

COUNCIL RESOLUTION NO. 17-14

1 A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF REAL
2 PROPERTY CONSISTING OF .598 ACRES LOCATED IN THE NW ¼ OF
3 SECTION 21, Township 3 NORTH, RANGE 8 WEST P.M.M., IN THE CITY
4 AND COUNTY OF BUTTE-SILVER BOW MONTANA AND DESIGNATED AS TRACT
5 7A ON CERTIFICATE OF SURVEY ___, SUCH TRACT MORE PARTICULARLY
6 DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, FOR THE PURPOSE OF
7 CONSOLIDATING PROPERTY OWNERSHIP AND RESOLVING PERSONAL
8 PROPERTY ENCROACHMENTS AND PROVIDING FOR AN EFFECTIVE DATE
9 HEREIN.

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

17 WHEREAS, On March 11, 2016, both the Council of Commissioners
18 of the City and County of Butte-Silver Bow and the
19 Anaconda-Deer Lodge County Board of Commission,
20 received a request from James M. Manning, on behalf
21 of the Greenway Service District, to approve the
22 donation of real property to the City and County of

1 Butte-Silver Bow, Montana, located in or near Rocker,
2 Montana, comprised of 1.293 acres, and described as a
3 portion of the Spier and Bauer Placer M.E. 1445, also
4 referred to as Track K, and a portion of the public
5 rights-of-way along Grizzly Trail of the unfiled plat
6 of the Rocker Townsite on the Cleveland Lode #1839,
7 all located in Section 21, Township 3 North, Range 8
8 West, P.M.M. Butte-Silver Bow, Montana for the
9 purpose of consolidating ownership, placing public
10 roads in public ownership and resolving the
11 encroachment of personal properties on this parcel;
12 and

13 WHEREAS, following the approval of Mr. Manning's request
14 through the passage of Resolution 16-16, this Council
15 further authorized the Chief Executive to sign the
16 Certificate of Survey and other related land
17 transaction documents related to two tracts of land,
18 now identified as Tracts K1-B1 and 7A, located in
19 Rocker, MT in order to consolidate ownership and
20 resolve the encroachment of personal properties
21 related to these two tracts of land; and

22 WHEREAS, that the creation of Tract 7A as depicted on
23 Certificate of Survey _____, consisting of

1 approximately .598 acres as described in Exhibit "A"
2 attached hereto, and its transfer to Bonnie Lou
3 Peterson is one of the land transactions that will
4 accomplish the consolidation of ownership and the
5 encroachment issues related to the property located
6 in Rocker, Montana described above and appears to be
7 in the best interest of the citizens of Butte-Silver
8 Bow.

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

11 SECTION 1: That the transfer of Tract 7A as depicted on
12 Certificate of Survey _____, consisting of
13 approximately .598 acres, located in NW ¼ OF
14 Section 21, Township 3 North, 8 West P.M.M. in
15 the City and County of Butte-Silver Bow, Montana
16 and more particularly described in Exhibit "A",
17 attached hereto and incorporated herein to
18 Bonnie Lou Peterson, is hereby found to have
19 been done in conformance with the laws of the
20 State of Montana and the Ordinances of Butte-
21 Silver Bow. Accordingly, the land is hereby
22 authorized to be transferred to Bonnie Lou
23 Peterson.

1 SECTION 2: That the Council does hereby authorize the Chief
2 Executive and the Clerk and Recorder of Butte-
3 Silver Bow to execute all legal conveyances for
4 aforesaid transfer in conformance with the laws
5 of the State of Montana and the Ordinances of
6 Butte-Silver Bow.

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

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JOHN P. MORGAN
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

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APPROVED this ____ day of _____, 2017.

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DAVE PALMER
CHIEF EXECUTIVE

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25 ATTEST:

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SALLY J. HOLLIS
CLERK AND RECORDER

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32 APPROVED AS TO FORM:

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EILEEN JOYCE

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1 COUNTY ATTORNEY

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SHERYL RALPH

7 CHAIRMAN, JUDICIARY COMMITTEE

EXHIBIT "A"

LEGAL DESCRIPTION LOT 7A

A tract of land located in the Northwest 1/4 of Section 21 and the Southwest 1/4 of Section 16, Township 3 North, Range 8 West, Principal Meridian, Montana, Silver Bow County, Montana, being more particularly described as follows:

Beginning at a Point which bears S01°26'58"W 16.69 feet from Corner 5 of M.S. 2601, said Corner 5 being monumented by a 5/8" rebar and 2" aluminum cap marked 14531LS, said Point of Beginning witnessed by a 5/8" rebar with Orange Plastic Cap marked "17305LS" bearing S51°09'05"E 3.00 feet; thence from said Point of Beginning N01°26'58"E 16.69 feet to said survey monument at Corner 5 of M.S. 2601; thence N01°21'32"E 133.61 feet to a survey monument; thence N89°39'38"E 59.27 feet to a survey monument; thence S00°20'22"E 24.83 feet to a survey monument; thence N89°46'43"E 96.97 feet to a survey monument; thence S00°20'22"E 100.00 feet to a survey monument; thence S00°20'22"E 8.87 feet to a survey monument; thence S89°32'23"W 11.41 feet to a survey monument; thence S12°55'38"W 69.95 feet to a survey monument; thence N78°32'27"W 95.82 feet to a survey monument; thence N51°09'05"W 50.93 feet to the survey monument at the Point of Beginning, containing 0.598 acres, more or less, and subject to all easements of record or apparent on the ground.

The area that is being removed from one tract of record and joined with another tract of record is not itself a tract of record. Said area shall not be available as a reference legal description in any subsequent real property transfer after the initial transfer associated with the [certificate of survey or amended plat] on which said area is described, unless said area is included with or excluded from adjoining tracts of record.