

RESOLUTION NO. R14-73

**A RESOLUTION OF THE CITY COUNCIL TO VACATE AN ALLEY
LOCATED ADJACENT TO THE NORTHWEST CORNER OF 8TH AVENUE AND
MAIN STREET BETWEEN 14 8TH AVENUE AND 18 8TH AVENUE
LOCATED WITHIN THE CITY OF LAUREL.**

WHEREAS, Town and Country Supply petitioned the City of Laurel to vacate an alley located adjacent to its property, between 14 8th Avenue and 18 8th Avenue; and

WHEREAS, Town and Country Supply constitutes 100% of adjoining lot owners of the alley; and

WHEREAS, the City of Laurel published notice of the City's intent to act on Town and Country's 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 said alley be vacated and no detriment to the public will result from vacation of the alley.

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

1. That the alley located between 14 8th Avenue and 18 8th Avenue, more particularly described as COS 1642, Tract B and Tract A Amended, situated in the SE ¼ SE ¼ of Section 8, T2S, R24E, is hereby vacated.
2. That ½ of the vacated alley shall be returned and/or conveyed to each adjacent property owner of Tract B and Tract A-1 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 Mountsier.

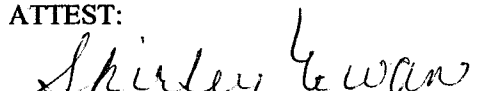
PASSED and APPROVED by the City Council of the City of Laurel this 16th day of September, 2014.

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

R14-73 Vacate Alley – Town & Country

To: Laurel City Council

From: Monica Plecker, Planning Director

Re: Alley Vacation, Town and Country

Date: September 9, 2014



LAUREL/CITY COUNTY PLANNING DEPARTMENT

Town and Country has submitted an application for vacating or discontinuation of an alley. The application is attached and provides general information regarding the property location and zoning. The Amended COS showing the property is also attached.

The application states the reason for discontinuation is that "Town and County Supply owns the property bordering this alley on the North and South side. Would utilize in future plans on property."

Staff Findings:

- The petitioner constitutes 100% of adjoining lot owners.
- 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.

CITY HALL
115 W. 1st St.
PUB WORKS: 628-4796
PWD FAX: 628-2241
WATER OFFICE: 628-7431
WTR FAX: 628-2289
MAYOR: 628-8456

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



DEPARTMENT

\$110 fee

APPLICATION FOR VACATING OR DISCONTINUATION OF STREET OR ALLEY

The undersigned, being all of the owners of lots on the street or alley, request that the following described street or alley be discontinued and vacated by the City of Laurel as allowed by the laws of the State of Montana.

- Legal description of street or alley to be vacated: see attached
map. Area is designated as Tract C.
20' x 268.5'
- General location: Northwest corner of 8th Ave and
Main Street between 14 8th Ave and 18 8th Ave.
- Present zone classification: Industrial Commercial
- Reason for discontinuation: Town and Country Supply owns
the property bordering this ally on the north and
south side. Would utilize in future plans on property.
- Legal description of adjacent property and owners of each: (attach as many additional sheets as necessary)

<u>Town and Country Supply</u>	<u>Town and Country Supply</u>
Recorded owner	
<u>18 8th Ave</u>	<u>14 8th Ave</u>
Address	
<u>628-6314</u>	<u>628-6314</u>
Phone number	
- Agent: Wes Burley
PO Box 367
Laurel, MT 59044
- Convenants or deed restrictions on property: Yes _____ No X
If yes, include copy of restrictions.

I understand that the filing fee accompanying this application is not refundable, that it pays the cost of processing, and that the fee does not constitute a payment for vacating or discontinuing of a street or alley. Also, that all the information presented is true and correct to the best of my knowledge.

Signature Wes Burley Date 8/1/14

Signature _____ Date _____

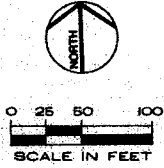
Fee Paid _____ Date paid _____

City of Laurel is an EEO Employer
Equal Housing Opportunity

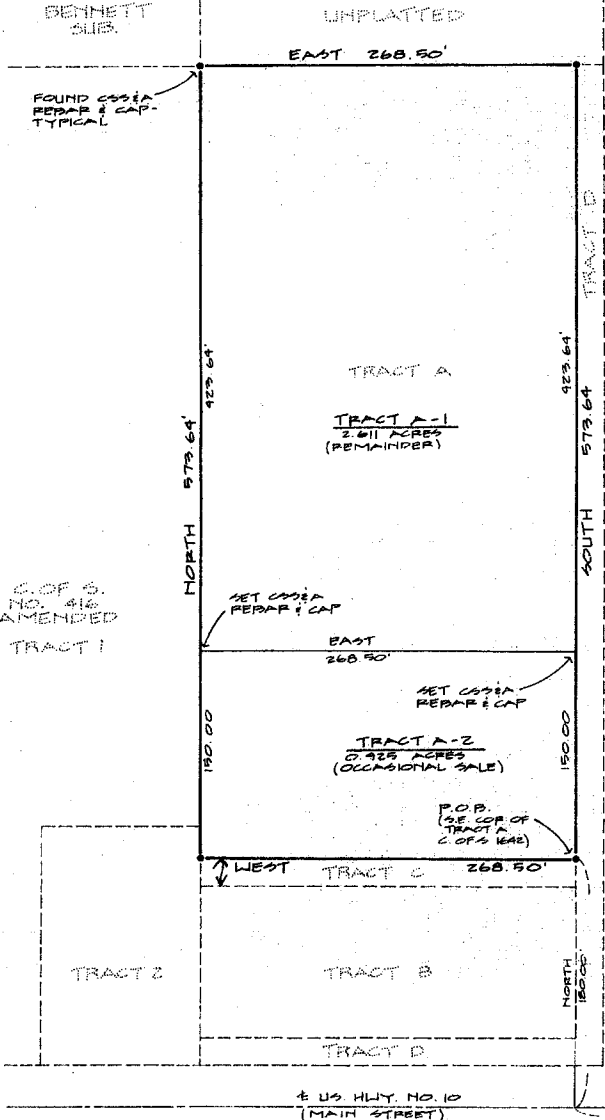
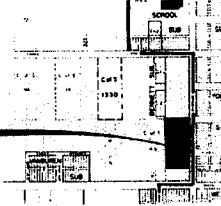
**TRACT "A" AMENDED
CERTIFICATE OF SURVEY NO. 1642**
SITUATED IN SE 1/4 SE 1/4, OF SECTION 8, T. 2 S., R. 24 E., P.M.M.,
YELLOWSTONE COUNTY, MONTANA

