

STATE OF MONTANA - DEPARTMENT OF TRANSPORTATION  
Right-of-Way Bureau, Helena

MICHAEL T. TOOLEY  
DIRECTOR OF TRANSPORTATION

RICK GRIFFITH  
CHAIRMAN

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**NOTICE OF SALE OF REAL ESTATE**  
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NOTICE IS HEREBY GIVEN under statutory authority, the Montana Department of Transportation will sell, at public auction, with reserve, to the highest bidder, the tract of land being more particularly described as follows:

Tract 1 of COS 343937 located in the SE ¼ of Section 28, Township 2 South, Range 20 East, P.M., M., Stillwater County, MT and containing an area of 1.182 acres, more or less.

Subject to any and all easements apparent and/or of record

It is expressly intended and agreed that these reservations, burdens, and restrictions shall run with the land and shall forever bind the Grantee, their successors and assigns.

Directions to the property: The property is located south of Columbus, MT on the southwesterly side of Highway 78 South past the fork of Highway 78 and 421.

**The appraised value of the tract is \$17,150.00. This property is being sold "AS IS".**

The public oral auction will be held beginning at 1:00 p.m. on Friday, February 26, 2016 in the 1<sup>st</sup> floor Conference Room of the Stillwater County Courthouse, 400 E. 3<sup>rd</sup> Avenue North, Columbus, Montana 59019.

The sale of said real estate is subject to the "Detailed Terms and Conditions of Sale" as set forth herein.

**DETAILED TERMS AND CONDITIONS OF SALE**

1. **BIDS:** Bids may be either written or oral. Written bids must be submitted on the appropriate form to the Real Estate Services Section, Montana Department of Transportation (MDT), 2701 Prospect Ave., P.O. Box 201001, Helena, MT, 59620-1001 and received by MDT on or before 5:00 pm., February 24, 2016. Written bids will be opened and announced by the auctioneer at the beginning of the auction. After all written bids are announced, oral bidding may continue by all bidders present.

Bid forms and envelopes for submitting written bids may be obtained by contacting the Real Estate Services Section, Montana Department of Transportation, P.O. Box 201001, Helena, MT, 59620; (406)444-9272 or TTY 1-800-335-7592 for the hearing impaired.

2. **BID DEPOSIT:** The successful bidder must submit a deposit of 10% of the bid amount. Written bids that do not contain the required 10% deposit will be disregarded at the auction. Personal Check, Postal Money Order, Bank Draft, or Cashier's Check, should be made payable to the "Montana Department of Transportation".
3. **BID BALANCE:** The successful bidder must submit the balance (bid amount less deposit) within 30 days of the date of the auction made payable to the "Montana Department of Transportation" and mailed or delivered to the Montana Department of Transportation, Real Estate Services Section, P.O. Box 201001, 2701 Prospect Avenue, Helena, Montana, 59620 on or before **5:00 p.m., March 28, 2016.**
4. **APPRAISAL:** The appraised value as determined by the Department of Transportation is for Department of Transportation purposes only. Under statutory restrictions, the State cannot accept any bid under 90% of the appraised value.

