

COUNCIL RESOLUTION NO. 17-61

1 A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A
2 PORTION OF BUSCH STREET, ADJACENT TO LOTS ONE (1) THRU SIX (6) IN
3 BLOCK NINE(9) OF THE HURLBURT ADDITION AND LOT FIVE (5) A OF
4 CERTIFICATE OF SURVEY 953B-RB IN THE CITY AND COUNTY OF BUTTE-
5 SILVER BOW, STATE OF MONTANA, LOCATED IN THE SOUTHEAST QUARTER
6 (SE1/4) OF SECTION THIRTY (30), TOWNSHIP THREE (3) NORTH, RANGE
7 SEVEN (7) WEST, P.M.M., CONTAINING APPROXIMATELY 0.2582 ACRES OR
8 11,250.00 SQUARE FEET, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A";
9 FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE
10 DATE OF THIS RESOLUTION.

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 Carol Mungas, Personal Representative for the
15 Estate of Mary Malyevac, 15807 W. Heritage Drive, Sun City,
16 Arizona 85375-6669, owner of the property described in
17 Exhibit "A" attached and incorporated herein, caused to be
18 presented to the Council of Commissioners at its Regular
19 meeting held on the 16th day of August, 2017, a Petition
20 numbered and designated as Petition No. 17-2, praying for a
21 Resolution vacating, closing, discontinuing and abandoning a

1 portion of Busch Street, adjacent to Lots One (1) thru Six
2 (6) in Block Nine (9) of the Hurlburt Addition and Lot Five
3 (5) A of Certificate of Survey 953B-RB in the City and County
4 of Butte-Silver Bow, State of Montana, more particularly
5 described in Exhibit "A"; that the Council of Commissioners,
6 thereafter fixed and appointed the time and place for hearing
7 Petition No. 17-2, and directed that Notice of the time and
8 place for hearing be given on the 10th and 17th days of
9 September, 2017 according to law; that the Notice of time and
10 place of hearing Petition No. 17-2 was given according to law
11 and the order of the Council of Commissioners; that at the
12 time and place fixed and appointed for the hearing of
13 Petition No. 17-2, and as designated in the Notice, the
14 Council of Commissioners held and conducted a public hearing
15 on Petition No. 17-2, during and in due course of its meeting
16 on the 20th day of September; that after the hearing the
17 Council of Commissioners approved Petition No. 17-2, and
18 directed the preparation and presentation of this Resolution
19 at the Regular meeting of the Council of Commissioners on the
20 20th day of September, 2017.

21 (B) That Carol Mungas, Personal Representative for the
22 Estate of Mary Malyevac, together with the other owners of

1 the property described in Exhibit "A" attached and
2 incorporated herein, constitute more than fifty percent of
3 the property owners on the street or alley as required by
4 Section 7-14-4114(1)(b)(i), MCA.

5 (C) That portion of Busch Street, adjacent to Lots One (1)
6 thru Six (6) in Block Nine (9) of the Hurlburt Addition and
7 Lot Five (5) A of Certificate of Survey 953B-RB in the City
8 and County of Butte-Silver Bow, State of Montana, more
9 particularly described in Exhibit "A"; sought to be
10 vacated, closed, discontinued and abandoned by Petition No.
11 17-2, shall hereinafter be referred to as "The Subject
12 Tract."

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

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

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

1 SECTION 1: That the unified Government of the City and
2 County of Butte-Silver Bow, a Municipal
3 Corporation and political subdivision of the
4 State of Montana, does hereby consent to and
5 concurs with the closing, vacating, discontinuing
6 and abandonment of that portion of Busch Street,
7 adjacent to Lots One (1) thru Six (6) in Block
8 Nine (9) of the Hurlburt Addition and Lot Five
9 (5) A of Certificate of Survey 953B-RB in the
10 City and County of Butte-Silver Bow, State of
11 Montana and as more particularly described in
12 Exhibit "A" attached and incorporated herein.

13
14 SECTION 2: That the Subject Tract as described above and
15 depicted in Exhibit "A", is hereby vacated,
16 closed, discontinued and abandoned.

17 SECTION 3: The vacation of the Subject Tract described above
18 and depicted in Exhibit "A" above, shall not
19 affect the right of any public utility to continue
20 to maintain its plant and equipment and in
21 addition, easements for a waterline and
22 telecommunication utilities shall be recorded
23 along with the vacation deed.

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

3 PASSED this ____ day of _____, 2017.
4
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7 _____
8 JOHN MORGAN
9 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

10 APPROVED this ____ day of _____, 2017.
11
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14 _____
15 DAVE PALMER
16 CHIEF EXECUTIVE

17 ATTEST:

18
19 SALLY J. HOLLIS
20 CLERK AND RECORDER
21
22
23

24 _____
25 BY
26 ITS
27 APPROVED AS TO FORM:
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29
30

31 _____
32 EILEEN JOYCE
33 COUNTY ATTORNEY
34
35

36 _____
37 SHERYL RALPH
38 CHAIRMAN, JUDICIARY COMMITTEE

Exhibit A

HARVARD AVE

5A
C.O.F.S. 953B-RB
1.15 AC.

BUSCHIST

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8A

9A

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TRACT A
9

TRAC
TION No. 09-88

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TRACT C

TRACT D

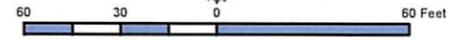
R343/C788

C.O.F.S. 937A-RB

HARRISON AVE

Map Legend

- Platted Lot Boundary (Reference Use Only)
- Area to be Vacated - Dedicated Busch Street
- Building or Structure
- Property Boundary (Reference Use Only)
- Selected Property Ownership (Reference Use Only)
 - Shellenberg, Tom
 - Malyevac, Mary



Street Closure
Petition No. 17-2
Mary Malyevac
Carol Mungas
Personal Representative