

RESOLUTION NO. 01-17653

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA, DISCONTINUING AND VACATING A TRACT OF LAND LOCATED IN THE SW4 OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 26 EAST, YELLOWSTONE COUNTY, MONTANA, BEING A PORTION OF SAPPHIRE AVENUE IN HOWARD HEIGHTS SUBDIVISION.

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 **A TRACT OF LAND LOCATED IN THE SW4 OF SECTION 22, TOWNSHIP 1 NORTH, RANGE 26 EAST, YELLOWSTONE COUNTY, MONTANA, BEING A PORTION OF SAPPHIRE AVENUE IN HOWARD HEIGHTS SUBDIVISION** as described hereinafter; and

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

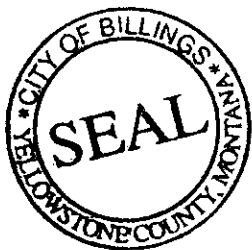
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

DISCONTINUANCE AND VACATION. Pursuant to Sections 7-14-4114 and 7-14-4115, M.C.A., the following portion(s) of **A tract of land located in the SW4 of Section 22, Township 1 North, Range 26 East, Yellowstone County, Montana, being a portion of Sapphire Avenue in Howard Heights Subdivision** is/are hereby discontinued, abandoned and vacated.

Considering the basis of bearings to be N00 degrees 11'04" E, being the west line of Howard Heights Subdivision, and all bearings contained herein relative thereto. BEGINNING at the SW corner of said Section 22, thence N00 degrees 11'04" E, a distance of 40.00 feet to a point on the Northerly R/W of Hilltop Avenue; thence S89 degrees 27'00" E along said Northerly R/W of Hilltop Avenue, a distance of 335.00 feet to the True Point of Beginning, said point also being the PC of a curve to the left, said curve having a radius of 15.00 feet, a delta of 90 degrees 00'00" and an arc length of 23.56 feet to the PT of said curve being on the Westerly R/W of Sapphire Avenue; thence N00 degrees 33'00" E along said Westerly R/W of Sapphire Avenue, a distance of 520.00 feet to the PC of a curve to left; said curve having a radius of 15.00 feet, a delta of 90 degrees 00'00" and an arc length of 23.56 feet to the PT of said curve being on the Southerly R/W of Lily Valley Circle; thence S89 degrees 27'00" E, a distance of 75.00 feet to a point on the Easterly R/W of said Sapphire Avenue, thence S00 degrees 33'00" W along the easterly R/W of said Sapphire Avenue, a distance of 535.00 feet to the PC of a curve to left; said curve having a radius of 15.00 feet, a delta of 90 degrees 00'00" and an arc length of 23.56 feet to the PT of said curve being on the Northerly R/W of Hilltop Avenue; thence N89 degrees 27'00" West, a distance of 90.00 feet to the True Point of Beginning, containing 33,146.33 square feet or 0.761 acres, more or less.

1. PUBLIC INTEREST. The discontinuance, vacation and abandonment of the above described tract of land located in the SW4 of Section 22, Township 1 North, Range 26 East, Yellowstone County, Montana, being a portion of Sapphire Avenue in Howard Heights Subdivision is in the best interest of the public and can be done without any public detriment.
2. CONDITIONS. The vacation is approved subject to the City receiving an executed Development Agreement stipulating specific infrastructure improvements and providing guarantees for said improvements and addressing the emergency access issue. The vacated street and adjoining lots must be replatted by the owner prior to development of the vacated street or adjacent property. Said Development Agreement must also be approved by the City Council.
3. REVERSION. All of the vacated right-of-way shall revert to Lots 6-12, Block 1, Howard Heights Sub.

PASSED by the City Council and APPROVED this 8th day of January, 2001.



