

RESOLUTION NO. R24-57

RESOLUTION TO APPROVE STREET VACATION FOR PORTION OF SOUTH MONTANA AVENUE, LAUREL MONTANA.

WHEREAS, McDonald Land Holdings LLC and Fox Lumber Sales, Inc. (hereinafter “the Property Owners”) have petitioned the City of Laurel to vacate a portion of South Montana Avenue, Laurel, Montana, more particularly described as:

That portion of South Montana Avenue in the City of Laurel described as follows, to wit:

Beginning at a point which is the northeast corner of Lot 1 in Block 5 of the Plat of Hageman Subdivision Second Filing; thence, from said Point of Beginning, N 71°20'35” E a distance of 63.26 feet; thence S 00°10'40” E a distance of 250.43 feet; thence N 89°35'47” W a distance of 60.00 feet; thence N 00°10'40” W a distance of 229.77 feet to the Point of Beginning; containing an area of 14,406 square feet, more or less.

WHEREAS, the general location of the street is in Section 16, Township 2 South, Range 24 East, PMM, and the street is adjacent to Block 5, Lots 1-8, Hageman Subdivision, Second Filing, and Tract A1A1, Certificate of Survey 1424, Amended A1A, all within the City of Laurel, Yellowstone County, Montana;

WHEREAS, South Montana Avenue borders the Eastern portion of Hageman Subdivision in the City of Laurel, Yellowstone County, Montana, and intersects with East Railroad Street in a “T” intersection that is uncontrolled;

WHEREAS, the street at issue is reflected on the attached Exhibit A to Street Vacation Petition;

WHEREAS, the street is presently classified as an undeveloped public road;

WHEREAS, the street is of no present use to the City of Laurel, and the City has determined that it is in the best interests of the City, the inhabitants thereof, and the owners of the property adjacent to the land for the street to be vacated;

WHEREAS, vacation of the street will allow for increased development in the area, and the City does not believe that any reason exists not to vacate the street;

WHEREAS, pursuant to Mont. Code Ann. § 7-14-4114, Petitioners that constitute one hundred percent (100%) of all owners of lots on a street may petition for abandonment;

WHEREAS, Petitioners have filed the attached Street Vacation Petition, in which they have set forth all legal requirements for vacation of the street, as well as have acknowledged and agreed that, if the Petition is granted by the City, the vacation of the street shall not affect the right of any public utility to continue to maintain its plant and equipment pursuant to Mont. Code Ann. § 7-14-4115;

WHEREAS, the City conducted public hearings as follows: August 13, 2024, in City Council Chambers, regarding the Street Vacation Petition; and

WHEREAS, no objections were received, and therefore, the City believes it to be in the best interests of the City to move forward with the Street Vacation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, as follows:

1. The City Council hereby adopts this Resolution to approve the Street Vacation Petition;
2. The Street Vacation Petition is hereby approved, adopted, and instructed to be filed with the Clerk and Recorder.

Introduced at a regular meeting of the City Council on the 13th day of August 2024, by Council Member Sparks.

PASSED and APPROVED by the City Council of the City of Laurel the 13th day of August 2024.

APPROVED by the Mayor the 13th day of August 2024.

CITY OF LAUREL



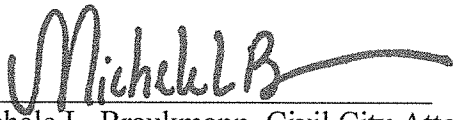
Dave Waggoner, Mayor

ATTEST:



Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:



Michele L. Braukmann, Civil City Attorney

STREET VACATION PETITION

City of Laurel
P.O. Box 10
Laurel, Montana 59044

We, McDonald Land Holdings LLC and Fox Lumber Sales, Inc., the undersigned, petition and request the City of Laurel vacate a portion of South Montana Avenue, Laurel, Montana, more particularly described as:

That portion of South Montana Avenue in the City of Laurel described as follows, to wit:

Beginning at a point which is the northeast corner of Lot 1 in Block 5 of the Plat of Hageman Subdivision Second Filing; thence, from said Point of Beginning, N 71°20'35" E a distance of 63.26 feet; thence S 00°10'40" E a distance of 250.43 feet; thence N 89°35'47" W a distance of 60.00 feet; thence N 00°10'40" W a distance of 229.77 feet to the Point of Beginning; containing an area of 14,406 square feet, more or less.

