

RESOLUTION NO. 4262

A RESOLUTION ACCEPTING A PUBLIC UTILITIES EASEMENT, AND RESPONSIBILITY FOR OPERATIONS AND MAINTENANCE OF SEWER LINES AND LIFT STATIONS, AT WESTWOOD ESTATES TRAILER PARK.

WHEREAS, Paul Ellis, owner of Westwood Estates trailer park has granted a public utility easement to the City of Miles City for operation, inspection, repair, replacement, and maintenance of water and sewer lines and lift stations associated with said trailer park;

AND WHEREAS, the City desires to accept said easement, and assume responsibility for said water and sewer lines and lift stations;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The City of Miles City adopts the Public Utilities Director's staff report as findings of fact in support of this approval, attached hereto as Exhibit "A."
2. The City of Miles City hereby accepts the dedication of a public utilities easement, as well as responsibility for operations and maintenance of the Westwood Estates trailer park water and sewer lines and lift stations, as set forth in the easement attached hereto as Exhibit "B."
3. The Mayor of the City of Miles City is hereby empowered and authorized to execute said easement, and to accept the same on behalf of the City of Miles City.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A REGULAR MEETING THIS 9TH DAY OF JULY, 2019.



John Hollowell, Mayor

ATTEST:



Lorrie Pearce, City Clerk

Paul Ellis
Ellis Rentals LLC
PO Box 3486
Bozeman, MT 59772

May 22, 2019

City of Miles City
17 South 8th Street
Miles City, MT 59301

RE: City to Assume Responsibility of Water & Sewer Lines & Lift Stations found within the Westwood Estates Mobile Home Park

Dear Mr. Mayor and City Council Members

I am requesting that the City of Miles City assume operation and maintenance of all water and sewer lines to also include all lift stations, found within the Westwood Estates Mobile Home Park, located at 900 Albert Drive Miles City, MT 59301. The City will also be responsible for all utilities for the operation of the lift stations.

I will also agree to signing a typical/reasonable legal easement for access to water and sewer lines and lift stations. I would require the City of Miles City to provide a drawing of any proposed easements for approval.

Thank you for your consideration.

Respectfully,

A handwritten signature in cursive script that reads "Paul Ellis".

Paul Ellis

STAFF REPORT

Department: Public Utilities

Contact: Tom Speelmon 234-3493
tspeelmon@milescity-mt.org

Agenda Item #:

Action: Assuming responsibility for the operations and maintenance of the sewer lines and lift stations at Westwood Estates Trailer Park

RECOMMENDATION

Assuming responsibility for the operations and maintenance of the sewer lines and lift stations at Westwood Estates Trailer Park.

BACKGROUND / ANALYSIS

Alberts Trailer Park was created as a trailer park originally consisting of 17 trailer lots served by a private sewer system. This sewer system emptied into the county sewer line that ran from the plaza to Bullard Lift station. Over the years the number of individual trailer lots has increased to approximately 75. In 1980 the system was changed so the individual trailers emptied into the trailer park sewer main which then emptied into private lift stations, one that was constructed at the south entrance to the trailer park and a smaller lift on the north end of the park that serves 3 lots and discharges into the park sewer main. The south lift station force main delivers the sewage to the City system in a manhole located on Gordon Street between Cottage Grove and Lake Streets.

The City's position has always been that since the subdivision was created by lots for rent or lease and no easements or utilities were dedicated to the city, those utilities remain private property which the City does not maintain. Maintenance on, and operation of the sewer lines and lift stations within the trailer park were the responsibility of the trailer park owner as the entire system is on private property. The trailer park only has one connection to the city system and in theory should have been billed for one connection with usage based on the combined water usage of all the trailers with active water connections. Our record, as far back as the mid 70's, indicate that some trailers were charged an individual connection fee and some were not. There does not seem to be any rhyme or reason to which ones were and which ones weren't. In 2005 the records indicate that as of January 1st of that year all occupied trailers were charged for individual sewer service. There is no documentation as to why this was done. All the occupied trailers are currently being charged for individual connections. Mr. Paul Ellis, the current owner, contends that a portion of the fees collected by the City should actually go to him to cover the operation and maintenance of the sewer utilities within the park. He has indicated however, that he would be satisfied with leaving the fee collection as is if the City will assume responsibility for the system. I have inspected the lift stations and Mr. Ellis has repaired all the noted deficiencies at his expense.

