

RESOLUTION NO. 14-_____

A RESOLUTION OF THE CITY OF BILLINGS,
MONTANA, DISCONTINUING AND VACATING **portion
of Mountain View Boulevard and alley.**

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 **portion of Mountain View Boulevard and alley** 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., **portion of Mountain View Boulevard and alley** more particularly described as follows:

A tract of land situated in Panoramic Heights Subdivision, Recorded May 10, 1947, under Document Number 426171, Certificate of Survey Number 575, Recorded March 16, 1953, under Document Number 504035 and Amended Plat of Lots 31, 32, 33a and 51 of Panoramic Heights Subdivision, Recorded May 31, 2001, under Document Number 3131273 of record and on file in the office the Yellowstone County, Clerk and Recorder's in Billings, Yellowstone County, Montana, more particularly described as:

A portion of Mountain View Boulevard adjacent to Lots 33, 34, 34a – 49a, Lots 35b-50b, 50a and Lots 31-A, and 33a-1 of said Recorded Documents respectively.

RESERVING AND EXCEPTING THEREFROM THE FOLLOWING:

- (a) The right of free and uninterrupted passage in and along the road, together with the right to free ingress, egress and regress to and for residents who occupy the residences on either side of the discontinued and vacated portion of Mountain View Boulevard, as shown on Exhibit A,
- (b) The right of free and uninterrupted passage in and along the road, together with the right to free ingress, egress and regress to and for social guests and invitees of residents who occupy the residences on either side of the discontinued and vacated portion of Mountain View Boulevard, as shown on Exhibit A,
- (c) The right of free and uninterrupted passage in and along the road, together with the right to free ingress, egress and regress to and for delivery of mail and packages, for the removal of solid waste, and for other necessary services to residents who occupy the residences on either side of the discontinued and vacated portion of Mountain View Boulevard, as shown on Exhibit A,
- (d) The City's right to enter upon the property for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing and replacing water lines over, across, under and through the said real property, together with the right of free ingress and egress at all times for the purpose of constructing, reconstructing, maintaining, operating, servicing, repairing and replacing said sanitary sewers and/or water lines and appurtenances, and, if GRANTEE deems it in the best interest of the City of Billings, Montana, adding additional sanitary sewer and/or water lines,
- (e) The right of free and uninterrupted passage in and along the road, pursuant to §7-14-4115, MCA, for any public utility to continue to maintain its plant and equipment located on the former Mountain View Boulevard right-of-way,

Is hereby discontinued, abandoned and vacated and shall revert to adjacent property owners, subject to the reservations and exceptions stated above.

2. PUBLIC INTEREST. The discontinuance, vacation and abandonment of the above described portion of Mountain View Boulevard is in the best interest of the public and can be done without any public detriment. PASSED by the City Council and APPROVED this 8th day of September 2014.

THE CITY OF BILLINGS:

BY: _____
Thomas W. Hanel MAYOR

ATTEST:

BY: _____
Cari Martin CITY CLERK

EXHIBIT "A"

