

COUNCIL RESOLUTION NO. 17-33

1 A RESOLUTION VACATING, CLOSING, DISCONTINUING AND ABANDONING THE
2 NORTH TWELVE (12) FEET OF LOT THREE (3), BLOCK EIGHT (8) OF THE
3 GEORGE COBBAN ADDITION IN THE CITY AND COUNTY OF BUTTE-SILVER BOW,
4 STATE OF MONTANA, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A";
5 FINDING THE NECESSARY FACTS HEREIN AND PRESCRIBING THE EFFECTIVE
6 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 of
9 Montana, find the following facts, to-wit:

10 (A) That Michael (Mick) L. and Sheila A. Delaney, whose
11 address is 1901 Garrison Avenue, Butte, Montana 59701,
12 owners of the property described in Exhibit "A" attached and
13 incorporated herein, caused to be presented to the Council of
14 Commissioners at its Regular meeting held on the 3rd day of
15 May, 2017, a Petition numbered and designated as Petition No.
16 17-1, praying for a Resolution vacating, closing,
17 discontinuing and abandoning the north twelve (12) feet of
18 Lot Three (3), Block Eight (8) of the George Cobban Addition
19 in the City and County of Butte-Silver Bow, State of Montana,
20 more particularly described in Exhibit "A"; that said Council
21 of Commissioners, thereafter fixed and appointed the time and

1 place for hearing said Petition No. 17-1, and directed that
2 Notice of said time and place for hearing be given on the
3 21st and 28th days of May, 2017 according to law; that said
4 Notice of time and place of hearing said Petition No. 17-1
5 was given according to law and the order of said Council of
6 Commissioners; that at the time and place fixed and appointed
7 for the hearing of said Petition No. 17-1, and as designated
8 in said Notice, said Council of Commissioners held and
9 conducted a public hearing on said Petition No. 17-1, during
10 and in due course of its meeting on the 7th day of June; that
11 after said hearing said Council of Commissioners approved
12 said Petition No. 17-1, and directed the preparation and
13 presentation of this Resolution at the Regular meeting of
14 said Council of Commissioners on the 21st day of June, 2017.

15 (B) That Michael (Mick) L. and Sheila A. Dennehy whose
16 address is 1901 Garrison Avenue, Butte, Montana 59701,
17 together with the other owners of the property described in
18 Exhibit "A" attached and incorporated herein, constitute
19 more than fifty percent of the property owners on the street
20 or alley as required by Section 7-14-4114(1)(b)(i), MCA.

21 (C) The north twelve (12) feet of Lot Three (3), Block
22 Eight (8) of the George Cobban Addition in the City and

1 County of Butte-Silver Bow, State of Montana, more
2 particularly described in Exhibit "A"; sought to be
3 vacated, closed, discontinued and abandoned by said Petition
4 No. 17-1, and the same shall hereinafter be referred to as
5 "The Subject Tract."

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

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

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

16 SECTION 1: That the unified Government of the City and
17 County of Butte-Silver Bow, a Municipal
18 Corporation and political subdivision of the
19 State of Montana, does hereby consent to and
20 concur with the closing, vacating, discontinuing
21 and abandonment of the north twelve (12) feet of
22 Lot Three (3), Block Eight (8) of the George

1 Cobban Addition in the City and County of Butte-
2 Silver Bow, State of Montana, more particularly
3 described in Exhibit "A";; specifically the
4 Subject Tract within the City and County of
5 Butte-Silver Bow, State of Montana as described
6 above.

7
8 SECTION 2: That the Subject Tract as described above and
9 depicted in Exhibit "A", is hereby vacated,
10 closed, discontinued and abandoned.

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

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

17 PASSED this ____ day of _____, 2017.

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21 _____
22 JOHN MORGAN
23 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

24 APPROVED this ____ day of _____, 2017.

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28 _____
29 DAVE PALMER
CHIEF EXECUTIVE

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ATTEST:

SALLY J. HOLLIS
CLERK AND RECORDER

BY

ITS

APPROVED AS TO FORM:

EILEEN JOYCE
COUNTY ATTORNEY

SHERYL RALPH
CHAIRMAN, JUDICIARY COMMITTEE

**CITY AND COUNTY OF BUTTE-SILVER BOW PETITION
CLOSURE OF STREET AND/OR ALLEY**

Primary Applicant Michael (Mick) L and Sheila A Dennehy

Phone No. 406-461-7925

Date March 16, 2017

We, the undersigned property owner(s) do hereby petition to close and/or vacate the following:

Legal Description See Attached

General Description North twelve feet (12') of Lot Three (3), Block Eight (8) of the George Cobban Addition

Plat Map Description (to be attached by Petitioners)

We, the undersigned property owner(s), declare:

1. Our plans and needs in using the land are:

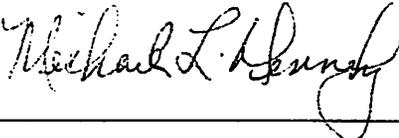
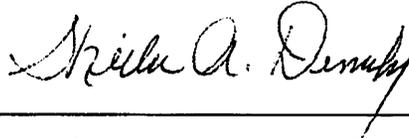
Aside from keeping it cleaned up, we will probably put a small storage shed for tools and yard implements.