FISCAL IMPACT

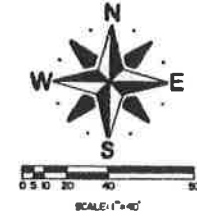
Information provided by Mr. Ellis indicates that the electrical cost to operate the 2 lift stations is approximately \$350 to \$400 annually. The city would install the necessary radio and electronics to integrate the lift into our current alarm system. The weekly inspection cost to the City would be minimal.

EASEMENT

I, the undersigned, do hereby grant unto the City of Miles City, Montana, their successors and assigns, a perpetual non-exclusive access and public utility easement across the area designated on this plan as "Water /Sewer Line utility Easement" to access, use, operate, inspect, repair, maintain, replace and remove water lines, sewer lines and associated structures as may be needed. This easement is deemed to be appurtenant to and for the benefit of the City of Miles City, so as to run with the land.

Paul Ellis
Paul Ellis

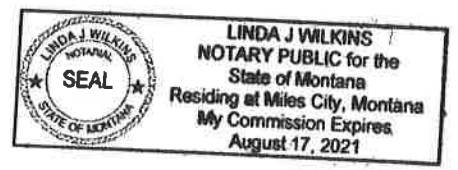
T.8N, R.47E.



On this 26th day of June, 2019, before me, a Notary Public in and for the State of Montana, personally appeared Paul Ellis, known to me to be the person who signed the forgoing instrument and who acknowledged to me that he executed the same. Witness my hand and seal the day and year herein above written

State of Montana
ss
Water County

Linda J. Wilkins
Notary Public in and for the State of Montana
Residing at Miles City, MT
My commission expires August 17, 2021



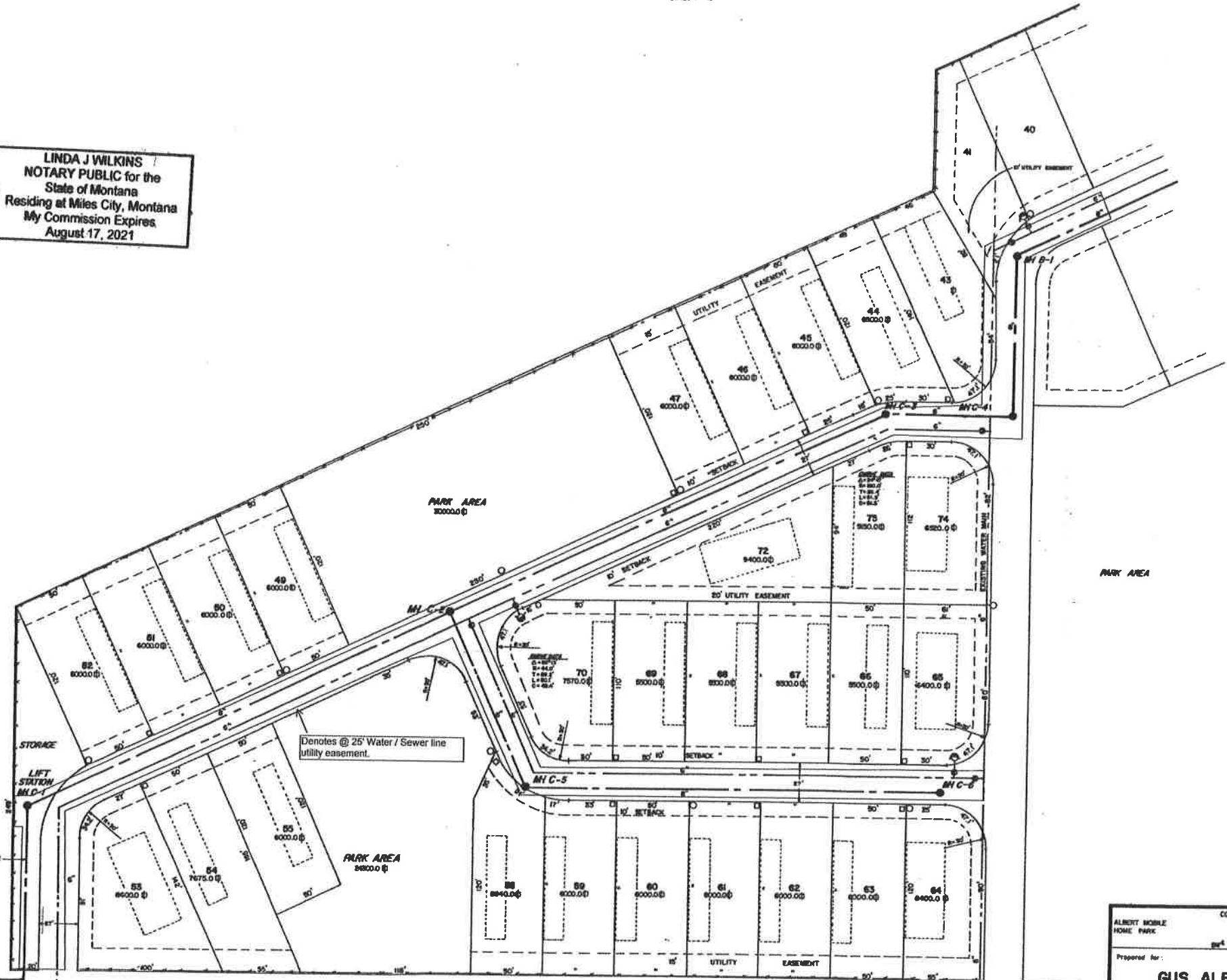
Certificate of Easement Acceptance.

