent Domain. I/We understand this and hereby acknowledge the necessity of the project and our agreement thereof. I/We further agree that the property given to the City of Billings by me/us has been sold for an agreed upon price and that sale shall not be affected by the City of Billings exercise of Eminent Domain of other properties in order to successfully complete the project.

7. **IT IS UNDERSTOOD AND AGREED** the Grantor will execute the Right-of-Way Agreement and Warranty Deed and other documents as necessary to accommodate the conveyance of Right of Way located Commencing at the northwest corner of said Section 7, Government Lot 1; thence S 53° 15' 28" E 50.10 feet to the True Point of Beginning, thence along the southerly right-of-way of Central Avenue N 89° 57' 21" E, 25.10 feet to the beginning of a non-tangent curve concave to the southeast, having a radius of 25.00 feet, and being subtended by a chord that bears S 44° 50' 23" W, length 35.43 feet; thence along said curve southwesterly 39.37 feet through a central angle of 90° 13' 57" to a point on the easterly right-of-way of South 24th Street West; thence along said right-of-way N 0° 16' 35" W, 25.10 feet to

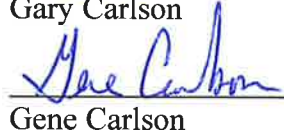
the point of beginning. Said part contains 136 square feet, more or less, as according to the attached Exhibit A.

WITNESS WHEREOF, the parties hereto have executed this agreement the day and year as written below.

**RECOMMENDED FOR APPROVAL**

  
For Engineering Division (Date) 3/17/2021

  
Gary Carlson (Date) 3-22-2021

  
Gene Carlson (Date) 3-22-2021

Personal representatives of  
Automatic Real Estate, LLP

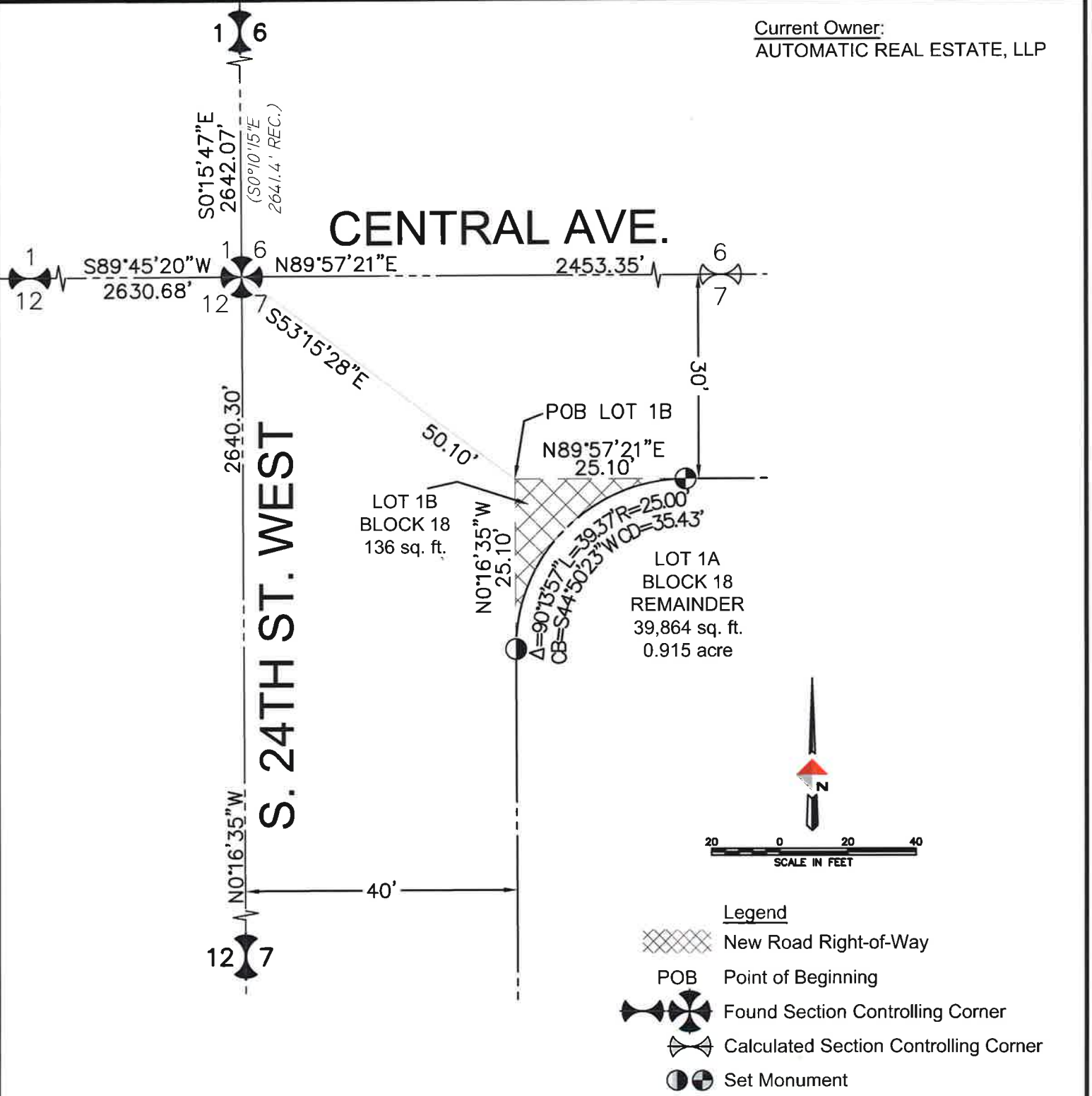
**APPROVED FOR AND ON BEHALF OF  
THE CITY OF BILLINGS**

BY: \_\_\_\_\_  
William A. Cole, Mayor (Date)

**ATTEST**

BY: \_\_\_\_\_  
Denise R. Bohlman, City Clerk (Date)

Current Owner:  
AUTOMATIC REAL ESTATE, LLP



Legal Description of Property to be Acquired for Improvements:

A part of Lot 1, Block 18 of Central Heights Subdivision, Third Filing situated in the NW 1/4 NW 1/4 NW 1/4 of Section 7, T1S, R26E, P.M.M, City of Billings, Yellowstone County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Yellowstone County, Montana; (document number: 548747).

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Right of Way to be Acquired for  
Central Avenue & South 24th Street West  
Improvements  
City of Billings, Montana  
A Part of Lot 1, Block 18,  
Central Heights Sub., Third Fil.

PROJECT	4024.21753.01
DATE	2/23/2021
DRAWN BY	MWC

EXHIBIT A