

**RESOLUTION NO. R22-34**

**RESOLUTION AUTHORIZING THE MAYOR TO REINSTATE AN  
ENCROACHMENT PERMIT FOR NEWKIRK REAL ESTATE-MONTANA, LLC,  
D/B/A THOMAE LUMBER.**

WHEREAS, Newkirk Real Estate-Montana, LLC, d/b/a Thomae Lumber, operates a business at 501 East Main Street in Laurel, Montana (hereinafter “the Thomae Lumber business”); and

WHEREAS, the Thomae Lumber business is located between Washington Avenue and Wyoming Avenue and East Main Street and the alley between East Main Street and East First Street; and

WHEREAS, the Thomae Lumber business initially utilized Main Street for loading and unloading material for its business operations, but the City subsequently permitted the Thomae Lumber business to unload on Washington Avenue; and

WHEREAS, the City adopted an ordinance in 1993 that provided for loading zones on Wyoming and Washington Avenues, however, said ordinance was ultimately rescinded; and

WHEREAS, in 2001, the City Council referred the matter to the Public Works Committee to resolve safety and road repair issues in order to enable the Thomae Lumber business to unload near their business location per an agreement to be negotiated between the City and Thomae Lumber; and

WHEREAS, by way of Resolution R07-09, the City Council of the City of Laurel, Montana approved a five-year Encroachment Permit for Thomae Lumber on February 6, 2007; and

WHEREAS, by way of Resolution R07-109, the City Council of the City of Laurel, Montana consented to the assignment of the Encroachment Permit from Thomae Lumber to Newkirk Real Estate-Montana, LLC on December 18, 2007; and

WHEREAS, the Encroachment Permit has now since expired, but Newkirk Real Estate-Montana, LLC has requested that the City reinstate said Encroachment Permit, to allow the Thomae Lumber business to unload near their business location; and

WHEREAS, upon review of this situation, the original Encroachment Permit, and the special facts and circumstances surrounding the Thomae Lumber business’ situation, the City Council has determined that reinstatement of the Encroachment Permit is appropriate and in the City’s bests interest.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the original Encroachment Permit, assigned by Thomae Lumber to Newkirk Real Estate-Montana, LLC is hereby reinstated for a five (5) year term commencing the date of this approval by City Council; and

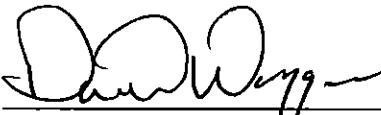
BE IT FURTHER RESOLVED, that all rights, interests, duties, and responsibilities, existing under the original Encroachment Permit, assigned by Thomae Lumber to Newkirk Real Estate-Montana, LLC, shall be in effect for a five (5) year term commencing the date of this approval by City Council.

Introduced at a regular meeting of the City Council on the 14<sup>th</sup> day of June, 2022, by Council Member Eaton.

PASSED and APPROVED by the City Council of the City of Laurel the 14<sup>th</sup> day of June, 2022.

APPROVED by the Mayor the 14<sup>th</sup> day of June, 2022.

CITY OF LAUREL

  
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Dave Waggoner, Mayor

ATTEST:

  
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Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

  
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Michele L. Braukmann, Civil City Attorney