

# RESOLUTION No. 3424

## **A RESOLUTION OF THE CITY COUNCIL OF RED LODGE, MONTANA TO VACATE A PORTION OF THE OAKES AVENUE PUBLIC RIGHT OF WAY LYING GENERALLY BETWEEN 7<sup>TH</sup> AND 6<sup>TH</sup> STREETS.**

**WHEREAS**, § 7-14-4114 et. seq. of the Montana Code Annotated authorizes the City of Red Lodge to discontinue the use of, and permanently vacate public rights of way (ROW); and

**WHEREAS**, the affected ROW to be vacated does not contain roadway improvements; and

**WHEREAS**, the proposed ROW vacation will not cause any detriment to the public interest; and

**WHEREAS**, all applicable process as set forth in § 7-14-4114, and all applicable public notice requirements set forth in § 7-14-4114 et. seq. of the Montana Code Annotated MCA have been complied with.

**NOW THEREFORE BE IT RESOLVED** by the City Council:

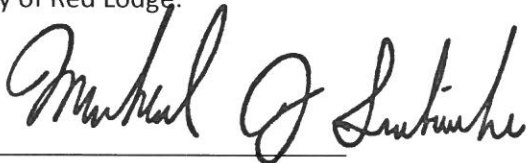
1. That the City Council of the City of Red Lodge hereby and forever permanently vacates that portion of the Oakes Avenue ROW as more particularly depicted on the attached Exhibit - A.
2. That pursuant to Montana law, vacated ROW returns to the ownership of adjacent parcels along each respective side the centerline of said vacated ROW; and as such, the entirety of the vacated parcel depicted on Exhibit A shall transfer to the Bank of Red Lodge.
3. That in accordance with Exhibit B, the City and the Bank of Red Lodge have entered into an agreement to transfer additional parcels within three (3) months of the completion of public restroom building expansion.

**INTRODUCED** at a regular meeting of the City Council on this 25<sup>th</sup> day of October, 2016 by Council

Member Martha Brown.

**PASSED AND APPROVED** BY THE RED LODGE CITY COUNCIL on this 25<sup>th</sup> day of October, 2016.

City of Red Lodge:



Michael Schoenike, Mayor

Attest:



Loni Hanson, City Clerk

**EXHIBIT A**  
**RESOLUTION No. 3424**  
**LYING IN TRACT D-3 C.O.S 1396 AM. AND A PORTION**  
**OF OAKES AVENUE, LOCATED IN THE**  
**CITY OF RED LODGE AND BEING A PORTION OF**  
**THE NE1/4 OF SECTION 27, T.7S., R.20E., P.M.M.,**  
**CARBON COUNTY, MONTANA**

SURVEYED BY: RED LODGE SURVEYING, LLC  
 158 TWO WILLOW LANE  
 RED LODGE, MT 59068

**BASIS OF BEARING:**

Considering the Basis of Bearing to be based on Red Lodge Control established by HKM Engineering for 2007 Aerial mapping of Red Lodge

**VACATED STREET PARCEL**

(VACATED OAKES AVE FROM CITY OF RED LODGE TO BANK OF RED LODGE)

That part of Oakes Avenue, Original Plat of Red Lodge, located in the NE1/4 of Section 27, T.7S., R.20E., P.M.M., Carbon County, Montana described as follows;

Commencing at the northeast corner of Tract D-3 of Certificate of Survey No. 1396 AM.; thence S.09° 43' 10"W for 0.88 feet along the east line of said Tract D-3 to the Point of Beginning; thence leaving said east line; thence S.01° 00' 06"E. for 151.32 feet; thence along a 10.00 foot radius curve to the Right (chord bears S.43° 43' 37"W. for 14.07 feet) for an arc length of 15.61 feet; thence S.88° 25' 55"W. for 20.68 feet; thence N.09° 43' 10"E. for 164.39 feet, to the Point of Beginning, containing 2444 SqFt more or less.

