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City of Miles City, Montana
P.O. Box 910
Miles City, MT 59301

RESOLUTION NO. 4725

A RESOLUTION GRANTING A REVOCABLE LICENSE TO MICAH KIRKPATRICK FOR A FENCE ENCROACHMENT UPON CITY OF MILES CITY RIGHT OF WAY FOR BATCHELOR STREET FOR THE BENEFIT OF LOTS 19 & 20 IN BLOCK 5 OF THE LEIGHTON AND GARLOCKS ADDITION TO THE CITY OF MILES CITY, COMMONLY KNOWN AS 2118 BATCHELOR STREET.

WHEREAS, Micah Kirkpatrick has made application for an encroachment upon the right of way of Batchelor Street adjacent to the following described real property located in Miles City, Custer County, Montana owned by Micah Kirkpatrick:

Lots 19 & 20 in Block 5 of the Leighton and Garlocks Addition to the City of Miles City, Custer County, Montana according to the plat and survey thereof on file in the office of the Clerk and Recorder of Custer County, Montana, commonly known as 2118 Batchelor Street.

AND WHEREAS, such encroachment consists of a chain link fence to be constructed approximately four (4) feet behind the curb of Batchelor Street, within the City street right of way;

AND WHEREAS, the City Council finds that the granting of a revocable license for such encroachment, pursuant to certain terms and conditions, is advisable.

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

It does hereby authorize and grant to Micah Kirkpatrick a revocable license to erect and maintain a fence, compliant with all City regulations and to be inspected by the City Building Inspector, at 2118 Batchelor Street, as more particularly described above, that encroaches upon the City of Miles City right of way, subject to the following terms and conditions:

1. The fence shall be placed approximately four (4) feet from the back of the existing curb on Batchelor Street adjacent the subject property;
2. The final location and height of the fence are subject to the review and final approval of the Building Inspector of the City of Miles City;
3. The licensee shall maintain the fence in good and sightly condition at all times;
4. All construction and maintenance of the fence shall be at licensee's expense;
5. This license shall terminate and licensee shall, at licensee's expense, completely remove the fence from the City of Miles City right of way and restore the location of the fence to compacted, level grade, upon ninety (90) days advanced written notice to licensee by the City of Miles City
6. This license shall be recorded with the Clerk and Recorder for Custer County, Montana, and shall run with the above-described real property, subject to the terms, conditions and right to terminate provided herein, and licensee shall pay to the City Clerk the recording cost of \$30.00.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,
MONTANA, THIS 22ND DAY OF SEPTEMBER, 2026.**

Chris Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk