

COUNCIL RESOLUTION NO. 15-11

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THAT PORTION OF RUSSELL STREET ADJOINING LOTS 1 AND 3 WITHIN BLOCK V OF THE TOWNSITE OF RAMSAY (PLAT 87B) SITUATED IN THE SW1/4 OF SECTION 14 AND THE NW1/4 OF SECTION 23, TOWNSHIP 3 NORTH, RANGE 9 WEST, PRINCIPAL MERIDIAN MONTANA, BUTTE-SILVER BOW COUNTY, STATE OF MONTANA PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

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

- (A) That Jerry J. and Ellen Earhart, whose address is P.O. Box 6, Ramsay, Montana 59748, owners of Lots 1, 2, and 3, Block V of the Ramsay Townsite, and Lots 17-21 of the Ramsay First Addition, whose property interests are more clearly shown and identified on that map marked as Exhibit "A" attached hereto and by this reference incorporated herein, caused to be presented to said Council of Commissioners at its Regular meeting held on the 15th day of April, 2015, a Petition numbered and designated as Petition No. 15-1, praying for a Resolution vacating, closing, discontinuing and abandoning that

portion of Russell Street adjoining Lots 1 and 3, Block V of the Townsite of Ramsay; that said Council of Commissioners, thereafter on the 4th day of March, 2015, fixed and appointed the time and place for hearing said Petition No. 15-1, and directed that Notice of said time and place for hearing be given on the 22nd day of March, 2015 and the 29th day of March, 2015, according to law; that said Notice of time and place of hearing said Petition No. 15-1 was given according to law and the order of said Council of Commissioners; that at the time and place fixed and appointed for the hearing of said Petition No. 15-1, and as designated in said Notice, said Council of Commissioners held and conducted a public hearing on said Petition No. 15-1, during and in due course of its meeting on the 1st day of April, 2015; that after said hearing said Council of Commissioners approved said Petition No. 15-1, and directed the preparation and presentation of this Resolution at the Regular meeting of said Council of Commissioners on the 15th day of April, 2015.

(B) That the Jerry J. and Ellen Earhart are the owners of

100% of the portion of Russell Street adjoining Lots 1 and 3, Block V of the Townsite of Ramsay, and this constitutes more than fifty percent of the property owners on the street or alley as required by Section 7-14-4114(1)(b)(i), MCA.

(C) That portion of Russell Street adjoining Lots 1 and 3, Block V of the Townsite of Ramsay sought to be vacated, closed, discontinued and abandoned by said Petition No. 15-1, is described in Section "A" above, and the same shall hereinafter be referred to as "The Subject Tract."

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

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

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

SECTION 1: That the unified Government of the City and

County of Butte-Silver Bow, a Municipal Corporation and political subdivision of the State of Montana, does hereby consent to and concur with the closing, vacating, discontinuing and abandonment of that portion of Russell Street adjoining Lots 1 and 3, Block V of the Townsite of Ramsay which is more particularly described as that portion of Russell Street adjoining Lots 1 and 3, Block V of the Townsite of Ramsay Butte-Silver Bow County, State of Montana, described as follows: Beginning at the northeast corner of said Lot 3; thence, along the easterly boundary of said Lot 3 and Lot 1, South $27^{\circ}57'49''$ East, 150.00 feet to the southeast corner of said Lot 1; thence, North $04^{\circ}09'41''$ West, 59.25 feet to the southwest corner of the Ramsay School District Tract; thence, along the westerly boundary of said School Tract, North $00^{\circ}06'43''$ East, 108.65 feet; thence along the southerly boundary of Lot 17 of the Ramsay Addition No. 1, South $61^{\circ}58'45''$ West, 75.05 feet to the Point of Beginning, containing an area of 0.124 acres

(5,389 square feet).

SECTION 2: That portion of Russell Street adjoining Lots 1 and 3, Block V of the Townsite of Ramsay, described in Section 1 above, be and the same is hereby vacated, closed, discontinued and abandoned.

SECTION 3: The vacation of that portion of Russell Street adjoining Lots 1 and 3, Block V of the Townsite of Ramsay described in Section 1 above, shall not affect the right of any public utility to continue to maintain its plant and equipment in such street.

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

PASSED this ____ day of _____, 2015.

CINDI SHAW
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this ____ day of _____, 2015.

MATT VINCENT
CHIEF EXECUTIVE

ATTEST:

SALLY J. HOLLIS
CLERK AND RECORDER

BY _____
ITS _____
APPROVED AS TO FORM:

EILEEN JOYCE
COUNTY ATTORNEY

DAVID WALKER
CHAIRMAN, JUDICIARY COMMITTEE

Street Closure
 Petition No. 15-1
 Jerry E. & Ellen Earhart

SCHOOL DIST #3
 BK. 261/593
 261/593
 3.10 AC.

8.10 AC. C. OF

School Lot

RAMSAY

LAIRD

RAMSAY

PALMER

RUSSELL ST.

LAIRD AVE

MARTIN ST.

TOWNSITE

PALMER AVE.

Legend

-  Mining Claim
-  Platted Lot
-  Street
-  Area to be Closed

