

RESOLUTION NO. 11-19021

A RESOLUTION OF THE CITY OF BILLINGS,
MONTANA, DISCONTINUING AND VACATING **portions
of Right of Way within The Village Subdivision.**

WHEREAS, a proper petition was filed with the City Council of the City of Billings, Montana, as per Section 22-601 BMCC, requesting discontinuance and vacation of **portions of Right of Way within The Village Subdivision** as described hereinafter; and

WHEREAS, a public hearing was properly noticed and held as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. **DISCONTINUANCE AND VACATION.** Pursuant to Sections 7-14-4114 and 7-14-4115, M.C.A., **portions of Right of Way within The Village Subdivision** more particularly described as follows:

Right-of-way vacations within The Village Subdivision, according to the official plat on file in the Office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 3324330; said vacations being more particularly described as follows, to-wit:

R.O.W. VACATION #1:

Beginning at a point which is the southwest corner of Lot 1, Block 5 of The Village Subdivision; thence, from said Point of Beginning, N 89°54'21" E along the south line of said Lot 1 a distance of 149.29 feet; thence along a tangent curve to the left with a central angle of 45°07'10", a radius of 75.00 feet, and a length of 59.06 feet (chord bears N67°20'46"E, 57.55 feet); thence along a reversing curve to the right with a central angle of 23°01'45", a radius of 88.00 feet, and a length of 35.37 feet (chord bears N56°18'03"E, 35.13 feet); thence along a non-tangent curve to the left with a central angle of 14°03'35", a radius of 435.00 feet, and a length of 106.74 feet (chord bears S12°29'24"E, 106.48 feet); thence along a reversing curve to the right with a central angle of 38°51'04", a radius of 365.00 feet, and a length of 247.50 feet (chord bears S00°05'39"E, 242.78 feet); thence along a reversing curve to the left with a central angle of 38°51'04", a radius of 435.00 feet, and a length of 294.96 feet (chord bears S00°05'39"E, 289.35 feet); thence along a reversing curve to the right with a central angle of 38°51'04", a radius of 365.00 feet, and a length of 247.50 feet (chord bears S00°05'39"E, 242.78 feet); thence along a reversing curve to the left with a central angle of 7°06'59", a radius of 435.00 feet, and a length of 54.03 feet (chord bears S15°46'23"W, 53.99 feet) to a point on the east line Lot 6, Block 2 of The Village Subdivision; thence along the east line of said Lot 6 and the east and north lines of Lot 7 of said Block 2 the following courses and distances:

N 00°05'39" W a distance of 299.45 feet;
Along a tangent curve to the left with a central angle of 90°00'00", a radius of 100.00 feet, and a length of 157.08 feet (chord bears N45°05'39" W, 141.42 feet);
N 00°05'39" W a distance of 50.00 feet;
Along a non-tangent curve to the left with a central angle of 90°00'00", a radius of 100.00 feet, and a length of 157.08 feet (chord bears N44°54'21" E, 141.42 feet);
N 00°05'39" W a distance of 184.87 feet;
Along a tangent curve to the left with a central angle of 90°00'00", a radius of 75.00 feet, and a length of 117.81 feet (chord bears N45°05'39" W, 106.07 feet);
S 89°54'21" W a distance of 164.74 feet to the northwest corner of said Lot 7; thence
N 00°07'48" W a distance of 80.00 feet to said Point of Beginning; said described vacation having an area of 1.038 acres (45,221 square feet) and being further described on Exhibit B, attached.

