

**ORDINANCE NO. 604**

**AN ORDINANCE TO VACATE THAT CERTAIN PORTION OF 16<sup>TH</sup> AVENUE EAST ON HILLSIDE ADDITION #2, LYING EAST OF LOT 1, BLOCK 2, WITH THE EXTERIOR BOUNDARIES OF THE CITY OF POLSON, AND TRANSFERRING THE FEE THEREOF TO THE ADJOINING LANDOWNERS:**

Whereas, the owners of Amended Lot 1, Block 2 Hillside Addition, and of Amended Lot 3 Hillside Addition No. 2, have petitioned the City of Polson to vacate that certain portion of 16<sup>th</sup> Avenue East on Hillside Addition #2, lying east of Lot 1, Block 2, Hillside Addition, as more particularly depicted on the survey plat attached hereto as Exhibit A; and,

Whereas, the City has caused the notice of intent to vacate to be provided in the manner prescribed by law at Section 7-3-4448, MCA, and public hearing having been held thereon; and,

Whereas, the City of Polson finds the vacation above-described in the interests of the public:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA:**

1. That portion of 16th Avenue East, lying east of Lot 1, Block 2, Hillside Addition, is hereby VACATED, the fee thereof to be transferred to the two adjoining landowners, Petitioners, as shown on Exhibit A hereto.
2. The title to be passed shall be subject to the continuing condition to restrict and control runoff therefrom.
3. The Mayor of the City of Polson is authorized and empowered hereby to execute all necessary muniments of title.

**REPEALING CLAUSE:** All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

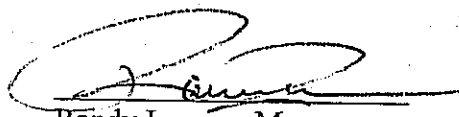
**FIRST READING:** April 4, 2005.

**SECOND READING:** April 18, 2005.

**NOW, THEREFORE,** the foregoing Ordinance shall become effective on May 18, 2005.

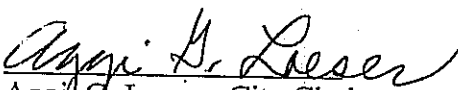
**PASSED AND ADOPTED THIS** eighteenth day of April, 2005.

CITY OF POLSON



Randy Ingram, Mayor

ATTEST:



