

COUNCIL RESOLUTION NO. 16-65

1 A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING AN
2 ALLEY LOCATED IN BLOCK 37 OF THE BUTTE TOWNSITE ADDITION IN THE
3 CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, MORE
4 PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND
5 INCORPORATED HEREIN, FINDING THE NECESSARY FACTS HEREIN AND
6 PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION.

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

10 (A) That the City and County of Butte-Silver Bow, State of
11 Montana, whose address is 155 West Granite Street, Butte,
12 Montana 59701, owner of the property located adjacent to the
13 property described in Exhibit "A" attached and incorporated
14 herein, caused to be presented to the Council of
15 Commissioners at its Regular meeting held on the 7th day of
16 September, 2016, a Petition numbered and designated as
17 Petition No. 16-4, praying for a Resolution vacating,
18 closing, discontinuing and abandoning an alley located in
19 Block 37 of the Butte Townsite Addition in the City and
20 County of Butte-Silver Bow, State of Montana more
21 particularly described in Exhibit "A"; that said Council of

1 Commissioners, thereafter fixed and appointed the time and
2 place for hearing said Petition No. 16-4, and directed that
3 Notice of said time and place for hearing be given on the
4 18th day of September, 2016 and the 25th day of September
5 2016, according to law; that said Notice of time and place
6 of hearing said Petition No. 16-4 was given according to law
7 and the order of said Council of Commissioners; that at the
8 time and place fixed and appointed for the hearing of said
9 Petition No. 16-4, and as designated in said Notice, said
10 Council of Commissioners held and conducted a public hearing
11 on said Petition No. 16-4, during and in due course of its
12 meeting on the 4th day of October; that after said hearing
13 said Council of Commissioners approved said Petition No. 16-
14 4, and directed the preparation and presentation of this
15 Resolution at the Regular meeting of said Council of
16 Commissioners on the 19th day of October, 2016.

17 (B) That the City and County of Butte-Silver Bow, State of
18 Montana, whose address is 155 West Granite Street, Butte,
19 Montana 59701, together with the other owners of property
20 adjacent to the property described in Exhibit "A" attached
21 and incorporated herein, constitute more than fifty percent
22 of the property owners on the street or alley as required by

1 Section 7-14-4114(1)(b)(i), MCA.

2 (C) That the alley located in Block 37 in the Butte
3 Townsite Addition in the City and County of Butte-Silver
4 Bow, State of Montana, more particularly described in
5 Exhibit "A" sought to be vacated, closed, discontinued and
6 abandoned by said Petition No. 16-4, and the same shall
7 hereinafter be referred to as "The Subject Tract."

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

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

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

18 SECTION 1: That the unified Government of the City and
19 County of Butte-Silver Bow, a Municipal
20 Corporation and political subdivision of the
21 State of Montana, does hereby consent to and
22 concur with the closing, vacating, discontinuing

1 and abandonment of the alley located in Block 37
2 of the Butte Townsite Addition in the City and
3 County of Butte-Silver Bow, State of Montana more
4 particularly described in Exhibit "A",
5 specifically the Subject Tract within the City
6 and County of Butte-Silver Bow, State of Montana
7 as described above.

8
9 SECTION 2: That the Subject Tract as described above and
10 depicted in Exhibit "A", is hereby vacated,
11 closed, discontinued and abandoned.

12 SECTION 3: The vacation of the Subject Tract described above
13 and depicted in Exhibit "A" above, shall not
14 affect the right of any public utility to
15 continue to maintain its plant and equipment.

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

18 PASSED this ____ day of _____, 2016.

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22 _____
23 CINDI SHAW
24 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

25 APPROVED this ____ day of _____, 2016.
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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

