COUNCIL RESOLUTION NO. 17-10

A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF REAL PROPERTY CONSISTING OF 1,401.86 SQUARE FEET LOCATED IN THE NE ¼ OF SECTION 21, Township 3 NORTH, RANGE WEST P.M.M., IN THE CITY AND COUNTY OF BUTTE-SILVER BOW MONTANA AND LOCATED IN THE SOUTHERN PORTION OF TRACT S ON CERTIFICATE OF SURVEY __, SUCH TRACT MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND FURTHER AUTHORIZING AND APPROVING CORRESPONDING BOUNDARY ADJUSTMENTS AND EASEMENTS IN ACCORDANCE WITH THE PROVISIONS OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

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

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

WHEREAS, in order resolve the private encroachment issues on City-County's property, a new Certificate of Survey was commissioned, which created Tract S; and

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

WHEREAS, the transfer of the southern portion of Tract S as depicted on Certificate of Survey _____, consisting of 1,401.86 square feet to Nicholas S. Elakovich appears to be in the best interest of the citizens of Butte-Silver Bow.

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

SECTION 1: That the transfer of southern portion of Tract S as depicted on Certificate of Survey _____, consisting of 1,401.86 square feet to Nicholas S. Elakovich, and located in NE ¼ OF Section 21, Township 3 North, 8 West P.M.M. in the City and County of Butte-Silver Bow, Montana, together with the authorization of any corresponding boundary adjustments and easements, is hereby found to have been done in conformance with the laws of the State of Montana and the Ordinances

of Butte-Silver Bow. Accordingly, the land is hereby authorized to be transferred to Nicholas S. Elakovich.

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:

_____

SALLY J. HOLLIS
CLERK AND RECORDER

APPROVED AS TO FORM:

_____
EILEEN JOYCE
COUNTY ATTORNEY

_____
SHERYL RALPH
CHAIRMAN, JUDICIARY COMMITTEE

EXHIBIT "A"

LEGAL DESCRIPTION - TRACT S

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 66.88 FEET; THENCE, N61°55'24"E FOR A DISTANCE OF 912.11 FEET; THENCE, FROM THE TRUE POINT OF BEGINNING, S73°21'43"E ALONG THE SOUTH RIGHT-OF-WAY OF GRIZZLY TRAIL FOR A DISTANCE OF 39.47 FEET; THENCE, S12°21'06 ALONG A COMMON LINE BETWEEN ELAKOVICH TRACT S AND A PREVIOUSLY RECORDED HENNELLY TRACT FILED AT ROLL 156, CARD 670 FOR A DISTANCE 95.37 FEET; THENCE, N80°51'49"W FOR A DISTANCE OF 39.46 FEET; THENCE N12°22'12"E ALONG A COMMON BOUNDARY BETWEEN A PREVIOUSLY RECORDED FLANICK TRACT FILED AT ROLL 350, CARD 340 AND ELAKOVICH TRACT S FOR A DISTANCE OF 100.54 FEET BACK TO THE POINT OF BEGINNING CONTAINING IN ALL 3857 SQUARE FEET OR 0.09 ACRES. SUBJECT TO ANY AND ALL EASEMENTS EITHER RECORDED OR UNRECORDED.