

RESOLUTION NO. 12- _____

A RESOLUTION OF THE BILLINGS, MONTANA CITY COUNCIL ESTABLISHING A PROCEDURE FOR ACCEPTING RIGHT-OF-WAY CONVEYANCES FOR BENCH BOULEVARD PROPERTIES FROM THE STATE OF MONTANA DEPARTMENT OF TRANSPORTATION

WHEREAS, the State of Montana Department of Transportation is the managing agency on the Bench Boulevard widening project now underway for approximately 0.8 miles of roadway, tying directly into the recently constructed 6th Avenue North to Bench-Billings project, running from just southwest of the intersection of Bench Boulevard and Lincoln Lane, behind the Heights Target Center, extending north through the intersection of Bench Boulevard with Hilltop Road and Yellowstone River Road; and

WHEREAS, the existing roadway along this portion of Bench Boulevard is a two-lane, mostly straight, mostly rural facility with lane widths that vary from 11 to 12 feet and shoulder widths that vary from zero to 12 inches and pre-existing right-of-way widths varying from 60 to 100 feet; and

WHEREAS, the Bench Connector project is designed with typical section widths proposed between Lincoln Lane and Hilltop Road with two 14 foot travel lanes, plus, typically, a 5 foot boulevard in the center of the roadway, a 5 foot sidewalk on both sides of the roadway, a two way left turn lane at most intersections, and curb and gutter; and

WHEREAS, the State of Montana Department of Transportation is using funds available for the project to purchase additional right-of-way for completion of this work and will convey the properties it acquires to the City of Billings if the property lies within the exterior boundaries of the city limits, or to Yellowstone County if the property lies outside those boundaries, and

WHEREAS, this phase of the Bench Connector Project will result in the transfer of 160 separate parcels of right-of-way properties from the State of Montana to the City of Billings, each of which would have to be considered by and approved by the City Council of the City of Billings if its current policy were followed with regard to these transfers; and

WHEREAS, the City Council concurs and has concurred that the additional parcels that will become additions to the Bench Boulevard right-of-way should be accepted by the City of Billings; and

WHEREAS, it is therefore desirable for the City Council to provide a procedure pursuant to which City staff may review each parcel transfer and recommend acceptance without requiring the question for each separate parcel to be staffed and processed at a Regular Meeting of the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. The Mayor is authorized and instructed to execute the City of Billings Acknowledgment and Acceptance of Conveyance endorsement of the deed for each parcel so that it can be recorded in the name of the City of Billings if:

- a. It is a parcel that is being acquired to make possible the completion of Phase II of the Bench Connector Project, PROJECT ID: MT 1036(1),
- b. The State of Montana has
 - (1) negotiated the purchase price with the property owner,
 - (2) obtained a title report reflecting the names all persons or entities that have a legal interest in and to the property,
 - (3)
 - (a) has obtained the signature of all owners on a deed naming the City of Billings as the Grantee and specifying that the recorded deed is to be returned by the Yellowstone County Clerk and Recorder to the Billings, Montana City Clerk, and
 - (b) obtained the written consent of all secured creditors and easement holders to the conveyance of the property to the City of Billings for the purpose of maintaining and operating an Urban Collector or Principal Arterial on the right-of-way,
 - (4) forwarded the original deed, all necessary written consents, a completed Realty Transfer Certificate and the title report to the City for legal review, and
- c. The City has obtained an opinion from the Office of the City Attorney that all necessary parties have signed the right-of-way deed and consented to the transfer.

2. Upon the satisfaction of these requirements and after the Mayor has signed the Acknowledgment and Acceptance, the City Clerk is authorized and instructed to transmit the deed to the Clerk and Recorder of Yellowstone County with instructions to authorize payment of all Clerk and Recorder fees for recording the documents out of the State of Montana Department of Transportation account at that office, and to transmit an electronic copy of the recorded deed to the State of Montana Department of Transportation.

APPROVED AND PASSED by the City Council of the City of Billings, this ____
day of _____, 2012.

THE CITY OF BILLINGS:

BY: _____
THOMAS W. HANEL, MAYOR

ATTEST:

BY: _____
CARI MARTIN, CITY CLERK