

RESOLUTION 05-18289

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA,
DISCONTINUING AND VACATING a portion of Madison Avenue
right-of-way in Cassino 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 portion of Madison Avenue right-of-way in Cassino 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:

1. DISCONTINUANCE AND VACATION. Pursuant to Sections 7-14-4114 and 7-14-4115, M.C.A., a portion of Madison Avenue right-of-way in Cassino Subdivision more particularly described as follows:

Beginning at a point on the east right-of-way line of Orchard Lane, said point being situated on the northwest corner of Lot 2, Block 1, Cassino Subdivision; thence, from said point of beginning, N 0°16' W a distance of 30 feet; thence N 89°55' E a distance of 148.15 feet; thence S 00°16' E a distance of 30 feet; thence S 89°55' W a distance of 148.15 feet to the point of beginning; containing an area of 4,444.50 square feet.

is hereby discontinued, abandoned and vacated.

2. PUBLIC INTEREST. The discontinuance, vacation and abandonment of the above described a portion of Madison Avenue right-of-way in Cassino Subdivision is in the best interest of the public and can be done without any public detriment. Ownership of the vacated area will revert to the current owner of Lot 2, Block 1, Cassino Subdivision.

PASSED by the City Council and APPROVED this 13th day of June 2005.



THE CITY OF BILLINGS:

BY:

Charles F. Tooley

MAYOR

ATTEST:

BY:

Marita Herold

Marita Herold, CMC/AAE

CITY CLERK

PLAT OF

CASSINO SUBDIVISION

SITUATED IN THE SW 1/4 NE 1/4, LOT 12, SECTION 9, T.1S, R.26E, PMM

YEL LOWSTONE COUNTY, MONTANA

PLAT & SURVEY BY LESLIE D. JONES, APRIL, 1971

SCALE: 1" = 50'

FRANKLIN
SUB.NW Cor SW 1/4 NE 1/4
Section 9
T.1S, R.26E.Point of Beginning
N. 89° 55' E. 178.15'

UNPLATTED

MADISON AVE.

148.15'

67.5'

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C. of S. 125

CERTIFICATE OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That David S. and Jane S. Huggatt, husband and wife, owners of the following described tract of land, do hereby certify that they have caused to be surveyed, subdivided and platted into lots, blocks, and streets as shown on the plat and the Certificate of Survey herewith annexed, said tract being located in the SW 1/4 NE 1/4 of Section 9, T.1S, R.26E, P.M.M., Yellowstone County, Montana, and being more particularly described as follows, to-wit:

Beginning at the NW corner of the SW 1/4 NE 1/4, Section 9, T.1S, R.26E, P.M.M.; thence N. 89° 55' E. along the north line of Lot 12 a distance of 178.15 feet, thence S. 0° 16' E. a distance of 165.0 feet to a point on the north line of Certificate of Survey No. 125; thence S. 89° 55' W. along the north line of Certificate of Survey No. 125 a distance of 178.15 feet to a point on the west line of the SW 1/4 NE 1/4, Section 9, thence N. 0° 16' W. a distance of 165.0 feet to the point of beginning, and said tract to be known and designated as CASSINO SUBDIVISION and the lands included in all streets shown on the annexed plat are hereby granted and donated to the use of the public forever as an addition to the City of Billings.

Dated this 11th day of May, 1971.

David S. Huggatt
David S. Huggatt
Jane S. Huggatt
Jane S. Huggatt

STATE OF MONTANA
County of Yellowstone

On this 11th day of May, 1971, before me, a Notary Public in and for the State of Montana, personally appeared David S. Huggatt and Jane S. Huggatt, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and who acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office on this day and year first above written.

My Notary Seal
Notary Public in and for the State of Montana
Residing at Billings, Montana
My commission expires DEC. 30, 1971

CONSENT TO PLATTING, BY OWNER

The undersigned, First National Bank and Trust Co. a Montana Corporation, of Billings, Montana, hereby consents to the platting of the tract of land as described in the Certificate of Dedication and shown on the annexed plat.