**D-2B**  
**PLAT 1396 17TH AM**

N80°16'52"W  
 91.00'

N0°43'10"E  
 0.88'

POINT OF  
 BEGINNING  
 RELOCATION  
 PARCEL

**TRACT D-3**  
**C.O.S. 1396 AM**  
**BANK OF RED LODGE**

N0°43'10"E  
 164.39'  
 S01°00'06"E  
 151.32'

**VACATED OAKES**  
 2444 Sq. Ft.

CB=S43°43'37"W  
 LC=14.07'  
 R=10.00'  
 AL=15.61'  
 D=89°27'24"

BROADWAY AVE.

CITY OF  
 RED LODGE  
 LIONS PARK



SCALE 1" = 40'



**LEGEND**

- FOUND NO. 5 REBAR WITH YELLOW PLASTIC CAP VIA BRATTON (9519LS)
- FOUND BALD REBAR
- ▲ FOUND PK NAIL
- NO MONUMENT SET

**TRACT D-4**  
**C.O.S. 1396 AM**  
**CARBON COUNTY**  
**DEPOT GALLERY**

OAKS AVE.

EDGE CURB

RED LODGE  
 LIBRARY

BROADWAY AVE.

S80°17'15"E  
 16.00'

S80°16'52"E  
 21.25'

N32°00'00"W  
 102.28'

N0°43'10"E  
 162.04'

N0°43'08"W  
 272.50'

N0°43'08"E  
 188.78'

20.68'

S88°25'55"W

**EXHIBIT B**  
**RESOLUTION No. 3424**

**PROPOSED**  
**BOUNDARY RELOCATION PARCELS BETWEEN TRACT D-3 & TRACT D-4 OF**  
**CERTIFICATE OF SURVEY NO. 1396 AM, LOCATED IN THE CITY OF RED LODGE**  
**AND BEING A PORTION OF THE NE1/4 OF SECTION 27, T.7S., R.20E., P.M.M.,**  
**CARBON COUNTY, MONTANA.**

**BASIS OF BEARING:**  
Considering the Basis of Bearing to be based on Red Lodge Control established by HKM Engineering for 2007 Aerial mapping of Red Lodge

**SURVEYOR'S NOTE:**  
Relocation Parcels A & B, as shown on this exhibit, are described below for the purpose of title transfer only. They are to be merged with the adjoining property as shown and are not intended to be a separate parcel pursuant to ARM Section 24.183.1104(1)(f)(iii)(C), which states "The area that is being removed from one tract of record and joined with another tract of record is not itself a tract of record. Said area shall not be available as a reference legal description in any subsequent real property transfer after the initial transfer associated with the [certificate of survey or amended plat] on which the area is described, unless said area is included with or excluded from adjoining tracts of record"

**RELOCATION PARCEL A**  
**(BANK OF RED LODGE TO CITY OF RED LODGE )**  
A portion of said Tract D-3 of Certificate of Survey No. 1396 Am., located in the NE1/4 of Section 27, T.7S., R.20E., P.M.M., Carbon County, Montana described as follows;

Beginning at the south east corner of said Tract D-3, which is a point in common with the northeast corner of said Tract D-4; thence N.33° 16' 32"W. for 85.87 feet; thence S.80° 16' 52"E. for 58.56 feet; thence S.09° 43' 10"W. for 62.81 feet, to the Point of Beginning, containing 1839 SqFt. more or less. Subject to easements and/or rights-of-way of record, apparent on the ground, and/or reserved per this survey.

**RELOCATION PARCEL B**  
**(CITY OF RED LODGE TO BANK OF RED LODGE)**  
A portion of said Tract D-3 of Certificate of Survey No. 1396 Am., located in the NE1/4 of Section 27, T.7S., R.20E., P.M.M., Carbon County, Montana described as follows;

Commencing at the southwest corner of Tract D-3 of Certificate of Survey No. 1396 AM., thence; S.80° 16' 52"E. for 15.25 feet along the south line of said Tract D-3 to the Point of Beginning; thence S.09° 43' 10"W. for 12.00 feet; thence S.80° 16' 52"E. for 17.19 feet; thence N.33° 16' 32"W. for 16.41 feet; thence N.80° 16' 52"W. for 6.00 feet, to the Point of Beginning, containing 139.129 SqFt. more or less. Subject to easements and/or rights-of-way of record, apparent on the ground, and/or reserved per this survey.