2. The hardship we will incur if street and/or alley is not closed is:

The alley has never been improved. There are 3, 60-70' pine trees in the middle of the alleyway. I raked and filled over 20 bags of pine cones and needles and hauled them to the dump in May after moving into the home. There is never any vehicle or foot traffic. I could use the space to park a car or my drift boat. I would also not mind cleaning it up as much, if it was mine.

Exhibit A

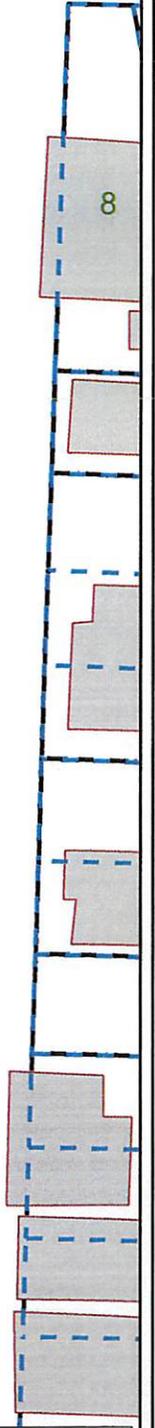
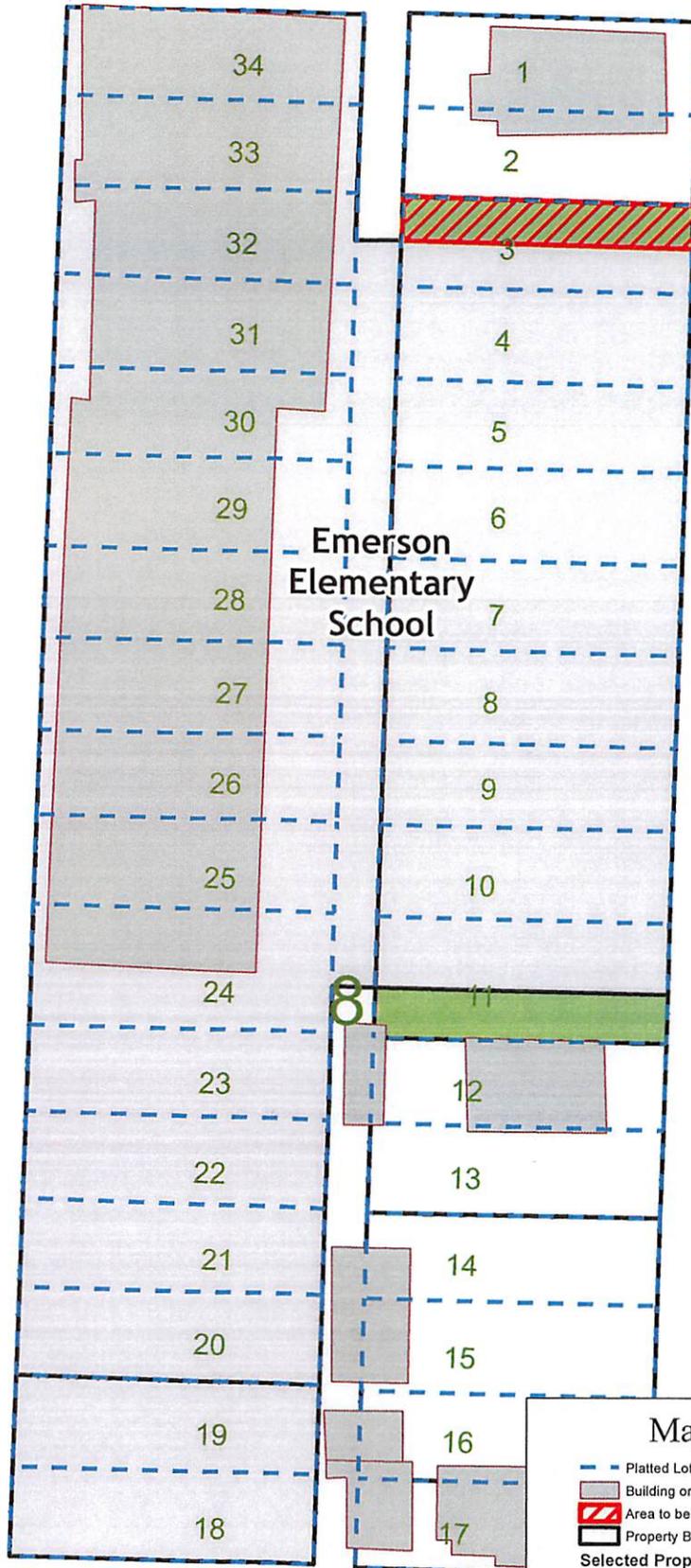
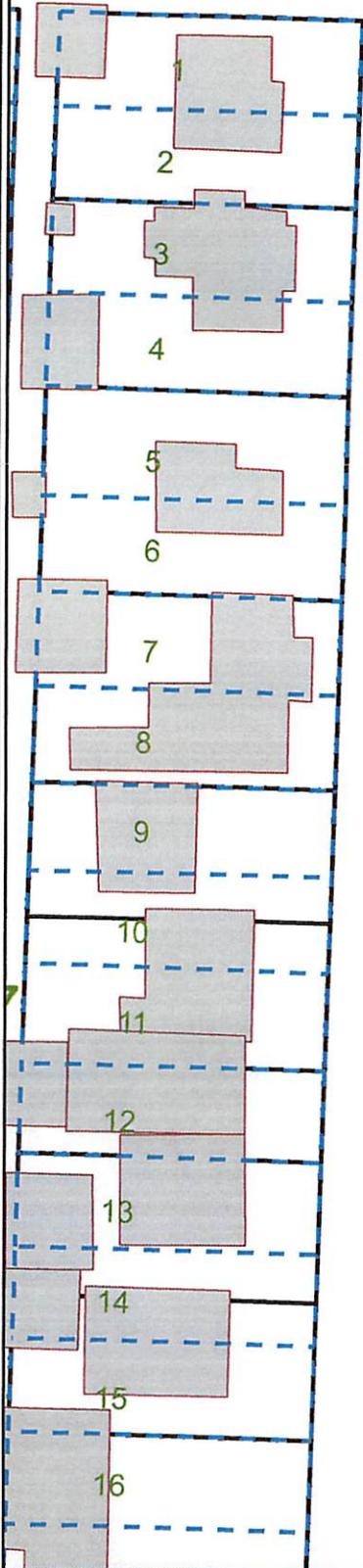
Primary Applicant: Michael (Mick) L and Sheila A Dennehy

