

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

**MICHAEL T. TOOLEY
DIRECTOR OF TRANSPORTATION**

**KEVIN HOWLETT
CHAIRMAN**

NOTICE OF SALE OF REAL ESTATE

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:

A tract of land, being part of Parcel A of Certificate of Survey (COS) No. 1418 situated in the NW¼SE¼ and NE¼SW¼ of Section 7, Township 7 North, Range 20 West, P. M., M., Ravalli County, Montana, containing an area of 11.30 acres, more or less, as depicted as the yellow shaded area on the attached COS and plan sheet.

PROVIDED HOWEVER, that the Grantor reserves unto itself all rights of access to the property over and across the access control lines shown on said attached plan sheet. Grantor grants the right of reasonable access to and from the adjacent property.

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

Any reconstruction or relocation of said approach will be at the Grantee's sole expense and shall require an approach permit from the Missoula District Office of the Department of Transportation.

The property is 11.30 ac± with 330 ft± frontage along U.S. Highway 93 N. There is a 768 sq. ft. metal garage/shop building on a concrete slab constructed in 2004 in the northwesterly corner of the property. The property also has 3 water rights (76H 328000-00 domestic irrigation-well, 76H 110513-00 irrigation flood and 76H 57743-00 domestic stock). In the easterly 1/3 portion of the property there is a 20 GPM well, an older septic system , an electricity meter and a transformer box (all last used in 2008).

The appraised value: \$163,700.00. This property is being sold "**AS IS**".

Property Address: 1817 U.S. Hwy 93 N, Victor MT 59875.

Directions to the property: The property lies approximately 2.8 miles south of Victor, and approximately 9 miles north of Hamilton on the west side of U.S. Highway 93, between mile post 56 and 57.

The **Public Oral Auction** will be held beginning at **12:00 P.M. (Noon)** on **Tuesday, April 28, 2015** in the MSU Extension Room of the Ravalli County Administrative Building, 215 S. Fourth St., Hamilton, Montana 59840.

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 **Monday, April 27, 2015 by 5 p.m.** 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)444-6075 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., **Wednesday, May 27, 2015.**
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. **WATER RIGHT TRANSFER**: The successful bidder is responsible for submitting the required paper work and paying the fee(s) for transferring any water rights associated with the property.

Date: _____

Project: NH 7-1(82)49F
Designation: Hamilton-Victor
(N of Woodside-Victor)

Parcel: 2-44

BID FORM

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

Pursuant to your "Notice of Sale of Real Estate" as first published in the Ravalli Republic, dated March 22, 2015, and pursuant to the "Terms and Conditions of Sale", I/We submit the following bid on the real estate described as follows:

A tract of land, being part of Parcel A of Certificate of Survey (COS) No. 1418 situated in the NW¼SE¼ and NE¼SW¼ of Section 7, Township 7 North, Range 20 West, P.M., M., Ravalli County, Montana, containing an area of 11.30 acres, more or less, as depicted as the yellow shaded area on the attached COS and highway plan sheet ;

PROVIDED HOWEVER, that the Grantor reserves unto itself all rights of access to the property over across the access control lines shown on said attached plan sheet, Grantor grants the right of reasonable access to and from the adjacent property of the Grantor.

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.

Any reconstruction or relocation of said approach will be at the Grantee's sole expense and shall require an approach permit from the Missoula District office of the Department of Transportation.

The property is 11.30 ac± with 330 ft± frontage along U.S. Highway 93 N. There is a 768 sq. ft. metal garage/shop building on a concrete slab constructed in 2004 in the northwesterly corner of the property. The property also has 3 water rights (76H 328000-00 domestic irrigation-well, 76H 1105113-00 irrigation flood and 76H 57743-00 domestic stock). In the easterly 1/3 portion of the property there is a 20 GPM well, an older septic system, an electricity meter and transformer box (all last used in 2008).

APPRAISED VALUE \$163,700.00 This property is being sold "AS IS".

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

INSTRUCTION TO BIDDERS:

- (1) Bidder must submit a check for 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 statutory restrictions, 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)

(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.

This sketch is provided with . . . charge, for your information. It is not intended to show all matters related to the property, including, but not limited to, area, dimensions, easements, encroachments or location of boundaries. It is not a part of, nor does it modify, the commitment or policy to which it is attached. The company assumes NO LIABILITY for any matter related to this sketch. Reference should be made to an accurate survey for further information.

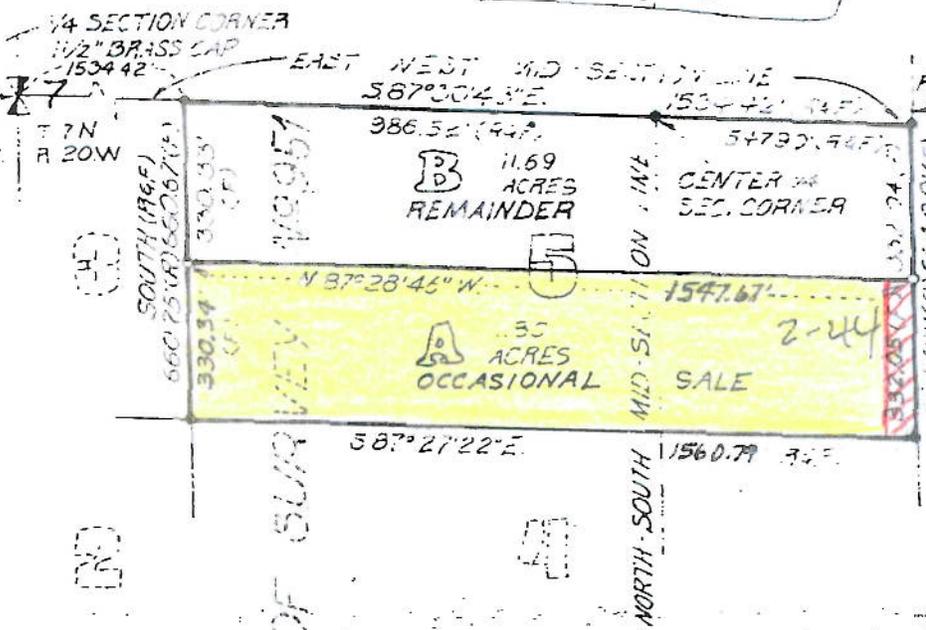
of boundaries. It is not a part of, nor does it modify the commitment or policy to which it is attached. The company assumes NO LIABILITY for any matter related to this sketch. Reference should be made to an accurate survey for further information.

NE SW
NW SE

T. 7 N.
R. 20 W.

1/4 SECTION CORNER
1/2" BRASS CAP

Certificate of Survey No. 1418



2 →

CERTIFICATE OF SURVEY

MDT Right of Way
Parcel for sale