R.O.W. VACATION #2:

Beginning at a point which is the southeast corner of Lot 3, Block 5 of The Village Subdivision; thence, from said Point of Beginning, N 89°54'21" E along the south line of the parkland lying adjacent to said Lot 3, a distance of 194.68 feet; thence along a tangent curve to the left with a central angle of 46°18'39", a radius of 85.00 feet, and a length of 68.70 feet (chord bears N66°45'01"E, 66.85 feet); thence along a non-tangent curve to the right with a central angle of 1°29'59", a radius of 300.00 feet, and a length of 7.85 feet (chord bears S16°34'43"W, 7.85 feet); thence along a reversing curve to the left with a central angle of 13°45'46", a radius of 470.00 feet, and a length of 112.90 feet (chord bears S10°26'50"W, 112.62 feet) to a point on the north line of Lot 15, Block 3 of The Village Subdivision; thence along the north line of said Lot 15 and the north line of Lot 14 of said Block 3 the following courses and distances:

Along a non-tangent curve to the left with a central angle of 32°48'12", a radius of 75.00 feet, and a length of 42.94 feet (chord bears N73°41'33" W, 42.36 feet);
S 89°54'21" W a distance of 1127.01 feet;

Along a tangent curve to the left with a central angle of 23°59'44", a radius of 75.00 feet, and a length of 31.41 feet (chord bears S77°54'28"W, 31.18 feet); thence, leaving said north line, along a non-tangent curve to the left with a central angle of 6°29'21", a radius of 435.00 feet, and a length of 49.27 feet (chord bears N16°16'31"W, 49.24 feet); thence along a reversing curve to the right with a central angle of 12°43'19", a radius of 365.00 feet, and a length of 81.04 feet (chord bears N13°09'32"W, 80.88 feet) to a point on the south line of Lot 2 of said Block 5; thence along the south lines of said Lots 2 and 3 the following courses and distances:

Along a non-tangent curve to the right with a central angle of 19°54'00", a radius of 88.00 feet, and a length of 30.56 feet (chord bears S54°55'30"E, 30.41 feet);
Along a reversing curve to the left with a central angle of 45°07'10", a radius of 75.00 feet, and a length of 59.06 feet (chord bears S67°32'05"E, 57.55 feet);
N 89°54'21" E a distance of 918.86 to the Point of Beginning; said described vacation having an area of 2.276 acres (99,137 square feet) and being further

described on Exhibit B, attached.

R.O.W. VACATION #3:

Beginning at a point which bears N 00°05'39" W along the west line of Lot 1, Block 4 of The Village Subdivision a distance of 9.67 feet from the southwest corner of said Lot 1; thence, from said Point of Beginning, along a non-tangent curve to the left with a central angle of 3°22'27", a radius of 500.00 feet, and a length of 29.45 feet (chord bears N19°04'40"W, 29.44 feet); thence along a reversing curve to the right with a central angle of 38°05'36", a radius of 400.00 feet, and a length of 265.94 feet (chord bears N01°43'05"W, 261.07 feet); thence along a reversing curve to the left with a central angle of 17°25'22", a radius of 370.00 feet, and a length of 112.51 feet (chord bears N08°37'02"E, 112.08 feet); thence N 00°05'39" W a distance of 69.59 feet; thence along a tangent curve to the right with a central angle of 77°27'40", a radius of 20.00 feet, and a length of 27.04 feet (chord bears N38°38'10"E, 25.03 feet); thence along a reversing curve to the left with a central angle of 8°15'38", a radius of 513.00 feet, and a length of 73.96 feet (chord bears N73°14'11"E, 73.90 feet); thence along a reversing curve to the right with a central angle of 9°38'56", a radius of 987.00 feet, and a length of 166.22 feet (chord bears N73°55'50"E, 166.02 feet); thence along a compounding curve to the right with a central angle of 11°08'41", a radius of 100.00 feet, and a length of 19.45 feet (chord bears N84°19'39"E, 19.42 feet); thence N 89°54'00" E a distance of 46.78 feet; thence S 00°06'00" E a distance of 4.16 feet to the northeast corner of Ann Ross Park; thence along the north line of said Ann Ross Park and the north and west lines of said Lot 1 the following courses and distances:
Along a non-tangent curve to the left with a central angle of 67°57'25", a radius of 302.37 feet, and a length of 358.63 feet (chord bears S56°50'13"W, 337.98 feet);
Along a compounding curve to the left with a central angle of 55°10'17", a radius of 80.00 feet, and a length of 77.03 feet (chord bears S04°43'38"E, 74.09 feet);
Along a reversing curve to the right with a central angle of 77°13'28", a radius of 82.65 feet, and a length of 111.40 feet (chord bears S06°17'57"W, 103.16 feet);
Along a reversing curve to the left with a central angle of 45°00'20", a radius of 80.00 feet, and a length of 62.84 feet (chord bears S22°24'31"W, 61.24 feet);
S 00°05'39" E a distance of 135.98 feet to the Point of Beginning;
said described vacation having an area of 0.611 acres (26,614 square feet) and being further described on Exhibit B, attached.

