

RESOLUTION NO. 06-18505

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA, DISCONTINUING AND VACATING portions of 8th Avenue North and the Alley between 7th Avenue North and 8th Avenue North.

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 8th Avenue North and the Alley between 7th Avenue North and 8th Avenue North 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 8th Avenue North and the Alley between 7th Avenue North and 8th Avenue North more particularly described as follows:

DESCRIPTION #1: 8TH AVENUE NORTH:

A tract of land situated in the E1/2 of Section 32, T. 1 N., R. 26 E., P.M.M., Yellowstone County, Montana; more particularly described as follows, to-wit:

Beginning at a point which is the southwesterly corner of Block 26 of Fosters Addition; thence, from said point of beginning, crossing the right-of-way of Eighth Avenue North, S 34°36'30" E a distance of 80.00 feet to the northwesterly corner of Block 36 of said Fosters Addition; thence, along the Northerly line of said Block 36, N 55°23'30" E a distance of 300.00 feet to the northeasterly corner of said Block 36; thence, crossing the right-of-way of said Eighth Avenue North, N 34°36'30" W a distance of 80.00 feet to the southeasterly corner of Block 26; thence along the southerly line of said Block 26, S 55°23'30" W a distance of 300.00 feet to the point of beginning; said described tract having an area of 24,000 square feet.

DESCRIPTION #2: ALLEY BETWEEN 7TH AVENUE NORTH AND 8TH AVENUE NORTH:

A tract of land situated in the E1/2 of Section 32, T. 1 N., 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 13, Block 36 of Fosters Addition; thence, from said point of beginning, S 34°36'30" E a distance of 225.00 feet to the southeasterly corner of Lot 21, of said Block 36; thence, N 55°23'30" E a distance of 20.00 feet to the southwesterly corner of Lot 4 of said Block 36; thence, N 34°36'30" W a distance of 225.00 feet to the northwesterly corner of Lot 12 of said Block 36; thence along the northerly line of said Block 36, S 55°23'30" W a distance of 20.00 feet to the point of beginning; said described tract having an area of 4,500 square feet.

Is hereby discontinued, abandoned and vacated.

2. PUBLIC INTEREST. The discontinuance, vacation and abandonment of the above described **portions of 8th Avenue North and the Alley between 7th Avenue North and 8th Avenue North** is in the best interest of the public and can be done without any public detriment.

PASSED by the City Council and APPROVED this 23rd day of October 2006.

THE CITY OF BILLINGS:

BY: _____
Ron Tussing MAYOR

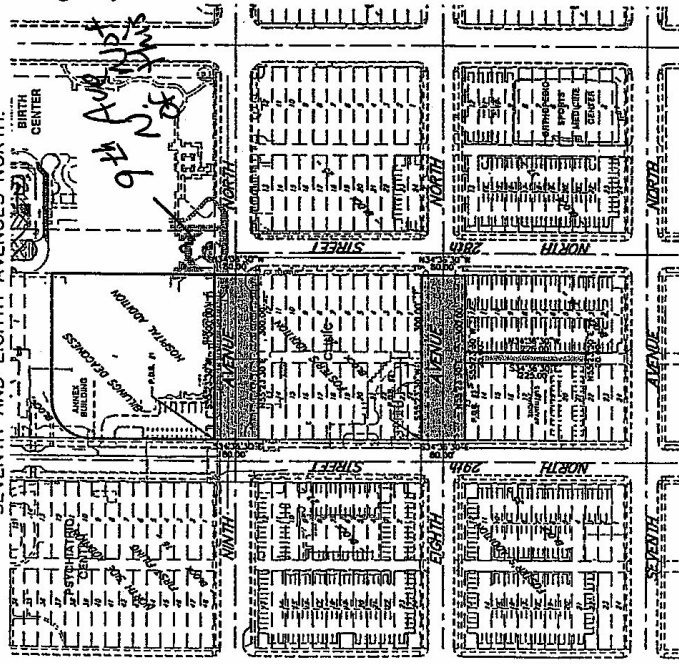
ATTEST:

BY: _____
Marita Herold, CMC/AE CITY CLERK

Attachment A

EXHIBIT "A"

RIGHT-OF-WAY VACATION FOR EIGHTH AND NINTH AVENUES NORTH
BETWEEN NORTH 29TH AND NORTH 28TH STREETS AND THE ALLEY
WAY EAST OF AND PARALLEL TO NORTH 29TH STREET BETWEEN
SEVENTH AND EIGHTH AVENUES NORTH.



DESCRIPTION #1: NINTH AVENUE NORTH VACATION

A tract of land situated in the E1/2 of Section 32, T 1 N., 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 Block 1 of the Billings Deaconess Hospital Addition; thence, from said point of beginning, crossing the right-of-way of Ninth Avenue North, S 34°36'30" E a distance of 80.00 feet to the northwesterly corner of Block 26 of said Fosters Addition; thence, along the northerly line of said Block 26, N 55°23'30" E a distance of 300.00 feet to the northeasterly corner of said Block 26, N 34°36'30" E a distance of 300.00 feet to the northeasterly corner of Block 1 of the Billings Deaconess Hospital Addition; thence along the southerly line of said Block 1, S 55°23'30" W a distance of 300.00 feet to the point of beginning; said described tract having an area of 24,000 square feet.

DESCRIPTION #2: EIGHTH AVENUE NORTH VACATION

A tract of land situated in the E1/2 of Section 32, T 1 N., 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 Block 26 of Fosters Addition; thence, from said point of beginning, crossing the right-of-way of Eighth Avenue North, S 34°36'30" E a distance of 80.00 feet to the northwesterly corner of Block 36 of said Fosters Addition; thence, along the northerly line of said Block 36, N 55°23'30" E a distance of 300.00 feet to the northeasterly corner of said Block 36; thence, crossing the right-of-way of said Eighth Avenue North, N 34°36'30" W a distance of 80.00 feet to the southeasterly corner of Block 26; thence along the southerly line of said Block 26, S 55°23'30" W a distance of 300.00 feet to the point of beginning; said described tract having an area of 24,000 square feet.

DESCRIPTION #3: ALLEY WAY VACATION

A tract of land situated in the E1/2 of Section 32, T 1 N., R. 26 E., P.M.M., Yellowstone County, Montana; more particularly described as follows, to-wit: Beginning at a point which is the northwesterly corner of Lot 13, Block 36 of Fosters Addition; thence, from said point of beginning, S 34°36'30" E a distance of 225.00 feet to the southeasterly corner of Lot 21, of said Block 36; thence, N 55°23'30" E a distance of 20.00 feet to the southeasterly corner of Lot 4 of said Block 36; thence, N 34°36'30" W a distance of 225.00 feet to the northwesterly corner of Lot 12 of said Block 36; thence along the northerly line of said Block 36, S 55°23'30" W a distance of 20.00 feet to the point of beginning; said described tract having an area of 4,500 square feet.