



**GREAT FALLS PORT AUTHORITY
AGENDA REPORT**

Item: Temporary Construction Easement upon Lot 1B, Medical Tech Park Minor Subdivision, to facilitate the widening and reconstruction of 26th Street South

From: Planning and Community Development Department

Initiated By: Montana Department of Transportation

Presented By: Andrew Finch, Senior Planner, Planning and Community Development

Action Requested: Approve the Temporary Construction Easement

Suggested Motion:

1. Board member moves:

“I move that the Great Falls Port Authority (approve/deny) donation of a Temporary Construction Easement upon Port Authority Property described as Lot 1B, Medical Tech Park Minor Subdivision, to facilitate the widening and reconstruction of 26th Street South, and authorize the Chairman to execute a Right-of-Way Agreement for said Easement.”

2. Chairman calls for a second, discussion, public comment, and calls the vote.

Recommendation:

Approve the donation of a Temporary Construction Easement upon Port Authority property described as Lot 1B, Medical Tech Park Minor Subdivision, to facilitate the widening and reconstruction of 26th Street South, and authorize the Chairman to execute a Right-of-Way Agreement for said Easement.

Project Background:

A project funded with Federal and State funds will reconstruct and widen the portion of 26th Street South from the edge of the four-lane section near Centene to the intersection of 24th Avenue South. The project will also include reconstruction of 24th Avenue South, as well as a portion of 13th Street South from 21st Avenue South to just beyond 27th Avenue South.

Because of limited right-of-way width, and because the approaches (driveways) into Centene must be graded to the new elevation of the reconstructed roadway, some work will need to be performed outside of the right-of-way on property owned by the Port Authority and leased to Centene.

In order to perform work outside of the right-of-way, the Montana Department of Transportation enters into standard Temporary Construction Easements with adjoining property owners. This gives them permission to have their contractor legally perform the work during the duration of the reconstruction project.

The requested Construction Easement varies from 1 to 22 feet in width, immediately adjoining and running parallel to 26th Street South near the intersection of 21st Avenue South (See Exhibits A and B). Any affected paving, curbing, sidewalk and landscaping would be restored to its original condition as part of the project.

The State has requested the Easement be donated, which is appropriate as the City, Port Authority and Centene will benefit from the improved road network, which is taking place at no cost to them.

Concurrences: Representatives from the City's Planning & Community Development and Public Works Departments support the project, and concur in the recommendation to the Port Authority to approve the Temporary Construction Easement at no cost.

Fiscal Impact: There would be no cost to the Port Authority, City of Great Falls or Centene as a result of the requested action.

Alternatives: If there are justifiable reasons to do so, the Port Authority could deny the requested action or take action to negotiate a fee for the Easement. However, doing so would delay the project.

Attachments/Exhibits: Exhibit "A" – General Location Map
Exhibit "B" – Right-of-Way Plan
Exhibit "C" – Right-of-Way Agreement
Exhibit "D" – Waiver of Compensation for Donation

Cc: Dave Dobbs, City of Great Falls Engineer – ddobbs@greatfallsmt.net
Sara Sexe, City of Great Falls Attorney – ssexe@greatfallsmt.net
Krista Chambers, MDT Right-of-Way Specialist – kchambers@mt.gov



