

COUNCIL RESOLUTION NO. 17-15

1 A RESOLUTION AUTHORIZING AND APPROVING THE TRANSFER OF REAL
2 PROPERTY CONSISTING OF .425 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 K1-B1 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 K1-B1 as depicted on
23 Certificate of Survey _____, consisting of

1 approximately .425 acres as described in Exhibit "A"
2 attached hereto, and its transfer to Lavene D. LaBuff
3 is one of the land transactions that will accomplish
4 the consolidation of ownership and the encroachment
5 issues related to the property located in Rocker,
6 Montana described above and appears to be in the best
7 interest of the citizens of Butte-Silver Bow.

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

10 SECTION 1: That the transfer of Tract K1-B1 as depicted on
11 Certificate of Survey _____, consisting of
12 approximately .425 acres, located in NW ¼ OF
13 Section 21, Township 3 North, 8 West P.M.M. in
14 the City and County of Butte-Silver Bow, Montana
15 and more particularly described in Exhibit "A",
16 attached hereto and incorporated herein to
17 Lavene D. LaBuff, is hereby found to have been
18 done in conformance with the laws of the State
19 of Montana and the Ordinances of Butte-Silver
20 Bow. Accordingly, the land is hereby authorized
21 to be transferred to Lavene D. LaBuff.

22 SECTION 2: That the Council does hereby authorize the Chief
23 Executive and the Clerk and Recorder of Butte-

1 Silver Bow to execute all legal conveyances for
2 aforesaid transfer in conformance with the laws
3 of the State of Montana and the Ordinances of
4 Butte-Silver Bow.

5 SECTION 3: This Resolution shall be in full force and
6 effect from and after its passage and approval.
7 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:

SALLY J. HOLLIS
CLERK AND RECORDER

APPROVED AS TO FORM:

EILEEN JOYCE
COUNTY ATTORNEY

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2

SHERYL RALPH

3

CHAIRMAN, JUDICIARY COMMITTEE

EXHIBIT "A"

LEGAL DESCRIPTION TRACT K1-B1

A tract of land located in the Northwest 1/4 of Section 21, 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 $S01^{\circ}26'58''W$ 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 $S51^{\circ}09'05''E$ 3.00 feet; thence from said Point of Beginning $S51^{\circ}09'05''E$ 50.93 feet to a survey monument; thence $S78^{\circ}32'27''E$ 95.82 feet to a survey monument; thence $S12^{\circ}55'38''W$ 157.89 feet to a survey monument on the northerly right-of-way of Grizzly Trail and a Non-Tangent curve to the right; thence along said curve to the right a distance of 112.49 feet, having Radius = 458.73 feet and Long Chord Bearing $N65^{\circ}41'41''W$ 112.21 feet to a railroad rail; thence $N01^{\circ}26'58''E$ 158.73 feet to the survey monument at the Point of Beginning, containing 0.425 acres, more or less, and subject to all easements of record or apparent on the ground.