

STATE HIGHWAY COMMISSION OF MONTANA

RIGHT OF WAY DIVISION

ek

PROJECT: S 169 (1)

MINERAL COUNTY

BARGAIN AND SALE DEED

THIS INDENTURE, made this **30th** day of **April, 1954** : IN CONSIDERATION of the sum of **TWO THOUSAND AND SIXTY-ONE AND NO/100 DOLLARS (\$2061.00)** - - - - - lawful money of the United States to **them** in hand paid by the STATE OF MONTANA, the receipt whereof is hereby acknowledged, WITNESSETH THAT,

EVA M. HORNING and FRED A. HORNING, her husband

of Superior, Montana

do hereby GRANT, BARGAIN, SELL and CONVEY unto the STATE OF MONTANA for the benefit and use of its State Highway Commission, the following described real property, to-wit:

13+15.0 to 15+28.0

A tract of land in **S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34, Township 17 North, Range 26 West, M.P.M., Mineral County, Montana, more particularly described as follows:**

a strip of land **40** feet wide on the northeasterly side, and all that land on the southwesterly side lying between the northeasterly right of way line of the Northern Pacific Railway and the following described center line: Beginning at a point on the east end of the Northern Pacific Railway Company wide right of way at Superior, Montana, which said point is north **169.7** feet, and west **1376.9** feet, more or less, from the east quarter corner of said Section 34; thence from the said point of beginning southeasterly along a curve to the right of **2865.0** feet radius, **59.7** feet; thence South **50° 59'** East **153.7** feet, more or less, to a point on the easterly line of the Eva Horning property, which said point is north **35.4** feet, and west **1210.1** feet, more or less, from the east quarter corner of said Section 34, and containing in all **0.49** of an acre, more or less, including, however, **0.15** of an acre herein described which constitutes a part of an existing public highway. (Gross acreage **0.49**; present highway acreage **0.15**; net acreage **0.34**.)

65+89.3 to 116+43.8

A tract of land in Lots **3, 2, 5, 8 and 9**, Section 3, Township 16 North, Range 26 West, M.P.M., Mineral County, Montana, more particularly described as follows:

All the land in said Lots **3, 2, 5, 8 and 9** lying between the northeasterly right of way line of the Northern Pacific Railway Company and center line of existing county road as said railway and county road are now constructed, used and maintained over and across the said Lots **3, 2, 5, 8 and 9**, and containing in all **15.31** acres, more or less, including, however, **3.01** acres herein described which constitute a part of an existing public highway. (Gross acreage **15.31**; present highway acreage **3.01**; net acreage **12.30**.)

134+31.7 to 169+14.3

A tract of land in Lot **3, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and Lots **4 and 12**, Section **11**, Township **16** North, Range **26** West, M.P.M., Mineral County, Montana, more particularly described as follows:**

A strip of land **110** feet wide, being **60** feet wide on the northeasterly side and **50** feet wide on the southwesterly side of the following described center line: Beginning at a point on the west line of said Section **11**, which said point bears southerly along said west line a distance of **409.5** feet, more or less, from the meander corner on the left bank of the Clark Fork River; thence from the said point of beginning South **48° 06 $\frac{1}{2}$ '** East **1118.3** feet to a point; also a strip of land **130** feet wide, being **60** feet wide on the northeasterly side and **70** feet wide on the southwesterly side of the following described

center line; thence continuing from the last described point South **48° 06 $\frac{1}{2}$ '** East **1425.8** feet to a point; also a strip of land **170** feet wide, being **90** feet wide on the northeasterly side and **80** feet wide on the southwesterly side

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A tract of land in Lots 9 and 10, Section 11, Township 16 North, Range 26 West, M.P.M., Mineral County, Montana, more particularly described as follows:

A strip of land 160 feet wide, being 80 feet wide on each side of the following described center line: Beginning at a point on the west line of said Lot 9, which said point bears northerly along said west line a distance of 1125.7 feet, more or less, from the south quarter corner of said Section 11; thence from the said point of beginning southeasterly along a curve to the left of 1146.0 feet radius, 639.8 feet; thence South $58^{\circ} 35\frac{1}{2}'$ East, 1217.2 feet, more or less, to a point on the south line of said Lot 10, which said point bears westerly along said south line a distance of 1082.8 feet, more or less, from the meander corner on the south line of said Section 11, and containing in all 6.82 acres, more or less.