FOR: THOMAS AND LINDA FRICKEL & RONALD A. HERMAN
BY: CHRISTIAN, SPRING, SELBACH & ASSOC.
BILLINGS, MONTANA

MARCH, 1978
SCALE: 1" = 50'



E 1/4 COR. SEC. 8
T. 2 S., R. 24 E.,
P.M.M. YELLOWSTONE
CO. MONTANA
FOUND CASSIA
BRASS CAP



**TRACT "A"
AMENDED
CERTIFICATE
OF SURVEY
NO. 1642**

VICINITY MAP

CERTIFICATE OF SURVEY

STATE OF MONTANA
County of Yellowstone } ss

THIS IS TO CERTIFY that James B. Spring, a Montana Registered Land Surveyor No. 1535-S, being first duly sworn says that during the month of March, 1978, a survey was made under his supervision of a certain tract of land located in the SE 1/4 SE 1/4, Section 8, T. 2 S., R. 24 E., P.M.M., Yellowstone County, Montana at the request of the owners, said tract being more particularly described as follows: Commencing at the southeast corner of said Section 8; thence west along the south line of said Section 8 a distance of 80.00 feet, thence north a distance of 180.00 feet to the southeast corner of Tract A of Certificate of Survey No. 1642, and also being the Point of Beginning; thence west a distance of 268.50 feet to the southwest corner of said Tract A, thence north a distance of 573.64 feet to the northwest corner of said Tract A, and also being part of the east line of Certificate of Survey No. 416 Amended; thence east a distance of 268.50 feet to the northeast corner of said Tract A; thence south a distance of 573.64 feet to the Point of Beginning, said tract of land containing 3.536 acres, more or less.

Said tract of land will be known as TRACT "A" AMENDED, CERTIFICATE OF SURVEY NO. 1642, which designates the individual tracts by tract numbers as shown on the hereto annexed plat, and that all intersection points are marked by capped 5/8 inch rebar and that the plat conforms with the work on the ground.

James B. Spring
James B. Spring, Montana Registration No. 1535-S

STATE OF MONTANA } ss
County of Carbon

Subscribed and sworn to before me, a Notary Public in and for the State of Montana, this 15 day of May, 1978.

Thomas J. ...
Notary Public in and for the State of Montana
Residing Near ...
My Commission Expires ...

CERTIFICATE OF PROPERTY OWNER

I hereby certify that this property meets with the provisions of occasional sale according to Chapter No. 334, Montana Session Laws 1974, House Bill No. 1017, Section (b) (d). Tract A-2 will be sold under the provision of occasional sale.

Thomas Frickel *Linda Frickel*
Thomas Frickel Linda Frickel
Ronald A. Herman *Tom Kylonder*
Ronald A. Herman Tom Kylonder
County Sanitation

STATE OF MONTANA } ss
County of Yellowstone

Subscribed and sworn to before me, a Notary Public in and for the State of Montana, this 25 day of April, 1978.

...
Notary Public in and for the State of Montana
Residing at ...
My Commission Expires ...

STATE OF MONTANA } ss
County of Yellowstone

I hereby certify that the annexed plat was filed for record in my office on this day of JAN 11 1983, 1983 A.D., at 1:25 P.M.

Merrill H. Klundt
MERRILL H. KLUNDT
County Clerk & Recorder
County of Yellowstone

Clerk and Recorder of Yellowstone County, Montana

CERTIFICATE OF CITY ENGINEER

STATE OF MONTANA } ss
County of Yellowstone

I hereby certify that I have examined the annexed and foregoing plat of Tract "A" Amended Certificate of Survey No. 1642 for errors and omissions in calculations and drafting. I further certify that said plat conforms with the Amended Section 76-4-124 (1), M.C.A., removing sanitary restrictions since the Certificate of Survey is inside a master planning area and is provided with municipal facilities for the supply of water and disposal of sewage and solid waste.

In Witness Whereof, I have executed the Certificate of Approval this 16 day of JAN, 1983.

...
City Engineer

STATE OF MONTANA } ss
County of Yellowstone

Subscribed and sworn to before me, a Notary Public in and for the State of Montana this 10 day of JAN, 1983.

STOUFFER S.W.P.
E.P. 78

S.E. COR. SEC. 8
T. 2 S., R. 24 E., P.M.M.,
YELLOWSTONE CO.,
MONTANA
FOUND YELLOWSTONE
COUNTY BRASS CAP