

RESOLUTION NO. 04-18212

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA,  
DISCONTINUING AND VACATING a portion of Spalding Avenue right-of-way in Yellowstone Club Estates, 5<sup>th</sup> Filing.

WHEREAS, a proper petition was filed with the City Council of the City of Billings, Montana, as per Section 22-601 BMCC, requesting discontinuance and vacation of a portion of Spalding Avenue right-of-way in Yellowstone Club Estates, 5<sup>th</sup> Filing as described hereinafter; and

WHEREAS, a public hearing was properly noticed and held as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. DISCONTINUANCE AND VACATION. Pursuant to Sections 7-14-4114 and 7-14-4115, M.C.A., a portion of Spalding Avenue right-of-way in Yellowstone Club Estates, 5<sup>th</sup> Filing as shown on Exhibit "A" attached and being more particularly described as follows:

Beginning at a point which is the southwest corner of Lot 1, Block 13, Yellowstone Club Estates Subdivision, 5<sup>th</sup> Filing, said point being the intersection of the east right-of-way line of 62<sup>nd</sup> Street West and the north right-of-way line of Spalding Avenue;

thence, from said point of beginning, along a line which is the south line of Lots 1 and 2, Block 13, Yellowstone Club Estates Subdivision, 5<sup>th</sup> Filing and the north right-of-way line of Spalding Avenue, N89°59'00" E a distance of 297.89 feet to a point on the west line of Tract 10, Certificate of Survey No. 836, said point being the southeasterly most corner of said Lot 2;

thence, along the west line of said Tract 10 S 59°05'00" E a distance of 58.37 feet to a point on the north line of Lot 8, Block 6, Augusta Ranch Estates Subdivision,

thence, S89°59'00" W on and along the north line of Block 6 Augusta Ranch Estates Subdivision a distance of 347.93 feet to a point on the east right-of-way line of 62<sup>nd</sup> Street West;

thence, N 00°04'00" W on and along said east right-of-way line of 62<sup>nd</sup> Street West a distance of 30.00 feet to the point of beginning;

containing an area of 9,689 square feet, more or less,

Is hereby discontinued, abandoned and vacated.

2. PUBLIC INTEREST. The discontinuance, vacation and abandonment of the above described **portion of Spalding Avenue right-of-way in Yellowstone Club Estates, 5<sup>th</sup> Filing** is in the best interest of the public and can be done without any public detriment.

3. Reversion. Ownership of the vacated area will revert to the current owner of Lots 1 & 2, Block 13, Yellowstone Club Estates, 5<sup>th</sup> Filing. The owner shall prepare and record an amended subdivision plat aggregating said lots 1 & 2 and the vacated portion of Spalding Avenue right-of-way into a single parcel for future ownership and assessment purposes.

PASSED by the City Council and APPROVED this 25<sup>th</sup> day of October 2004.

## THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
Charles F. Tooley MAYOR

ATTEST:

BY: \_\_\_\_\_  
Marita Herold, CMC/AAE CITY CLERK

