

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 14-88

Resolution to Transfer a Portion of Central Avenue to the City of Billings

WHEREAS, pursuant to Section 7-8-101(1) of the Montana Code Annotated, if it would be in the best interest of the public, a board of county commissioners may transfer real property to another government entity when the property is no longer needed for county operations. To transfer property to another government entity, a board must pass a resolution of intent to transfer the property, publish notice of intent to transfer the property and pass a resolution to transfer the property.

WHEREAS, the City of Billings intends to annex land in the vicinity of Central Avenue and Shiloh Road. The City intends to annex portions of the right-of-way for Central Avenue. The County may own Tracts 1 and 2 of Certificate of Survey No. 862 that is part of the right-of-way for Central Avenue that the City intends to annex. The City has requested the County convey to it those portions of the right-of-way of Central Avenue that it intends to annex and the County may own. Attached is a copy of the request from the City to the County. The County believes that it may be in the best interest of the public to convey to the City those portions of the right-of-way of Central Avenue that the City intends to annex and the County may own. Attached is a copy of Certificate of Survey No. 862 that shows the parcels the City would like the County to convey to it.


WHEREAS, on December 9, 2014, the Yellowstone County Board of County Commissioners passed a resolution of intent to transfer a portion of the right-of-way of Central Avenue to the City of Billings, set a public hearing on the transfer for December 23, 2014 and ordered the Yellowstone County Clerk and Recorder to provide notice of the hearing and to receive written comments on the transfer. The Yellowstone County Clerk and Recorder provided notice of the hearing. On December 12, 2014 and December 19, 2014, the Clerk and Recorder published notice of the hearing in the *Billings Gazette*. On December 23, 2014, the Board held a public hearing on the transfer. The Board received comments on the transfer. The Board considered the comments and determined it would be in the best interest of the public to transfer the road.


NOW THEREFORE, BE IT RESOLVED,

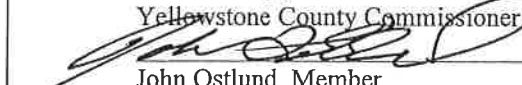
The Yellowstone County Board of County Commissioners transfers that portion of the right-of-way of Central Avenue that it may own, Tracts 1 and 2 of Certificate of Survey No. 862, to the City of the Billings for the promise that the City will maintain the road. The Board shall execute a quitclaim deed to transfer the property to the City.

Passed and Adopted on the 23rd day of December 2014.


BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA


James E. Reno, Chairman
Yellowstone County Commissioner


Bill Kennedy, Member
Yellowstone County Commissioner


John Ostlund, Member
Yellowstone County Commissioner

Attest:

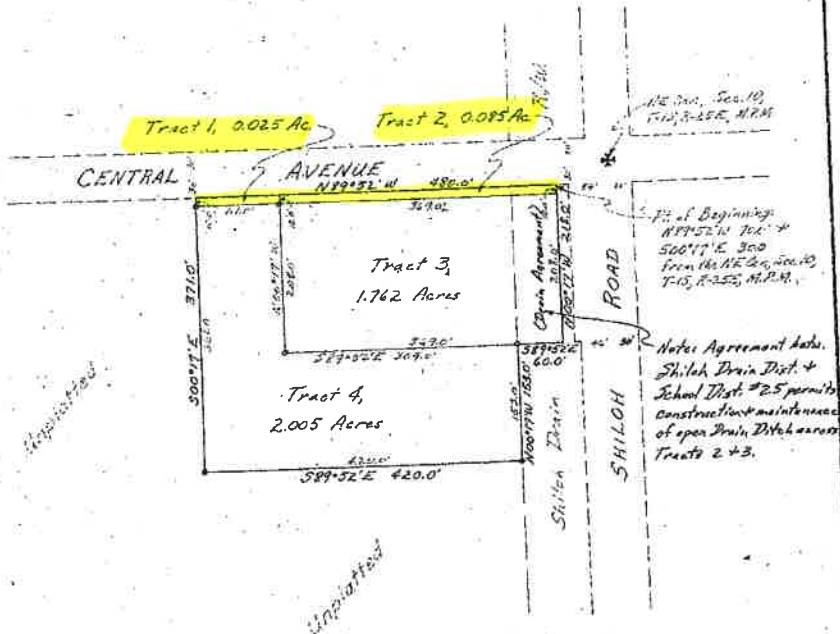

Jeff Martin
Yellowstone County Clerk and Recorder

CERTIFICATE OF SURVEY NO. 762

SITUATED IN THE NE 1/4 NE 1/4 SECTION 10, T-15, R-25E, M.P.M.
YELLOWSTONE COUNTY, MONTANA

For: Mr. David Bell & School District No. 25
Plat & Survey By Sage Engineers & Land Planners, Inc.
SCALE: 1" = 100'

February, 1961
Billings, Montana



CERTIFICATE OF SURVEY

STATE OF MONTANA } ss.
County of Yellowstone }

James R. O'Brien, Montana Registered Land Surveyor # 613-S, being first duly sworn, deposes and says that during the month of February, 1961, a survey was made under his supervision of a tract of land located in the NW1/4 of Section 10, T.15, R.25E, M.P.M., Yellowstone County, Montana, said tract being more particularly described as follows, to wit:

Beginning at a point on the South line of Central Avenue which is located N89°52'W a distance of 70.0 feet and S00°17'E a distance of 50.0 feet from the Northeast Corner of Section 10, T.15, R.25E, M.P.M.; thence from said point of beginning N89°52'W along the south line of Central Avenue a distance of 450.0 feet; thence S00°17'E a distance of 371.0 feet; thence S89°52'E a distance of 420.0 feet; thence N00°17'W a distance of 153.0 feet; thence S89°52'E a distance of 60.0 feet; thence N00°17'W a distance of 218.0 feet to the point of beginning, containing 3.877 acres.

That said survey and the plat hereon shown true and correct dimensions, and that the plat conforms with the way on the ground,
Dated this 24th day of February, 1961.

Subscribed and sworn to before me, a Notary Public in and for the State of Montana, this 24th day of February, 1961.

James R. O'Brien
Montana Registered Land Surveyor # 613-S

Lawrence J. Mueller
Notary Public in and for the State of Montana
Residing at Billings, Montana.
My commission expires March 10, 1962.

CERTIFICATE OF RECOMMENDATION

The CITY-COUNTY PLANNING BOARD hereby recommends that the attached Certificate of Survey be approved for filing by the BOARD OF COUNTY COMMISSIONERS, of Yellowstone County, Montana

President Jim C. Smith

Legal Secretary Yvonne Smith 3/6/61

Since this plat describes a tract of land to be used for school purposes, we approve it for filing only.

155N-117
STATE OF MONTANA }
County of Yellowstone }
This instrument was filed in my office
this 27th day of March 1961
at Billings Montana
CHRIS HURICH, County Recorder
By Shirley R. Hurich

Frank C. Smith Chairman
James F. Sisk Commissioner
W. H. Baker Commissioner

Checked Surveyors Office
2-24-61 JJK