

RESOLUTION NO. 3758

A RESOLUTION GRANTING A REVOCABLE LICENSE TO LIVING WAY FELLOWSHIP CHURCH, AUTHORIZING THE ENCROACHMENT UPON CITY OF MILES CITY RIGHT-OF-WAY FOR MISSOURI AVENUE AND SOUTH 7TH STREET FOR PURPOSES OF CONSTRUCTING OFF-STREET ANGLED PARKING FOR THE BENEFIT OF LOTS 1 - 5 IN BLOCK 88 OF THE ORIGINAL TOWNSITE TO THE CITY OF MILES CITY, COMMONLY KNOWN AS 708 MISSOURI AVENUE

WHEREAS, Living Way Fellowship Church, has made application for an encroachment upon the right of way of Missouri Avenue and 7th Street adjacent to the following described real property located in Miles City, Custer County, Montana owned by Living Way Fellowship Church:

Lot 1-5 in Block 88 of the Original Townsite 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 708 Missouri Ave.

AND WHEREAS, such encroachment shall consist of off-street angled parking between the existing parking entrances and exits along the southeasterly edge of Missouri Avenue and the northeasterly side of South 7th Street;

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 Living Way Fellowship Church a revocable license to construct an off-street angle parking area on Lot 1-5 of Block 88 of the Original Townsite to the City of Miles City, Custer County, Montana, commonly known as 708 Missouri Avenue, that encroaches upon the City of Miles City right-of-way on the southeasterly edge of Missouri Avenue and the northeasterly side of South 7th Street, subject to the following terms and conditions:

1. The off-street angle parking area shall be constructed in strict conformance with the requirements of the City Engineering Office;

2. The parking area shall be constructed at licensee's sole expense;
3. The licensee shall maintain the parking area in good repair and condition at all times.
4. This license shall terminate and licensee shall, at licensee's expense, completely remove the parking area and restore all curb, gutter and sidewalk at licensee's sole expense upon ninety (90) days advanced written notice to licensee by the City of Miles City.
5. 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. The costs of recording, being \$14.00, shall be paid by licensee to the City Clerk.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,
MONTANA, THIS 28th DAY OF OCTOBER, 2014.**



C.A. Grenz, Mayor

ATTEST:



Lorrie Pearce, City Clerk