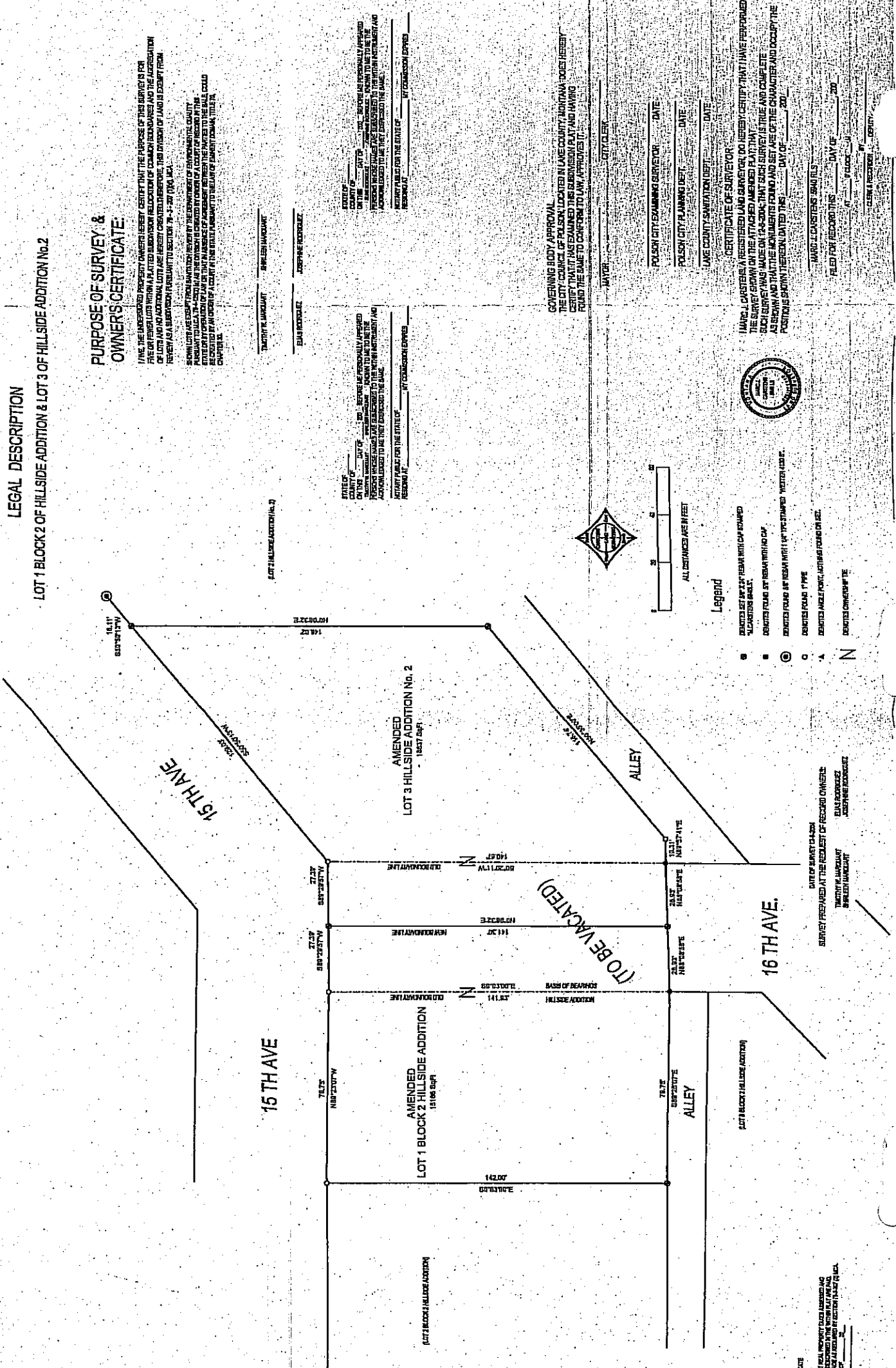
Aggie C. Loeser, City Clerk

# AMENDED SUBDIVISION PLAN OF LOT 1 BLOCK 2 OF HILLSIDE ADDITION & LOT 3 OF HILLSIDE ADDITION No. 2 LOCATED IN A PORTION OF THE NE 1/4 SW 1/4 SECTION 10, T.22 N., R.20 W., P.M.M., LAKE COUNTY, MT.

Exhibit "A"

## LEGAL DESCRIPTION

LOT 1 BLOCK 2 OF HILLSIDE ADDITION & LOT 3 OF HILLSIDE ADDITION No. 2



### PURPOSE OF SURVEY & OWNER'S CERTIFICATE

I, THE UNDERSIGNED PROPERTY OWNER HEREBY CERTIFY THAT THE PURPOSE OF THIS SURVEY IS FOR FIVE OR FEWER LOTS WITHIN A PLATTED SUBDIVISION RELOCATION OF COMMON BOUNDARIES AND THE ALLOCATION OF LOTS AND NO ADDITIONAL LOTS ARE HEREBY CREATED HEREBY. THIS DIVISION OF LAND IS EXEMPT FROM REVIEW AS A SUBDIVISION PERMIT UNDER SECTION 79-2-207 (MCA).

SOME LOTS ARE EXEMPT FROM REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY UNDER SECTION 79-2-207 (MCA). THE LOTS THAT ARE NOT EXEMPT FROM REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY ARE THOSE LOTS THAT ARE NOT EXEMPT FROM REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY UNDER SECTION 79-2-207 (MCA). THE LOTS THAT ARE NOT EXEMPT FROM REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY ARE THOSE LOTS THAT ARE NOT EXEMPT FROM REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY UNDER SECTION 79-2-207 (MCA).

TIMOTHY W. HARRINGTON  
BRENDA J. HARRINGTON  
JOSEPH W. HARRINGTON

STATE OF MONTANA  
COUNTY OF LAKE  
I, JAMES W. HARRINGTON, COUNTY CLERK, DO HEREBY PERSONALLY APPEAR AND CERTIFY THAT I AM A RESIDENT OF LAKE COUNTY, MONTANA, AND THAT I AM NOT A PARTY TO THIS SURVEY. I HAVE REVIEWED THE INSTRUMENT AND AM NOT PROVIDING ANY ADVICE AS TO THE VALIDITY OF THE INSTRUMENT OR THE RIGHTS OF THE PARTIES TO THE INSTRUMENT.

STATE OF MONTANA  
COUNTY OF LAKE  
I, JAMES W. HARRINGTON, COUNTY CLERK, DO HEREBY PERSONALLY APPEAR AND CERTIFY THAT I AM A RESIDENT OF LAKE COUNTY, MONTANA, AND THAT I AM NOT A PARTY TO THIS SURVEY. I HAVE REVIEWED THE INSTRUMENT AND AM NOT PROVIDING ANY ADVICE AS TO THE VALIDITY OF THE INSTRUMENT OR THE RIGHTS OF THE PARTIES TO THE INSTRUMENT.

GOVERNING BODY APPROVAL  
THE CITY COUNCIL OF POLSON, LOCATED IN LAKE COUNTY, MONTANA, DOCKET HEREBY CERTIFY THAT IT HAS EXAMINED THIS SUBDIVISION PLAN AND HAVING FOUND THE SAME TO CONFORM TO LAW, APPROVES IT.

LAWYER: CITY CLERK



- Legend**
- DISTRICT SET BY STATE REGISTERED SURVEYOR
  - DISTRICT BOUNDARY
  - DISTRICT POINT
  - DISTRICT POINT TYPE
  - ▲ DISTRICT ANGLE POINT
  - DISTRICT CORNER TYPE

DATE OF SURVEY 10/10/2020  
SURVEY PREPARED AT THE REQUEST OF RECORDED OWNERS:  
TIMOTHY W. HARRINGTON  
BRENDA J. HARRINGTON  
JOSEPH W. HARRINGTON

THIS INSTRUMENT CERTIFICATE IS A PUBLIC RECORD AND IS SUBJECT TO THE PUBLIC RECORD ACT. THE INSTRUMENT CERTIFICATE IS A PUBLIC RECORD AND IS SUBJECT TO THE PUBLIC RECORD ACT. THE INSTRUMENT CERTIFICATE IS A PUBLIC RECORD AND IS SUBJECT TO THE PUBLIC RECORD ACT.