EXHIBIT "A"
GENERAL
LOCATION
MAP

Location of Construction Easement

© 2015 Google

Google earth

STATE	RIGHT OF WAY	SHEET	DATE
MONTANA	MT 5299 (116)	11	12
R/W ID.	PROJECT NO.	4566-116-002	

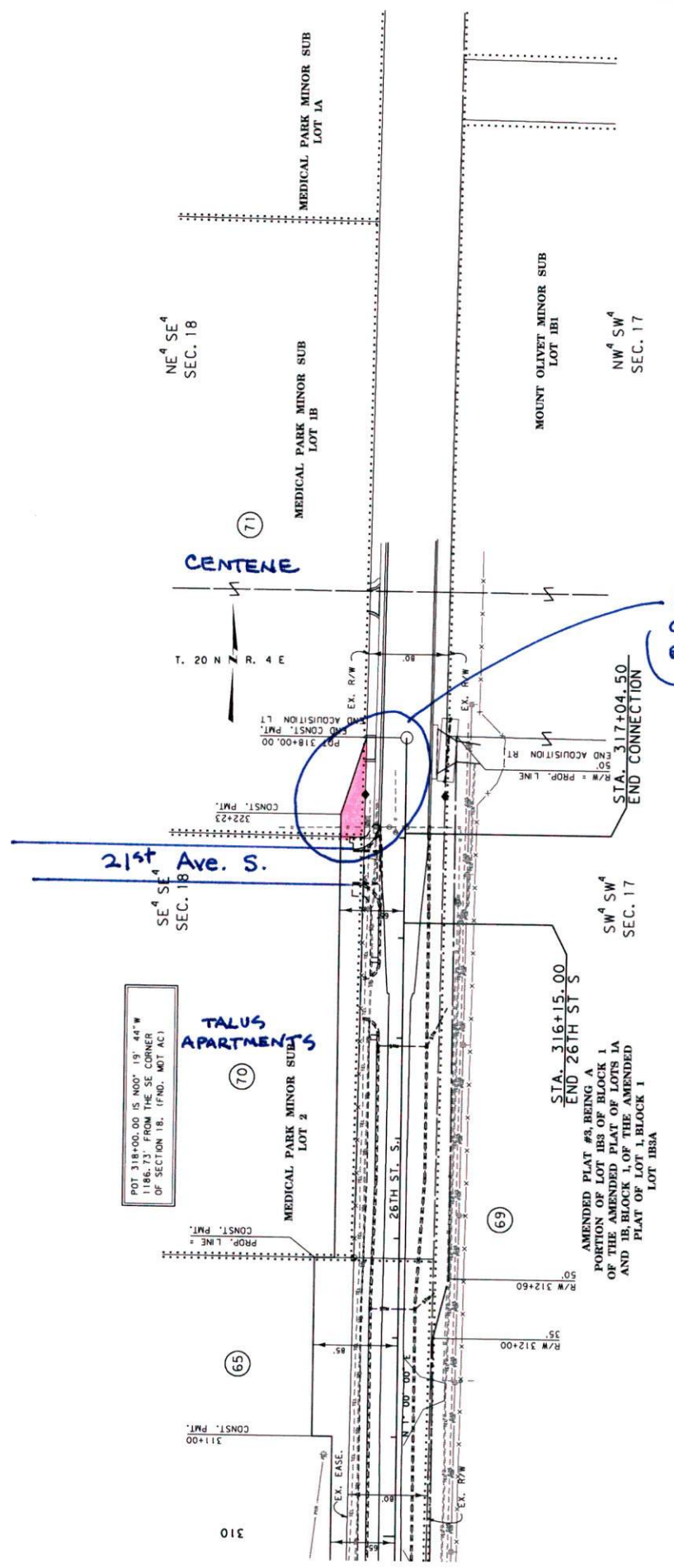
SO CENTRAL ARTERIALS-GTF

SEE SHEET NO. 3 FOR OWNERSHIP NAMES, ADDRESSES, AREAS, ETC.

POT 318+00.00 IS 000° 19' 44" W
1186.73' FROM THE SE CORNER
OF SECTION 18. (FND. MOT AC)

TALUS APARTMENTS

AREA OF TEMPORARY
CONSTRUCTION
EASEMENT



26TH ST. S.

MONTANA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY PLAN
CASCADE COUNTY
SCALE 1"=50'

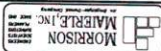


FOR EXISTING R/W RETRACTION, SEE
C.O.S. 4864

GRID STATE PLANE COORDINATES
THIS IS A STATE PLANE COORDINATE PROJECT. ALL
DISTANCES AND AREAS ON THIS PROJECT
ARE GRID. EXISTING R/W WIDTH
DIMENSION, WHICH IS RECORDED.
THE COMBINATION SCALE FACTOR IS 0.99926353

- NOTES:
1. IMPROVED R/W USE WHERE A SPIRAL CURVE TRANSITION IS USED. CURVE DIMENSION IS REFERENCED TO THE R/W BASELINE.
 2. ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W BASELINE.

CONSTRUCTION LIMITS (TOP OF CUT)	MAP REVISED 01/24/15 - 11/18/15
TRANSITION	
BACKSLOPE LIMITS INCLUDE TOUGHING	FWAY MOT APPROVAL 11/23/14
TOP OF FILL	MONTANA DEPARTMENT OF TRANSPORTATION
	11/13/2015 CPS-10004



STATE OF MONTANA DEPARTMENT OF TRANSPORTATION
(hereinafter referred to as State, Department, Grantee, and/or MDT)
RIGHT-OF-WAY AGREEMENT

ROWFORMSIACQ1200 (Revised 2-8-2013)

PE PROJECT ID: MT 5299 (96) PE

SO CENTRAL ARTERIALS - GTF
DESIGNATION

RAW PROJECT ID: MT 5299(116)

Cascade
COUNTY

UNIFORM PROJECT No.: 4568-116

Parcel	From Station	To Station	Subdivision	Section	Township	Range
71	317+00 LT (26 th St So)	323+15 LT (26 th St So)	A tract of land within Lot 1B of Medical Park Minor Sub; P.M.,M., Cascade County, Montana	18	20N	4E

List Names & Addresses of the Grantors
(Contract Purchaser, Contract Seller, Lessee, etc.)

