

COUNCIL RESOLUTION NO. 17-11

1 A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF REAL
2 PROPERTY CONSISTING OF 1,312.57 SQUARE FEET LOCATED IN THE NE
3 $\frac{1}{4}$ 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 TRACT Q ON CERTIFICATE OF SURVEY ___, SUCH
6 TRACT MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED
7 HERETO, AND FURTHER AUTHORIZING AND APPROVING CORRESPONDING
8 BOUNDARY ADJUSTMENTS AND EASEMENTS IN ACCORDANCE WITH THE
9 PROVISIONS OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING
10 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 $\frac{2}{3}$ vote of the governing body; and

18 WHEREAS, during the negotiation of a private sale of property
19 located in the NE $\frac{1}{4}$ 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 Tract Q; 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 Tract Q as
8 depicted on Certificate of Survey _____, consisting
9 of 1,312.57 square feet to Walter Daniel and Annette
10 Richter appears to be in the best interest of the
11 citizens of 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 Tract
15 Q as depicted on Certificate of Survey _____,
16 consisting of 1,312.57 square feet to Walter
17 Daniel and Annette Richter, and located in NE ¼
18 OF Section 21, Township 3 North, 8 West P.M.M.
19 ~~to~~ in the City and County of Butte-Silver Bow,
20 Montana, 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

1 Montana and the Ordinances of Butte-Silver Bow.
2 Accordingly, the land is hereby authorized to be
3 transferred to Walter Daniel and Annette
4 Richter.

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

12 SECTION 3: This Resolution shall be in full force and
13 effect from and after its passage and approval.
14 PASSED this ____ day of _____, 2017.

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JOHN P. MORGAN
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this ____ day of _____, 2017.

DAVE PALMER
CHIEF EXECUTIVE

ATTEST:

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SALLY J. HOLLIS
CLERK AND RECORDER

APPROVED AS TO FORM:

EILEEN JOYCE
COUNTY ATTORNEY

SHERYL RALPH
CHAIRMAN, JUDICIARY COMMITTEE