(hereinafter referred to as "the street" -- See *Exhibit A attached.*)

The general location of the street is in Section 16, Township 2 South, Range 24 East, PMM, and the street is adjacent to Block 5, Lots 1 - 8, Hageman Subdivision, Second Filing, and Tract A1A1, Certificate of Survey 1423, Amended A1A, all within the City of Laurel, Yellowstone County, Montana. South Montana Avenue borders the Eastern portion of Hageman Subdivision in City of Laurel, Yellowstone County, Montana, and intersects with East Railroad Street in a "T" intersection that is uncontrolled. See the attached Exhibit A for the exact location of the portion of South Montana Avenue sought to be vacated by virtue of this Petition.

The street is presently classified as an undeveloped public road.

The street is of no present use to the City of Laurel. It is in the best interest of the City of Laurel, the inhabitants thereof and the owners of the property adjacent to the land for the street to be vacated. Vacation of the street will allow for increased development in the area. No reason exists not to vacate the street. Since 1976, South Montana Street terminates, or is a dead-end, at the point the street abuts Lot 8, Block 5, Hageman Subdivision, Second Filing (as a result of that certain Resolution No. 1573, passed and adopted by the City Council of the City of Laurel on November 2, 1976, whereby the City of Laurel vacated South Montana Avenue between northerly margin of 4th Street South to a point 75 feet northerly of the centerline 2nd Street South). The portion of South Montana Avenue which the Petitioners seek to have vacated is bordered on the

East, West and South by real property owned by the Petitioners. The street is bordered on the North by East Railroad Street. In accordance with Section 7-14-4114, MCA, the Petitioners constitute one hundred percent (100%) of all owners of lots on the street. Additionally, when the street is vacated, then the real property will no longer be tax exempt and the Petitioners will be obligated to pay real property taxes, thereby benefiting the City of Laurel, Yellowstone County, the State of Montana, and all the inhabitants thereof. Petitioners acknowledge and agree that if this Petition is granted by the City of Laurel, the vacation of the street shall not affect the right of any public utility to continue to maintain its plant and equipment pursuant to Section 7-14-4115, MCA.

The adjacent property is owned by the Petitioners whose information is as follows:

1. **McDonald Land Holdings LLC**, whose address is 197 E. California Avenue, Suite 300, Las Vegas, Nevada 89104, and owns Block 5, Lots 1 - 12, Hageman Subdivision, Second Filing, and Certificate of Survey No. 2854, all in the City of Laurel, Yellowstone County, Montana.

The registered agent of McDonald Land Holdings LLC is C T Corporation System, with an address of 3011 American Way, Missoula, MT 59808; and

2. **Fox Lumber Sales, Inc.**, whose mailing address of P.O. Drawer 1000, Hamilton, Montana 59840, and owns Tract A1A1, Certificate of Survey 1423, Amended A1A, in the City of Laurel, Yellowstone County, Montana.

The registered agent of Fox Lumber Sales, Inc. is Thomas L. Fox, with a mailing address of P.O. Box 1000, Hamilton, MT 59840.

There are no covenants or deed restrictions affecting the street.

As noted above, the vacation of the street shall not affect the right of any public utility to continue to maintain its plant and equipment pursuant to Section 7-14-4115, MCA.


The attached Exhibit A shows the portion of the street that the undersigned Petitioners hereby petition to vacate.

Once the street is vacated, the undersigned propose that the street be allocated and conveyed from the City of Laurel by Merger Quit Claim Deed to Fox Lumber Sales, Inc. and/or McDonald Land Holdings LLC, or as the Petitioners agree in writing, pursuant to Montana law, Section 70-16-202, MCA.

The undersigned Petitioners respectfully request that the City of Laurel approve the Petition and the street be vacated.

