

RESOLUTION NO. R14-72

**A RESOLUTION OF THE CITY COUNCIL TO VACATE A PORTION OF
7TH AVENUE LOCATED SOUTH OF MAIN STREET AND NORTH OF
SOUTH FIRST AVENUE WITHIN THE CITY OF LAUREL.**

WHEREAS, certain property owners have requested that a 9' by 130' portion of 7th Avenue be vacated; and

WHEREAS, the City of Laurel published notice of the City's intent to act on the property owners' petition at its September 16, 2014 council meeting as required by MCA § 7-14-4114; and

WHEREAS, it has been determined by the City Council of the City of Laurel that it is in the best interest of the City of Laurel and the inhabitants thereof that a portion of the right-of-way be vacated and no detriment to the public will result from the vacation.

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

1. That the 9' by 130' portion of 7th Avenue located south of Main Street and North of South First Avenue, more particularly described as Parcel A of the Amended Plat of Lot 1 of Block 3 of Amended West Laurel Subdivision is hereby vacated.
2. That the portion of vacated street shall be returned and/or conveyed to the adjacent Lot 1, Block 3 of Amended West Laurel Subdivision pursuant to MCA § 76-3-305.
3. That this Resolution shall become immediately effective upon adoption by the City Council and the City Clerk shall file a copy of this Resolution with the County Clerk and Recorder's office.

Introduced at a regular meeting of the City Council on September 16, 2014, by Council Member
Poehls.

PASSED and APPROVED by the City Council of the City of Laurel this 16th day of September, 2014.

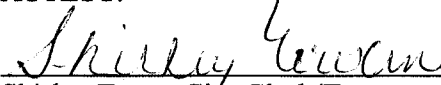
APPROVED by the Mayor this 16th day of September, 2014.

CITY OF LAUREL



Mark A. Mace, Mayor

ATTEST:



Shirley Ewan, City Clerk/Treasurer

Approved as to form:



Sam S. Painter, Civil City Attorney

R14-72 Vacate Street - Fink

To: Laurel City Council

From: Monica Plecker, Planning Director

Re: Right-of-Way Vacation (Partial)

Date: September 9, 2014



LAUREL/CITY COUNTY PLANNING DEPARTMENT

The City of Laurel in conjunction with Jacqueline Fink, Pamela Fink and Phyllis Turcotte are petitioning to vacate a portion Seventh Avenue located south of Main Street and North of South First Avenue. This petition requests for a 9' X 130' portion be vacated and merged with Lot 1, Block 3 of Amended West Laurel Subdivision. The application is attached and provides general information regarding the property location and zoning. The Amended COS showing the property is also attached.

The reason for discontinuation is the Caboose Saloon has utilized this portion of the right-of-way since the building was constructed. Furthermore, it was determined the best way to alleviate the encroachment was to move the boundary line, thus vacating 1,170 sq. ft. of right-of-way. The City has no utilities located in this portion of the ROW and will no longer be subject to maintaining this portion. 7th avenue will have 70' of ROW once the boundary line is moved. This is more than adequate for a local street which serves the City maintenance shop.

