

RESOLUTION NO. R16-25

**A RESOLUTION OF THE CITY COUNCIL TO VACATE AN ALLEY
LOCATED ADJACENT TO LOTS 13-27, BLOCK 31 OF
EAST YELLOWSTONE SUBDIVISION LOCATED WITHIN THE CITY OF LAUREL.**

WHEREAS, the Locomotion Fitness Center requested the City of Laurel vacate an alley located adjacent to its property located at 122 First Avenue South to expand its fitness center; and

WHEREAS, Locomotion Fitness Center 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 the application at its April 5, 2016 council meeting as required by MCA § 7-14-4114; and

WHEREAS, pursuant to MCA § 7-14-4114, notice stating the applicant's request and date and time at which the Council will consider the application was published in the *Laurel Outlook* on March 24, 2016 and March 31, 2016; 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 adjacent to the Locomotion Fitness Center, 122 First Avenue South, more particularly described as Lots 13-27, Block 31 of East Yellowstone Subdivision, is hereby vacated, subject to the following conditions of approval:
 - a) Applicant will provide a public right-of-way across Lot 12 of Block 31 of East Yellowstone Subdivision filed at the County Clerk and Recorder's Office to allow public ingress and egress north from the alley to West Railroad Street.
 - b) Applicant will install a new manhole at the junction of the alley and newly designated public right-of-way.
 - c) Applicant will accept maintenance and repair responsibilities for the sewer line from the manhole to the buildings to the west of the manhole.
 - d) Applicant will accept maintenance and repair responsibilities for the water line if it extends into the vacated portion of the alley.
 - e) Applicant will provide the Yellowstone County Clerk and Recorder with a lot line aggregation by deed for the lot line separating parcels B01396 and B01398.
2. That ½ of the vacated alley shall be returned and/or conveyed to each adjacent property owner pursuant to MCA § 76-3-305; and
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 April 5, 2016, by Council Member
Herr.

PASSED and APPROVED by the City Council of the City of Laurel this 5th day of April, 2016.

APPROVED by the Mayor this 5th day of April, 2016.

CITY OF LAUREL

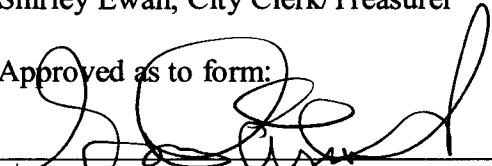


Mark A. Mace, Mayor

ATTEST:



Shirley Ewan, City Clerk/Treasurer

Approved as to form:


Sam S. Painter, Civil City Attorney

To: Laurel City Council

From: Noel Eaton, City Planner

Re: Intent to Vacate Alley, Locomotive Fitness

Date: April 5, 2016



LAUREL/CITY COUNTY PLANNING DEPARTMENT

Locomotive Fitness Center Inc. 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 a letter from the applicant stating the criteria. A map of the property is also attached.

The application states the reason for discontinuation is for the "expansion of fitness center building."

Staff Findings:

- The petitioner constitutes 100% of adjoining lot owners.
- Applicant will "provide lot 12 as a public easement to travel north from alley to West Railroad Street."
- Applicant will "install manhole at junction of the alley and new easement."
- Applicant will "accept sewer line from the manhole to the buildings to the west of the manhole."
- Applicant will "accept responsibility for the water line if it extends into the vacated portion of the alley."
- Parcel B01398 would have no legal access if alley is vacated
- 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 with conditions.

Conditions of Approval:

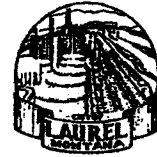
1. Applicant will provide lot 12 of Block 31 of East Yellowstone Subdivision as a public easement filed at the County Clerk and Recorders office to travel north from the alley to West Railroad Street.
2. Applicant will accept sewer line from the manhole to the buildings to the west of the manhole.
3. Applicant will accept responsibility for the water line if it extends into the vacated portion of the alley.
4. Applicant will provide Yellowstone County Clerk and Recorder with a lot line aggregation by deed for the lot line separating parcels B01396 and B01398.

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.

1. Legal description of street or alley to be vacated: Alley between Lots ~~1228~~,
Block 31 of East Yellowstone Subdivision 13-27
 2. General location: Portion of alley lying to north of
Locomotion Fitness Center property.
 3. Present zone classification: Highway Commercial
 4. Reason for discontinuation: Expansion of Fitness Center
Building.
 5. Legal description of adjacent property and owners of each: (attach as many additional sheets as necessary) See Attached
- Recorded owner _____
Address _____
Phone number _____
6. Agent: Pinpoint Land Surveys, PLLC
Clay Schwartz, PLS
406-373-5856
 7. Covenants 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 [Signature] Date 12-1-15
Signature _____ Date _____

Fee Paid _____ Date paid _____

City of Laurel is an EEO Employer
Equal Housing Opportunity

ADJACENT PROPERTY OWNERS TO PROPOSED ALLEY VACATION

Tax ID: B01396

Legal Description: Lots 12-16, Block 31 of East Yellowstone Subdivision

Owner: Lisa Pelican

Address: 3131 Solar Blvd., Unit 12; Billings, MT 59102

Phone Number: (406) 628-8387

Tax ID: B01398

Legal Description: Lots 17-18, Block 31 of East Yellowstone Subdivision

Owner: Lisa Pelican

Address: 3131 Solar Blvd., Unit 12; Billings, MT 59102

Phone Number: (406) 628-8387

Tax ID: B01399

Legal Description: Lots 19-25, Block 31 of East Yellowstone Subdivision

Owner: Locomotion Fitness Center, Inc. (Lisa Pelican)

Address: 122 South 1st Avenue; Laurel, MT 59044

Phone Number: (406) 628-8387

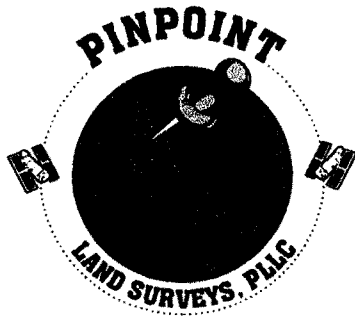
Tax ID: B01401

Legal Description: Lots 26-28, Block 31 of East Yellowstone Subdivision

Owner: Locomotion Fitness Center, Inc. (Lisa Pelican)

Address: 122 South 1st Avenue; Laurel, MT 59044

Phone Number: (406) 628-8387



Clay Schwartz, PLS
Licensed in Montana, Wyoming,
Idaho, Washington and Oregon

4820 McGirl Road
Billings, MT 59105

(406) 373-9856
Toll Free Fax: (866) 589-8277
pinpointlandsurveys@gmail.com

December 28, 2015

Mr. Gary Colley
City of Laurel
P.O. Box 10
Laurel, Montana 59044

RE: Application for alley vacation

Dear Gary:

Enclosed is the application for vacating the alley we have been discussing and a check for the \$110 processing fee.

My client has agreed to meet the criteria you outlined in the email dated November 25, 2015, namely:

1. Provide a public easement to travel north from the alley to West Railroad Street.
2. Install a new manhole at the junction of the alley and new easement.
3. Accept responsibility for the sewer line from the manhole to the buildings to the west of the manhole.
4. Accept responsibility for the water line if it extends into the vacated portion of the alley.

Please keep me updated on the status of this application. If you have questions regarding this application or you would like to meet to discuss, please contact me at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Clay".

Pinpoint Land Surveys, PLLC
Clay Schwartz, PLS

Blue= Proposed vacated Alley
Yellow= Proposed public easement of lot 12
Green= Proposed Manhole

