



Commission Memorandum

REPORT TO: Honorable Mayor and City Commission
FROM: Tim Cooper, Assistant City Attorney
SUBJECT: Conveyance of Vacated Street to Bozeman School District #7
MEETING DATE: June 27, 2016

AGENDA ITEM TYPE: Consent

RECOMMENDATION: Authorize the Mayor to execute deed conveying vacated portion of East Alderson Street to Bozeman School District Number 7.

RECOMMENDED MOTION: The City Commission, having adopted Ordinance No. 694 on the 22nd day of September, 1939, vacating and discontinuing a portion of East Alderson Street, I move to authorize the Mayor to execute a deed conveying said portion of East Alderson Street to Bozeman School District Number 7, the party that filed the petition and is the owner of the real property on each side of the vacated street.

BACKGROUND: In 1939, the Trustees of School District Number 7 filed a petition with the City Commission asking for the vacation of a portion of East Alderson Street that was platted across real property upon which Longfellow School is sited. At a hearing held May 5, 1939, the Commission decided to grant the petition and further, that vacation of said portion of East Alderson Street could be made without detriment to the public interest. The Commission subsequently adopted Ordinance No. 694, on the 22nd day of September, 1939, vacating and discontinuing that portion of East Alderson Street that encumbered the District's property. After adoption of the ordinance the title to the vacated street never transferred to the District. The District would like to have the City execute a deed to the District in accordance with the ordinance.

UNRESOLVED ISSUES: None identified.

ALTERNATIVES: None suggested or proposed.

FISCAL EFFECTS: None identified.

Report compiled on: June 15, 2016
Attachments: Ordinance No. 694
Grant Deed

Proof Read and Checked

AN ORDINANCE VACATING AND DISCONTINUING A PORTION OF EAST ALDERSON STREET

Whereas on the 21st day of April, 1940, O. B. VanHorn, R. R. Renne, E. J. Parkin, and Leora Hapner as trustees of School District No. 7, Gallatin County, State of Montana, and for and on behalf of said School District, together with Bernard Copping and Dora M. Chapman, acting for themselves, filed a petition with the City Commission asking for the vacation of that protion of East Alderson Street, in The City of Bozeman, hereinafter described; and

Whereas pursuant to said petition notice of the filing thereof was published in Bozeman Daily Chronicle at least once and a week before said petition was acted upon, as appears by the affidavit of the publisher of said Bozeman Daily Chronicle on file with the Clerk of the City Commission and which said notice described the protion of said East Alderson Street asked by said petition to be vacated and giving notice that the hearing on said petition would be had at the regular meeting of the City Commission to be held on the 5th day of May, 1939, at 7:30 o'clock P.M., at the Commission Room in the City Hall Building of The City of Bozeman; and

Whereas at the time and place so designated the CityCommission, in regular session assembled, did then and there fully consider said petition and after such consideration did decide that such petition should be granted and such determination was entered upon the minutes of said meeting, and did then and there determine and decide that such vaca-tion of that portion of East Alderson Street as described in said petition and herein-after could be made without detriment to the public interest, and said petition bearing the signatures of all of the owners of lots abutting on that portion of East Alderson Street sought to be vacated;

NOW THEREFORE, in consideration of the premises,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF BOZEMAN:

Section 1

That all that portion of East Alderson Street in The City of Bozeman, Montana, ly-ing between the East line of Tracy Avenue and the West line of the alley running between Tracy Avenue and Black Avenue, which said portion of East Alderson Street lies between Blocks "E" and "G" of Supplementary Plan of Hoffman's Addition to The City of Bozeman, County of Gallatin, State of Montana, be and the same is hereby vacated and discontinued.

Section 2.

This ordinance shall be in full force and effect from and after thirty days after its adoption.

Adopted at a regular meeting of the City Commission of The City of Bozeman held on this 22nd day of September, 1939.

Attest:

L. G. Shadoan
Clerk of the Commission
Published in Bozeman Daily Chronicle September 24, 1939.

Ray H. Lusk
Mayor

State of Montana
County of Gallatin ss

I, L. G. Shadoan, Clerk of the Commission of The City of Bozeman do hereby certify that the foregoing Ordinance No. 694 was published by title & number in the Bozeman Daily Chronicle a newspaper of general circulation printed & published in said City on the 24th day of September, 1939, and that due proof is on file in my office.

IN WITNESS WHEREOF I hereunto set my hand and affix my seal this 25th day Sept. 1939

L. G. Shadoan
Clerk of the Commission

After recording, return to:

Lynda S. White
One West Main
Bozeman, MT 59715

GRANT DEED

In conformance with City Ordinance #694 adopted at the regular meeting of the City Commission of the City of Bozeman held on the 22nd day of September, 1939, the **CITY OF BOZEMAN**, of PO Box 1230, Bozeman, MT 59771, Grantor, hereby grants unto **BOZEMAN SCHOOL DISTRICT #7**, of 404 West Main, P.O. Box 520, Bozeman, MT 59771, as Grantee.

WITNESSETH: That the Grantor, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, convey, warrant, and confirm unto the Grantee, and to its heirs, successors and assigns, forever, certain real property situated in the County of Gallatin, State of Montana, particularly described as follows:

All of that portion of East Alderson Street in the City of Bozeman, Montana, lying between the east line of Tracy Avenue and the west line of the alley running between Tracy Avenue and Black Avenue which said portion of East Alderson Street lies between Block E and J of Supplementary Plan of Hoffman's Addition to the City of Bozeman, County of Gallatin, State of Montana.

TO HAVE AND TO HOLD, all and singular, the above described property unto Grantee and to its heirs, successors, and assigns FOREVER.

IN WITNESS WHEREOF the Grantor has executed this instrument the day and year first above written.

CITY OF BOZEMAN

By: Carson Taylor
Its: Mayor

STATE OF MONTANA)
 : ss.
COUNTY OF GALLATIN)

On this _____ day of _____, 2016, before me, the undersigned officer, personally appeared Carson Taylor, known to me to be the person described in and who executed the foregoing instrument as Mayor of the City of Bozeman, a municipal corporation, and acknowledged to me that he executed the same as such officer, in the name of and for and on behalf of said City for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this instrument first above written.

Notary Public for State of Montana
Printed Name: _____
Residing at: _____
My Commission Expires:_____

(SEAL)