

RESOLUTION 98- 17343

A RESOLUTION PURSUANT TO BILLINGS, MONTANA CITY CODE, CHAPTER 12, EMINENT DOMAIN, DECLARING PUBLIC PURPOSE AND USE, DESCRIBING THE PROPERTY TO BE TAKEN AND AUTHORIZING CITY OFFICIALS TO PROCEED

WHEREAS, the City of Billings finds it necessary to acquire a 45-foot wide permanent right-of-way easement and two (2) temporary construction easements totaling 35 feet in width on certain real property to allow the City to use such property for purposes of constructing, reconstructing, maintaining, operating, servicing, repairing, and replacing sanitary sewer lines; and,

WHEREAS, the location of the real property easements to be acquired is described in Exhibit "A" attached hereto and by this reference incorporated herein; and,

WHEREAS, City agents attempted to purchase said easements, but the owners are unwilling to sell them at an agreeable purchase price; and,

WHEREAS, pursuant to Billings, Montana City Code, Chapter 12, Eminent Domain, it is necessary to pass a Resolution initiating eminent domain proceedings; and,

WHEREAS, said use is a public use, will benefit the general public, and will be for public purposes; and,

WHEREAS, it is necessary to condemn to obtain the easements by exercise of the right of eminent domain to make said private property available for said trunk sewer line purposes; and,

WHEREAS, it is necessary to condemn to obtain the 45-foot wide permanent right-of-way easement and the additional two (2) temporary construction easements totaling 35 feet in width in the private real property, all as specifically described in Exhibit "A"; and,

WHEREAS, the City officials should be authorized to proceed with the condemnation proceedings as provided by law,

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

1. PUBLIC USE: The City hereby declares that the referenced easements in the above described property shall be condemned at their fair market value under the City's eminent domain powers to enable the City to acquire the easements for the purpose of utilizing said property for the purpose of a public trunk sanitary sewer line.
2. PURPOSE AND USE: It is hereby declared that said real property easements are being acquired for a public purpose, for public use and are necessary to the Colton Boulevard trunk sanitary sewer project.
3. DESCRIPTION OF PROPERTY, EXTENT OF INTEREST: A 45-foot wide permanent right-of-way easement and two (2) temporary construction easements totaling 35 feet in width shall be taken for public use, all as specifically described in Exhibit "A".
4. AUTHORIZATION TO PROCEED: The appropriate City officials are hereby directed and authorized to proceed with condemnation of the easements on said real property as provided herein and as provided by law.

APPROVED AND PASSED by the City Council of the City of Billings this 27 day of April, 1998.

THE CITY OF BILLINGS:

BY: Charles F. Tooley

CHARLES TOOLEY, MAYOR

ATTEST:

Marita Herold  
MARITA HEROLD, CMC CITY CLERK

Deputy City Clerk

# EXHIBIT "A"



CENTER 1/4 CORNER SECTION 32,  
T.1 N., R.25 E., P.M.M.  
(BRASS CAP MONUMENT)

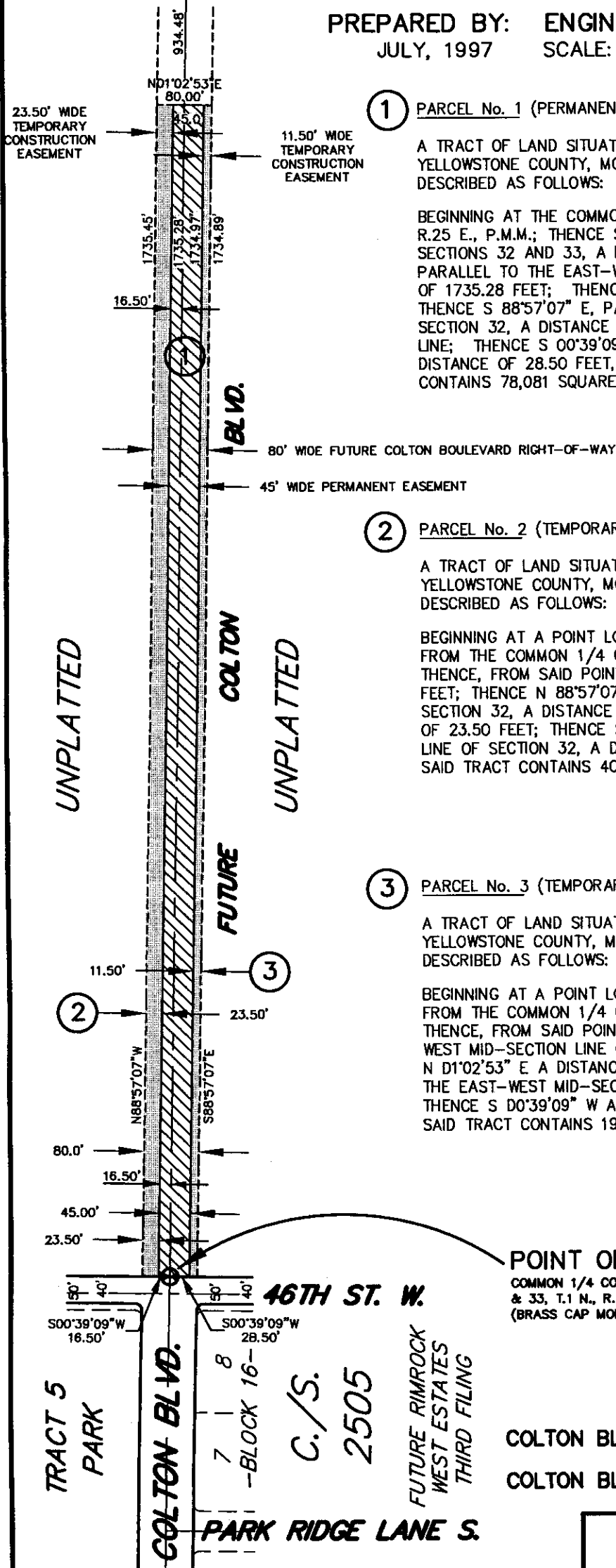
A TRACT OF LAND SITUATED IN THE E 1/2 OF  
SECTION 32, T.1 N., R.25 E., P.M.M.