LEGAL DESCRIPTION	OWNER	SIGNATURE	MAILING ADDRESS
Lots 1 and 2, Block 8 George Cobban Addition	Michael (Mick) L Dennehy		1901 Garrison Avenue Butte, MT 59701
Lots 1 and 2, Block 8 George Cobban Addition	Sheila A Dennehy		1901 Garrison Avenue Butte, MT 59701
S 18' of Lot 3, All of Lots 4 thru 10 and N 18' of Lot 11, Block 8, George Cobban Addition	School District #1 Deeded as: The Board of Trustees of School District No. 1	 Dennis Clague	Administration Office 111 N Montana Street Butte, MT 59701

MARCIAS ST

PHILLIPS AVE

GARRISON AVE



Emerson Elementary School

**Alley Closure
Petition No. 17-1
Michael & Sheila
Dennehy**

COBBAN ST

Map Legend

- Platted Lot Boundary (Reference Use Only)
- Building or Structure
- Area to be Closed
- Property Boundary (Reference Use Only)
- Selected Property Ownership**
 - Dennehy - 1901 Garrison Avenue
 - Butte - Silver Bow
 - School District No. 1

60 30 0 60 Feet

ALLEY CLOSURE PETITION

Petition No. 17-1

Petitioner. Michael & Sheila Dennehy

Legal Description

Alleyway – George Cobban Addition, Block Eight (8)

The area to be used as an Alleyway, more specifically described by the deed recorded in Book Number 130, and Page Number 517, and more generally described as the north twelve (12) feet of Lot Three (3), Block Eight (8) of the George Cobban Addition to the City and County of Butte-Silver Bow Montana, located in the Southeast Quarter of Section Nineteen (19), Township 3 North, Range 7 West, Principal Meridian Montana, Butte-Silver Bow City and County, State of Montana, containing an area of 0.0275 acres or 1,200.00 square feet.