

RESOLUTION NO. 05-18370

A RESOLUTION PURSUANT TO SECTION 7-8-101(1) OF THE MONTANA CODE ANNOTATED TRANSFERRING PROPERTY TO ANOTHER GOVERNMENT ENTITY

WHEREAS, Zimmerman Trail is currently a county road maintained by Yellowstone County; and

WHEREAS, Zimmerman Trail was initially some distance outside the city limits. Annexations over time; however, have created a situation where Zimmerman Trail is now surrounded by the City; and

WHEREAS, Zimmerman Trail maintenance has become a burden on Yellowstone County as it is some distance from other roads the County maintains.

WHEREAS, the Yellowstone County Board of County Commissioners believes that it would be in the best interest of the public to transfer Zimmerman Trail to the City of Billings because it would be more economical for the City to maintain. The Yellowstone County Board of County Commissioners has requested that the City of Billings take control of the road and the City is receptive to taking control of the road; and

WHEREAS, the City of Billings maintains the streets surrounding Zimmerman Trail and it would be less burdensome for the City to maintain Zimmerman Trail.

WHEREAS, Section 7-8-101(1) of the Montana Code Annotated states that if it would be in the best interests of the public, a board of county commissioners may transfer real property to another government entity. 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; and

WHEREAS, Yellowstone County Commissioners published a notice of intent to transfer the property; and

WHEREAS, Yellowstone County Commissioners passed on first reading a resolution of intent to transfer the property on November 1, 2005. The Yellowstone County Board of County Commissioners intends to transfer Zimmerman Trail to the City of the Billings for the promise that the City will maintain the road.

WHEREAS, Yellowstone County Commissioners will hold a public hearing on the proposed transfer on November 15, 2005. At the hearing, the Board will receive comments on the proposed transfer. After the hearing, if the Board still believes that it would be in the best interest of the public to transfer the road, it will pass a resolution to transfer the road and execute a quitclaim deed for the road.

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

That the City of Billings accept the transfer of Zimmerman Trail from Highway 3 south to the Billings city limits from Yellowstone County and will take over maintenance.

PASSED by the City Council and APPROVED this 28th day of November, 2005.

THE CITY OF BILLINGS:

BY: _____
Charles F. Tooley, Mayor

ATTEST:

BY: _____
Marita Herold, CMC/AAE City Clerk