

**PETITION FOR DISCONTINUANCE OF STREET OR ALLEY
TO THE CITY OF SIDNEY, MONTANA**

We, the undersigned, being landowners in the City of Sidney, Richland County, Montana, do hereby petition in writing, the City of Sidney, Montana to abandon an unused city alley and right of way in the Southwest ¼ of Section 33, Township 23 North, Range 59 East, P.M.,M., City of Sidney, Richland County, Montana. This petition is being filed pursuant to Montana Code Annotated [MCA] §7-14-4101 through §7-14-4115. The location of the 20-foot Alley in Block 2, South Park Addition to Sidney, Montana which the petitioners request be abandoned is shown on the map which is attached to this petition as Exhibit A. In support of this petition, the petitioners state as follows:

1. As shown on the attached Exhibit A, the 20-foot Alley in Block 2, South Park Addition to Sidney, Montana begins on the Easterly right of way of Lincoln Avenue and proceeds Southeasterly for approximately 465 feet where it meets the Westerly right of way of Montana Highway No. 200.
2. The 20-foot Alley in Block 2, South Park Addition to Sidney, Montana requested to be abandoned hereon was dedicated on the plat of South Park Addition to Sidney, Montana, recorded as Document No. 204044, records of Richland County, Montana.
3. The petitioners hereby request that the City of Sidney abandon the 20-foot Alley and right of way in Block 2, South Park Addition to Sidney, Montana as shown on the attached Exhibit A.
4. The necessity for and advantage of the action requested by this petition is as follows:
 - (a) For many years no public use has been made of the 20-foot Alley which this petition requests be abandoned. The present use of the alley and adjacent properties is as shown on the attached Exhibit B.
 - (i) The West end of the alley is blocked by a gated, chain link fence.
 - (ii) All lands adjacent to the alley are owned by one single entity, T&T Properties, Inc. as shown on the attached Exhibit B.
 - (iii) The alley and adjacent properties have been occupied and used as one single, large property for many years.
 - (iv) The owners intend to legally aggregate their entire ownership to continue with the historic use and comply with current zoning regulations. The aggregation cannot take place until the lots on each side of the alley are contiguous.
 - (b) The alley and right of way which this petition requests be abandoned is not required to give legal access to any land in the area.
 - (i) Lots 3 & 12, Block 2, South Park Addition to Sidney, Montana have access via Montana Highway No. 200/Central Avenue.
 - (ii) Lots 4 through 9, Block 2, South Park Addition to Sidney, Montana have access via 7th Street Southwest.

(iii) Lots 10 & 11, Block 2, South Park Addition to Sidney, Montana have legal access via Lincoln Avenue.

(c) A 60-foot wide paved city-maintained street (7th Street SW) parallels the alley just 150 feet to the north and provides access to area properties and roads.

5. The right of way which this petition requests be abandoned is located within the City of Sidney, and as required by MCA §7-14-4114(1)(b)(I), more than 50% of the owners of lots on the street have signed this petition, and the alley can be abandoned without detriment to the public interest.
6. The petitioners request that the City of Sidney state in its abandonment resolution for 20-foot Alley in Block 2, South Park Addition to Sidney, Montana, as required by MCA §76-3-305, that upon the abandonment of the city's road easement, the ownership of the land underneath the right of way will revert to the adjoining landowners in the manner as designated on the attached Exhibit C.
7. Utilities are presently installed within the right of way to which this petition requests the city to abandon. Those utilities do not have recorded easements. However, because this petition was filed pursuant to MCA §7-14-4114, under MCA §7-14-4115 and §76-3-305(2) the discontinuance of the street right of way will not affect the right of those utilities to continue to maintain their lines in the right of way.
8. Furthermore, in exchange for the abandonment of the 20-foot Alley by the city, the Owner agrees to grant and declare an additional 5-feet each side of the 20-foot Alley for use as a utility easement by the city and other utility providers. The resulting utility easement width being 30-feet and as shown on the attached Exhibit D.
9. The petitioners request that the city record a certified copy of the resolution which abandons the right of way, so that persons searching real estate records will have notice of:
 - (a) the abandonment of 20-foot Alley in Block 2, South Park Addition to Sidney, Montana.
 - (b) the grant and declaration of a 30-foot utility easement as shown on Exhibit D attached hereto.
10. Exhibit B attached to this petition includes recording information for pertinent deeds and the name and address of the landowner who would be affected by this petition. The landowner has signed this petition and consents to the actions requested by this petition.

