

RESOLUTION NO. 3434

A RESOLUTION OF THE CITY COUNCIL OF RED LODGE, MONTANA TO EXCLUDE LAND FROM THE CITY LIMITS GENERALLY KNOWN AS THE CARBON COUNTY FAIRGROUNDS AND TO VACATE PORTIONS OF RIGHTS-OF-WAY WITHIN SAID FAIRGROUNDS

WHEREAS, in accordance with Montana Code Annotated (MCA) 7-2-4803, Petition To Exclude Land, the City received a petition from the Carbon County Board of Commissioners dated December 1, 2016, and

WHEREAS, the land requested to be excluded is commonly described as the Carbon County Fairgrounds and more particularly described as the land lying south of the Red Lodge Rodeo Association, north of Airport Road, east of the existing westerly boundary of the City of Red Lodge, and west of the existing westerly limits of Rodeo Road, and

WHEREAS, the petition meets the requirements of MCA 7-2-4804, Contents of Petition, as to the territory to be excluded and that such petition shall pray that a resolution by the City be enacted, and

WHEREAS, the Council passed Resolution 3426 on January 10, 2017, A Resolution Of Intent To Exclude Land From The City Limits, consistent with MCA 7-2-4805, Resolution of Intent To Exclude Land - Notice, and

WHEREAS, public notice consistent with MCA 7-1-4127, Publication of Notice – Content – Proof, was provided in the Carbon County News on March 9 and March 16, 2017, and

WHEREAS, consistent with MCA 7-2-4806, Contents of Notice – Protest Period, public notice was provided for a period of 20 days after the first publication of such notice to receive, in writing, expressions of approval or disapproval from the owners of the territory proposed to be excluded, and

WHEREAS, consistent with MCA 7-2-4807, Hearing On Question of Exclusion – Resolution of Exclusion, the Council discussed a proposed Resolution 3434 for the Carbon County Fairgrounds De-Annexation on April 11, 2017, reviewed the comments received from the public, and agreed to take no action at that time, and

WHEREAS, the Carbon County Board of Commissioners provided on February 22, 2018, April 26, 2018, and May 17, 2018 revised legal descriptions of property and public rights-of-way to be vacated, consistent with City of Red Lodge Resolution 575, dated October 10, 1922, City of Red Lodge Resolution 823, dated April 10, 1962, and to remove Rodeo Road from land to be vacated, graphically depicted in Exhibit A, attached, and

WHEREAS, de-annexation of property and vacation of rights-of-way will not cause any detriment to the public interest, and

WHEREAS, no written disapproval has been received from the owners of the property proposed to be excluded from the City, and

WHEREAS, those portions of the affected rights-of-way to be vacated do not contain roadway improvements, and

WHEREAS, in the opinion of the City, the City of Red Lodge has complied with the provisions of MCA 7-2-48, Exclusion of Land, and MCA 7-14-4114, Procedure To Discontinue Streets.

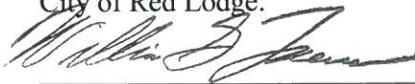
NOW, THEREFORE BE IT RESOLVED by the Red Lodge City Council:

1. That the boundary of the City shall be as graphically depicted in Exhibit A, attached, to reflect the de-annexation of land commonly described as the land lying south of the northerly right-of-way line of 16th Street more or less adjacent to the Red Lode Rodeo Association, north of the northerly right-of-way line of Airport Road, east of the existing westerly boundary of the City of Red Lodge, and west of the existing westerly limits of Rodeo Road.
2. That the portion of Fox Avenue contained within the legally described property in Exhibit A, attached, be vacated, and as such be transferred to the Carbon County Commissioners.
3. That this Resolution becomes effective 30 days after its passage and approval, and the boundary of the City of Red Lodge is as set forth in this resolution.
4. That the City Clerk shall, within 30 days after passage and approval of this resolution, provide a certified copy of this resolution with a map showing the amended corporate limits of the City to the Carbon County Clerk for filing.

INTRODUCED at a regular meeting of the Red Lodge City Council on June 12, 2018 by Council Member Westwood.

PASSED AND APPROVED BY THE RED LODGE CITY COUNCIL on this 12th day of June 2018.

City of Red Lodge:



William Larson, Mayor

Attest:


Loni Hanson, City Clerk



Rebecca Narmore, Attorney