YELLOWSTONE COUNTY, MONTANA

PREPARED BY: ENGINEERING, INC.

JULY, 1997 SCALE: 1"=200'

BASIS OF BEARING:  
CENTER LINE OF GRAND AVENUE  
PER C./S. #2314



## 1 PARCEL No. 1 (PERMANENT EASEMENT)

A TRACT OF LAND SITUATED IN THE E 1/2 OF SEC. 32, T.1 N., R.25 E., P.M.M.,  
YELLOWSTONE COUNTY, MONTANA; SAID TRACT BEING MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON 1/4 CORNER OF SECTIONS 32 AND 33, T.1 N.,  
R.25 E., P.M.M.; THENCE S  $00^{\circ}39'09''$  W, ALONG THE LINE COMMON TO  
SECTIONS 32 AND 33, A DISTANCE OF 16.50 FEET; THENCE N  $88^{\circ}57'07''$  W,  
PARALLEL TO THE EAST-WEST MID-SECTION LINE OF SECTION 32, A DISTANCE  
OF 1735.28 FEET; THENCE N  $01^{\circ}02'53''$  E, A DISTANCE OF 45.00 FEET;  
THENCE S  $88^{\circ}57'07''$  E, PARALLEL TO THE EAST-WEST MID-SECTION LINE OF  
SECTION 32, A DISTANCE OF 1734.97 FEET TO SAID COMMON SECTION  
LINE; THENCE S  $00^{\circ}39'09''$  W, ALONG SAID COMMON SECTION LINE, A  
DISTANCE OF 28.50 FEET, TO THE POINT OF BEGINNING. SAID TRACT  
CONTAINS 78,081 SQUARE FEET.

## 2 PARCEL No. 2 (TEMPORARY CONSTRUCTION EASEMENT)

A TRACT OF LAND SITUATED IN THE E 1/2 OF SEC. 32, T.1 N., R.25 E., P.M.M.,  
YELLOWSTONE COUNTY, MONTANA; SAID TRACT BEING MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED S  $00^{\circ}39'09''$  W A DISTANCE OF 16.50 FEET  
FROM THE COMMON 1/4 CORNER OF SECTIONS 32 AND 33, T.1 N., R.25 E., P.M.M.;  
THENCE, FROM SAID POINT OF BEGINNING, S  $00^{\circ}39'09''$  W A DISTANCE OF 23.50  
FEET; THENCE N  $88^{\circ}57'07''$  W, PARALLEL TO THE EAST-WEST MID-SECTION LINE OF  
SECTION 32, A DISTANCE OF 1735.45 FEET; THENCE N  $01^{\circ}02'53''$  E, A DISTANCE  
OF 23.50 FEET; THENCE S  $88^{\circ}57'07''$  E, PARALLEL TO THE EAST-WEST MID-SECTION  
LINE OF SECTION 32, A DISTANCE OF 1735.28 FEET TO THE POINT OF BEGINNING.  
SAID TRACT CONTAINS 40,781 SQUARE FEET.

## 3 PARCEL No. 3 (TEMPORARY CONSTRUCTION EASEMENT)

A TRACT OF LAND SITUATED IN THE E 1/2 OF SEC. 32, T.1 N., R.25 E., P.M.M.,  
YELLOWSTONE COUNTY, MONTANA; SAID TRACT BEING MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED N  $00^{\circ}39'09''$  E A DISTANCE OF 28.50 FEET  
FROM THE COMMON 1/4 CORNER OF SECTIONS 32 AND 33, T.1 N., R.25 E., P.M.M.;  
THENCE, FROM SAID POINT OF BEGINNING, N  $88^{\circ}57'07''$  W, PARALLEL TO THE EAST-  
WEST MID-SECTION LINE OF SECTION 32, A DISTANCE OF 1734.97 FEET; THENCE  
N  $01^{\circ}02'53''$  E A DISTANCE OF 11.50 FEET; THENCE S  $88^{\circ}57'07''$  E, PARALLEL TO  
THE EAST-WEST MID-SECTION LINE OF SECTION 32, A DISTANCE OF 1734.89 FEET;  
THENCE S  $00^{\circ}39'09''$  W A DISTANCE OF 11.50 FEET, TO THE POINT OF BEGINNING.  
SAID TRACT CONTAINS 19,952 SQUARE FEET.

### POINT OF BEGINNING

COMMON 1/4 CORNER SECTIONS 32  
& 33, T.1 N., R.25 E., P.M.M.  
(BRASS CAP MONUMENT)

COLTON BLVD. SEWER PARCEL: 1

COLTON BLVD. TEMPORARY EASEMENT PARCEL: 2

COLTON BLVD. TEMPORARY EASEMENT PARCEL: 3



**ENGINEERING, INC.**  
CONSULTING ENGINEERS & LAND SURVEYORS

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