5. **RESERVATION**: The Montana Department of Transportation reserves the right to reject any or all bids and waive technicalities as may be deemed necessary in the interest of the State of Montana.
6. **HOW PAYMENT IS TO BE MADE**: All payments in connection with this sale must be made by one or a combination of the following: Cash, Personal Check, Postal Money Order, Bank Draft, or Cashier's Check, payable to the Montana Department of Transportation.
7. **DEFAULT**: In the event of default by the high bidder, his bid deposit shall be forfeited to the State. If the Montana Department of Transportation does not receive any acceptable bids at the auction, the property may be sold at a private sale for 90% of the appraised value, at a later date. If the Montana Department of Transportation does receive other bids at the auction that would have been acceptable, the Montana Department of Transportation will hold another auction to sell the property.
8. **COMPLETION OF THE AUCTION**: The auction is complete when the auctioneer announces that the down payment has been paid.
9. **INSTRUMENT OF CONVEYANCE**: Conveyance will be made pursuant to Section 60-4-207, M.C.A., and the successful bidder shall accept such title as possessed by the Montana Department of Transportation.
10. **TAXES**: The Montana Department of Transportation cannot legally pay general taxes or special assessments; therefore, any delinquent or current tax or special assessment must necessarily be the responsibility of the purchaser.
11. **EXISTING RIGHTS**: The above land will be sold subject to all valid existing easements upon and across said lands.
12. **CERTIFICATE OF SURVEY**: If needed for recording or other purposes, the successful bidder may be required to provide a Survey at his/her own expense. When the successful bidder has paid the remaining balance due for the property and has provided any required Survey, the Montana Department of Transportation will prepare and issue the Deed.
13. **RECORDATION**: The Montana Department of Transportation will record the deed for the tract of land being conveyed herein. Once recorded, the Department of Transportation will transmit the deed to the purchaser.
14. **ENVIRONMENTAL IMPACT**: If the development of this tract will require a negative environmental declaration or an environmental impact statement, the successful bidder must furnish them at his own expense to the Montana Department of Environmental Quality and any other appropriate governmental agencies.
15. **ZONING**: Property is subject to any existing or future zoning ordinances.
16. **WATER RIGHT OWNERSHIP UPDATE DISCLOSURE**: By Montana law, failure of the parties at closing or transfer of real property to pay the required fee to Montana Department of Natural Resources and Conservation for updating water right ownership may result in the transferee of the property being subject to a penalty. Additionally, in the case of water rights being exempted, severed, or divided, the failure of the parties to comply with Section 85-2-424, MCA, could result in a penalty against the transferee and rejection of the deed for recording.
17. **ON-SITE WASTEWATER TREATMENT SYSTEM PERMIT DISCLOSURE**: A septic system was utilized on this property in the past. However, it was abandoned when trailer homes were removed during MDT's acquisition of the property. MDT does not know the location of the original septic system. MDT did obtain a new septic permit (Permit #10-51) in 2008, but it is now expired.

Date: \_\_\_\_\_

Project: STPP-F 78-2(8)37  
Designation: Columbus-South  
Parcels: 59 & 60

**BID FORM**

State of Montana  
Department of Transportation  
2701 Prospect Avenue  
P.O. Box 201001  
Helena, MT 59620

Pursuant to the "Notice of Sale of Real Estate" as first published in the Stillwater County News, dated January 21, 28 and February 4, 11, 18, & 25, 2016, and pursuant to the "Terms and Conditions of Sale", I/We submit the following bid on the real estate described as follows:

Tract 1 of COS 343937 located in the SE ¼ of Section 28, Township 2 South, Range 20 East, P.M., M., Stillwater County, MT and containing an area of 1.182 acres, more or less.

Subject to any and all easements apparent and/or of record

It is expressly intended and agreed that these reservations, burdens, and restrictions shall run with the land and shall forever bind the Grantee, their successors and assigns.

**This property is being sold "AS IS".**

<b><u>AMOUNT OF BID</u></b>	<b><u>AMOUNT OF DEPOSIT</u></b>	<b><u>BALANCE DUE</u></b>
\$ _____	\$ _____	\$ _____

**APPRAISED VALUED \$17,150.00**

**INSTRUCTION TO BIDDERS:** (1) Bidder must submit a check for at least 10 percent of the bid amount. (2) The State can give only a Quitclaim Deed as provided under Section 60-4-207, M.C.A. (3) Under Section 60-4-203, M.C.A., the State cannot accept any bid under 90% of the appraised value.

I HEREBY AFFIRM that I am fully aware of the conditions of the sale as set forth in the "Terms and Conditions of the Sale" and as set forth under "Instruction to Bidders" above.