R.O.W. VACATION #4:

Beginning at a point which is the northwest corner of Lot 13, Block 3 of The Village Subdivision; thence, from said Point of Beginning, along said west line of Lot 13 and the west line of Lot 12 of said Block 3 the following course and distances:
S 00°05'39" E a distance of 25.00 feet;
Along a non-tangent curve to the left with a central angle of 53°58'14", a radius of 100.00 feet, and a length of 94.20 feet (chord bears S62°55'13"W, 90.75 feet);
thence leaving said west line, along a non-tangent curve to the right with a central angle of 21°58'50", a radius of 365.00 feet,

and a length of 140.03 feet (chord bears N01°56'42"W, 139.17 feet) to the west line of Lot 14 of said Block 3; thence along said west line of Lot 14 the following courses and distances:

Along a non-tangent curve to the left with a central angle of 58°36'43", a radius of 100.00 feet, and a length of 102.30 feet (chord bears S60°47'18"E, 97.89 feet); S 00°05'39" E a distance of 25.00 feet to the Point of Beginning; said described vacation having an area of 0.160 acres (6,961 square feet) and being further described on Exhibit B, attached.

R.O.W. VACATION #5:

Beginning at a point which is the southeast corner of Lot 15, Block 3 of The Village Subdivision; thence, from said Point of Beginning, along the east line of said Lot 15, N 00°05'39" W a distance of 162.81 feet; thence, leaving said east line, along a non-tangent curve to the right with a central angle of 27°08'55", a radius of 430.00 feet, and a length of 203.75 feet (chord bears S05°10'58"E, 201.85 feet); thence along a reversing curve to the left with a central angle of 4°18'31", a radius of 1,635.00 feet, and a length of 122.95 feet (chord bears S06°14'14"W, 122.92 feet); thence along a reversing curve to the right with a central angle of 61°40'47", a radius of 80.00 feet, and a length of 86.12 feet (chord bears S34°55'22"W, 82.02 feet) to a point on the east line of Lot 7 of said Block 3; thence along said east line of Lot 7 and the east line of Lot 8 of said Block 3 the following courses and distances: Along a non-tangent curve to the right with a central angle of 25°06'51", a radius of 82.65 feet, and a length of 36.23 feet (chord bears N32°21'15"E, 35.94 feet); Along a reversing curve to the left with a central angle of 45°00'20", a radius of 80.00 feet, and a length of 62.84 feet (chord bears N22°24'31"E, 61.24 feet); N 00°05'39"W a distance of 140.69 feet to the Point of Beginning; said described vacation having an area of 0.126 acres (5,487 square feet) and being further described on Exhibit B, attached.

R.O.W. VACATION #6:

Beginning at a point which is the southeast corner of Lot 2, Block 4 of The Village Subdivision; said point also being the southwest corner of Ann Ross Park; thence, from said Point of Beginning, along the south line of said Ann Ross Park, N 89°54'21" E a distance of 82.56 feet; thence, leaving said south line, along a non-tangent curve to the right with a central angle of 31°00'21", a radius of 27.50 feet, and a length of 14.88 feet (chord bears S19°57'24"W, 14.70 feet); thence S 89°53'53" W a distance of 262.72 feet; thence along a tangent curve to the right with a central angle of 74°29'01", a radius of 80.00 feet, and a length of 104.00 feet (chord bears N52°51'37"W, 96.83 feet) to a point on the south line of said Lot 2; thence along said south line the following courses and distances: Along a non-tangent curve to the left with a central angle of 63°51'02", a radius of 80.00 feet, and a length of 89.15 feet (chord bears S58°10'08"E, 84.61 feet); N 89°54'21" E a distance of 190.48 feet to the Point of Beginning; said described vacation having an area of 0.103 acres (4,479 square feet) and being further described on Exhibit B, attached.

