

COUNCIL RESOLUTION NO. 16-55

1 A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THAT
2 PORTION OF THE EIGHT FOOT ALLEY THAT RUNS EAST TO WEST LOCATED IN
3 BLOCK 3 OF THE ROCKER TOWNSITE ON THE WEBSTER LODE AND ADJACENT TO
4 THE W 20' OF LOT 3, ALL OF LOTS 4 THROUGH 7, LOCATED WITHIN
5 SECTION 22, TOWNSHIP 03 NORTH AND RANGE 08 WEST, IN THE CITY AND
6 COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, AND ADJACENT TO
7 TRACK K OF THE SPIER AND BAUER PLACER #1445 LOCATED WITHIN SECTION
8 21, TOWNSHIP 03 NORTH, RANGE 8 WEST OF THE CITY AND COUNTY OF
9 BUTTE-SILVER BOW, STATE OF MONTANA AND PRESCRIBING THE EFFECTIVE
10 DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

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

14 (A) That Bonnie Lou Petersen, whose address is 1106 Cougar
15 Lane, Butte, Montana 59701, owner of the West 20' of Lot 3,
16 all of Lots 4 through 7 Block 03 of the Rocker Townsite on
17 the Webster Lode, Section 21, Township 03 North, Range 08
18 West, located within the City and County of Butte-Silver Bow,
19 State of Montana, and the City and County of Butte-Silver Bow
20 State of Montana, owner of Tract K of the Spier and Bauer
21 Placer #1445, located within Section 21, Township 03 North,

1 Range 08 West, in the City and County of Butte-Silver Bow,
2 State of Montana, whose property interests are more clearly
3 shown and identified on that map marked as Exhibit "A"
4 attached hereto and by this reference incorporated herein,
5 caused to be presented to the Council of Commissioners at its
6 Regular meeting held on the 6th day of July, 2016, a Petition
7 numbered and designated as Petition No. 16-3, praying for a
8 Resolution vacating, closing, discontinuing and abandoning
9 that portion of the eight foot alley that runs East to West
10 adjacent to the W. 20' of Lot 3, all of lots 4 through 7, in
11 Block 3 of the Rocker Townsite on the Webster Lode located in
12 Section 22, Township 03 North and Range 08 West, within the
13 City and County of Butte-Silver Bow, State of Montana and
14 adjacent to Tract K of the Spier and Bauer Placer #1445,
15 located within Section 21, Township 03 North, Range 08 West,
16 in the City and County of Butte-Silver Bow, State of Montana;
17 that said Council of Commissioners, thereafter on the 20th
18 day of July 2016, fixed and appointed the time and place for
19 hearing said Petition No. 16-3, and directed that Notice of
20 said time and place for hearing be given on the 24th day of
21 July, 2016 and the 31st day of July 2016, according to law;
22 that said Notice of time and place of hearing said Petition

1 No. 16-3 was given according to law and the order of said
2 Council of Commissioners; that at the time and place fixed
3 and appointed for the hearing of said Petition No. 16-3, and
4 as designated in said Notice, said Council of Commissioners
5 held and conducted a public hearing on said Petition No. 16-
6 3, during and in due course of its meeting on the 3rd day of
7 August, 2016; that after said hearing said Council of
8 Commissioners approved said Petition No. 16-3, and directed
9 the preparation and presentation of this Resolution at the
10 Regular meeting of said Council of Commissioners on the 17th
11 day of August, 2016.

12 (B) That Bonnie Lou Petersen is the owner of the W. 20' of
13 Lot 3, all of lots 4 through 7, in Block 3 of the Rocker
14 Townsite on the Webster Lode Section 22, Township 03 North
15 and Range 08 West, located within the City and County of
16 Butte-Silver Bow, State of Montana; and the City-County is
17 owner of Tract K of the Spier and Bauer Placer #1445, located
18 in Section 21, Township 03 North, Range 8 West, within the
19 City and County of Butte-Silver Bow, State of Montana and
20 this constitutes more than fifty percent of the property
21 owners on the street or alley as required by Section 7-14-
22 4114(1)(b)(i), MCA.

1 (C) That the alley adjacent to the W. 20' of Lot 3, all of
2 Lots 4 through 7, in Block 3 of the Rocker Townsite on the
3 Webster Lode Section 22, Township 03 North and Range 08
4 West, located within the City and County of Butte-Silver
5 Bow, State of Montana and adjacent to Tract K of the Spier
6 and Bauer Placer #1445, located in Section 21, Township 03
7 North, Range 8 West within the City and County of Butte-
8 Silver Bow, State of Montana; sought to be vacated, closed,
9 discontinued and abandoned by said Petition No. 16-3, is
10 described in Section "A" above, and the same shall
11 hereinafter be referred to as "The Subject Tract."

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

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

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

22 SECTION 1: That the unified Government of the City and

1 County of Butte-Silver Bow, a Municipal
2 Corporation and political subdivision of the
3 State of Montana, does hereby consent to and
4 concur with the closing, vacating, discontinuing
5 and abandonment of the dedicated alley,
6 specifically the Subject Tract, adjacent to the W
7 20' of Lot 3, all of lots 4 through 7, in Block 3
8 of the Rocker Townsite on the Webster Lode,
9 Section 22, Township 03 North and Range 08 West,
10 City-County of Butte-Silver Bow, State of Montana,
11 and adjacent to adjacent to Tract K of the Spier
12 and Bauer Placer #1445, located in Section 21,
13 Township 03 North, Range 8 West within the City
14 and County of Butte-Silver Bow, State of Montana
15 as described above, containing an area of .03
16 acres or 1,226 square feet.

17
18 SECTION 2: That the dedicated alley, specifically the Subject
19 Tract as described above in Section 1 above, be
20 and the same is hereby vacated, closed,
21 discontinued and abandoned.

22 SECTION 3: The vacation of the dedicated alley described in
23 Section 1 above, shall not affect the right of any

1 public utility to continue to maintain its plant
2 and equipment.

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

5 PASSED this ____ day of _____, 2016.

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9 _____
10 CINDI SHAW
11 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

12 APPROVED this ____ day of _____, 2016.

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16 _____
17 MATT VINCENT
18 CHIEF EXECUTIVE

19 ATTEST:

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21 SALLY J. HOLLIS
22 CLERK AND RECORDER

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26 BY _____
27 ITS _____
28 APPROVED AS TO FORM:

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33 _____
34 EILEEN JOYCE
35 COUNTY ATTORNEY

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38 _____
39 DAVID WALKER
40 CHAIRMAN, JUDICIARY COMMITTEE