The City Council of Miles City, Montana, hereby certifies that they accept the easement shown on this plan, this 9 day of JULY, 2019.

John Hollowell
John Hollowell
Mayor

attest

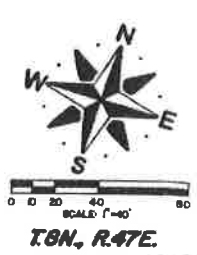
Lorrie Pearce
Lorrie Pearce
City Clerk



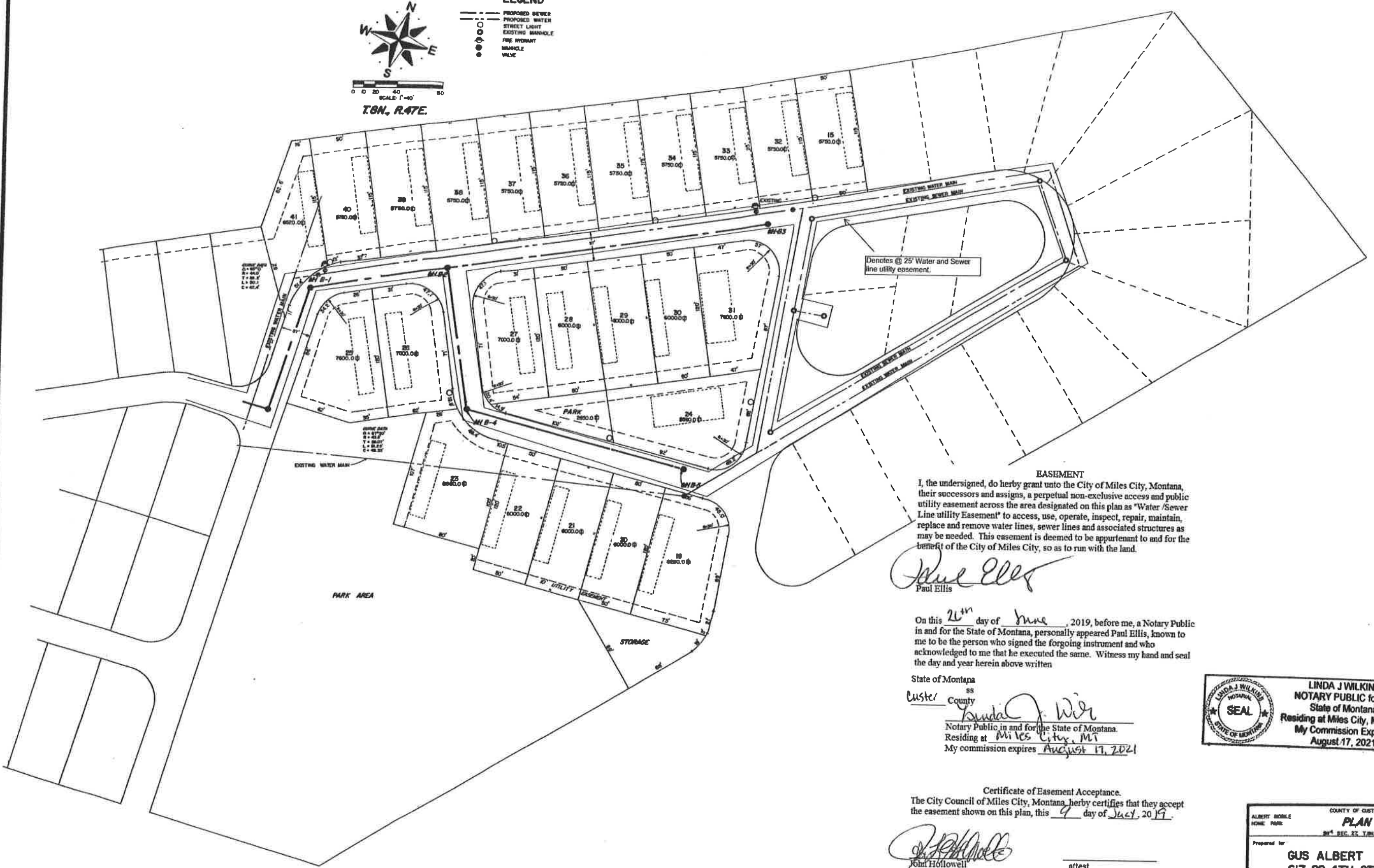
ALBERT MOORE HOME PARK		COUNTY OF OUSTER	
		PLAN	
		SEC. 27, T.8N, R.47E.	
Prepared for:			
GUS ALBERT 617 SO. 4TH STREET MILES CITY, MT. 59301			
LAINS ENGINEERING 1140 MAIN STREET MILES CITY, MT. 59301		Certifying Engineers & Land Surveyors	
DATE DRAWN: 3-7-20		SCALE DRAWN: 1"=40'	
DRAWN BY: W.M.S. & M.H.		CHECKED BY:	
PROJECT NO.: 709664-00			