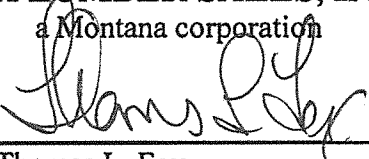
(Signature of Petitioners on Following Page)

MCDONALD LAND HOLDINGS LLC
a Nevada series limited liability company



By: Kent P. Woods
Its: Manager
Date: 6/10/24

FOX LUMBER SALES, INC.
a Montana corporation



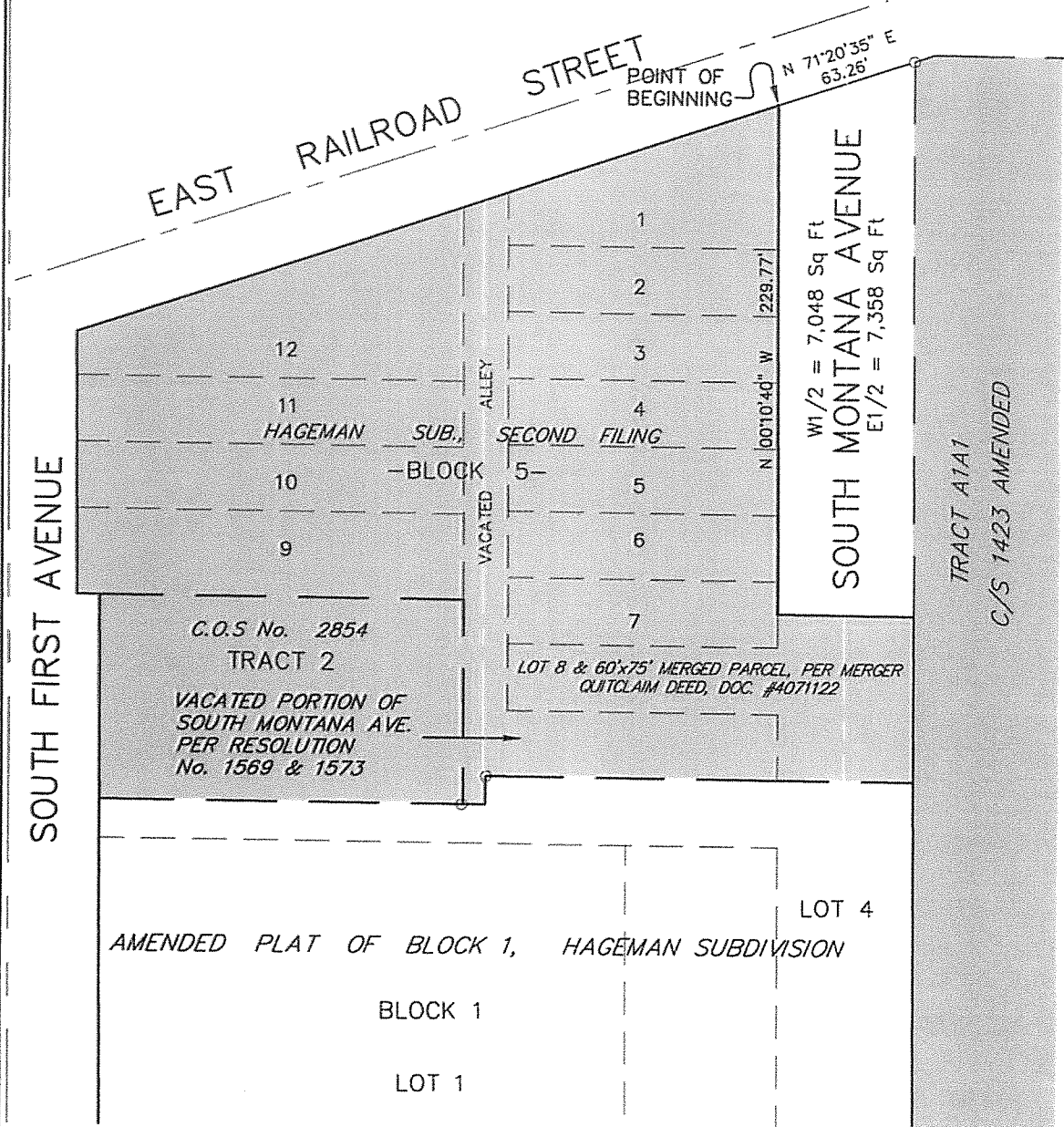
By: Thomas L. Fox
Its: President
Date: 5/31/2024

EXHIBIT A



PROPOSED VACATED PORTION OF SOUTH MONTANA AVENUE
 HAGEMAN SUBDIVISION SECOND FILING IN THE CITY OF LAUREL, MONTANA

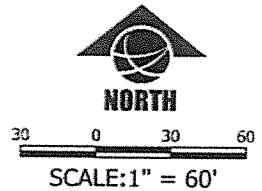
PREPARED FOR : McDONALD LAND HOLDINGS LLC
 PREPARED BY : SANDERSON STEWART

MAY 2024
 BILLINGS, MONTANA



AMENDED PLAT OF BLOCK 1, HAGEMAN SUBDIVISION
 BLOCK 1
 LOT 1

Adjacent Ownership:
 McDonald Land Holdings LLC 
 Fox Lumber Sales, Inc. 