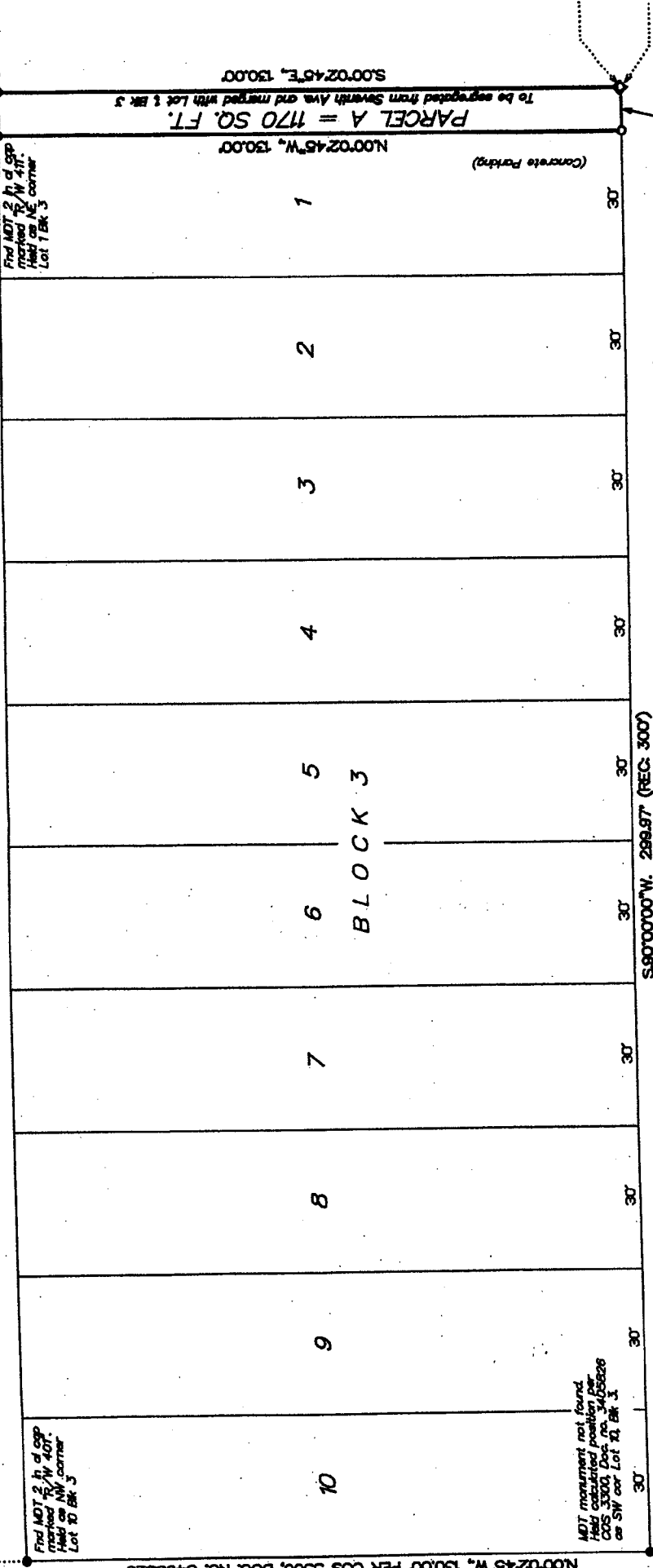
Staff Findings:

- The City of Laurel is acting as the petitioner
- Per MCA 7-14-4114 Notice was published in the Laurel Outlook stating the petitioners request and the date and time at which the Council will consider the application.
- Staff has determined it is in the best interest of the City to vacate this portion of the right-of-way.
- The property owners have prepared an amended plat showing the boundary line relocation

Basis of Bearings per Plat of Amended West Laurel Subdivision:

Find N90°00'00"E. 299.97' (Rec: 300')

Point of Beginning N90°00'00"E. 9.00'



Find MDI 2 ft. d. sp. marked 75/161/417. Held as NW corner Lot 10 Bk 3

MDI monument not found. Held calculated position 34.05626 as SW cor Lot 10 Bk 3

N00°02'45"W. 130.00' PARCEL A = 1170 SQ. FT. To be segregated from Seventh Ave. and merged with Lot 1 Bk 3 S.00°02'45"E. 130.00'

ALLEY 20' S.90°00'00"W. 9.00'

LOT 20, BLOCK 3

OWNER'S CERTIFICATION

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Laurel, Montana does hereby certify that it has caused to be surveyed and platted the herein described parcel of land as shown on the attached plat, to-wit:

A parcel of land being a portion of Seventh Avenue, as shown on the Plat of Amended West Laurel Subdivision, Section 36, T.2S. R.24E.

Jacqueline J. Fink, Owner Lot 1 Bk 3

STATE OF MONTANA }
County of Yellowstone) ss

before me, the undersigned, a Notary