_____ (Signature of Bidder)	_____ (Address of Bidder)
_____ (Printed Name of Bidder)	_____ (City, State, Zip Code)
_____ (Social Security # or Tax ID #)	_____ (Telephone Number)

The name(s) of the Grantee(s) to be inserted in the deed is/are as follows:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

- (a)  Joint Tenants with right of survivorship.
- (b)  Tenants in Common.

**NOTE:** If conveyance is to be made to more than one person, check either (a) or (b) above.

STATE OF MONTANA  
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
1424 9TH AVENUE P.O.BOX 201601 HELENA, MONTANA 59620-1601

## ACKNOWLEDGEMENT OF WATER RIGHT OWNERSHIP UPDATE

WE HAVE RECEIVED A WATER RIGHT OWNERSHIP UPDATE IN WHICH YOU WERE NAMED AS A PARTY. THE RECORDS MAINTAINED BY THE WATER RIGHTS BUREAU HAVE BEEN CHANGED TO REFLECT THE NEW OWNERSHIP ACCORDING TO THE WATER RIGHT OWNERSHIP UPDATE. THE ABSTRACT BELOW SHOWS THE CURRENT WATER RIGHT INFORMATION. BOTH BUYER AND SELLER HAVE BEEN SENT THIS ACKNOWLEDGEMENT. IF YOU HAVE FURTHER QUESTIONS, PLEASE CONTACT YOUR LOCAL WATER RESOURCES REGIONAL OFFICE.

BILLINGS REGIONAL OFFICE 406-247-4415

**Water Right Number:** 43QJ 91706 00 GROUND WATER CERTIFICATE  
**Version:** 1 -- ORIGINAL RIGHT  
**Version Status:** ACTIVE

**Owners:** MONTANA, STATE OF DEPT OF TRANSPORTATION  
REAL ESTATE SERVICES SECTION  
PO BOX 201001  
HELENA, MT 59620 1001

**Priority Date:** SEPTEMBER 26, 1994 at 11:48 A.M.  
**Enforceable Priority Date:** SEPTEMBER 26, 1994 at 11:48 A.M.

**Purpose (use):** DOMESTIC  
**Maximum Flow Rate:** 10.00 GPM  
**Maximum Volume:** 1.63 AC-FT

**Source Name:** GROUNDWATER  
**Source type:** GROUNDWATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	9	SWSE	28	2S	20E	STILLWATER

**Period of Diversion:** JANUARY 1 TO DECEMBER 31

**Diversion Means:** WELL

**Pump Size:** 0.50 HP

**Purpose (Use):** DOMESTIC  
**Households:** 1  
**Volume:** 1.63 AC-FT  
**Period of Use:** JANUARY 1 to DECEMBER 31  
**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		9	SWSE	28	2S	20E	STILLWATER

PROVIDED FOR INFORMATIONAL PURPOSES ONLY

Stillwater County  
On-site Wastewater Treatment System  
Permit

*Permit to Install, an on-site wastewater treatment system. The on-site wastewater treatment system shall be inspected and approved by the local sanitarian before covering. The on-site wastewater treatment system shall be installed in accordance with State and local Board of Health regulations.*

This permit is issued to: Montana Department of Transportation  
Property Owner  
PO Box 201001  
Helena, MT 59620-1001  
Mailing Address

To install an On-site Wastewater Treatment System for a Three Bedroom Single Family Dwelling in accordance with plans by DOWL HKM and approved by Stillwater County Environmental Health.

At: 4596 Highway 78 – Columbus, MT  
Tract 1 COS 343937 E.S. #48-93-S9-1035  
(1.182 acres)

2S      20E      28  
Township      Range      Section

The on-site wastewater treatment system shall be installed accordingly to the follow conditions:

- 1) Must be inspected by a local Sanitarian before backfilling.
- 2) Septic system is based on 300 gallons per day flow with an application rate of .6 gallons per day per sq.ft.
- 3) The septic system shall consist of a 1000 gallon septic tank.
- 4) The septic tanks shall have an effluent filter installed on the discharge outlet.
- 5) Subsurface drainfield shall consist of (3 ) 62 foot laterals of 22" Gravelless Chambers or (3) 84 foot laterals of standard drainfield trench.
- 6) A distribution box is required and shall be equipped with speed levelers
- 7) Lateral trenches are 7-10 feet apart.
- 8) Bottom of the drainfield shall be at least four feet above high ground water.

