

## **RESOLUTION NO. 10-19008**

### **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 a December 14, 2009, Funding and Development Agreement between the City of Billings and the Better Billings Foundation (BBF), the City desires to dispose of property it owns located within the boundaries of Sahara Park and described as: Amended Plat of Tract 1 of the Amended Plat of Sahara Park, Sahara Sands Subdivision, 2<sup>nd</sup> Filing, and of Sahara Park, Sahara Sands Subdivision, First Filing, 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 13<sup>th</sup> day of September 2010; and

WHEREAS the City Council has determined that the disposal and transfer of the property 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, 2<sup>nd</sup> Filing, and of Sahara Park, Sahara Sands Subdivision, First Filing, 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 specific deed restrictions and conditions as referenced in Section Three, page Two of the Development Agreement of December 14, 2009, between the City and the BBF shall be included in any deed conveying the property to BBF and such restrictions and conditions shall be substantially similar to the following:

- a) The property conveyed herein to BBF shall be used solely and exclusively for the construction and continuous, annual operation of a family aquatic facility;
- b) Fee Simple ownership of the property shall automatically revert back to the City of Billings if the BBF fails to satisfy the Funding Contingency described in

Section 6, Page Three, of the December 14, 2009, Funding and Development Agreement between the City and BBF;

- c) Fee Simple ownership shall automatically revert back to the City if the BBF fails to use the property for the construction and continuous, annual operation of an family aquatic facility once the Funding Contingency within the Development Agreement has been satisfied.

APPROVED AND PASSED by the City Council of the City of Billings this 12th day of October, 2010.



THE CITY OF BILLINGS:

By: Thomas W. Hanel Mayor  
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin  
Cari Martin, City Clerk