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City of Miles City, Montana  
P.O. Box 910  
Miles City, MT 59301

**RESOLUTION NO. 3614**

**A RESOLUTION GRANTING A REVOCABLE LICENSE TO BRANDON KELM FOR A FENCE ENCROACHMENT UPON CITY OF MILES CITY RIGHT OF WAY FOR COMSTOCK STREET FOR THE BENEFIT OF LOTS 18 THROUGH 20 IN BLOCK 17 OF THE HIGHLAND PARK ADDITION TO THE CITY OF MILES CITY, COMMONLY KNOWN AS 805 SOUTH CUSTER AVENUE.**

*WHEREAS*, Brandon Kelm has made application for an encroachment upon the right of way of Comstock Street adjacent to the following described real property located in Miles City, Custer County, Montana owned by Brandon Kelm and Angela Kelm:

Lots 18, 19 and 20 in Block 17 of the Highland Park Addition to the City of Miles City, Custer County, Montana according to the plat and survey thereof on file in the office of the Clerk and Recorder of Custer County, Montana, commonly known as 805 South Custer Avenue.

*AND WHEREAS*, such encroachment consists of a fence to be constructed approximately six (6) feet west of the back of the existing curb on the southerly edge of Comstock Avenue;

*AND WHEREAS*, the City Council finds that the granting of a revocable license for such encroachment, pursuant to certain terms and conditions, is advisable.

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

It does hereby authorize and grant to Brandon Kelm a revocable license to erect and maintain a chain link fence, less than six (6) feet in height, on Lots 18, 19 and 20 of Block 17 of the Highland Park Addition to the City of Miles City, Custer County, Montana, commonly known as 805 South Custer Avenue, that encroaches upon the City of Miles City right of way, subject to the following terms and conditions:

1. The fence shall be placed approximately six (6) feet south of the back of the existing curb on the southerly edge of Comstock Street, leaving room so that a sidewalk will be installed in the future;
2. The final location and height of the fence are subject to the review and final approval of the Public Works Director of the City of Miles City;
3. The licensee shall maintain the fence in good and sightly condition at all times;
4. All construction and maintenance of the fence shall be at licensee's expense;
5. This license shall terminate and licensee shall, at licensee's expense, completely remove the fence from the City of Miles City right of way and restore the location of the fence to compacted, level grade, upon ninety (90) days advanced written notice to licensee by the City of Miles City
6. This license shall be recorded with the Clerk and Recorder for Custer County, Montana, and shall run with the above described real property, subject to the terms, conditions and right to terminate provided herein, and licensee shall pay to the City Clerk the recording cost of \$14.00.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,  
MONTANA, THIS 9th DAY OF JULY, 2013.**

X   
C.A. Grenz, Mayor

ATTEST:

X 

Lorrie Pearce, City Clerk