*This permit is being issued under the conditions set forth in the permit application and/or subsequent conditions herewith attached. The approval of this permit has been based on the information submitted and is not valid if that material contains any substantive errors, inaccuracies, or misrepresentations, or if any substantive changes from the proposed application are made.*

This permit issued **December 23, 2010**

System is to be installed by

*Kevin Bell, R.S.*

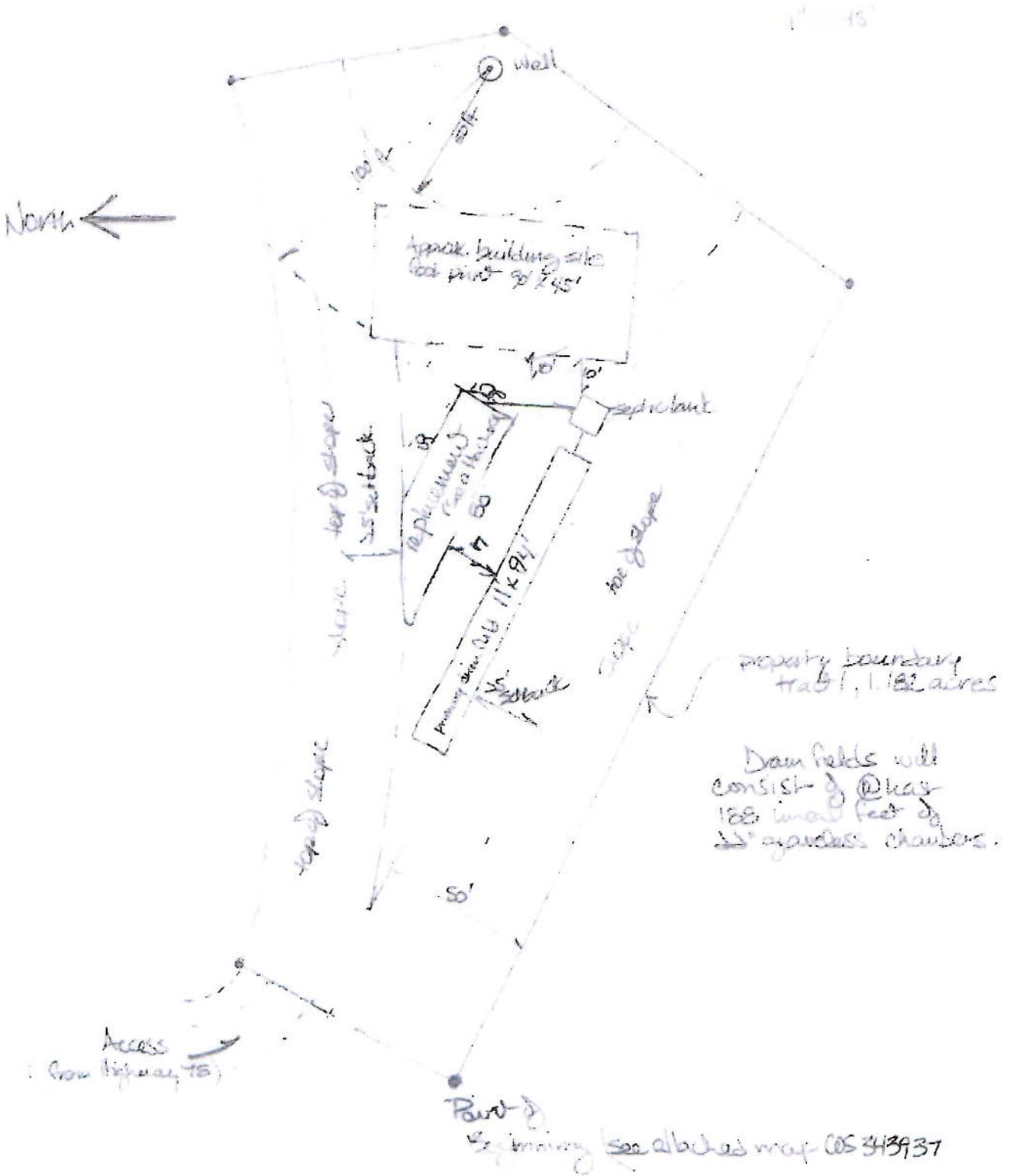
Sanitarian

\_\_\_\_\_  
Stillwater County Licensed Installer

**\*Permit valid for 2 years from date of permit.**

COMPUTATIONS		Project #	
Client Name:		4031.20090.01	
Prepared by:		Sheet 1 of 1	
T. Gamm	Date	Checked by:	Date
		Robert A. Maltie	12/10/2010

Project Name: OS # 313937 (200) - Drainfall Permit



**PROVIDED FOR INFORMATIONAL PURPOSES ONLY**



**ON SITE SEWAGE DISPOSAL  
PERMIT APPLICATION**



STILLWATER COUNTY  
ENVIRONMENTAL HEALTH DEPARTMENT  
PO BOX 1276, 809 E. 4<sup>TH</sup> AVE. NORTH SUITE B  
COLUMBUS, MT. 59019  
122-8055 Fax: 322-1118

APPLICATION NO. \_\_\_\_\_  
OFFICE USE ONLY  
FEE PAID \_\_\_\_\_  
CHECK # \_\_\_\_\_

Owner of Record Montana Department of Transportation Date: 12/10/2010  
Phone: 406-444-9429 Carla Haas or Donna Franklin  
Address of Record Owner PO Box 201001, Helena, MT 59620-1001  
Rural Address 4596 Highway 78  
Legal Description Tract 1 COS 343937  
Name Of Subdivision & Parcel Identification: Tract 1 COS 343937  
Size of Parcel: 1.182 acres  
Number of Bedrooms: 3 Bedrooms Type of Dwelling Single Family

