COUNCIL RESOLUTION NO. 17-1

A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING A PORTION OF BLUEBIRD STREET ALSO KNOWN AS BOBCAT TRAIL LOCATED IN BLOCK 4 ON THE SPIER AND BAUER ADDITION IN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN, FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION.

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 Walter Daniel Richter and Annette Richter, whose address is 1238 Grizzly Trail, Butte, Butte, Montana 59701, and Lois M. Flanick whose address is 119080 Juniper Acres Road, Butte, Montana 59701 are owners of the property located adjacent to the property described in Exhibit "A" attached and incorporated herein, caused to be presented to the Council of Commissioners at its Regular meeting held on the 4th day of January, 2017, a Petition numbered and designated as Petition No. 16-7, praying for a Resolution vacating, closing, discontinuing and abandoning a portion of Bluebird Street also known as Bobcat Trail located in Block

4 on the Spier and Bauer Addition in the City and County of Butte-Silver Bow, State of Montana, more particularly described in Exhibit "A"; that said Council of Commissioners, thereafter fixed and appointed the time and place for hearing said Petition No. 16-7, and directed that Notice of said time and place for hearing be given on the 25th day of December, 2016 and the 1st day of January 2017, according to law; that said Notice of time and place of hearing said Petition No. 16-7 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. 16-7, and as designated in said Notice, said Council of Commissioners held and conducted a public hearing on said Petition No. 16-7, during and in due course of its meeting on the 4th day of January 2017; that after said hearing said Council of Commissioners approved said Petition No. 16-7, and directed the preparation and presentation of this Resolution at the Regular meeting of said Council of Commissioners on the 4th day of January, 2017.

(B) That Walter Daniel Richter and Annette Richter, whose address is 1238 Grizzly Trail, Butte, Butte, Montana 59701 and Lois M. Flanick whose address is 119080 Juniper Acres

Road, Butte, Montana 59701 are the owners of property adjacent to the property described in Exhibit "A" attached and incorporated herein, constitute 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 a portion of Bluebird Street also known as Bobcat Trail located in Block 4 on the Spier and Bauer Addition in the City and County of Butte-Silver Bow, State of Montana, more particularly described in Exhibit "A" sought to be vacated, closed, discontinued and abandoned by said Petition No. 16-7, 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 abandoning a portion of Bluebird Street also known as Bobcat Trail located in Block 4 on the Spier and Bauer Addition in the City and County of Butte-Silver Bow, State of Montana, more particularly described in Exhibit "A", specifically the Subject Tract within the City and County of Butte-Silver Bow, State of Montana as described above.

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

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

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

PASSED this _____ day of _____, 2017.

_____
JOHN P. MORGAN
CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

APPROVED this _____ day of _____, 2017.

_____
DAVE PALMER
CHIEF EXECUTIVE

ATTEST:

SALLY J. HOLLIS
CLERK AND RECORDER

_____
BY_____
ITS_____
APPROVED AS TO FORM:

_____
EILEEN JOYCE
COUNTY ATTORNEY

_____
SHERYL RALPH
CHAIRMAN, JUDICIARY COMMITTEE