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 Coun	cil on September 1	16, 2014, by Counc	il Member
Poeh1s	•				

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-ofway.
- The property owners have prepared an amended plat showing the boundary line relocation

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Jacqueline J. Fink, Owner Lot 1 Blk 3

10T 20, BLOCK 3

STATE OF MONTANA \ County of Yellowstone) ss

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 desarbed parcel of land as shown on the attached plat, to-writ:

OWNERS CERTIFICATION

A normal of land being a portion of Severith Avenue as shown on the Plat of Americad West

hafore me, the undersigned, a Notary

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When recorded, return to: City of Laurel P.O. Box 10 Laurel, MT 59044



OUIT CLAIM DEED

THIS INDENTURE, made the 'and day of February 2015, between the CITY OF LAUREL, P.O. Box 10, Laurel, Montana 59044, Grantor, and Terry R. Fink, Jacqueline J. Fink, Pamela Fink and Phyllis J. Turcotte, joint tenants with rights of survivorship, 704 West Main Street, Laurel, Montana 59044, Grantee;

WITNESSETH: That Grantor for a valuable consideration to them in hand paid by Grantee, the receipt of which is hereby acknowledged, do hereby convey, remise, release and forever quitclaim unto the said Grantee, all right, title and interest in and to the following described real estate, situated in the County of Yellowstone, State of Montana, which Grantor has in land more particularly described as follows:

Amended Plat of Lot 1 of Block 3 of the Amended West Laurel Subdivision, located in the NW 1/4 of Section 16, T.2S, R.24E, PMM, in the City of Laurel, Yellowstone County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County, under Document No. 487651.

Together with all rights-of-way, tenements, hereditaments and appurtenances thereto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all of the estate, right, title, interest, property, possession, claim, and demand whatsoever as well in law as in equity, of Grantor, of, in or to the said premises and every part and parcel thereof.

TO HAVE AND TO HOLD all and singular the said premises, with the appurtenances thereto belonging, unto the said property of the Grantee and to his heirs and assigns forever.

IN WITNESS WHEREOF, the grantor has executed this instrument the day and year first written above.

CITY OF LAUREL Mark A. Mace, Mayor STATE OF MONTANA) :ss. County of Yellowstone On this / Ha day of February in the year 2015 before me, the undersigned Notary Public for the State of Montana, personally appeared Mark A. Mace, as Mayor of the City of Laurel, Grantor, known to me to be the person whose name is subscribed to the within instrument and acknowledge to me that he executed the same.

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

Shirley L. Gwan Signature

Notary Public for the State of Montana

Residing at <u>La urol</u>
My commission expires <u>August 15, 2015</u>

SHIRLEY L. EWAN NOTARY PUBLIC for the State of Montana Residing at Laurel, Montana My Commission Expir August 15, 2015