

RESOLUTION 04-18226

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, PURSUANT TO BILLINGS CITY CODE SECTION 12-102, EMINENT DOMAIN, DECLARING PUBLIC PURPOSE AND USE, DESCRIBING THE PROPERTIES TO BE TAKEN AND AUTHORIZING CITY OFFICIALS TO PROCEED.

WHEREAS, the City of Billings finds it necessary to acquire certain real property for purposes of completing the Arlene Corridor street improvements between Grand Avenue and South 32nd Street in West Billings; and

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

WHEREAS, City officials have attempted to purchase said real property at an agreeable purchase price but have been unable to obtain the consent of the owners to sell said real property; and

WHEREAS, pursuant to Chapter 12, Section 12-102 of the Billings City Code, it is necessary to pass a Resolution initiating and authorizing eminent domain procedures; and

WHEREAS, the acquisition of the described property is necessary and will benefit the general public and will be used for public purposes; and

WHEREAS, it is necessary to condemn said real property by exercise of the right of eminent domain to make land available for completion of the Arlene Corridor street improvements between Grand Avenue and South 32nd Street in West Billings; and

WHEREAS, it is necessary to condemn and acquire the right of way in said private real property in fee simple as described in Exhibit "A" for the purpose of completing Arlene Corridor street improvements between Grand Avenue and South 32nd Street in West Billings; 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 above-described interests in real property shall be condemned and compensated at its fair market value under the City's eminent domain powers to enable the City to acquire said property for the purposes of completing Arlene Corridor street improvements between Grand Avenue and South 32nd Street in West Billings;
2. **PUBLIC PURPOSE AND NECESSITY:** It is hereby declared that said real property is being acquired for a public purpose, for public use and is necessary to the described project.

EXHIBIT "A"

LEGAL DESCRIPTION OF YEGEN PROPERTY ACQUISITION

A tract of land located in Tracts 1, 8, 11, & 12 of C/S 2702 and Tract 6A of C/S 2314 Amended, Yellowstone County, Montana, said tract being more particularly described as follows, to wit:

A tract of land being 50.00 feet on both sides of the described centerline. Considering the Basis Of Bearing to be Geodetic North at E 1/4 Section 2, T 1S, R 25E, P.M.M.

Beginning at a point on the North Right of Way line of Broadwater Ave., from which the E 1/4 of Section 2 bears S03°10'02"E, a distance of 50.09 feet. Thence N00°18'49"W, a distance of 134.89 feet to a point of curvature; thence 676.99 feet along the arc of a curve to the left, having a central angle of 38°26'42" and a radius of 1,000.00 feet, to the point of tangency; thence, N38°45'30"W, a distance of 504.29 feet to a point of curvature; thence 1,190.92 feet along the arc of a curve to the right, having a central angle of 37°54'29" and a radius of 1,800.00 feet, to the point of tangency; thence, N00°51'02"W, a distance of 292.94 feet to a point on the South Right of Way line of Grand Ave, from which the South 1/4 of Section 34, T1N, R25E, P.M.M., being 2,794.03 linear feet or 6.41 Ac. along with a 12 foot strip along the South Right of Way line of Grand Ave., 456.00 feet West and 508.00 feet East containing 0.27 Ac. for a total of 6.68 Ac., as shown.