R.O.W. VACATION #7:

Beginning at a point which is the easterly corner of Lot 4, Block 3 of The Village Subdivision; thence, from said Point of Beginning, along the southeasterly line of said Lot 4 and Lot 5 of said Block 3, N 45°08'09" E a distance of 50.00 feet to a point on the south line of Lot 6 of said Block 3; thence along the south and east lines of said Lot 6 the following courses and distances:

Along a non-tangent curve to the left with a central angle of 90°00'00", a radius of 100.00 feet, and a length of 157.08 feet (chord bears S89°51'51"E, 141.42 feet); N 45°08'09" E a distance of 40.25 feet; Along a tangent curve to the left with a central angle of 45°13'49", a radius of 145.00 feet, and a length of 114.47 feet (chord bears N22°31'15"E, 111.52 feet); N 00°05'39" W a distance of 178.43 feet; thence leaving said east line of Lot 6, along a non-tangent curve to the right with a central angle of 14°36'29", a radius of 80.00 feet, and a length of 20.40 feet (chord bears S11°24'16"E, 20.34 feet); thence along a reversing curve to the left with a central angle of 3°48'39", a radius of 1,635.00 feet, and a length of 108.75 feet (chord bears S06°00'21"E, 108.73 feet); thence along a reversing curve to the right with a central angle of 27°28'40", a radius of 430.00 feet, and a length of 206.22 feet (chord bears S05°49'40"W, 204.25 feet); thence along a reversing curve to the left with a central angle of 2°18'41", a radius of 470.00 feet, and a length of 18.96 feet (chord bears S18°24'39"W, 18.96 feet); thence S 45°08'09" W a distance of 24.45 feet; thence along a tangent curve to the left with a central angle of 86°26'50", a radius of 80.00 feet, and a length of 120.70 feet (chord bears S01°54'44"W, 109.58 feet); thence along a non-tangent curve to the left with a central angle of 14°14'18", a radius of 470.00 feet, and a length of 116.80 feet (S05°34'34"E, 116.50 feet) to a point on the northeast corner of Lot 1 of said Block 3; thence along the northeast lines of said Lot 1 and said Lot 4 the following courses and distances:

Along a non-tangent curve to the left with a central angle of 12°49'13", a radius of 145.00 feet, and a length of 32.44 feet (chord bears N38°27'14"W, 32.38 feet); N 44°51'51" W a distance of 53.01 feet:

Along a tangent curve to the left with a central angle of 45°28'33", a radius of 80.00 feet, and a length of 63.50 feet (chord bears N67°36'07"W, 61.84 feet);

Along a reversing curve to the right with a central angle of 92°41'48", a radius of 82.65 feet, and a length of 133.72 feet (chord bears N43°59'30"W, 119.60 feet);

Along a reversing curve to the left with a central angle of 47°13'14", a radius of 100.00 feet, and a length of 82.42 feet (chord bears N21°15'13"W, 80.10 feet) to the Point of Beginning; said described vacation having an area of 0.979 acres (42,638 square feet) and being further described on Exhibit B, attached.

R.O.W. VACATION #8:

Beginning at a point which bears N 00°05'39" W along the west line of Lot 4, Block 1 of The Village Subdivision a distance of 89.23 feet from the southwest corner of said Lot 4; thence, from said Point of Beginning, along a non-tangent curve to the left with a central angle of 16°54'30", a radius of 370.00 feet, and a length of 109.19 feet (chord bears N08°32'54"W, 108.79 feet); thence along a reversing curve to the right with a central angle of 5°46'42", a radius of 400.00 feet, and a length of 40.34

feet (chord bears N14°06'49"W, 40.32 feet) to a point on the west line of said Lot 4; thence along said west line along a non-tangent curve to the right with a central angle of 28°20'12", a radius of 215.00 feet, and a length of 106.33 feet (chord bears S14°15'46"E, 105.25 feet) to the Point of Beginning; said described vacation having an area of 0.013 acres (545 square feet) and being further described on Exhibit B, attached.