Signature	Printed Name	Address

EXHIBIT A

SW1/4, SECTION 33, T23N, R59E, P.M.M.
CITY OF SIDNEY, RICHLAND COUNTY, MONTANA

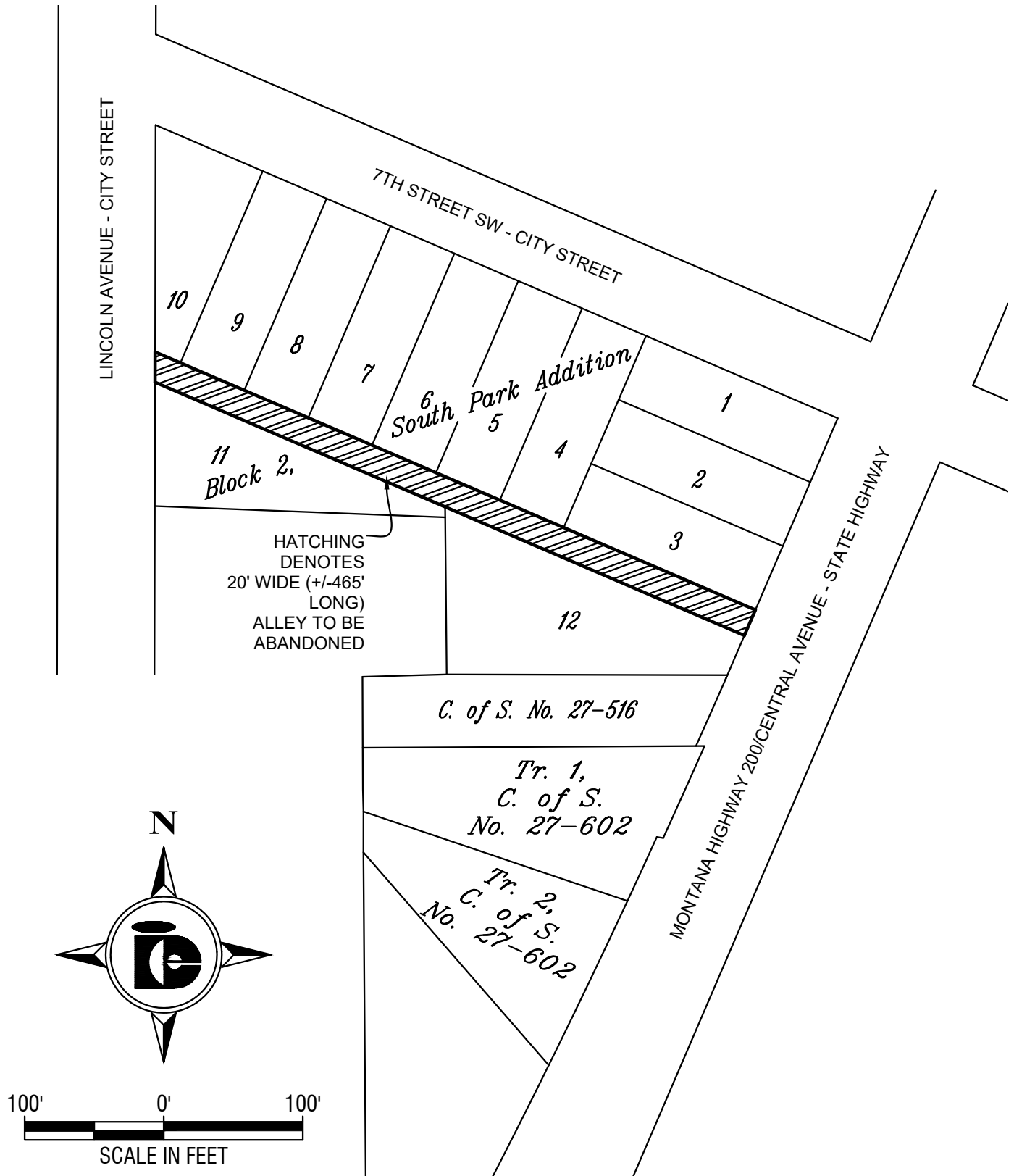


EXHIBIT B