REVISED 7-17-21
REVISED 7-17-21
Revised June 6, 2019

98
10



LEGEND
 --- PROPOSED SEWER
 --- PROPOSED WATER
 --- STREET LIGHT
 --- EXISTING MANHOLE
 ●●●●● FIRE HYDRANT
 ○○○○○ MANHOLE
 --- WAVE

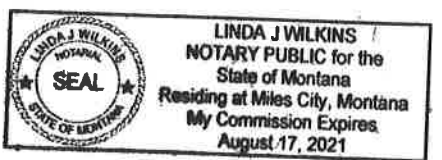


EASEMENT
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Paul Ellis
 Paul Ellis

On this 21st day of June, 2019, before me, a Notary Public in and for the State of Montana, personally appeared Paul Ellis, known to me to be the person who signed the forgoing instrument and who acknowledged to me that he executed the same. Witness my hand and seal the day and year herein above written

State of Montana
 ss
 County Custer
Linda J. Wilkins
 Notary Public in and for the State of Montana.
 Residing at Miles City, MT
 My commission expires August 17, 2021



Certificate of Easement Acceptance.
 The City Council of Miles City, Montana, hereby certifies that they accept the easement shown on this plan, this 9 day of July, 2019.

John Hollowell
 John Hollowell
 Mayor

 attest
Lorrie Pearce
 Lorrie Pearce
 City Clerk

COUNTY OF CUSTER		M.P.R.
ALBERT MOBLE	HOME PLAN	
PLAN		
M ¹ SEC. 22, T8N, R47E		
Prepared for		
GUS ALBERT 617 SO. 4TH STREET MILES CITY, MT 59301		
PLAINS ENGINEERING 1413 MAIN STREET MILES CITY, MT 59301		Consulting Engineers & Land Surveyors
DATE DRAWN: 2-25-19	SCALE DRAWN: 1"=40'	10
DRAWN BY: KRS & BRH	CHECKED BY:	
PROJECT NO.: 799224-00		

REVISIONS
 10-2-19
 2-16-19
 7-7-19