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RESOLUTION NO. 07-18603

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, PURSUANT TO BILLINGS CITY CODE CHAPTER 12, 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 to allow it to utilize such property for purposes of constructing Aronson Avenue improvements in the City of Billings; and

WHEREAS, the real property to be acquired, and the temporary construction easements necessary, to complete these improvements is described in Exhibit "A" and Exhibit "B" attached hereto and by this reference incorporated herein; and

WHEREAS, the City officials have attempted to purchase said real property at a mutually agreeable purchase price but have been unable to obtain the consent of all 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 eminent domain procedures; and

WHEREAS, said use is a public use 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 said completion of Aronson Avenue in Billings; and

WHEREAS, it is necessary to condemn the right of way in said private real property in fee simple and for a temporary construction easement as described in Exhibit "A" and Exhibit "B" for the purpose of construction of Aronson Avenue in the City of 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 at its fair market value under the City's eminent domain powers to enable the City to acquire said property, and necessary construction easements, for the purposes of constructing Aronson Avenue in the City of 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 project.
3. **DESCRIPTION OF PROPERTY, EXTENT OF INTEREST:** The right of way in fee simple, a perpetual easement and temporary construction easement described in Exhibit "A" and Exhibit "B" shall be taken for public purpose.
4. **AUTHORIZATION TO PROCEED:** That the appropriate City officials are hereby directed and authorized to proceed with condemnation of said real property as provided by law.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, at a regular session thereof held on the 24th day of September 2007.

ATTEST:

Cari Martin
Cari Martin City Clerk

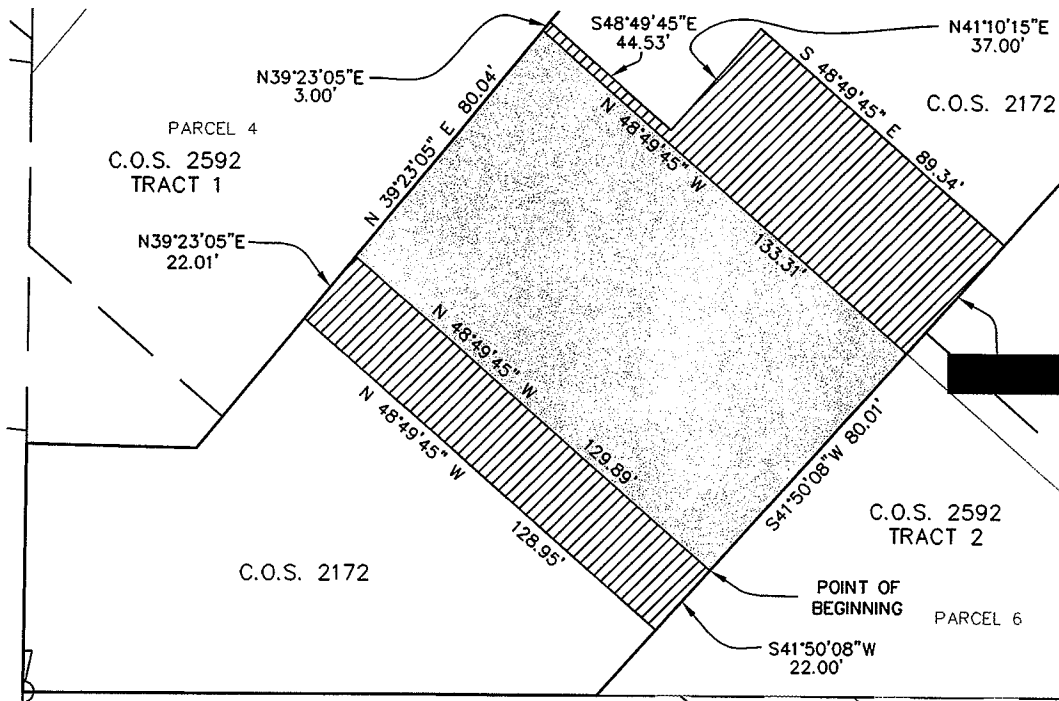
Ron Tussing
Ron Tussing Mayor



APPROVED AS TO FORM:
Brent Brooks
Brent Brooks City Attorney

EXHIBIT A

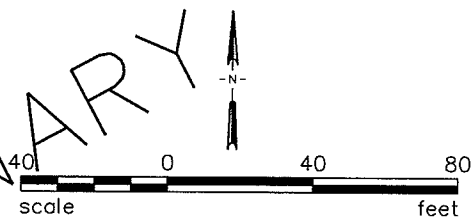
RIGHT-OF-WAY ACQUISITION AND TEMPORARY CONSTRUCTION PERMIT CERTIFICATE OF SURVEY 2172 YELLOWSTONE COUNTY, MONTANA



ARONSON AVENUE RIGHT-OF-WAY ACQUISITION DESCRIPTION PARCEL No. 5 TAX CODE D05588B

Beginning at a point on the Easterly line of Certificate of Survey 2172, said point being N 41°50'08" E a distance of 56.19 feet from the Southeast corner of said Certificate of Survey; Thence N 48°49'45" W a distance of 129.89 to the Northwesternly line of said Certificate of Survey; Thence N 39°23'05" E and coincident with said Northwesternly line a distance of 80.04 feet; Thence leaving said Northwesternly line S 48°49'45" E a distance of 133.31 feet to the Southeastly line of said Certificate of Survey; Thence S 41°50'08" W and coincident with said Southeastly line a distance of 80.01 feet to the point of beginning containing 10,528 sq. ft., or 0.242 acres.

