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

RESOLUTION NO. 4469

A RESOLUTION GRANTING A REVOCABLE LICENSE TO GABRIEL MARTINSEN FOR PLACEMENT OF A PRIVACY FENCE UPON CITY OF MILES CITY RIGHT OF WAY FOR DOEDEN AVENUE.

WHEREAS, Gabriel Martinson of Miles City Montana has made application for an encroachment upon the right of way of Doeden Avenue adjacent to the following described real property located in Miles City, Custer County, Montana:

Lots 17A-2 and 18A in Block 3 of the Pioneer Subdivision of the City of Miles City, 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 2815 Tompy Street.

AND WHEREAS, such encroachment consists of a privacy fence 6' in height, set back approximately 6' from the curb, and accommodating for the "clear vision triangle" vision requirements for intersections as set forth in the Code of Ordinances of the City of Miles City,

AND WHEREAS, the Board of Adjustment for the City of Miles City has approved a variance with respect to the height of the fence along Doeden Avenue,

AND WHEREAS, the City Council finds that the granting of a revocable license for such encroachment is reasonable under the circumstances.

NOW THEREFORE BE IT RESOLVED by the City Council of Miles City, Montana, as follows:

It does hereby authorize and grant to Gabriel Martinsen a revocable license to maintain a 6' privacy fence in the right of way for Doeden Avenue, to be set back from the curb not less than 6', and which shall be compliant with the clear vision triangle intersection requirements of the City Code, adjacent to the following described real property:

Lots 17A-2 and 18A in Block 3 of the Pioneer Subdivision of the City of Miles City, 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 2815 Tompy Street.

This license shall terminate, and the licensee shall, at licensee's sole expense, completely remove said fence upon 90 days' advanced written notice by the City of Miles City.

This license shall be recorded with the Clerk & 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. Licensee shall pay to the City Clerk the recording cost of \$16.00

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS 13TH DAY OF SEPTEMBER, 2022.



John Hollowell, Mayor

ATTEST:



Mary Rowe, City Clerk