

1 COUNCIL RESOLUTION NO. 16-12

2 A RESOLUTION AUTHORIZING AND APPROVING THE EXCHANGE OF CERTAIN
3 PARCELS OF REAL PROPERTY LOCATED IN THE NORTH ONE-HALF OF
4 SECTION 13, TOWNSHIP 3 NORTH, RANGE 7 WEST, P.M.M., BUTTE-SILVER
5 BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN
6 ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL
7 CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

8 WHEREAS, the Butte-Silver Bow Municipal Code (B-SB MC) provides
9 that the City and County of Butte-Silver Bow (City-
10 County) may sell, lease, or otherwise transfer real
11 property or any interest therein by a two-thirds vote
12 of the Council of Commissioners; and

13 WHEREAS, on October 10, 2015, Blain Brown, 132 W. Woolman
14 Street, Butte, Montana, in Council Communication No.
15 15-460, requested consideration of a property exchange
16 in order to align his property boundary with its
17 improvements and convey public right-of-way in his
18 ownership to the City-County.

19 WHEREAS, the City-County desires to establish consistent public
20 right-of way widths; cure encroachment of public
21 streets on private property and secure privately owned

1 real property that presently serve as public/emergency
2 access and utility easements; and

3 WHEREAS, on behalf of the City-County, the Land Sales Committee,
4 at their meeting of October 14, 2015, recommended that
5 this exchange be approved, contingent on a survey
6 provided by Blain Brown, and

7 WHEREAS, the Land Sales Committee's recommendation was approved
8 by the Council pursuant to Council Communication No.
9 15-490; and

10 WHEREAS, a certificate of survey has been prepared to correct
11 these matters of community development concerns (see
12 Attachment 1); and

13 WHEREAS, it appearing to be in the best interests of the citizens
14 of Butte-Silver Bow.

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

17 SECTION 1: That authorization of the exchange of
18 certain parcels of real property located in the
19 North One-Half of Section 13, Township 3 North,
20 Range 7 West, P.M.M., Butte-Silver Bow, Montana,
21 is hereby found to have been done in conformance

1 with the laws of the State of Montana and the
2 Ordinances of Butte-Silver Bow.

3 SECTION 4: That the Council does hereby authorize the
4 Chief Executive and the Clerk and Recorder of
5 Butte-Silver Bow to execute legal conveyances with
6 Blain Brown, 132 W. Woolman Street, Butte, MT,
7 59701, as reflected in the certificate of survey
8 for aforesaid exchange of real property in
9 conformance with the laws of the State of Montana
10 and the Ordinances of Butte-Silver Bow.

11 SECTION 5: This Resolution shall be in full force and
12 effect from and after its passage and approval.
13 PASSED this _____ day of _____, 2016.

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15 _____
16 CINDI SHAW
17 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

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19 APPROVED this _____ day of _____, 2016.

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24 MATT VINCENT
25 CHIEF EXECUTIVE

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27 ATTEST:

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SALLY J. HOLLIS
CLERK AND RECORDER

APPROVED AS TO FORM:

EILEEN JOYCE
COUNTY ATTORNEY

WILLIAM ANDERSON
CHAIRMAN, JUDICIARY COMMITTEE