Is hereby discontinued, abandoned and vacated and shall revert to adjacent property owners of The Village Subdivision.

2. PUBLIC INTEREST. The discontinuance, vacation and abandonment of the above described **portions of Right of Way within The Village Subdivision** is in the best interest of the public and can be done without any public detriment.

PASSED by the City Council and APPROVED this 24th day of January 2011.



THE CITY OF BILLINGS:

BY: Thomas W. Hanel
Thomas W. Hanel, MAYOR

ATTEST:

BY: Cari Martin
Cari Martin, CITY CLERK

EXHIBIT B

RIGHT-OF-WAY VACATIONS WITHIN THE VILLAGE SUBDIVISION, SITUATED IN THE SE1/4 OF SECTION 10, T. 1 S., R. 25 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : ST. VINCENT HEALTHCARE FOUNDATION, INC.
 PREPARED BY : SANDERSON STEWART

DECEMBER, 2010
 BILLINGS, MONTANA



NOT TO SCALE

CERTIFICATE OF SURVEY No. 20228 TR. 1
 SHELDON DRAIN R/W

CERTIFICATE OF SURVEY No. 15468 TR. 5-4-2
 MONAD ROAD R/W

CERTIFICATE OF SURVEY No. 15468 TR. 5-4-2
 SHILOH DRAIN R/W

CERTIFICATE OF SURVEY No. 15468 TR. 5-4-2
 ANN ROSS PARK

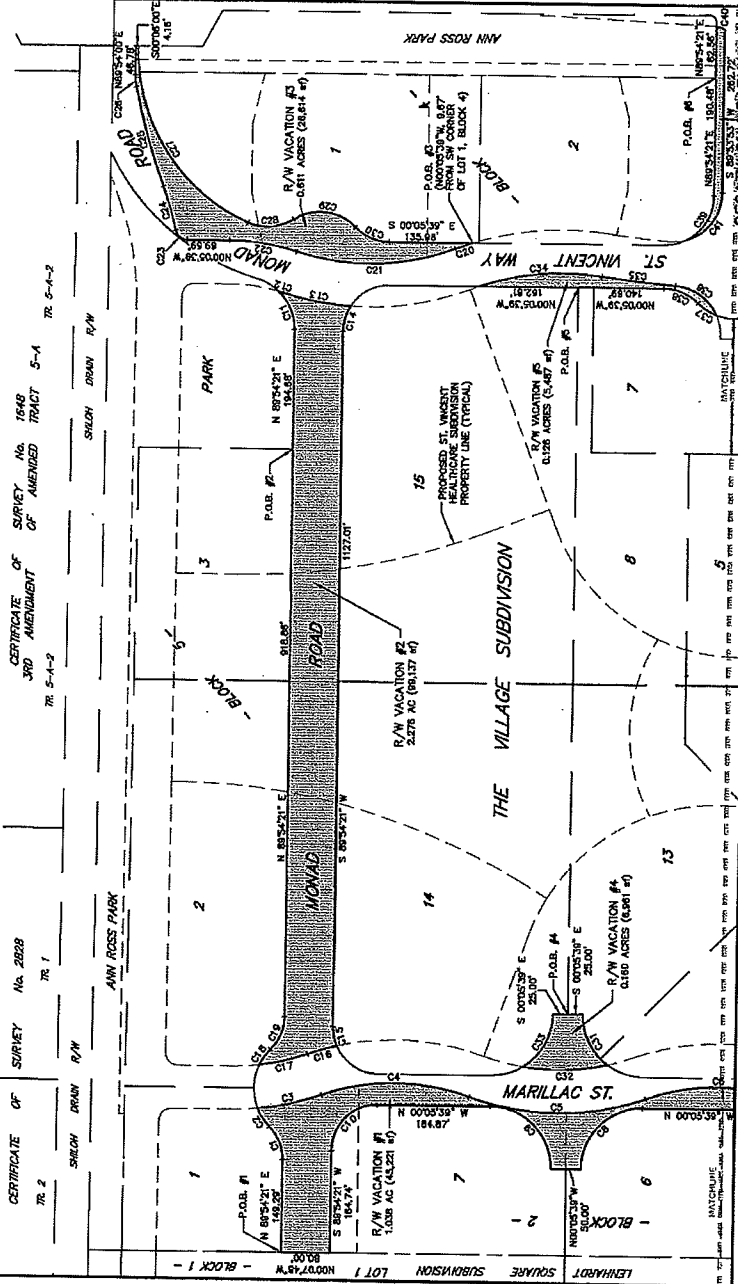


EXHIBIT B

RIGHT-OF-WAY VACATIONS WITHIN THE VILLAGE SUBDIVISION, SITUATED IN THE SE1/4 OF SECTION 10, T. 1 S., R. 25 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

