

COUNCIL RESOLUTION NO. 17-9

1 A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF REAL  
2 PROPERTY CONSISTING OF 5,269.22 SQUARE FEET LOCATED IN THE NE  
3 ¼ OF SECTION 21, Township 3 NORTH, RANGE WEST P.M.M., IN THE  
4 CITY AND COUNTY OF BUTTE-SILVER BOW MONTANA AND LOCATED IN THE  
5 SOUTHERN PORTION OF TRACTS K AND R ON CERTIFICATE OF SURVEY  
6 \_\_\_, SUCH TRACTS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"  
7 ATTACHED HERETO, AND FURTHER AUTHORIZING AND APPROVING  
8 CORRESPONDING BOUNDARY ADJUSTMENTS AND EASEMENTS IN ACCORDANCE  
9 WITH THE PROVISIONS OF BUTTE-SILVER BOW MUNICIPAL CODE AND  
10 PROVIDING FOR AN EFFECTIVE DATE HEREIN.

11 WHEREAS, Chapter 3.12.050 of the Butte-Silver Bow Municipal  
12 Code (B-SB MC) and 7-8-4201 MCA, provides that the  
13 City and County of Butte-Silver Bow (City-County) may  
14 sell, lease, or otherwise transfer real property or  
15 any interest therein acquired other than by tax deed  
16 located within the community of Butte-Silver Bow upon  
17 2/3 vote of the governing body; and

18 WHEREAS, during the negotiation of a private sale of property  
19 located in the NE ¼ of Section 21, Township 3 North,  
20 Range 8 West, it was discovered that a portion of the  
21 property to be sold encroached upon property owned by  
22 the City-County; and

1 WHEREAS, in order resolve the private encroachment issues on  
2 City-County's property, a new Certificate of Survey  
3 was commissioned, which created Tracts K and R; and

4 WHEREAS, that the Certificate of Survey also renamed other  
5 existing parcels, and created corresponding boundary  
6 adjustments and easements; and

7 WHEREAS, the transfer of the southern portion of Tracts K and  
8 R as depicted on Certificate of Survey \_\_\_\_\_,  
9 consisting of 5,269.22 square feet to Lois M. Flanick  
10 appears to be in the best interest of the citizens of  
11 Butte-Silver Bow.

12 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF COMMISSIONERS  
13 OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA:

14 SECTION 1: That the transfer of southern portion of Tracts  
15 K and R as depicted on Certificate of Survey  
16 \_\_\_\_\_, consisting of 5,269.22 square feet to  
17 Lois M. Flanick, and located in NE ¼ OF Section  
18 21, Township 3 North, 8 West P.M.M. ~~to~~ in the  
19 City and County of Butte-Silver Bow, Montana,  
20 together with the authorization of any  
21 corresponding boundary adjustments and  
22 easements, is hereby found to have been done in  
23 conformance with the laws of the State of

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Montana and the Ordinances of Butte-Silver Bow.  
Accordingly, the land is hereby authorized to be  
transferred to Lois M. Flanick.

SECTION 2: That the Council does hereby authorize the Chief  
Executive and the Clerk and Recorder of Butte-  
Silver Bow to execute all legal conveyances for  
aforesaid transfer and for the corresponding  
boundary modifications and easements in  
conformance with the laws of the State of  
Montana and the Ordinances of Butte-Silver Bow.

SECTION 3: This Resolution shall be in full force and  
effect from and after its passage and approval.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
JOHN P. MORGAN  
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this \_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
DAVE PALMER  
CHIEF EXECUTIVE

ATTEST:  
\_\_\_\_\_

1 SALLY J. HOLLIS  
2 CLERK AND RECORDER

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4 APPROVED AS TO FORM:

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8 EILEEN JOYCE  
9 COUNTY ATTORNEY

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14 SHERYL RALPH  
15 CHAIRMAN, JUDICIARY COMMITTEE

EXHIBIT "A"

LEGAL DESCRIPTION - TRACT K

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED FROM WHICH THE NORTH QUARTER CORNER OF SECTION 21 BEARS N61°55'24"E FOR A DISTANCE OF 912.11 FEET; THENCE, FROM SAID POINT OF BEGINNING, S73°21'43"E ALONG THE SOUTH SIDELINE OF GRIZZLY TRAIL FOR A DISTANCE OF 33.57 FEET TO ITS INTERSECTION WITH THE EAST SIDELINE OF BOBCAT TRAIL; THENCE, S17°31'32"W ALONG SAID SIDELINE WHICH IS ALSO A COMMON LINE BETWEEN THE EXTENDED EAST SIDELINE OF BOBCAT TRAIL AND A PREVIOUSLY RECORDED FLANICK TRACT FILED AT ROLL 350, CARD 340 FOR A DISTANCE 105.86 FEET; THENCE, N80°51'49"W FOR A DISTANCE OF 35.82 FEET; THENCE, N18°29'48"E ALONG A COMMON LINE BETWEEN FLANICK TRACT K AND RICHTER TRACT Q FOR A DISTANCE OF 110.58 FEET TO THE POINT OF BEGINNING CONTAINING IN ALL 3730 sq ft OR 0.09 ACRES.

LEGAL DESCRIPTION - TRACT R

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M. AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED FROM WHICH POINT THE NORTH QUARTER CORNER OF SECTION 21 BEARS N73°21'43"W FOR A DISTANCE OF 33.57 FEET; THENCE, N61°55'24"E A DISTANCE OF 912.11 FEET AND RUNNING THENCE FROM THE TRUE POINT OF BEGINNING, S73°21'43"E ALONG THE SOUTH RIGHT-OF-WAY OF GRIZZLY TRAIL FOR A DISTANCE OF 33.31 FEET; THENCE, S12°22'12"W ALONG A COMMON LINE BETWEEN FLANICK TRACT R AND ELAKOVICH TRACT S FOR A DISTANCE OF 100.54 FEET; THENCE, N80°51'49"W FOR A DISTANCE 42.80 FEET TO ITS INTERSECTION WITH THE EXTENDED EAST BOUNDARY OF BOBCAT TRAIL; THENCE, N17°31'32"E ALONG SAID EXTENDED BOUNDARY WHICH IS ALSO A COMMON LINE BETWEEN A PREVIOUSLY RECORDED FLANICK TRACT FILED AT ROLL 350, CARD 340 AND FLANICK TRACT K FOR A DISTANCE OF 105.86 FEET BACK TO THE POINT OF BEGINNING CONTAINING IN ALL 3911 SQUARE FEET OR 0.09 ACRES. SUBJECT TO ANY AND ALL EASEMENTS EITHER RECORDED OR UNRECORDED.