

RESOLUTION NO. 06-18423

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA,
DISCONTINUING AND VACATING portions of S. 22nd
Street, 2nd Ave. S., 3rd Ave. S., and the Alley between S.
22nd Street and S. 23rd Street.

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 portions of S. 22nd Street, 2nd Ave. S., 3rd Ave. S., and the Alley between S. 22nd Street and S. 23rd Street 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., portions of S. 22nd Street, 2nd Ave. S., 3rd Ave. S., and the Alley between S. 22nd Street and S. 23rd Street more particularly described as follows:

DESCRIPTION #1: SOUTH 22ND STREET:

A tract of land situated in the NE1/4 of Section 3, T. 1 S., R. 26 E., P.M.M., Yellowstone County, Montana; more particularly described as follows, to-wit:

Beginning at a point which is the southeasterly corner of Lot 1, Block 159 of the Original Town (now City) of Billings, Montana; thence, from said point of beginning, along the easterly line of said Block 159, N34°36'30"W a distance of 680.00 feet to the northeasterly corner of Lot 12 of Block 145; thence crossing the right-of-way of South 22nd Street, N55°23'30"E a distance of 80.00 feet to the northwesterly corner of Lot 13, Block 146 of said Original Town of Billings; thence, along the westerly line of said Block 146, S34°36'30"E a distance of 580.95 feet to the southerly corner of Lot 20 of Block 158; thence, crossing the right-of-way of said South 22nd Street, S00°03'00"W a distance of 120.27 feet; thence, S55°23'30"W a distance of 11.78 feet to the point of beginning; said described tract having an area of 51,021 square feet.

DESCRIPTION #2: 3RD AVE SOUTH:

A tract of land situated in the NE1/4 of Section 3, T. 1 S., R. 26 E., P.M.M., Yellowstone County, Montana; more particularly described as follows, to-wit:

Beginning at a point which is the southeasterly corner of Lot 1, Block 159 of the Original Town (now City) of Billings, Montana; thence, from said point of beginning, crossing the right-of-way of 3rd Ave South, S34°36'30"E a distance of 17.10 feet; thence, S00°03'00"E a distance of

76.38 feet to the northeasterly corner of Lot 12 of Block 174; thence, along the northerly line of said Block 174, S55°23'30"W a distance of 256.68 feet to the northwesterly corner of Lot 13 of said Block 174; thence crossing the right-of-way of 3rd Ave South, N34°36'30"W a distance of 80.00 feet to the southwesterly corner of Lot 24 of said Block 159; thence along the southerly line of said Block 159, N55°23'30"E a distance of 300.00 feet to the point of beginning; said described tract having an area of 22,638 square feet.

DESCRIPTION #3: 2ND AVE SOUTH:

A tract of land situated in the NE1/4 of Section 3, T. 1 S., R. 26 E., P.M.M., Yellowstone County, Montana; more particularly described as follows, to-wit:

Beginning at a point which is the northeasterly corner of Lot 12, Block 159 of the Original Town (now City) of Billings, Montana; thence, from said point of beginning, along the northerly line of said Block 159, S55°23'30"W a distance of 300.00 feet to the southwesterly corner of Lot 13 of said Block 159; thence crossing the right-of-way of 2ND Ave South, N34°36'30"W a distance of 80.00 feet to the southwesterly corner of lot 24, Block 145 of said Original Town of Billings; thence, along the southerly line of said Block 145, N55°23'30"E a distance of 300.00 feet to the southeasterly corner of Lot 1 of said Block 145; thence, crossing the right-of-way of said 2ND Ave South, S34°36'30"E a distance of 80.00 feet to the point of beginning; said described tract having an area of 24,000 square feet.

DESCRIPTION #4: BLOCK 145 ALLEY:

A tract of land situated in the NE1/4 of Section 3, T. 1 S., R. 26 E., P.M.M., Yellowstone County, Montana; more particularly described as follows, to-wit:

Beginning at a point which is the southeasterly corner of Lot 24, Block 145 of the Original Town (now City) of Billings, Montana; thence, from said point of beginning, N34°36'30"W a distance of 300.00 feet to the northeasterly corner of Lot 13 of said Block 145; thence N55°23'30"E a distance of 20.00 feet to the northwesterly corner Lot 12 of said Block 145; thence S34°36'30"E a distance of 300.00 feet to the southwesterly corner of Lot 1 of said Block 145; thence S55°23'30"W a distance of 20.00 feet to the point of beginning; said described tract having an area of 6,000 square feet.

DESCRIPTION #5: BLOCK 159 ALLEY:

A tract of land situated in the NE1/4 of Section 3, T. 1 S., R. 26 E., P.M.M., Yellowstone County, Montana; more particularly described as follows, to-wit:

Beginning at a point which is the southeasterly corner of Lot 24, Block 159 of the Original Town (now City) of Billings, Montana; thence, from said point of beginning, N34°36'30"W a distance of 300.00 feet to the northeasterly corner of Lot 13 of said Block 159; thence N55°23'30"E a distance of 20.00 feet to the northwesterly corner Lot 12 of said Block 159; thence S34°36'30"E a distance of 300.00 feet to the southwesterly corner of Lot 1 of said Block 159; thence S55°23'30"W a distance of 20.00 feet to the point of beginning; said described tract having an area of 6,000 square feet.

Is hereby discontinued, abandoned and vacated.

2. PUBLIC INTEREST. The discontinuance, vacation and abandonment of the above described **portions of S. 22nd Street, 2nd Ave. S., 3rd Ave. S., and the Alley**

between S. 22nd Street and S. 23rd Street is in the best interest of the public and can be done without any public detriment.