DECEMBER, 2010
BILLINGS, MONTANA

PREPARED FOR : ST. VINCENT HEALTHCARE FOUNDATION, INC.
PREPARED BY : SANDERSONSTEWART



NOT TO SCALE

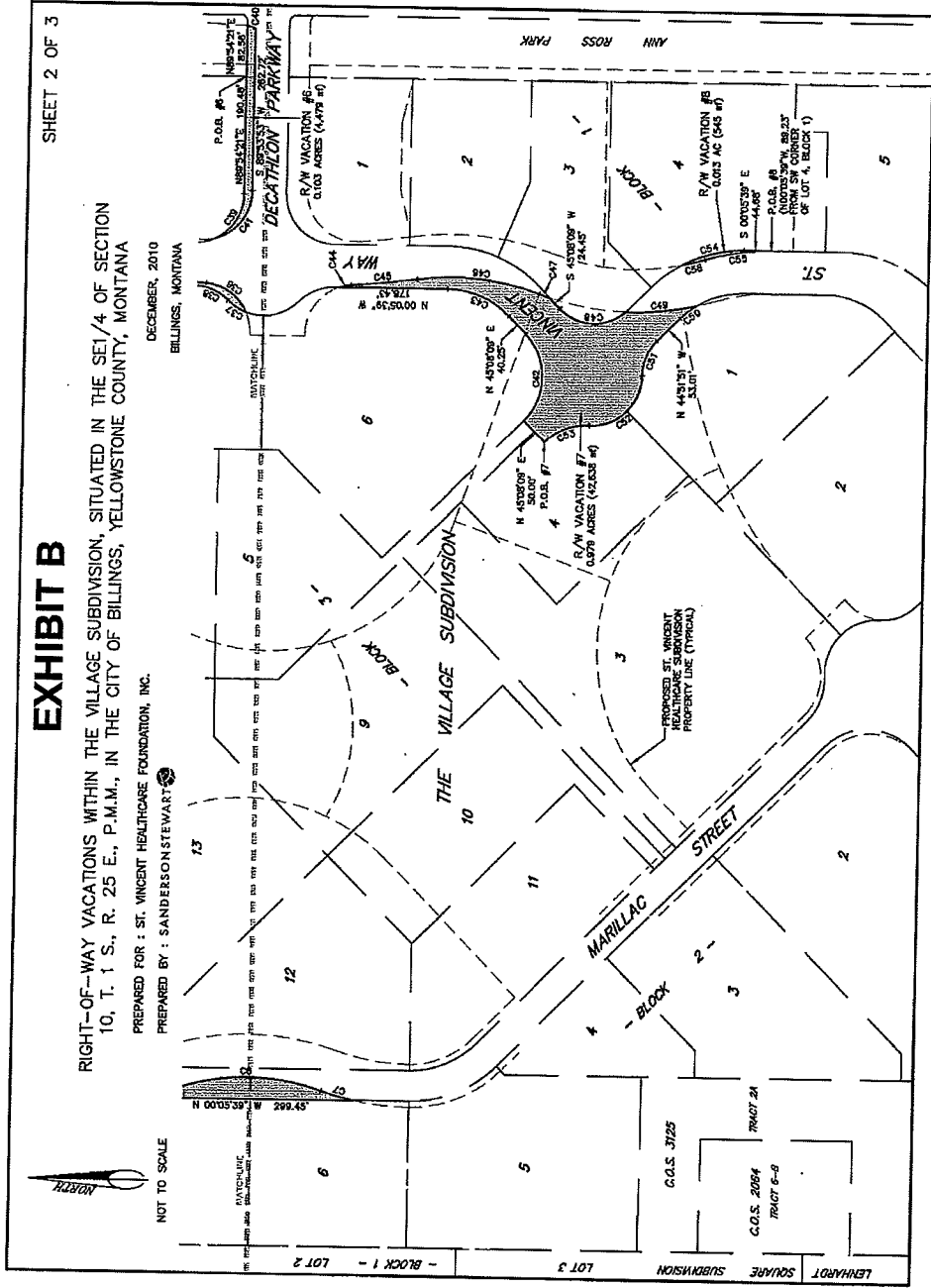


EXHIBIT B

SHEET 3 OF 3

RIGHT-OF-WAY VACATIONS WITHIN THE VILLAGE SUBDIVISION, SITUATED IN THE SE1/4 OF SECTION 10, T. 1 S., R. 25 E., P.M.M., IN THE CITY OF BILLINGS, YELLOWSTONE COUNTY, MONTANA

PREPARED FOR : ST. VINCENT HEALTHCARE FOUNDATION, INC.