Owner:
Great Falls Port Authority
City of Great Falls
P.O. Box 5021
Great Falls, MT 59403

Lessee:
Centene Corporation
2000 26th St So
Great Falls, MT 59405

1. In consideration of the payments herein set forth and the specific agreements to be performed by the parties hereto and written in this agreement, the parties bind themselves to the terms and conditions stated herein. No verbal representations or agreements shall be binding upon either party. This agreement is effective upon execution by the Acquisition Manager or a designated representative.
2. COMPENSATION FOR LAND AND IMPROVEMENTS (List acreage and improvements to be acquired.)
None
3. OTHER COMPENSATION:
1,463 sf Temporary Construction Permit (Donation)
4. TOTAL COMPENSATION (includes all damages to the remainder): \$0.00
5. At no expense to the Grantors and at the time of highway construction, permission is hereby granted the State and/or its contractors to enter upon the Grantors' land at the locations and for the purposes described as follows:
 - A. Station 317+00 to Station 318+00 1-22' temporary construction permit LT SOP
(26th St South) for slope flattening and approach
construction

It is understood and agreed that temporary construction permits will commence on the date the State gives its contractor notice to proceed with construction of this project and will remain in effect for a period of 2 years from that date.

It is further understood and agreed that upon the completion of the construction of improvements within the temporary construction permit, said improvements will be considered the sole property of the Grantors and the maintenance and repair of said improvements will be the responsibility of the Grantors.

6. It is understood and agreed that any landscaping disturbed within the temporary construction permit area will be repaired, where possible, in conjunction with the project.

(Continued from Previous Page)

THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT ON THE DATES SHOWN:

Grantor's Statement: We understand that we are required by law to provide our correct taxpayer identification number(s) to the Montana Department of Transportation and that failing to comply may subject us to civil and criminal penalties. We agree to provide our correct taxpayer identification number(s) by submitting a completed and signed W-9 or W-8 form. We further agree and authorize MDT to process the payments outlined in this agreement by withholding a percentage of the payments as required by the IRS if we fail to submit the W-9 or W-8 forms within 30 days of signing this agreement.

Signature: (Date)

Signature: (Date)

Signature: (Date)

Signature: (Date)

Signature: (Date)

Signature: (Date)

Signature: (Date)

Signature: (Date)

RECOMMENDED FOR APPROVAL:

APPROVED FOR AND ON BEHALF OF DEPARTMENT:

Right-of-Way Agent (Date)

NSOP items approved, if applicable (Date)

Consultant Project or R/W Manager, if applicable (Date)

R/W Supervisor (Date)

Acquisition Manager (Date)

STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY BUREAU

WAIVER OF COMPENSATION for DONATION

1. Project ID: MT 5299(116) Project No.: 4566-116

Designation: So. Central Arterials - GTF

Parcel #: 71

2. Description of Right-of-Way (Acreage, Lot & Block, COS, Section, Township, Range, etc.):
1,463 sf Temporary Construction Permit within A tract of land within Lot 1B of Medical Park
Minor Sub; P.M.,M., Cascade County, Montana

3. Property Owner: Great Falls Port Authority

4. Waiver by Property Owner:

The undersigned, having first been informed concerning the right of the property owner to receive
an appraisal of and payment for land acquired for highway right-of-way, do hereby waive said rights
and voluntarily agree to donate the right-of-way needed for the above-named project.

Dated this ____ day of _____, 2____.

Property Owner:

Signature:

Signature:

Use the following if property owner is a Corporation, LLC, Trust, or Partnership, etc.

By _____ as _____ of _____
(Title or Capacity) (Name of Corporation, LLC, Trust, etc.)

By _____ as _____ of _____
(Title or Capacity) (Name of Corporation, LLC, Trust, etc.)

Witness: _____
Signature Printed Name

Distribution:
Original to: Montana Department of Transportation
Copy to: Property Owner