

YELLOWSTONE COUNTY BOARD OF COMMISSIONERS

Resolution No. 17-70

A Resolution Authorizing the Transfer of Ownership, if any, of a Park Located in Durland Heights Subdivision to the City of Billings, Legal Description the Park Shown on the Plat of Durland Heights Subdivision, recorded with the Yellowstone County Clerk and Recorder as Document No. 482159, dated September 22, 1951

WHEREAS, Durland Heights Subdivision was created in 1951 in Yellowstone County;

WHEREAS, the City of Billings annexed Durland Heights Subdivision into the City of Billings;

WHEREAS, the park located in Durland Heights Subdivision is now commonly known as "Zimmerman Trail South Park";

WHEREAS, since annexation, the Montana Department of Revenue has listed "Yellowstone County c/o the City of Billings" on its tax statements;

WHEREAS, Yellowstone County previously transferred all use rights relating to Zimmerman Trail to the City of Billings and the City provides the maintenance for Zimmerman Trail which abuts the park;

WHEREAS, the City needs the park to store snow during the winter and wishes to provide maintenance, if any, to the natural park;

WHEREAS, MCA §7-8-2211 gives counties the authority to sell and exchange property;

WHEREAS, MCA §7-8-101 allows counties to exchange property with a city without appraisal;

WHEREAS, a bona fide dispute of ownership exists between the City and the County over the fee interest ownership of the park;

WHEREAS, the ownership of the park is not necessary for the conduct of county business;

WHEREAS, the Yellowstone County Park Board has approved the transfer of Zimmerman Trail South Park to the City of Billings;

WHEREAS, a public hearing was held on August 1, 2017, in the Commissioners' Board Room, Room 403A of the Yellowstone County Courthouse, 217 North 27th Street, Billings, Montana at 9:30 A.M. Public comment was taken.

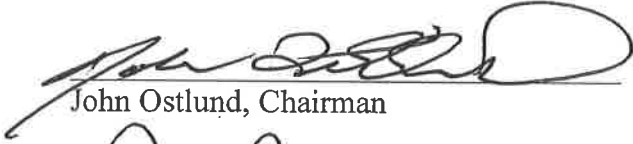
NOW, THEREFORE BE IT RESOLVED, that Yellowstone County shall transfer Zimmerman Trail South Park to the City of Billings. The Yellowstone County Attorney is requested to draft a quitclaim deed transferring the property to the City for the Commissioners' signatures.

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DATED this 1st day of August, 2017.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA



John Ostlund, Chairman



Denis Pitman, Member



Robyn Driscoll, Member

Attest:



Jeff Martin
Yellowstone County Clerk and Recorder

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