

RESOLUTION NO. 17-\_\_\_\_\_

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA, RESCINDING RESOLUTION NO. 17-10604 TO ORDER THE INSTALLATION OF SIDEWALK IMPROVEMENTS ALONG AN ARTERIAL STREET IMPROVEMENT PROJECT SET FORTH IN W.O. 16-09 AND TO ASSESS THE FRONTING PROPERTY OWNER WITHOUT CREATION OF A SPECIAL IMPROVEMENT DISTRICT.

WHEREAS, on February 27, 2017, the City Council of the City of Billings adopted Resolution No. 17-10604 declaring its intent to order the installation of sidewalk improvements as accompaniment to an arterial street improvement project, City of Billings, W.O. 16-09, and to order that these costs be assessed to the fronting property owner, Hope Church, without creation of a special improvement district; and

WHEREAS, the City's arterial street improvement project set forth in W.O. 16-09, to improve Grand Avenue between 52<sup>nd</sup> Street West and 58<sup>th</sup> Street West, is to commence March 15, 2017, and both parties' agree the improvement project is essential to community safety and should not be delayed; and

WHEREAS, the City Engineer and Hope Church have concluded that the assessment cost of these improvements is approximately equal to the licensed appraisal value the City would pay to Hope Church to obtain its fronting property for public right-of-way; and

WHEREAS, the City Engineer and Hope Church have concluded and agreed that it is in the parties' most equitable and efficient best interests to enter into a Right of Way Agreement in which Hope Church agrees to grant its fronting property to the City for public right-of-way at no cost, and the City agrees to construct its multi-use pathway on public right-of-way without assessing Hope Church. See Right of Way Agreement, Attached as Exhibit A.

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

The City Council of the City of Billings, Montana, does hereby rescind Resolution No. 17-10604, adopted February 27, 2017.

This Resolution shall become effective immediately upon its passage and approval.

PASSED and APPROVED the 27<sup>th</sup> day March, 2017.

THE CITY OF BILLINGS:

BY: \_\_\_\_\_  
Thomas W. Hanel                      MAYOR

ATTEST:

BY: \_\_\_\_\_  
Denise Bohlman                      CITY CLERK