

RESOLUTION NO. 08-18708

A RESOLUTION OF THE CITY OF BILLINGS, MONTANA,
DISCONTINUING AND VACATING A PORTION OF NORTH 26TH
STREET AND 2ND AVENUE NORTH.

WHEREAS, the City of Billings, as a party to a Development Agreement to develop a downtown US General Services Administration courthouse, agreed to vacate and sell a portion of N. 26th Street and 2nd Avenue North right of way to the adjacent property owners for further conveyance to the courthouse developer, and

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 North 26th Street and 2nd Avenue North 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 North 26th Street and 2nd Avenue North more particularly described as follows:

A PORTION OF NORTH 26TH STREET AND
A PORTION OF THE NORTH 25 FEET OF 2ND AVENUE NORTH

A tract of land situated within the City of Billings, in the Billings Original Townsite, Recorded September 1, 1884, Under Document No. 16312, Records of Yellowstone County, Montana, more particularly described as follows:

Beginning at the southwest corner of Lot 1, Block 59, of said Billings Original Townsite; thence northeasterly along the north right-of-way of 2nd Avenue North for a distance of 140.0 feet to the southeast corner of said Lot 1; thence northwesterly along the west right-of-way of North 26th Street for a distance of 150.0 feet to the northeast corner of Lot 6 of said Block 59; thence northeasterly across the North 26th Street right-of-way for a distance of 80.0 feet to the northwest corner of Lot 19, Block 60, of said Billings Original Townsite; thence southeasterly along the east right-of-way of North 26th Street for a distance of 150.0 feet to the southwest corner of Lot 24 of said Block 60; thence northeasterly along the north right-of-way of 2nd Avenue North for a distance of 140.0 to a point; thence southeasterly for a distance of 25.0 feet on a line that is perpendicular to the north right-of-way of 2nd Avenue North to a point; thence southwesterly and parallel to the north right-of-way of 2nd Avenue North for a distance of 360.0 feet to a point; thence northwesterly for a distance of 25.0 feet to the Point of Beginning.

Said vacation containing 21,000 gross and net square feet.

Is hereby discontinued, abandoned and vacated in accordance with Section 3.

2. PUBLIC INTEREST. The discontinuance, vacation and abandonment of the above described portion of North 26th Street and 2nd Avenue North is in the best interest of the public and can be done without any public detriment.

3. DELAYED EFFECTIVE DATE. The discontinuance, vacation and abandonment of the described street right of way will take effect upon execution of property sales and exchanges that are described as Phase 2 transactions in Sections 4.2 and 5.3 of a Development Agreement among the City of Billings, County of Yellowstone, White Family LLC, Big Sky Economic Development Corporation, Downtown Development Corporation and the Downtown Billings Partnership, Inc. and dated January 29, 2008. If the Phase 2 transactions do not take place as anticipated by said Development Agreement, this discontinuance, vacation and abandonment of the described street right of way shall be null and void.

PASSED by the City Council and APPROVED this 12th day of May 2008.



THE CITY OF BILLINGS:

BY:

~~Ron Tussing, MAYOR~~

ATTEST:

BY: Cari Martin
Cari Martin, CITY CLERK

EXHIBIT "A"

