

RESOLUTION NO. 13- _____

A RESOLUTION OF THE BILLINGS, MONTANA CITY COUNCIL VACATING A PORTION OF BITTERROOT HEIGHTS PARK FROM ITS CURRENT USE AS A PUBLIC PARK AND DEDICATING IT TO THE USE AND BENEFIT OF THE PUBLIC FOR PURPOSES OF CONSTRUCTING, OPERATING, MAINTAINING AND REPAIRING A SANITARY LIFT STATION, AND TRANSFERRING MANAGEMENT OF THE PORTION OF THE PARK SO DEDICATED FROM THE DEPARTMENT OF PARKS, RECREATION, AND PUBLIC LANDS TO THE DEPARTMENT OF PUBLIC WORKS.

WHEREAS, the City of Billings received a dedication of lands at the time Bitterroot Heights Subdivision was platted to create a public park commonly known as Bitterroot Heights Park, and

WHEREAS, the City of Billings has managed this land as an undeveloped public park through its Department of Parks, Recreation and Public Lands since the time of the dedication of this land for a public park, and

WHEREAS, the City of Billings is now experiencing the development of new residential and commercial uses of land in this area requiring the construction of a new sanitary lift station in this area, to be operated, maintained and repaired as needed by the Department of Public Works, and

WHEREAS, the City Council now deems it to be in the interests of the residents of the City of Billings to vacate a portion of the park and to dedicate it to the use and benefit of the public for purposes of constructing a sanitary lift station to be operated, maintained, and repaired as necessary by the Department of Public Works.

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

Section 1. That the dedication for use as a public park of that portion of Bitterroot Heights Park described below is hereby vacated.

Section 2. That the management of this land is hereby transferred from the Department of Parks, Recreation and Public Lands to the Department of Public Works.

Section 3. That to compensate the public for the vacation of this land from the use of the public as park land, the Department of Public Works shall transfer to the Department of Parks, Recreation and Public Lands the amount of SEVENTY-FIVE THOUSAND and no/100s DOLLARS (\$75,000.00).

Section 4. That this land is hereby dedicated to the benefit and use of the public for purposes of constructing, operating, maintaining, and repairing as necessary a sanitary lift station.

Section 5. That the remainder of Bitterroot Heights Park shall continue to be managed by the Department of Parks, Recreation and Public Lands and the original dedication of this land for purposes of a public park are not affected or changed in any way by reason of this action.

Section 6. That the City Clerk is hereby instructed to file this resolution with the Yellowstone County Clerk and Recorder and any other document deemed necessary, in such form as the said Clerk and Recorder may require, to give notice to all the public at all future times of this action.

Section 7. This Resolution shall become effective immediately upon its passage.

APPROVED AND PASSED by the City Council of the City of Billings, this ____ day of _____, 2013.

THE CITY OF BILLINGS:

BY: _____
THOMAS W. HANEL, MAYOR

ATTEST:

BY: _____
CARI MARTIN, CITY CLERK