

RESOLUTION NO. 14-10408

A RESOLUTION OF THE BILLINGS, MONTANA CITY COUNCIL discontinuing and vacating a slope easement in Amended Lot 21A, Block 39, Lake Hills Subdivision, 12th Filing.

WHEREAS, a proper petition was filed with the City Council of the City of Billings, Montana, pursuant to Section 22-601 BMCC, requesting discontinuance and vacation of a slope easement in Amended Lot 21A, Block 39, Lake Hills Subdivision, 12th Filing. as described hereinafter; and

WHEREAS, a public hearing was properly noticed and held as required by law; and

WHEREAS, the slope easement was originally given to the City of Billings for stormwater drainage along a portion of Constellation Drive; and

WHEREAS, that segment of Constellation Drive was never constructed and the easement for Constellation Drive has been previously vacated and continued to permit the construction of a residential structure in that location so that the slope easement is no longer needed for its original purpose; and

WHEREAS, no public detriment will result from the granting of the petition to discontinue and vacate the slope easement.

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

1. DISCONTINUANCE AND VACATION. Pursuant to §§7-13-4114 and 7-14-4115, M.C.A., the slope easement in Lot 21-A of the Amended Plat of Lots 21 & 22, Block 39, Lake Hills Subdivision, 12th Filing, as further described below is hereby discontinued, abandoned and vacated:

That portion of Lot 21-A of the Amended Plat of Lots 21 & 22, Block 39, Lake Hills Subdivision, 12th Filing of the City of Billings excepted and reserved by the City of Billings in that Quitclaim Deed dated November 23, 1992, whereby by the City of Billings quitclaimed Lot 21-A of the Amended Plat of Lots 21 & 22, Block 39, Lake Hills Subdivision, 12th Filing, unto Dan Vander Jagt and Evelyn E. VanderJagt, which deed was recorded on December 11, 1992 in Book 1387 of the records of the Office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 1663857.

SEE EXHIBIT "A" ATTACHED.

2. PUBLIC INTEREST. The discontinuance, vacation and abandonment of the above described portion of the slope easement in Lot 21-A of the Amended Plat of

Lots 21 & 22, Block 39, Lake Hills Subdivision, 12th Filing, City of Billings, Montana, is in the best interest of the public and can be done without any public detriment.

3. CONDITIONS OF APPROVAL. The Petitioner shall pay all application fees for the petition for vacation of the slope easement, but there is no requirement that petitioner shall make any further reimbursement to the City of Billings for the vacation of said slope easement.

PASSED by the City Council and APPROVED this 10th day of November 2014.

THE CITY OF BILLINGS:

BY: Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin
Cari Martin, City Clerk