DECEMBER, 2010

PREPARED BY : SANDERSON STEWART

BILLINGS, MONTANA

| CURVE DATA | | | | | |
|------------|-----------|----------|---------|-------------|----------|
| CURVE | DELTA | RADIUS | LENGTH | BEARING | DISTANCE |
| C1 | 45°07'10" | 75.00' | 59.06' | N87°20'48"E | 57.55' |
| C2 | 23°01'45" | 88.00' | 35.37' | N56°18'03"E | 35.13' |
| C3 | 14°03'35" | 435.00' | 106.74' | S12°29'24"E | 106.48' |
| C4 | 38°51'04" | 365.00' | 247.50' | S00°05'39"E | 242.78' |
| C5 | 38°51'04" | 435.00' | 294.96' | S00°05'39"E | 289.35' |
| C6 | 38°51'04" | 365.00' | 247.50' | S00°05'39"E | 242.78' |
| C7 | 7°06'59" | 435.00' | 54.03' | S15°46'23"W | 53.99' |
| C8 | 90°00'00" | 100.00' | 157.08' | N45°05'39"W | 141.42' |
| C9 | 90°00'00" | 100.00' | 157.08' | N44°54'21"E | 141.42' |
| C10 | 90°00'00" | 75.00' | 117.81' | N45°05'39"W | 105.07' |
| C11 | 46°18'39" | 85.00' | 68.70' | N66°45'01"E | 66.85' |
| C12 | 1°29'59" | 300.00' | 7.85' | S18°34'43"W | 7.85' |
| C13 | 13°45'46" | 470.00' | 112.90' | S10°26'50"W | 112.62' |
| C14 | 32°48'12" | 75.00' | 42.94' | N73°41'33"W | 42.36' |
| C15 | 23°59'44" | 75.00' | 31.41' | S77°54'28"W | 31.18' |
| C16 | 6°29'21" | 435.00' | 49.27' | N16°16'31"W | 49.24' |
| C17 | 12°43'19" | 365.00' | 81.04' | N13°09'32"W | 80.88' |
| C18 | 19°54'00" | 88.00' | 30.56' | S54°55'30"E | 30.41' |
| C19 | 45°07'10" | 75.00' | 59.06' | S67°32'05"E | 57.55' |
| C20 | 3°22'27" | 500.00' | 29.45' | N19°04'40"W | 29.44' |
| C21 | 38°05'36" | 400.00' | 265.94' | N01°43'05"W | 261.07' |
| C22 | 17°25'22" | 370.00' | 112.51' | N08°37'02"E | 112.08' |
| C23 | 77°27'40" | 20.00' | 27.04' | N38°38'10"E | 25.03' |
| C24 | 8°15'38" | 513.00' | 73.96' | N73°14'11"E | 73.90' |
| C25 | 9°38'56" | 987.00' | 166.22' | N73°55'50"E | 166.02' |
| C26 | 11°08'41" | 100.00' | 19.45' | N84°19'39"E | 19.42' |
