

COUNCIL RESOLUTION NO. 16-66

1 A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A
2 PORTION OF WAUKESHA STREET LOCATED IN THE OPEN TREASURE AND
3 EMPIRE ADDITION IN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE
4 OF MONTANA, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED
5 HERETO AND INCORPORATED HEREIN, FINDING THE NECESSARY FACTS
6 HEREIN AND 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 Keith Meagor, whose address is 2112 Hancock
11 Avenue, Butte, Butte, Montana 59701, owner of the property
12 located adjacent to the property described in Exhibit "A"
13 attached and incorporated herein, caused to be presented to
14 the Council of Commissioners at its Regular meeting held on
15 the 7th day of September, 2016, a Petition numbered and
16 designated as Petition No. 16-5, praying for a Resolution
17 vacating, closing, discontinuing and abandoning a portion of
18 Waukesha Street located in the Open Treasure and Empire
19 Addition in the City and County of Butte-Silver Bow, State
20 of Montana more particularly described in Exhibit "A"; that
21 said Council of Commissioners, thereafter fixed and

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

17 (B) That Keith Meagor, whose address is 2112 Hancock
18 Avenue, Butte, Montana 59701, together with the other
19 owners of property adjacent to the property described in
20 Exhibit "A" attached and incorporated herein, constitute
21 more than fifty percent of the property owners on the street
22 or alley as required by Section 7-14-4114(1)(b)(i), MCA.

1 (C) That a portion of Waukesha Street located in the Open
2 Treasure and Empire Addition in the City and County of
3 Butte-Silver Bow, State of Montana, more particularly
4 described in Exhibit "A" sought to be vacated, closed,
5 discontinued and abandoned by said Petition No. 16-5, and
6 the same shall hereinafter be referred to as "The Subject
7 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 a portion of Waukesha Street
2 located in the Open Treasure and Empire Addition
3 in the City and County of Butte-Silver Bow, State
4 of Montana more particularly described in Exhibit
5 "A", specifically the Subject Tract within the
6 City and County of Butte-Silver Bow, State of
7 Montana 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.
19
20

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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

Map Legend

- Addition Boundary
- - - Platted Lot Boundary (Reference Use Only)
- ▨ Area to be Closed
- ▭ Property Boundary (Reference Use Only)
- Building or Structure

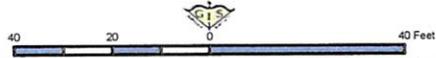


Exhibit "A"

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14 13 12 11

15 16 17 18

Open Treasure Addition

Empire Addition

Big Butte Open Space

8 9 10 11 12 13

Dedicated and Undeveloped Western Avenue

97:00 Feet

Dedicated and Undeveloped Waukesha Street

60:00 Feet

Waukesha Street

6 5 4 3 2 1

N Western Avenue

14 13 12 11

6

Street Closure
Petition No. 16-5
Keith Meagor