

City of Miles City
PO Box 910
Miles City, MT 59301

161621 Fee: \$14.00

Custer County Recorded 9/18/2014 At 2:10 PM
Linda Corbett, Clk & Rcdr By Linda Corbett
Return to: City of Miles City P.O. box 910
Miles City MT 59301

RESOLUTION NO. 3706

A RESOLUTION VACATING, DISCONTINUING, AND CLOSING THE ALLEY IN BLOCK 2 OF THE MILWAUKEE PARK ADDITION TO THE CITY OF MILES CITY, MONTANA.

WHEREAS, a Petition has been filed by Jerry D. Doeden and Katherine F. Doeden to vacate, discontinue and close the following street and alley:

All of the alley between Lots 1-6 and Lots 17-22 of Block 4 of the Milwaukee Park Addition to the City of Miles City, according to the official plat and survey thereof now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana;

and

All of Yellowstone Boulevard adjacent to Lots 1 and 2 of Block 2, as well as that portion of Yellowstone Boulevard which is adjacent to the now vacated portion of Alice Street which had run between Blocks 2 and 4, of the Milwaukee Park Addition to the City of Miles City, according to the official plat and survey thereof now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana;

AND WHEREAS the Petition was signed by more than 50% of the owners of lots on the street and alley, pursuant to MCA 7-14-4114(1)(b);

AND WHEREAS a public hearing was noticed and held on the 12th day of August, 2014, pursuant to MCA 7-14-4114(3);

AND WHEREAS the City Council has duly considered the hereinbefore referenced petition, and finds that the closing of the street and alley as requested may be done without detriment or inconvenience to the public;

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

1. The following alley is hereby vacated, discontinued and closed:

All of the alley between Lots 1-6 and Lots 17-22 of Block 4 of the Milwaukee Park Addition to the City of Miles City, according to the official plat and survey thereof now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana;

2. The request to vacate a portion of Yellowstone Boulevard is hereby **denied**.

3. The foregoing closure shall be subject to the right of the City of Miles City and the County of Custer to enter and construct and maintain any necessary utilities, mains, conduits or wiring pursuant to MCA 7-14-4115, as well as the right of entry and egress by the foregoing bodies or their agents to view, inspect, repair and maintain the dike.

4. Pursuant to MCA 76-3-305, ownership of: the north half of the vacated alley shall revert to each of the respective Lots 1-6 in Block 4 of the Milwaukee Park Addition; the south half of the vacated alley shall revert to each of the respective Lots 17-22 in Block 4 of the Milwaukee Park Addition.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 12th DAY OF AUGUST, 2014.



C.A. Grenz, Mayor

ATTEST:



Lorrie Pearce, City Clerk