PASSED by the City Council and APPROVED this 22nd day of May 2006.

THE CITY OF BILLINGS:

BY: _____
Ron Tussing MAYOR

ATTEST:

BY: _____
Marita Herold, CMC/AEE CITY CLERK

Attachment A

EXHIBIT "A"

RIGHT-OF-WAY VACATION FOR SOUTH 22ND STREET BETWEEN 1ST AVENUE SOUTH AND 3rd AVENUE SOUTH AND ALLEYS WITHIN BLOCKS 145 AND 159

DESCRIPTION #1: SOUTH 22ND STREET VACATION:

A tract of land situated in the NE 1/4 of Section 3, T. 1 S., R. 26 E., P. 4M, Yellowstone County, Montana, more particularly described as follows, to-wit:

Beginning at a point which is the southeasterly corner of Lot 1, Block 159 of the Original Town (now City) of Billings, Montana, thence, from said point of beginning, along the easterly line of said Block 159, N43°38'30"W a distance of 800.00 feet to the northeasterly corner of Lot 12 of Block 145, thence crossing the right-of-way of South 22nd Street, N55°23'30"E a distance of 80.00 feet to the northeasterly corner of Lot 13, Block 146 of said Original Town of Billings, thence, along the westerly line of said Block 146, S34°38'30"E a distance of 500.00 feet to the southeasterly corner of Lot 20 of Block 158, thence, crossing the right-of-way of said South 22nd Street, S00°00'00"W a distance of 120.27 feet, thence, S55°23'30"E a distance of 11.70 feet to the point of beginning, said described tract being on area of 51.021 square feet.

DESCRIPTION #2: 3RD AVE SOUTH VACATION:

A tract of land situated in the NE 1/4 of Section 3, T. 1 S., R. 26 E., P. 4M, Yellowstone County, Montana, more particularly described as follows, to-wit:

Beginning at a point which is the southeasterly corner of Lot 1, Block 159 of the Original Town (now City) of Billings, Montana, thence, from said point of beginning, crossing the right-of-way of the Ave South, S34°38'30"E a distance of 171.00 feet, thence, S00°00'00"E a distance of 78.30 feet to the northeasterly corner of Lot 12 of Block 158, thence, along the easterly line of said Block 158, S55°23'30"E a distance of 200.00 feet to the southeasterly corner of Lot 13 of said Block 158, thence crossing the right-of-way of 3rd Ave South, N34°38'30"E a distance of 80.00 feet to the southeasterly corner of Lot 24 of said Block 159, thence along the southerly line of said Block 159, N05°23'30"E a distance of 300.00 feet to the point of beginning, said described tract being on area of 22.638 square feet.

DESCRIPTION #3: 2ND AVE SOUTH VACATION:

A tract of land situated in the NE 1/4 of Section 3, T. 1 S., R. 26 E., P. 4M, Yellowstone County, Montana, more particularly described as follows, to-wit:

Beginning at a point which is the northeasterly corner of Lot 12, Block 159 of the Original Town (now City) of Billings, Montana, thence, from said point of beginning, along the westerly line of said Block 159, S55°23'30"W a distance of 200.00 feet to the southeasterly corner of Lot 13 of said Block 159, thence crossing the right-of-way of 2nd Ave South, N43°38'30"W a distance of 80.00 feet to the southeasterly corner of Lot 24, Block 145 of said Original Town of Billings, thence, along the westerly line of said Block 145, N55°23'30"E a distance of 300.00 feet to the southeasterly corner of Lot 1 of said Block 145, thence, crossing the right-of-way of said 2nd Ave South, S34°38'30"E a distance of 80.00 feet to the point of beginning, said described tract being on area of 24.000 square feet.

DESCRIPTION #4: BLOCK 145 ALLEY VACATION:

A tract of land situated in the NE 1/4 of Section 3, T. 1 S., R. 26 E., P. 4M, Yellowstone County, Montana, more particularly described as follows, to-wit:

Beginning at a point which is the southeasterly corner of Lot 24, Block 145 of the Original Town (now City) of Billings, Montana, thence, from said point of beginning, N43°38'30"W a distance of 200.00 feet to the northeasterly corner of Lot 13 of said Block 145, thence, N05°23'30"E a distance of 20.00 feet to the northeasterly corner of Lot 12 of said Block 145, thence, S34°38'30"E a distance of 200.00 feet to the southeasterly corner of Lot 1 of said Block 145, thence, S55°23'30"W a distance of 20.00 feet to the point of beginning, said described tract being on area of 0.000 square feet.

DESCRIPTION #5: BLOCK 159 ALLEY VACATION:

A tract of land situated in the NE 1/4 of Section 3, T. 1 S., R. 26 E., P. 4M, Yellowstone County, Montana, more particularly described as follows, to-wit:

Beginning at a point which is the southeasterly corner of Lot 24, Block 159 of the Original Town (now City) of Billings, Montana, thence, from said point of beginning, N43°38'30"W a distance of 200.00 feet to the northeasterly corner of Lot 13 of said Block 159, thence, N05°23'30"E a distance of 20.00 feet to the northeasterly corner of Lot 12 of said Block 159, thence, S34°38'30"E a distance of 200.00 feet to the southeasterly corner of Lot 1 of said Block 159, thence, S55°23'30"W a distance of 20.00 feet to the point of beginning, said described tract being on area of 0.000 square feet.

