



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 vacant tract of land being more particularly described as follows:

A tract of land in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 2, Township 21 North, Range 20 West, P.P.M., Lake County, Montana, as shown by the shaded area on the Exhibit, consisting of 1 sheet attached hereto and made a part hereof, containing an area of 1 acre, more or less.

Directions to the property: The property is located approximately 0.72 miles north of Pablo West Road and 0.25 miles south of Light Road, and directly in between Old Highway 93 and US Highway 93 in Pablo.

The appraised value of the property is \$95,850.00 (ninety-five thousand, eight hundred and fifty dollars). This property is being sold "AS IS".

The auction will be held beginning at 11:00 a.m. on Wednesday, October 23, 2024 in the Large Conference Room of the Lake County Courthouse, 106 4th Ave E, Polson, Montana 59860.

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 October 22, 2024. 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) 444-6387 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 11/22/2024. 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. **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.
19. **ACCESS:** The property access is off Old Highway 93.
20. **WATER/SEWER:** Previously, there was a restaurant on this property with water and sewer/septic. MDT has no records of current water rights or knowledge of the current state of the septic system. It is up to the buyer to find the information and/or move forward with obtaining new water rights, well, and septic system if wanted/needed.