

Return To:
City of Miles City, Montana
P.O. Box 910
Miles City, MT 59301

175642 Fee: \$28.00

Custer County Recorded 9/25/2020 At 12:27 PM

Linda Corbett, Clk & Rcdr By *Lisa Wagner*

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MILES CITY MT 59301

RESOLUTION NO. 4369

A RESOLUTION ASSIGNING A REVOCABLE LICENSE FROM BERT BOUGHTON AND BYRON BOUGHTON TO BAR 9 GROUP LLC FOR AN ENCROACHMENT UPON CITY OF MILES CITY PROPERTY, FOR THE BENEFIT OF TRACT 4A OF THE INDUSTRIAL SITES, WEST OF MILES CITY.

WHEREAS, BERT BOUGHTON and BRYON BOUGHTON were previously granted a revocable license for an encroachment upon certain real property owned by the City of Miles City, which is depicted as a platted street but not fully developed, upon which a pole barn owned by the applicants is located, said pole barn being used in connection with other buildings located on applicants' adjacent property, described as:

Tract 4A of the Industrial Sites located west of the City of Miles City, Custer County, Montana as depicted in Certificate of Survey No. 91209, in Envelope 284-B, on file in the office of the Clerk and Recorder of Custer County, Montana.

AND WHEREAS, said license was granted by Resolution No. 4126, and subsequently recorded as Document No. 169780;

AND WHEREAS, BERT BOUGHTON is now deceased, and BYRON BOUGHTON has applied to have said license assigned from himself, to his company, identified as BAR 9 GROUP LLC;

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

It does hereby assign to BAR 9 GROUP LLC, a Montana limited liability company, the previously granted revocable license recorded with the Clerk and Recorder in and for Custer County, Montana, as Document No. 169780, to maintain a certain pole barn which is approximately 54 feet by 32 feet in size, with said license granting the use of a parcel of land approximately 75 feet by 35 feet, as set forth in the attached Exhibit "A", and subject to the following terms and conditions:


1. Licensee shall continue to pay to the City of Miles City the sum of four hundred fifty and 00/100 dollars (\$450) per year, due and payable on the 1st day of July of each year.
2. In the event the pole barn located upon this license is destroyed or removed, this license shall terminate, and licensee shall, at licensee's expense, restore the location to compacted, level grade within ninety (90) days.
3. This license shall terminate and licensee shall, at licensee's expense, restore the location to compacted, level grade, upon ninety (90) days advanced written notice to licensee by the City of Miles City.
4. Licensee agrees, by accepting the terms of the license granted herein, that licensee shall indemnify, defend and hold the City of Miles City harmless from any and all claims arising out of licensee's use or maintenance of the licensed area.
5. This license shall be recorded with the Clerk and Recorder for Custer County, Montana, and shall run with the above described real property, subject to the terms, conditions and right to terminate provided herein.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,
MONTANA, THIS 22ND DAY OF SEPTEMBER, 2020.**



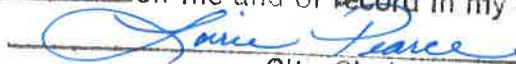
John Hollowell, Mayor

ATTEST:



Lorrie Pearce, City Clerk

I, the undersigned being the duly qualified and acting City Clerk of the City of Miles City, Montana, hereby certify that the above is a full, true and correct copy of the original Resolution No. 4369 on me and of record in my office.



City Clerk

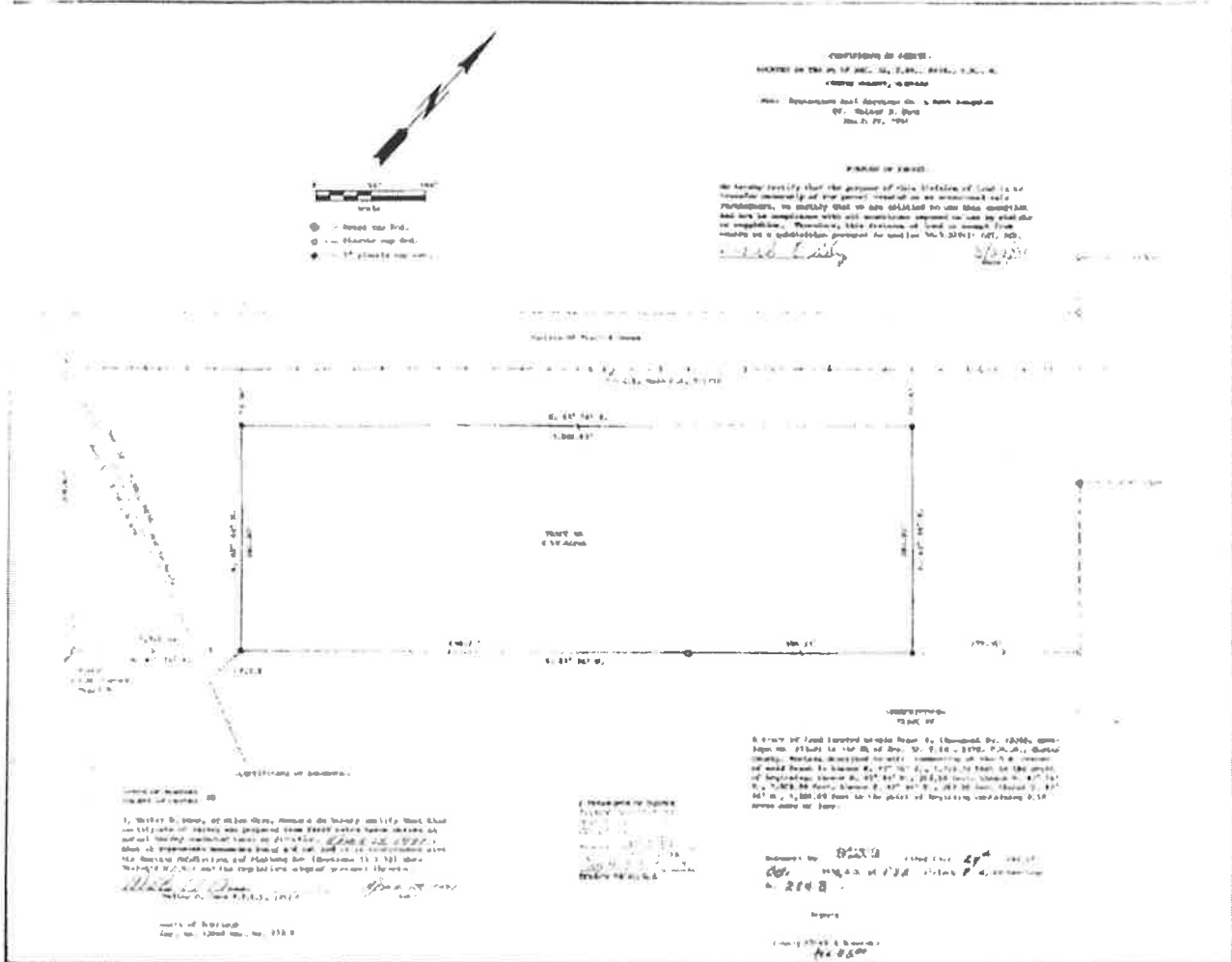
EXHIBIT A - LOCATION



*Outline is approximation of license area

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EXHIBIT B - PLAT



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