



MEMO

To: Chris Hertz, PE

From: Scott Aspenlieder, PE

Date: July 30, 2020

Re: Propriedad - Lincoln Lane Alley Vacation Request

On behalf of Propriedad, LLC (Developer), Performance Engineering, LLC (PE), submitted a request to vacate public right-of-way to Chris Hertz at the City of Billings Engineering Department on April 21, 2020. City of Billings staff presented the Petition of Acknowledgement to the City Council on May 26, 2020 which was pulled from Consent Agenda, for discussion and ultimately approval for the scheduling of a public hearing. During discussion and subsequent emails from council members, several questions have been asked revolving around the intent of the developer requesting the vacation and the process for vacating the alleyway given the manner in which it was established and it's proximity to the City/County boundary. The vacation application was brought before the City Council for a public hearing on June 22, 2020 at which time further questions were asked of the Developer, along with conditional requests to be considered. The vacation was tabled by Council until more information could be provided.

As a response to the concerns and requests made by City Council, Propriedad, LLC is prepared to the conditional requests made by the Council in tabling the topic. As a condition of annexation of the property in 2015, the Developer will complete a Development Agreement with the City of Billings prior to any development on the property. That Development Agreement will include dedication of right-of-way along Lincoln Lane and any other right-of-way determined to be necessary by the City of Billings Public Works Department. The Developer agrees to pay for the right-of-way to be vacated (4,730 square feet) at a value of \$2.18/sf for a total of \$10,311.40 for vacation of the alley. Propriedad, LLC owns Lots 1-6, Block 1 of the La Ray Subdivision and has no ownership interest in lots south of the property. However, the Developer agrees that should he ever own title to lots south of the property of interest they will be annexed into the City of Billings.

It is our hope that this will clear up any questions or concerns of the Council to allow for a formal vote on the request. The Developer is requesting formal action, up or down, on the issue so that engineering and permitting can proceed to move construction forward. If you have any questions or concerns please do not hesitate to contact Scott Aspenlieder, PE at 406-384-0080 or through email at scott@performance-ec.com. Thank you for your time and consideration.