THE CITY OF BILLINGS:

BY:

Charles F. Tooley

MAYOR

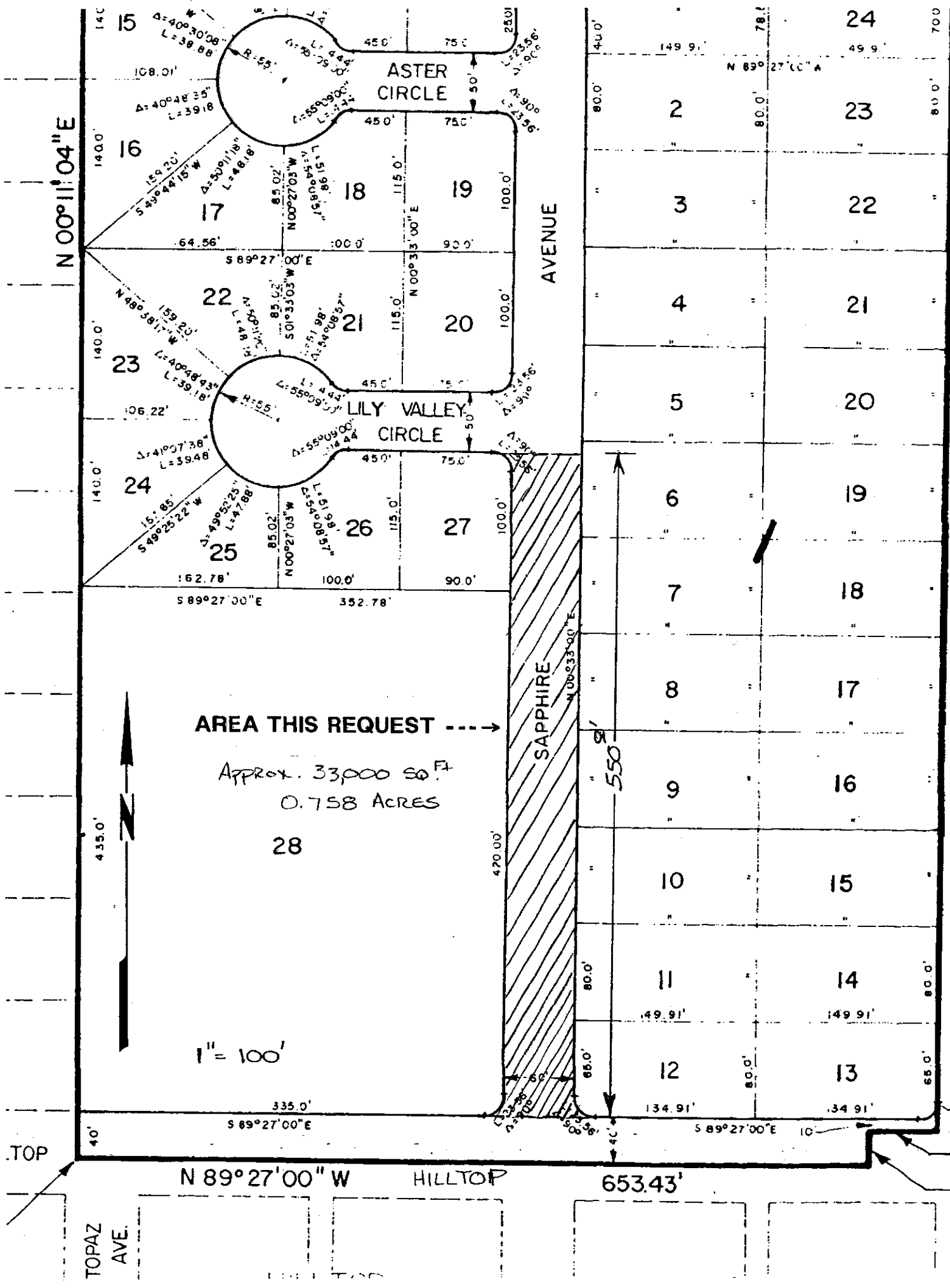
ATTEST:

BY:

Marita Herold

Marita Herold, CMC/AAE

CITY CLERK



PLAT OF HOWARD HEIGHTS SUBDIVISION

SITUATED IN THE SW 1/4 OF SECTION 22, T1N, R26E, PMM
YELLOWSTONE COUNTY, MONTANA

BY: MUELLER ENGINEERING, INC. BILLINGS, MONTANA

JULY-1972

LOT AREA IN SQUARE FEET

BLOCK 1		BLOCK 2	
Lot	Area	Lot	Area
1	14,650	1	12,119
2-11	11,992	2	11,183
12-13	11,992	3	11,183
14-15	11,992	4	10,536
16	10,751	5	11,499
17		6	11,356
18		7	12,372
19		8	12,372
20		9	11,882
21		10	
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