

## RESOLUTION 24-11220

### A RESOLUTION OF THE CITY OF BILLINGS, MONTANA, DISCONTINUING AND VACATING a portion of alley within Block 51 of Foster's Addition to the Town of Billings

WHEREAS, §7-14-4114, MCA, generally authorizes that a city council may discontinue a street or alley or any part of a street or alley in a city if it can be done without detriment to the public interest by 1) closure to through traffic, which action does not revoke a city's legal right-of-way interest in the street or alley or part thereof; or 2) by vacating a street or alley or any part thereof which action revokes a city's legal right-of-way interest in the street or alley or part thereof;

WHEREAS, §7-14-4115, MCA, provides that vacation authorized in §7-14-4114, MCA, shall not affect the right of any public utility to continue to maintain its plant or equipment in any such streets or alleys; and

WHEREAS, a proper petition was filed with the City Council of the City of Billings, Montana, pursuant to §22-601 BMCC, requesting discontinuance and vacation of **a portion of alley within Block 51 of Foster's Addition to the Town of Billings** 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 §§7-14-4114 and 7-14-4115, MCA, **a portion of alley within Block 51 of Foster's Addition to the Town of Billings,** described as follows and shown on and incorporated herein as attached exhibit "A", are discontinued and vacated:

Alley fronting Lots 5 through 12 and Lots 13 through 20, Block 51 Foster's Addition to the Town of Billings recorded December 26, 1882, under document number 2000019, on file and of record in the office of the Yellowstone County Clerk & Recorder.

2. **PUBLIC INTEREST.** The discontinuance and vacation of this **portion of alley within Block 51 of Foster's Addition to the Town of Billings** is in the best interest of the public and can be done without any public detriment.

3. NOTICE OF PUBLIC HEARING. On Monday August 12<sup>th</sup>, 2024, at 5:30 p.m., or as soon thereafter as the matter could be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council heard objections to the adoption of this resolution. The City Clerk published notice twice, with at least six (6) days separating each publication, as required by §7-1-4127, MCA, in the Yellowstone County News.

4. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 12<sup>th</sup> day of August, 2024.



CITY OF BILLINGS:

BY: William A. Cole  
William A. Cole, Mayor

ATTEST:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk

# VACATION DESCRIPTION

TWENTY FOOT WIDE ALLEY LYING BETWEEN LOTS 5 THROUGH 12 AND LOTS 13 THROUGH 20, BLOCK 51 FOSTER'S ADDITION TO THE TOWN OF BILLINGS ACCORDING TO THE RECORDED PLAT THEREOF, YELLOWSTONE COUNTY, MONTANA



Call 408-666-1111 before digging  
811 or call 811.com  
Yellowstone County, Montana



DENOTES ALLEY TO BE VACATED  
AREA = 3,999 SQ. FT. or 0.092 acres more or less