AREA TO BE ACQUIRED: 10,528 S.F.
 AREA OF TEMPORARY CONSTRUCTION PERMIT: 6,545 S.F.



PRELIMINARY

LEGEND

- RIGHT-OF-WAY ACQUISITION
- CONSTRUCTION PERMIT

CITY OF BILLINGS, MONTANA
RIGHT-OF-WAY EXHIBIT

CITY W.O. 05-20 PARCEL 5

THIS EXHIBIT IS PREPARED FROM THE CITY OF BILLINGS, MONTANA
RIGHT-OF-WAY PLAN.

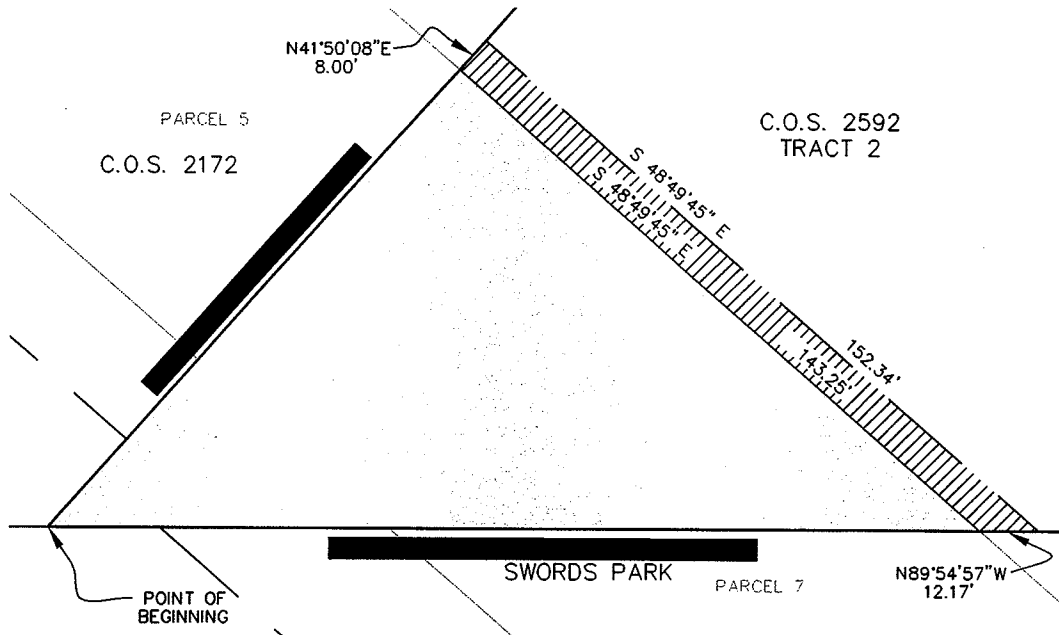


ENGINEERING, INC.
Consulting Engineers and Land Surveyors

1300 North Tronchek Way
Billings, Montana 59102
Phone (406) 656-3255
www.eniinc.com

EXHIBIT B

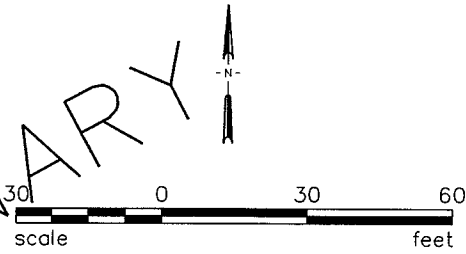
RIGHT-OF-WAY ACQUISITION AND TEMPORARY CONSTRUCTION PERMIT COS 2592 TRACT 2 YELLOWSTONE COUNTY, MONTANA



ARONSON AVENUE RIGHT-OF-WAY
ACQUISITION DESCRIPTION
PARCEL No. 6
TAX CODE D05588

Beginning at a point on the Westerly line of Certificate of Survey 2592, said point being the Southwest corner of Certificate of Survey 2592, Tract 2; Thence N 41°50'08" E coincident with the Westerly line of said Tract a distance of 126.20 feet; Thence leaving said Westerly line S 48°49'45" E a distance of 143.25 feet to the mid section line and Southerly line of said Tract; Thence N 89°54'57" W coincident with said Southerly line a distance of 191.99 feet to the point of beginning, containing an area of 9,038 sq. ft., or 0.207 acres.

AREA TO BE ACQUIRED: 9,038 S.F.
AREA OF TEMPORARY CONSTRUCTION PERMIT: 1,182 S.F.



PRELIMINARY

- LEGEND**
- RIGHT-OF-WAY ACQUISITION
 - CONSTRUCTION PERMIT

CITY OF BILLINGS, MONTANA
RIGHT-OF-WAY EXHIBIT

CITY W.O. 05-20 PARCEL 6
THIS EXHIBIT IS PREPARED FROM THE CITY OF BILLINGS, MONTANA
RIGHT-OF-WAY PLAN.



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