| C27 | 67°57'25" | 302.37' | 358.63' | S56°50'13"W | 337.98' |
| C28 | 55°10'17" | 80.00' | 77.03' | S04°43'38"E | 74.09' |
| C29 | 77°13'28" | 82.65' | 111.40' | S06°17'57"W | 103.16' |
| C30 | 45°00'20" | 80.00' | 62.84' | S22°24'31"W | 61.24' |
| C31 | 53°58'14" | 100.00' | 94.20' | S62°55'13"W | 90.75' |
| C32 | 21°58'50" | 365.00' | 140.03' | N01°58'42"W | 139.17' |
| C33 | 58°36'43" | 100.00' | 102.30' | S60°47'18"E | 97.89' |
| C34 | 27°08'55" | 430.00' | 203.75' | S05°10'58"E | 201.85' |
| C35 | 4°18'31" | 1635.00' | 122.95' | S06°14'14"W | 122.92' |
| C36 | 61°40'47" | 80.00' | 86.12' | S34°55'22"W | 82.02' |
| C37 | 25°06'51" | 82.65' | 36.23' | N32°21'15"E | 35.94' |
| C38 | 45°00'20" | 80.00' | 62.84' | N22°24'31"E | 61.24' |
| C39 | 63°51'02" | 80.00' | 89.15' | S58°10'08"E | 84.61' |
| C40 | 31°00'21" | 27.50' | 14.88' | S19°57'24"W | 14.70' |
| C41 | 74°29'01" | 80.00' | 104.00' | N52°51'37"W | 96.83' |
| C42 | 90°00'00" | 100.00' | 157.08' | S89°51'51"E | 141.42' |
| C43 | 45°13'49" | 145.00' | 114.47' | N22°31'15"E | 111.52' |
| C44 | 14°36'29" | 80.00' | 20.40' | S11°24'16"E | 20.34' |
| C45 | 3°48'39" | 1635.00' | 108.75' | S06°00'21"E | 108.73' |
| C46 | 27°28'40" | 430.00' | 206.22' | S05°49'40"W | 204.25' |
| C47 | 2°18'41" | 470.00' | 18.96' | S18°24'39"W | 18.96' |
| C48 | 86°26'50" | 80.00' | 120.70' | S01°54'44"W | 109.58' |
| C49 | 14°14'18" | 470.00' | 116.80' | S05°34'34"E | 116.50' |
| C50 | 12°49'13" | 145.00' | 32.44' | N38°27'14"W | 32.38' |
| C51 | 45°28'33" | 80.00' | 63.50' | N67°36'07"W | 61.84' |
| C52 | 92°41'48" | 82.65' | 133.72' | N43°59'30"W | 119.60' |
| C53 | 47°13'14" | 100.00' | 82.42' | N21°15'13"W | 80.10' |
| C54 | 28°20'12" | 215.00' | 106.33' | S14°15'46"E | 105.25' |
| C55 | 16°54'30" | 370.00' | 109.19' | N08°32'54"W | 108.79' |
| C56 | 5°46'42" | 400.00' | 40.34' | N14°06'49"W | 40.32' |