

RESOLUTION NO. 06-18505

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA,  
DISCONTINUING AND VACATING portions of 8<sup>th</sup> Avenue  
North and the Alley between 7<sup>th</sup> Avenue North and 8<sup>th</sup>  
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 8<sup>th</sup> Avenue North and the Alley between 7<sup>th</sup> Avenue North and 8<sup>th</sup> 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 8<sup>th</sup> Avenue North and the Alley between 7<sup>th</sup> Avenue North and 8<sup>th</sup> Avenue North more particularly described as follows:

DESCRIPTION #1: 8<sup>TH</sup> 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 7<sup>TH</sup> AVENUE NORTH AND 8<sup>TH</sup> 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 8<sup>th</sup> Avenue North and the Alley between 7<sup>th</sup> Avenue North and 8<sup>th</sup> 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 23<sup>rd</sup> day of October 2006.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
Ron Tussing \_\_\_\_\_  
MAYOR

ATTEST:

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

**EXHIBIT "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 SECTION** in the **E1/2** of **Section 32, T. 1 N., R. 26 E., P.M.M.,** **Yellowstone County, Montana;** more particularly described as follows, **lo-wei:**  
Beginning at a point which is the southwesterly 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, **34-12-50 E.** a distance of **80.00 feet** to the northwesterly corner of Block 16 of the Foss Addition; thence, along the northerly line of Block 16, a distance of **300.00 feet** to the northwesterly corner of the Billings Deaconess Hospital Addition; thence, along the northerly line of Ninth Avenue North, **34-12-50 E.** a distance of **300.00 feet** to the northwesterly corner of Block 26, thence, crossing the right-of-way of said Ninth Avenue North, **34-12-50 E.** a distance of **80.00 feet** to the northeasterly corner of Block 1 of the Billings Deaconess Hospital Addition; thence, along the southerly line of said Block 1, **352-23-30 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:—Beginning at the southwesterly corner of Block 26 of Fosters Addition; thence from point of beginning, crossing the right-of-way of Eighth Avenue North S 36° 30' E. a distance of 80.00 feet to the northeasterly corner of Block 36 of said Fosters Addition; thence, along the Northern line of said Block 36, 55' 23 3/4 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, S 34° 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 3/4 W. a distance of 300.00 feet to the point of beginning; said described tract to contain 1/24,000 square feet.

DESCRIPTION #: ALL FLY 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 northeasterly corner of Lot 13, Block 16 of Fosters  
Addition; thence, from said point of beginning, S. 34°16'30" E. a distance of 225.00 feet  
to the southeasterly corner of Lot 21, of said Block 16; thence, N. 55°21'30" E. a  
distance of 200.00 feet to the southwesterly corner of Lot 4, of said Block 36; thence,  
N. 34°26'30" W. a distance of 225.00 feet to the northeasterly corner of Lot 12 of said  
Block 36; thence along the northerly line of said Block 36, S. 55°21'30" W. a distance of  
200.00 feet to the point of beginning; said described tract, having an area of 4,500  
square feet.

