

COUNCIL RESOLUTION NO. 15-12

1 A RESOLUTION ACCEPTING THE DONATION OF A CERTAIN PARCEL OF REAL
2 PROPERTY DESCRIBED AS FOLLOWS: THAT PORTION OF LAND IN THE
3 SOUTHEAST QUARTER OF SAID SECTION THIRTY-ONE (31), TOWNSHIP 3
4 NORTH, RANGE 7 WEST, M.P.M., LYING WEST OF THE C.M.ST.P.&P.
5 RAILWAY'S RIGHT-OF-WAY AND DESCRIBED BY METES AND BOUNDS AS
6 FOLLOWS, TO WIT: COMMENCING AT THE SOUTHWEST CORNER OF THE
7 TRACT HEREIN DESCRIBED, WHICH IS 185 FEET NORTH OF A POINT ON
8 THE SOUTH BOUNDARY OF SAID SECTION 31, WHICH POINT IS 2,674.0
9 FEET EASTERLY FROM THE SOUTHWEST CORNER OF SAID SECTION 31, AND
10 RUNNING THENCE FIRST COURSE NORTH 647.9 FEET, MORE OR LESS, TO A
11 POINT ON THE WEST RIGHT-OF-WAY LINE OF THE C.M.ST.P.&P. RAILWAY;
12 THENCE SECOND COURSE SOUTH 15°20' EAST 671.79 FEET ALONG THE WEST
13 RIGHT-OF-WAY LINE OF THE C.M.ST.P.&P. RAILWAY; THENCE THIRD
14 COURSE WEST 177.58 FEET, MORE OR LESS, TO THE PLACE OF
15 BEGINNING, CONTAINING AN AREA OF 1.32 ACRES, MORE OR LESS,
16 WHOLLY LOCATED IN BUTTE-SILVER BOW, MONTANA FOR THE PURPOSE OF
17 PRESERVING AND ENHANCING PUBLIC RECREATION SPACE AND PROVIDING
18 FOR AN EFFECTIVE DATE HEREIN.

19 WHEREAS, in accordance with the provisions for the donation of
20 real property to governmental entities as provided in
21 Part 1 of Chapter 8 of Title 7 of the Montana Code
22 Annotated, the Council of Commissioners of the City
23 and County of Butte-Silver Bow, State of Montana,
24 received a request on the 6th day of May, 2015, from

1 E. Jay Ellington, on behalf of the Butte-Silver Bow
2 Parks and Recreation Department, to accept a donation
3 of real property from Northwestern Corporation D/B/A
4 NorthWestern Energy, a Delaware Corporation, 40 East
5 Broadway, Butte, MT 59701, to the City and County of
6 Butte-Silver Bow, described as that portion of land
7 in the Southeast Quarter of said Section Thirty-One
8 (31), Township 3 North, Range 7 West, M.P.M., lying
9 West of the C.M.ST.P.&P. Railway's right-of-way and
10 described by metes and bounds as follows, to wit:
11 Commencing at the Southwest corner of the tract
12 herein described, which is 185 feet North of a point
13 on the South boundary of said Section 31, which point
14 is 2,674.0 feet easterly from the Southwest corner of
15 said Section 31, and running thence first course
16 North 647.9 feet, more or less, to a point on the
17 West right-of-way line of the C.M.ST.P.&P. Railway;
18 thence second course south 15°20' East 671.79 feet
19 along the West right-of-way line of the C.M.ST.P.&P.
20 Railway; thence third course West 177.58 feet, more
21 or less, to the place of beginning, containing an
22 area of 1.32 acres, more or less, wholly located in
23 Butte-Silver Bow, Montana.

24 WHEREAS, the Council of Commissioners of the City and County
25 of Butte-Silver Bow, State of Montana, after due

1 discussion and deliberation, find that it is in the
2 best interests of the City and County of Butte-Silver
3 Bow, State of Montana, to accept the donation of this
4 certain parcel of real property as described above.

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

7 SECTION 1: That the Council of Commissioners of the City
8 and County of Butte-Silver Bow, State of Mon-
9 tana, does hereby find and determine that it is
10 in the best interests of the City and County of
11 Butte-Silver Bow, State of Montana, to accept
12 the donation of a certain parcel of real
13 property as described above.

14 SECTION 2: That the Council of Commissioners of the City
15 and County of Butte-Silver Bow, State of Montana
16 does hereby authorize the Clerk and Recorder to
17 accept and record a legal conveyance for the
18 transfer of the aforesaid real property to the
19 City and County of Butte-Silver Bow, provided
20 such instrument of conveyance is prepared in
21 accordance with the realty transfer laws of the
22 State of Montana and the Ordinances of the City
23 and County of Butte-Silver Bow and further
24 provide that such instrument has attached a
25 Certificate Of Passage Of Resolution Accepting

1 Donated Property.

2 SECTION 3: That the Clerk send a copy of this Resolution to
3 the Tax Delinquent Department in the Land
4 Records Department and to the Ownership Clerk in
5 the Assessor's Office.

6 SECTION 4: That this Resolution shall be in full force and
7 effect from and after passage and approval.

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9 PASSED this ___ day of _____, 2015.

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CINDI SHAW
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this ___ day of _____, 2015.

MATT VINCENT
CHIEF EXECUTIVE

23 ATTEST:

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SALLY J. HOLLIS
CLERK AND RECORDER

34 APPROVED AS TO FORM:

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EILEEN JOYCE
COUNTY ATTORNEY

BILL ANDERSON
CHAIRMAN, JUDICIARY COMMITTEE