

RESOLUTION 20-_____

A RESOLUTION PURSUANT TO BILLINGS, MONTANA CITY CODE, ARTICLE 22-900; SALE, DISPOSAL, OR LEASE OF CITY PROPERTY, DESCRIBING THE PROPERTY TO BE DISPOSED OF, DECLARING THE INTENT OF THE CITY TO DISPOSE OF THE PROPERTY AND AUTHORIZING CITY OFFICIALS TO PROCEED.

WHEREAS, pursuant to Section 22-902, Billings, Montana City Code, the City desires to dispose of property it owns located within the boundaries of Sahara Park and described as: Amended Plat of Tract 2-A of the Amended Plat of Sahara Park, Sahara Sands Subdivision, 2nd Filing, and of Sahara Park, Sahara Sands Subdivision, First Filling, located in the NE ¼ of Section 28, T.1N., R.26 E., P.M.M., City of Billings, Yellowstone County, Montana.

WHEREAS, the notice required by Section 22-902 of the Billings, Montana City Code has been duly published and mailed; and

WHEREAS, the public hearing required by Section 22-902 of the Billings, Montana City Code was duly held on the 24th day of August 2020; and

WHEREAS the City Council has determined that the disposal and transfer of the above-described City-owned property to the Better Billings Foundation, with conditions through deed restrictions is appropriate;

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

1. That the City staff is authorized to proceed with disposal and transfer by warranty deed of the property described as Amended Plat of Tract 1 of the Amended Plat of Sahara Park, Sahara Sands Subdivision, 2nd Filing, and of Sahara Park, Sahara Sands Subdivision, First Filling, located in the NE ¼ of Section 28, T.1N., R.26 E., P.M.M., City of Billings, Yellowstone County, Montana, under the requirements of Section 22-902 of the Billings, Montana City Code;

2. That the City Administrator or designee(s) is authorized to execute any documents required to complete such transfer;

3. That specific deed restrictions and conditions shall be included in any deed conveying the property in Fee Simple to the Better Billings Foundation (hereinafter "BBF") and such restrictions and conditions shall be substantially similar to the following:

- a) The property conveyed herein in Fee Simple to BBF shall be used solely and exclusively for the development and continuous operation of a park open to the public for recreational use without charge.

- b) Fee Simple ownership of the property shall automatically revert back to the City of Billings if the BBF fails to comply with the restrictions and conditions immediately above in section 2(a).

APPROVED AND PASSED by the City Council of the City of Billings this _____ day of August, 2020.

CITY OF BILLINGS:

By: _____
William A. Cole, Mayor

ATTEST:

BY: _____
Denise R. Bohlman, City Clerk

Draft # 1

7/31/2020