**SITE EVALUATION**

Percolation Rate <10 _____ min/in	Soils Application Rate 0.6 _____ gpd/ft.
Depth to Seasonal High Groundwater _____	<u>23 ft</u>
How was this determined? _____	<u>Measurement of an onsite well</u>
Date Determined _____	<u>October 27, 2010</u>
Depth to Bedrock _____	<u>31 ft</u>

**DISPOSAL SYSTEM**

Septic tank size <u>1,000</u> gal.	Length Drainfield <u>188</u> ft.
Distance from septic tank to foundation _____	<u>10</u> ft.
Distance from septic tank to property line _____	<u>&gt;50</u> ft.
Distance from septic tank to well _____	<u>&gt;110</u> ft.
Distance from septic tank to state water (irrigation, stream, lake or pond) _____	<u>&gt;50</u> ft.
Distance from septic tank to 100 year floodplain _____	<u>&gt;100</u> ft.
Distance from drainfield to foundation _____	<u>&gt;10</u> ft.
Distance from drainfield to property line _____	<u>&gt;40</u> ft.
Distance from drainfield to well _____	<u>&gt;100</u> ft.
Distance from drainfield to state water (irrigation, stream, lake or pond) _____	<u>&gt;100</u> ft.
Distance from drainfield to 100 year floodplain _____	<u>&gt;100</u> ft.
Distance from drainfield to any slope of 25% or greater _____	<u>25</u> ft.

Please include a sketch of proposed disposal system (include unit, nearest well, stream, irrigation ditch, lake, 100 year floodplain).

I hereby acknowledge that the sewage disposal system for the above dwelling or facility will be installed by a Stillwater County approved licensed installer or self installed.

Owner of Record \_\_\_\_\_ Installer \_\_\_\_\_  
Signature Name

**PROVIDED FOR INFORMATIONAL PURPOSES ONLY**