



Montana Department of Transportation

MDT-ROW-142-Pilot
Agreement-online-
Public Surplus Rev. 05/2024

Notice of Sale of Real Estate

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Christopher Dorrington
Director of Transportation

Loran Frasier
Transportation Commission Chairman

NOTICE IS HEREBY GIVEN under statutory authority, Section 60-4-203 Montana Code Annotated (M.C.A.), the Montana Department of Transportation (MDT) will sell at a public auction online, with reserve price as required by law, to the highest bidder, the property being more particularly described as follows:

Tract 1, shown on Amended Plat C-23-A31, being situated in in the SW1/4SE1/4 of Section 6, Township 2 South, Range 6 East, P.M., M., Gallatin County, Montana, as shown by the shaded area on the exhibit, consisting of 1 pages attached hereto and made a part hereof, containing an area of 4,015 square feet, more or less.

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: From the Gallatin County Courthouse, head East on West Main St for 0.5 miles toward N 3rd Ave / Turn left onto MT-86 N/N Rouse Ave and head north for 0.6 miles. Destination will be on the right.

The appraised value of the tract is \$375,000.00 (three hundred seventy-five thousand dollars and no cents). **This property is being sold “AS IS-WHERE-IS” and MDT will convey title using a Quitclaim Deed.**

The public auction can be found online at the following link and will begin at “9:00 a.m. on Thursday, September 19, 2024” and close at “4:00 p.m. on Thursday, September 19, 2024.”

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

- BIDS:** Bidding will be online at the following web address (<https://www.publicsurplus.com/sms/mtre,mt/list/current?orgid=1017600>). There is a minimum 4-week preview period in which bidders may review property information and sale terms and conditions, the online process, and ask questions, but interested bidders are not allowed to bid. Before bidding, a bidder must read, sign, and agree to the Terms and Conditions of MDT, along with reading and agreeing to separate Terms and Conditions between the bidder and the online auction service company, Public Surplus, LLC (“Public Surplus”).
- BUYER’S PREMIUM:** “Buyer’s Premium” means the service cost charged to a Buyer as expressly stated in a Seller’s Listing.

Paymac, a third-party payment processing company, receives and settles the payments of the 4% premium owed to Public Surplus. Buyer’s premium payments shall be made in full by wire transfer only. NO CASH, CHECKS, CREDIT CARDS, OR MONEY ORDERS WILL BE ACCEPTED. Winning bidders must pay the entire 4% buyer’s premium using a wire transfer within three (3) business days after the date of the Notice of Award of the successful bid.

NO partial payments are allowed.

In the event of a default by the successful bidder the 4% paid will be forfeited and retained by Public Surplus.

3. **NOTICE OF AWARD/BUYER'S CERTIFICATE:** The successful bidder will receive a Notice of Award or a Buyer's Certificate by email from the Public Surplus within 24 hours of auction close or approval by MDT if required.
4. **10% DEPOSIT TO MDT WIRE TRANSFER ONLY:** The successful bidder is required to pay a deposit of 10% of their successful bid amount using a wire transfer ONLY TO MDT within three (3) business days after the date of the Notice of Award or a Buyer's Certificate from Public Surplus. Please contact MDT at 406-444-6031 or 406-444-7640 for wiring payment instructions. The successful bidder's 10% deposit will be applied to the bid amount.
5. **BID BALANCE TO MDT:** The successful bidder must submit the balance (bid amount less deposit) within 60 days after the date of the Notice of Award/Buyer's Certificate of the successful bid or by November 22, 2024, by 5:00 P.M. Payment of the remaining balance may be paid by wire transfer or Personal Check, Postal Money Order, Bank Draft, or Cashier's Check payable to the "Montana Department of Transportation" and mailed to MDT RESS, P.O. Box 201001, 2701 Prospect Avenue, Helena, MT 59620. Please contact MDT at 406-444-6031 or 406-444-7640 for wiring payment instructions or contact MDT-RESS at 406-444-9429 for any questions regarding this method of payment. The payment is timely if it is postmarked or received on or before the 60th day.
6. **APPRAISAL:** The appraised value as determined by MDT is for MDT purposes only. The appraised value is \$ 375,000.00 (three hundred seventy-five thousand dollars and no cents). Under statutory restrictions, the State cannot accept any bid under 90% of the appraised value which is \$ 337,500.00 (three hundred thirty-seven thousand five hundred dollars and no cents). Bidding will start at 90% of the appraised value, this is the reserve price required by law.
7. **BID REJECTION:** MDT reserves the right to reject any or all bids and waive non-substantive technicalities as may be deemed necessary in the interest of the State of Montana.
8. **HOW PAYMENT IS TO BE MADE:** The 10% deposit in connection with this sale must be made by wire transfer ONLY as instructed by MDT.

The final payment may be made by wire transfer or another method as outlined in Section 5 above.

9. **DEFAULT:** In the event of default by the successful high bidder, the bid deposit shall be forfeited to MDT. If MDT received other bids in excess of the 90% of the appraised value, MDT will hold another auction to sell the property. If MDT did not receive any bids for at least 90% of the appraised value, the property may be sold by a private sale for 90% of the appraised value.

Default shall include (1) failure to observe these terms and conditions; and/or (2) failure to make good and timely payment. Default may result in termination of the bid contract and suspension from participation in all future sales until the default has been cured. If payment is not timely received, MDT may cancel the sale. In the event of default by the high bidder, the bid deposit shall be forfeited to MDT. Default may result in termination of the bid contract.

8. **COMPLETION OF THE AUCTION:** The auction is complete and closed on the specified date and time noted above.
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 MDT. Upon receipt of final payment, the property will be transferred by a Quitclaim Deed signed by the Governor of Montana as his/her schedule allows.
10. **TAXES:** MDT is exempt from paying general taxes and some special assessments; bidder shall be responsible for and pay all taxes and assessments that accrue on and after the date the Quitclaim Deed is recorded.
11. **EXISTING RIGHTS:** The above land will be sold subject to all valid existing covenants and 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 their own expense. (Note: MDT gives the successful bidder 6 months to complete the survey and pay the balance.) When the successful bidder has paid the remaining balance due for the property and has provided the required Survey, MDT will prepare and issue the Quitclaim Deed.
13. **RECORDATION:** MDT will record the Quitclaim Deed for the tract of land being conveyed herein. Once recorded, MDT will transmit the Quitclaim 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 to the Montana Department of Environmental Quality and any other appropriate governmental agencies at the bidder's own expense.
15. **ZONING:** Property may be subject to zoning ordinances or other use restrictions.
16. **RIGHT OF FIRST REFUSAL:** Pursuant to Section 77-2-306(4), M.C.A., if this property was acquired from a local government, that local government has the "right of first refusal" to re-purchase the property. Bidders at the auction can raise their own bid only once. After the auction, the local government has 3 business days to notify MDT, in writing, of their wish to exercise their "right of first refusal" and submit their 10% deposit. If the local government does exercise their right to match the high bid from the auction, MDT will refund the high bidder's deposit from the public auction.
17. **WATER RIGHT TRANSFER OWNERSHIP UPDATE DISCLOSURE:** The successful bidder is responsible for submitting the required paperwork and paying the fee(s) for transferring any water rights associated with the property. 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, M.C.A., could result in a penalty against the transferee and rejection of the deed for recording.
18. **ACCESS:** Physical access to the property is from Rouse Ave. The property address is 808 N Rouse Ave, Bozeman, MT 59715.