158+00 to 169+14.3

A tract of land in Lot 12 Section 11, Township 16 North, Range 26 West, M.P.M. Mineral County, Montana, more particularly described as follows:

All that land in said Lot 12 lying between the northeasterly right of way line of the Northern Pacific Railway and a line that is parallel to and 70 feet distant southwesterly, when measured at right angles, from the following described center line: Beginning at a point on the center line of new state highway project S. 169 (1), which said point is north 2432.8 feet and west 3404.5 feet, more or less, from the meander corner on the south line of said Section 11 on the left bank of the Clark Fork River; thence from the said point of beginning S. $48^{\circ} 06\frac{1}{2}'$ E. 175.8 feet to a point; also all that land in said Lot 12 lying between the northeasterly right of way line of the Northern Pacific Railway and a line that is parallel to and 80 feet distant southwesterly, when measured at right angles, from the following described center line; thence continuing from the last described point S. $48^{\circ} 06\frac{1}{2}'$ E. 251.0 feet; thence along a curve to the right of 1273.3 feet radius, 680.4 feet; thence S. $17^{\circ} 29\frac{1}{2}'$ E. 22.0 feet to a point where the northeasterly right of way line of the Northern Pacific Railway intersects the center line of said new state highway S. 169 (1) and which said point is north 1561.7 feet and west 2716.0 feet, more or less, from the meander corner on the south line of said Section 11 on the left bank of the Clark Fork River, and containing in all 5.14 acres, more or less, including, however, 1.17 acres herein described which constitute a part of an existing public highway. (Gross acreage 5.14; present highway acreage 1.17; net acreage 3.97)

174+25.2 to 183+00.0

A tract of land in West half of Lot 9 Section 11, Township 16 North, Range 26 West M. P. M., Mineral County, Montana, more particularly described as follows:

All that land in said West half of Lot 9 lying on the southwesterly side of a line that is parallel to and 80 feet distant southwesterly, when measured at right angles, from the following described center line: Beginning at a point on the west line of said Lot 9, which said point bears northerly along said west line a distance of 1125.7 feet, more or less, from the south quarter corner of said Section 9; thence from the said point of beginning

southeasterly along a curve to the left of 1146.0 feet radius, 639.8 feet; thence S. $58^{\circ} 35\frac{1}{2}'$ E. 274.0 feet, more or less, to a point on the east line of said west half of Lot 9, which said point is north 461.5 feet and west 1877.8 feet, more or less, from the meander corner on the south line of said Section 11, on the left bank of the Clark Fork River, and containing in all 9.37 acres, more or less.

SPECIAL CONSIDERATIONS:

State to construct approach on left at Station 89+00+.
State to construct approach on left at Station 91+00+.

EXCEPTING AND RESERVING, however, all ores and minerals, including gas and oil, beneath the surface of the above-described and conveyed premises, together with the right to mine for and extract the same, provided that in the exercise of such mining right the surface thereof shall not be disturbed, interfered with, or in anywise damaged.

TO HAVE AND TO HOLD the above described and conveyed premises, with all the reversions, remainders, tenements, hereditaments and appurtenances thereto, unto the STATE OF MONTANA, and to its successors and assigns forever.

IN WITNESS WHEREOF the undersigned ha^{ve} executed these premises the day and year first above written.

(Eva M. Horning)

(Fred A. Horning)

STATE OF MONTANA }
County of MINERAL } ss.

On this 30th day of April A. D. 19 54, before me John F. Arps

a Notary Public in and for the State of Montana, personally appeared EVA M. HORNING and FRED A. HORNING

known to me to be the person whose name are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notarial Seal.

Notary Public for the State of Montana
Residing at East Helena

My Commission expires April 10, 1956

STATE OF }
County of } ss.

On this day of A. D. 19, before me

a Notary Public in and for the State of, personally appeared

known to me to be the person whose name subscribed to the within instrument and acknowledged to me that executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

Notarial Seal.

Notary Public for the State of

Residing at

My Commission expires

S-SG 169 (1) 2, 7, 16, 18, & B/P
(Project No.) Stationing: (Parcel No.)

MINERAL County

BARGAIN AND SALE DEED

EVA M. HORNING et con

TO STATE OF MONTANA

Recording No. 23476

Filed for recording with the County Clerk

and Recorder of Mineral

County on May 26, 1954

and recorded in book of

deeds on page 96

Original deed filed with the Secretary of

State on June 9, 1954

MICROFILMED

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