

# **YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS**

Resolution No. 19-52

## **Resolution to Transfer Washington Street Easement 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 an interest in real property to another government agency. To transfer an interest in property to another government entity, a board must pass a resolution of intent to transfer interest in the property, publish notice of intent to transfer interest in the property and pass a resolution to transfer interest in the property.

WHEREAS, Yellowstone County has a right-of-way interest (easement) in a portion of Washington Street located from the South Frontage Road south to the Yellowstone River, legally described as Tracts of land situated in the W ½ of Section 15, T. 15S., R.26E., Yellowstone County, Montana, more particularly described as:

Being the West 60' of Government Lot 3, of said Section 15, also described as being a permanent easement and right-of-way over and across said Section 15, being a 60' in width extending generally from Washington Street to the Yellowstone River, recorded December 2, 1964, under Document No. 743633, on file and of record in the Records of Yellowstone County.

Attached as Exhibit 1 is a map of the right-of-way. At inception, the Washington Street easement served as a route to the Washington Street Bridge. That Bridge has since been removed. The County has no need for the easement as it now only accesses a City park. In addition, the City/County drain runs down the middle of the easement in a portion of the easement the City seeks to acquire in order to construct a check structure in the City/County drain, complete with secure gating and fencing. As the County does not need the easement, transfer of the easement to the City, as opposed to the County granting an encroachment license, quiets each agency's interest in the easement and right-of-way.

WHEREAS, the Yellowstone County Board of County Commissioners believes it would be in the best interest of the public to transfer the Washington Street easement to the City of Billings. The easement has become a burden on the County to maintain the easement, the easement today serves no purpose to the County and the easement is not necessary for the conduct of County business. The City of Billings is receptive of taking control of the easement.

WHEREAS, on July 2, 2019, the Yellowstone County Board of County Commissioners passed a resolution of intent to transfer the County interest in Washington Street to the City of Billings, set a public hearing on the transfer for July 23, 2019, and ordered the Yellowstone County Clerk and Recorder to provide notice of the hearing.

WHEREAS, the Yellowstone County Clerk and Recorder provided notice of the hearing. On July 5, 2019 and on July 12, 2019, the Clerk and Recorder published notice of the hearing in the *Billings Gazette*.

WHEREAS, on July 23, 2019, the Yellowstone County Board of County Commissioners held a public hearing on the proposed transfer of the County interest in Washington Street. The Board received comments on the proposed transfer. The Board considered the comments and determined it would be in the best interest of the public to transfer its interest in Washington Street.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners transfers its easement interest to Washington Street to the City of Billings for the promise that the City will maintain the easement. The Board shall execute a quit claim deed.

Passed and adopted this 23rd day of July, 2019

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

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Denis Pitman, Chairman

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Donald W. Jones, Member

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John Ostlund, Member

Attest:

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Jeff Martin  
Yellowstone County Clerk and Recorder

Resolution of Intent July 2, 2019  
Publication July 5, 2019 & July 12, 2019  
Public Hearing/Resolution/Deed July 23, 2019