

RESOLUTION NO. 3488

A RESOLUTION OF THE CITY COUNCIL OF RED LODGE, MONTANA AUTHORIZING THE MAYOR TO SIGN A QUITCLAIM DEED

WHEREAS, the City of Red Lodge was named as Defendant in a lawsuit filed in 2016 by Karen C. Jarussi and a separate case filed by Sandra L. Farber Trust against the Montana Department of Transportation and the City of Red Lodge; and

WHEREAS, the lawsuits involve a property line dispute between the Jarussi landowners and the Sandra L. Farber Trust beneficiaries; and

WHEREAS, the basis of the suit is a property line/ownership dispute between the Jarussi's and Sandra L. Farber Trust, and inclusion of the City of Red Lodge in the lawsuit is due to a quitclaim deed executed by Burlington Northern Railway Company signed on January 24, 1986; and

WHEREAS, the Plaintiff, Karen Jarussi, alleges that the quit claim deed is valid and the Defendant's allege that when Burlington Northern Railway Company (hereinafter referred to as BNRC) executed the deed to the City of Red Lodge in 1986 that BNRC no longer had a property interest in the abandoned right-of-way to deed to the City of Red Lodge; and

WHEREAS, the Defendant's position is that since BNRC no longer had a property interest in the abandoned railroad right of way that the conveyance to the City of Red Lodge in 1986 conveyed no legal title to the City; and

WHEREAS, in 2017, then City Attorney, Sam Painter, prepared and filed in the case of Sandra L. Farber Trust v. Montana Department of Transportation and City of Red Lodge (DV 16-100) and Karen C. Jarussi v. Montana Department of Transportation, et., al., two (2) disclaimers in the two separate cases disclaiming any interest that the City of Red Lodge might have in the property subject of the lawsuits.

WHEREAS, the City passed Resolution No. 3487 on July 24, 2018 in which the Council authorized Mayor Larson to execute a quitclaim deed to the Plaintiff, Karen Jarussi; and

WHEREAS, the City Attorney has spoken with the attorney for the Defendant who has requested that the City also quitclaim any interest it may have to the Sandra L. Farber Trust; and

NOW THEREFORE BE IT RESOLVED by the City Council:

That the City Council of the City of Red Lodge hereby authorizes the Mayor, William Larson, to execute a quit claim deed to the Sandra L. Farber Trust conveying what if any title or interest the city may have in the abandoned railroad right of way.

INTRODUCED at a Regular meeting of the City Council on August 14, 2018 by Council Member

_____.

PASSED AND APPROVED BY THE RED LODGE CITY COUNCIL on this 14th day of August 2018.

City of Red Lodge:

Attest:



WILLIAM LARSON, Mayor



LONI HANSON, City Clerk



REBECCA NARMORE, City Attorney