



Montana Department of Transportation

Notice of Sale of Real Estate

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 will sell at public auction, with reserve, to the highest bidder, the property being more particularly described as follows:

A tract of land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 3 South, Range 23 East, P.M., M., Carbon 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 2.34 acres, 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: Leave from Laurel, head south on US-212/310 off 1st Ave towards W Railroad St. Continue south US 212/310 for about 2.5 miles. Turn left onto Clarks River Rd and continue south for about 8.3 miles. Stay left at the intersection of US 310 and Hanging Diamond Ln. The subject property is adjacent to and south of 12 Hanging Diamond Ln, Joliet, MT 59041 at the end on the right of Hanging Diamond Ln which is a dead-end road.

The appraised value of the property is \$206,950.00 (two hundred six thousand, nine hundred fifty dollars and no cents), MDT cannot accept any bid under 90% the appraised value, \$186,255.00 (one hundred eighty-six thousand, two hundred and fifty-five hundred dollars and no cents).

This property is being sold "AS IS – WHERE IS".

The auction will be held beginning at 11:00 a.m. on Tuesday, March 11, 2025 in the Jury Room of the County Attorney's office of the Carbon County Courthouse, 102 N Broadway Ave, Red Lodge, Montana 59068.

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 on or before 5:00 p.m. on March 10, 2025. 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 present bidders.

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) 444-9429 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) by 5/10/2025. All payments must be 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, MT 59620. The payment is timely if it is postmarked or received on or before the 60th day.

4. **APPRAISAL**: The appraised value as determined by MDT is for MDT purposes only. Under statutory restrictions, the State cannot accept any bid under 90% of the appraised value.
5. **RESERVATION**: 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.
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. Time is of the essence. An untimely payment is a default of these terms and conditions.
7. **DEFAULT**: In the event of default by the high bidder, the bid deposit shall be forfeited to the State. If MDT receives other bids at the auction in excess of 90% of the appraised value that would have been acceptable, MDT will hold another auction to sell the property. If MDT does not receive any acceptable bids at the auction, or if the bidder with the only acceptable bid later defaults, MDT may then sell the property at a private sale for 90% of the appraised value after the auction.
8. **COMPLETION OF THE AUCTION**: The auction is complete when the auctioneer announces that the bid deposit has been received.
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.
10. **TAXES**: MDT is exempt from paying general taxes and some special assessments; bidder shall pay all taxes and assessments that accrue on and after the date of sale.
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 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 Deed.
13. **RECORDATION**: MDT will record the deed for the tract of land being conveyed herein. Once recorded, MDT will transmit the deed to the purchaser. However, if a survey is required, MDT will work with the successful bidder's surveyor on filing the survey and deed.
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 is subject to any existing or future zoning ordinances.
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 sale, 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**: There are no water rights to be transferred.
18. **ACCESS**: Physical access to the property is NHN Hanging Diamond Ln, Joliet, MT 59041 (south of 12 Hanging Diamond Ln). The property access is on Hanging Diamond Ln.