IN WITNESS WHEREOF, the undersigned has caused this consent to be executed and acknowledged. This consent is made pursuant to Chapter 5, Title 11-507 of the Revised Codes of Montana of 1971.

James H. Huggatt
James H. Huggatt, Assistant Vice President
First National Bank and Trust Company

STATE OF MONTANA
County of Yellowstone

On this 11th day of May, 1971, before me, a Notary Public in and for the State of Montana, personally appeared James H. Huggatt, Assistant Vice President, First National Bank and Trust Company, known to me to be the person whose name is subscribed to the within instrument and who acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office on this day and year first above written.

My Notary Seal
Notary Public in and for the State of Montana
Residing at Billings, Montana
My commission expires DEC. 30, 1971

STATE OF MONTANA
County of Yellowstone

I hereby certify that the annexed plat of CASSINO SUBDIVISION was filed for record in my office on the 11th day of May, 1971, at Billings, Montana.

My Notary Seal
Notary Public in and for the State of Montana
Residing at Billings, Montana
My commission expires DEC. 30, 1971

CERTIFICATE OF SURVEY

STATE OF MONTANA
County of Yellowstone

Leslie D. Jones, RLS, Montana Registered Land Surveyor No. 18235, being first duly sworn, deposes and says that during the month of May 1971 a survey was made under his supervision of a tract of land to be known as CASSINO SUBDIVISION in accordance with the request of the owners thereof and in conformity with the provisions of Chapter 5, Title 11-501 to 11-516, inclusive, Revised Codes of Montana of 1971, said subdivision, description of boundaries and dimensions being in accordance with the Certificate of Dedication and as shown on the annexed plat; that iron pipe monuments of suitable size were set at all intersection points as indicated on the plat by a mark thus —|—; that iron pipe found in place at intersecting lines are indicated on the plat by a mark thus —|—; that the plat conforms with the work on the ground; that the gross area of the said platted tract of land is 0.6748 acres and that the net area is 0.4591 acres.

Leslie D. Jones
Leslie D. Jones, RLS, Montana Reg. No. 18235

Subscribed and sworn to before me, a Notary Public in and for the State of Montana, this 11th day of May, 1971.

My Notary Seal
Notary Public in and for the State of Montana
Residing at Billings, Montana
My commission expires DEC. 30, 1971

CERTIFICATE OF APPROVAL BY CITY ENGINEER

I hereby certify that I have examined the annexed and foregoing plat of CASSINO SUBDIVISION and find that said plat conforms with the requirements of the laws of the State of Montana, and that said plat conforms to the adjoining additions and plats of the City of Billings, already platted as nearly as circumstances will permit.

IN WITNESS WHEREOF, I have executed this Certificate of Approval this 11th day of May, 1971.

My Notary Seal
City Engineer

CERTIFICATE OF APPROVAL

STATE OF MONTANA
County of Yellowstone

We hereby certify that we have examined the annexed plat of CASSINO SUBDIVISION and the said plat conforms with the requirements of the laws of the State of Montana, that the requirements for plat duration has been met to the satisfaction of the Billings-Yellowstone City-County Planning Board. It is therefore approved and accepted by Resolution No. 18235 as an addition to the City of Billings.

IN WITNESS WHEREOF, we have set our hands and the seal of the CITY OF BILLINGS, MONTANA, this 11th day of May, 1971.

My Notary Seal
CITY OF BILLINGS, MONTANA

My Notary Seal
City Clerk

NOTICE OF RECORDING

STATE OF MONTANA
County of Yellowstone

This plat has been approved for filing by the Billings-Yellowstone City-County Planning Board and conforms to the recommendations of this Board.

BILLINGS-YELLOWSTONE CITY-COUNTY PLANNING BOARD:

My Notary Seal
First Seat

My Notary Seal
Executive Secretary

EXHIBIT

S-71-71
Date