

May 25, 2017

ITEM 175-1504-R0517

Reconcile Legal Settlement of Property Ownership through Land Exchanges and/or Property Use and/or Settlement Agreements between Butte Silver Bow County and Montana Tech of the University of Montana

THAT

The Board of Regents of the Montana University System authorizes Montana Tech to proceed with clarification of land ownership and use, exchange of land and granting of a perpetual easement with Butte Silver Bow County.

EXPLANATION

Montana Tech and Butte Silver Bow County have been working together to legally resolve, clarify and ultimately exchange some parcels of land that is owned by one party and has historically been used by the other party. During this process, it became clear that in addition to the land exchanges being proposed, there are areas that are better suited to being recognized through a lease or perpetual easement agreement.

The following areas have been identified on the attached map as those areas potentially impacted by the Memorandum of Understanding:

- Orange – Represents land currently owned by Montana Tech to be exchanged to Butte Silver Bow County. This land includes a portion at the west end of Park Street which will be conveyed through a perpetual easement or dedication of the land for use as a public road.
- Yellow – Represents land currently owned by Butte Silver Bow County to be leased to Montana Tech for 100 years with options to renew in 50 year increments.
- Pink – This land is owned by Butte Silver Bow County with all rights and ownerships proposed to be retained. This information is shown for the benefit of the adjacent landowners south of the walking trail to ensure that landowners know ownership of this property will remain with Butte Silver Bow County.
- Green – Represents parking lots and other vacant space owned by Butte Silver Bow County and currently used by Montana Tech. Proposal is to give ownership to Montana Tech.
- Blue – Represents alleys and streets owned by Butte Silver Bow County within the campus boundary. Proposal is to abandon the streets and alleys as identified.

Butte Silver Bow County drafted the attached non-binding MOU to signify the agreement in principle to work toward resolution. Montana Tech and Butte Silver Bow County upon approval by their respective boards will execute the Memorandum of Understanding and proceed with obtaining the necessary paperwork and notices in accordance with Board policy 1003.6. The final documents will come before the Board at a later date.

ATTACHMENTS

- Attachment #1 – Memorandum of Understanding
- Attachment #2 – Map of Property