

COUNCIL RESOLUTION NO. 14-13

1 A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THAT  
2 PORTION OF AN ALLEY WITHIN BLOCK TWENTY-EIGHT (28) OF THE BUTTE  
3 TOWNSITE ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW,  
4 STATE OF MONTANA, PRESCRIBING THE EFFECTIVE DATE OF THIS  
5 RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

6 For the purpose of this Resolution the Council of  
7 Commissioners of the City and County of Butte-Silver Bow, State  
8 of Montana, find the following facts, to-wit:

9 (A) That The City And County of Butte-Silver Bow, whose  
10 address is 155 W. Granite Street, Butte, Montana 59701,  
11 owner of Lots 19 thru 22 of Block 28 & the S. 77.2' of  
12 Lot 23 and the W 20.4 ' of the S 77.6' of Lot 24 of the  
13 Butte Townsite Addition to the City and County of  
14 Butte-Silver Bow, State of Montana, caused to be  
15 presented to the Council of

1           Commissioners at its Regular meeting held on the  
2           16<sup>th</sup> day of April, 2014, a Petition numbered and  
3           designated as Petition No. 14-2, praying for a  
4           Resolution vacating, closing, discontinuing and  
5           abandoning that portion of the North-South Alley  
6           located in Block 28 of the Butte Townsite Addition;  
7           that the Council of Commissioners, thereafter on  
8           the 2<sup>nd</sup> day of April, 2014, fixed and appointed the  
9           time and place for hearing on Petition No. 14-2,  
10          and directed that Notice of the time and place for  
11          hearing be given on the 6th day of April, 2014 and  
12          the 13th day of April, 2014, according to law; that  
13          the Notice of time and place of hearing on Petition  
14          No. 14-2 was given according to law and the order  
15          of the Council of Commissioners; that at the time  
16          and place fixed and appointed for the hearing of  
17          Petition No. 14-2, and as designated in the Notice,  
18          the Council of Commissioners held and conducted a  
19          public hearing on Petition No. 14-2, during and in  
20          due course of its meeting on the 16<sup>th</sup> day of April,  
21          2014; that after the hearing the Council of

1           Commissioners approved Petition No. 14-2, and  
2           directed the preparation and presentation of this  
3           Resolution at the Regular meeting of the Council of  
4           Commissioners on the 7th day of May, 2014.

5           (B) That Applicant The City and County of Butte-Silver  
6           Bow is the owner of more than 50% of that portion  
7           of the North-South Alley located in Block 28 of the  
8           Butte Townsite Addition. Such ownership constitutes  
9           more than fifty percent of the property owners on  
10          the street or alley as required by Section 7-14-  
11          4114(1)(b)(i), MCA.

12          (C) That portion of the North-South Alley located in  
13          Block 28 of the Butte Townsite Addition sought to  
14          be vacated, closed, discontinued and abandoned by  
15          Petition No. 14-2, is described in Section "A"  
16          above, and the same shall hereinafter be referred  
17          to as "The Subject Tract."

18          (D) That the Subject Tract can be vacated, closed,  
19          discontinued and abandoned without detriment to the  
20          public interest and without compensation to the  
21          public for the loss of future use.

1           And, the findings aforesaid being fully understood and  
2 considered by the Council of Commissioners and a good cause  
3 appearing for this Resolution:

4           NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF  
5 COMMISSIONERS OF THE CITY AND COUNTY OF BUTTE-SILVER BOW,  
6 STATE OF MONTANA, AS FOLLOWS, TO-WIT:

7 SECTION 1:           That portion of the North-South Alley located  
8                           in Block 28 of the Butte Townsite Addition,  
9                           Section 13, T#N, R7W, to the City and County  
10                          of Butte- Silver Bow described as follows:

11                       That portion of an alley within Block 28 of  
12                       the Butte Townsite beginning a the Northeast  
13                       corner of Lot 19, Block 28 and proceeding  
14                       southerly along the East lot lines of Lots 19  
15                       thru 22 to the Southeast corner of Lot 22, a  
16                       distance of 113.76 feet; thence easterly  
17                       along an extension of the South lot line of  
18                       Lot 22 to the Southwest corner of Lot 23, a  
19                       distance of 16 feet; thence northerly along  
20                       the West lot line of Lot 23 to the Northwest  
21                       corner of Lot 23, a distance of 113.61 feet'

1                   thence westerly along an extension of the  
2                   North lot line of Lot 23 to the Northeast  
3                   corner of Lot 19, a distance of 16 feet, to  
4                   the place of beginning, containing  
5                   approximately 1,820 square feet.

6   SECTION 2:       That portion of the North-South alley located  
7                   in Block 28 of the Butte Townsite Addition,  
8                   described in Section 1 above, be and the same  
9                   is hereby vacated, closed, discontinued and  
10                   abandoned.

11   SECTION 3:      The vacation of that portion of the North-  
12                   South alley located in Block 28 of the Butte  
13                   Townsite Addition described in Section 1  
14                   above, shall not affect the right of any  
15                   public utility to continue to maintain its  
16                   plant and equipment in such street.

17   SECTION 4:      This Resolution shall be in full force and  
18                   effect immediately upon passage and approval.

19  
20                   PASSED this \_\_\_\_\_ day of \_\_\_\_\_,  
21                   2014.  
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CINDI SHAW  
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_,  
2014.

\_\_\_\_\_  
MATT VINCENT  
CHIEF EXECUTIVE

ATTEST:

SALLY J. HOLLIS  
CLERK AND RECORDER

\_\_\_\_\_  
BY \_\_\_\_\_  
\_\_\_\_\_  
ITS \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
EILEEN JOYCE  
COUNTY ATTORNEY

\_\_\_\_\_  
WILLIAM O. ANDERSEN  
CHAIRMAN, JUDICIARY COMMITTEE