That portion of South Montana Avenue in the City of Laurel described as follows, to wit:

Beginning at a point which is the northeast corner of Lot 1 in Block 5 of the Plat of Hageman Subdivision Second Filing;
 thence, from said Point of Beginning, N 71°20'35" E a distance of 63.26 feet;
 thence S 00°10'40" E a distance of 250.43 feet;
 thence N 89°35'47" W a distance of 60.00 feet;
 thence N 00°10'40" W a distance of 229.77 feet to the Point of Beginning;
 containing an area of 14,406 square feet, more or less.

4077909 EASE

07/08/2024 11:42 AM Page 1 of 2 Fees: \$16.00

eRecorded For Yellowstone County, MT

Jeff Martin, Clerk & Recorder

After Recording, Return To:

Thomas E. Smith

Moulton Bellingham PC

P. O. Box 2559

Billings, MT 59103

RECIPROCAL ACCESS AGREEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, McDonald Land Holdings LLC, a Nevada series limited liability company, of 197 E. California Avenue, Suite 300, Las Vegas, Nevada 89104, hereby creates a Reciprocal Access Easement across, over, and through certain real property located within the Hageman Subdivision, Second Filing, City of Laurel, Yellowstone County, Montana, more particularly described as follows:

Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 5, Hageman Subdivision,
Second Filing, all in the City of Laurel, Yellowstone County,
Montana.

This Reciprocal Access Agreement shall provide Reciprocal Access for vehicular and pedestrian access by and between each of the Lots set forth above, and shall specifically provide access to East Railroad Street for each of the Lots set forth above.

This Reciprocal Access Agreement is for the purpose of creating an access easement in favor of each Lot, together with the right of free ingress and egress by vehicular and pedestrian traffic, at all times.

This Reciprocal Access Agreement is created for the benefit of the owners of Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 5, Hageman Subdivision, Second Filing, all in the City of Laurel, Yellowstone County, Montana.

The easement granted herein shall be used and enjoyed by each owner and its permittees in such a manner so as not to unreasonably interfere with, obstruct or delay the conduct and operations of the business of any other owner or its permittees at any time conducted on its Lot including, without limitation, public access to and from said business, and the receipt or delivery of merchandise in connection therewith.

The easement granted herein does not include any rights to park vehicles or place equipment or other personal property within the Reciprocal Access Easement or surrounding parking areas, by one owner upon another owner's Lot.

This Reciprocal Access Agreement shall run with the real property and is binding on all parties having any right, title or interest in the described property or any part thereof, their heirs, executors, successors, administrators and assignees, and shall bind each owner thereof.

MCDONALD LAND HOLDINGS LLC
A Nevada series limited liability company



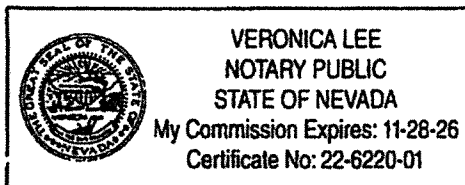
By: Kent P. Woods
Its: Manager

Date: 7/5/2024

STATE OF NEVADA)
 :ss.
COUNTY OF CLARK)

On this 5th day of July, 2024, before me, the undersigned, a Notary Public for the State of Nevada, personally appeared KENT P. WOODS, known to me to be the Manager and duly authorized agent of MCDONALD LAND HOLDINGS LLC, the series limited liability company whose named is subscribed to the within instrument, and acknowledged and affirmed to me that he executed the same on behalf of said series limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.



Veronica Lee
Notary Public for the State of Nevada
Residing at 452 Bonanza, Henderson
My Commission Expires: 11-28, 2026