SW1/4, SECTION 33, T23N, R59E, P.M.M.
CITY OF SIDNEY, RICHLAND COUNTY, MONTANA

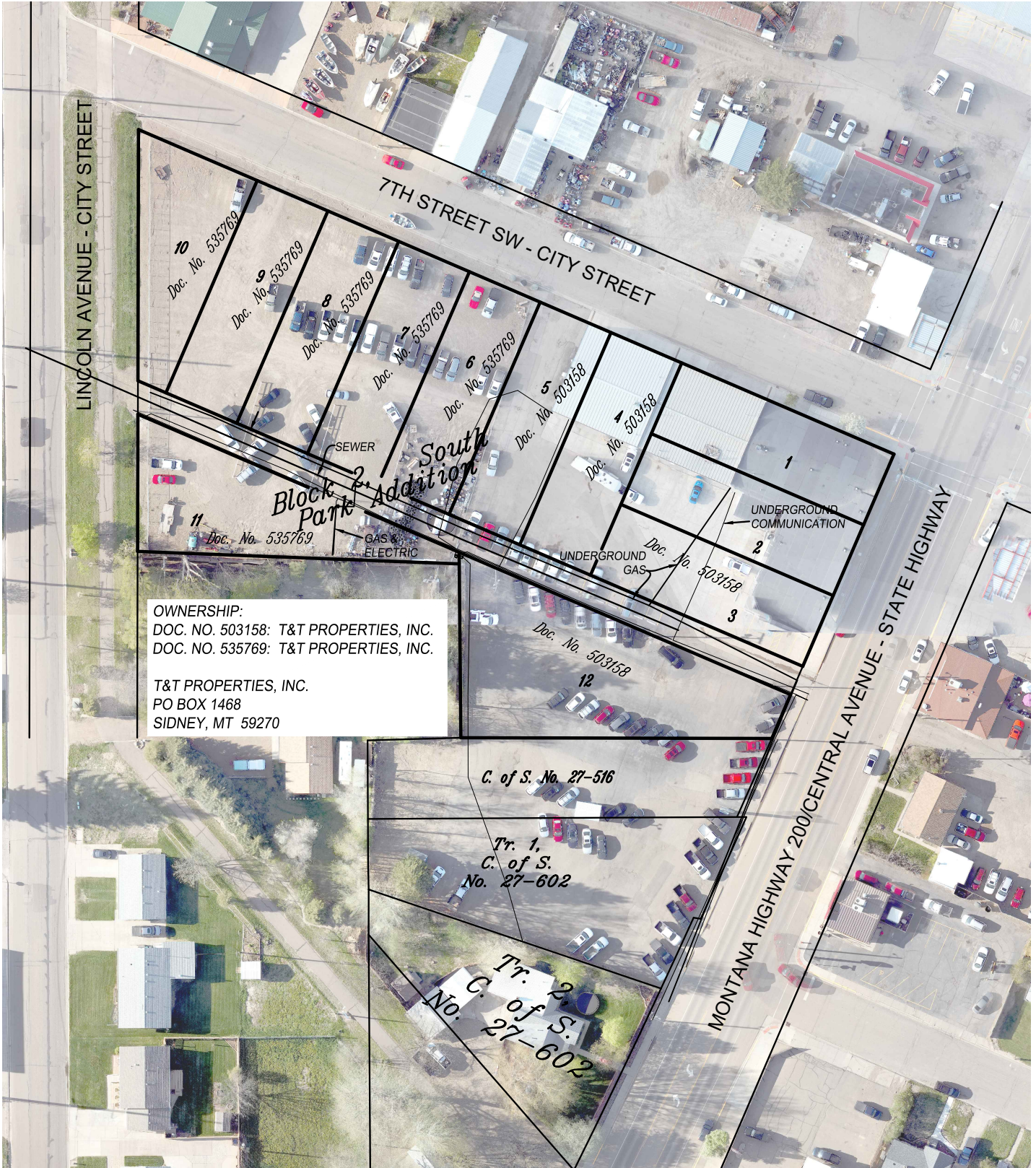


EXHIBIT C

SW1/4, SECTION 33, T23N, R59E, P.M.M.
CITY OF SIDNEY, RICHLAND COUNTY, MONTANA

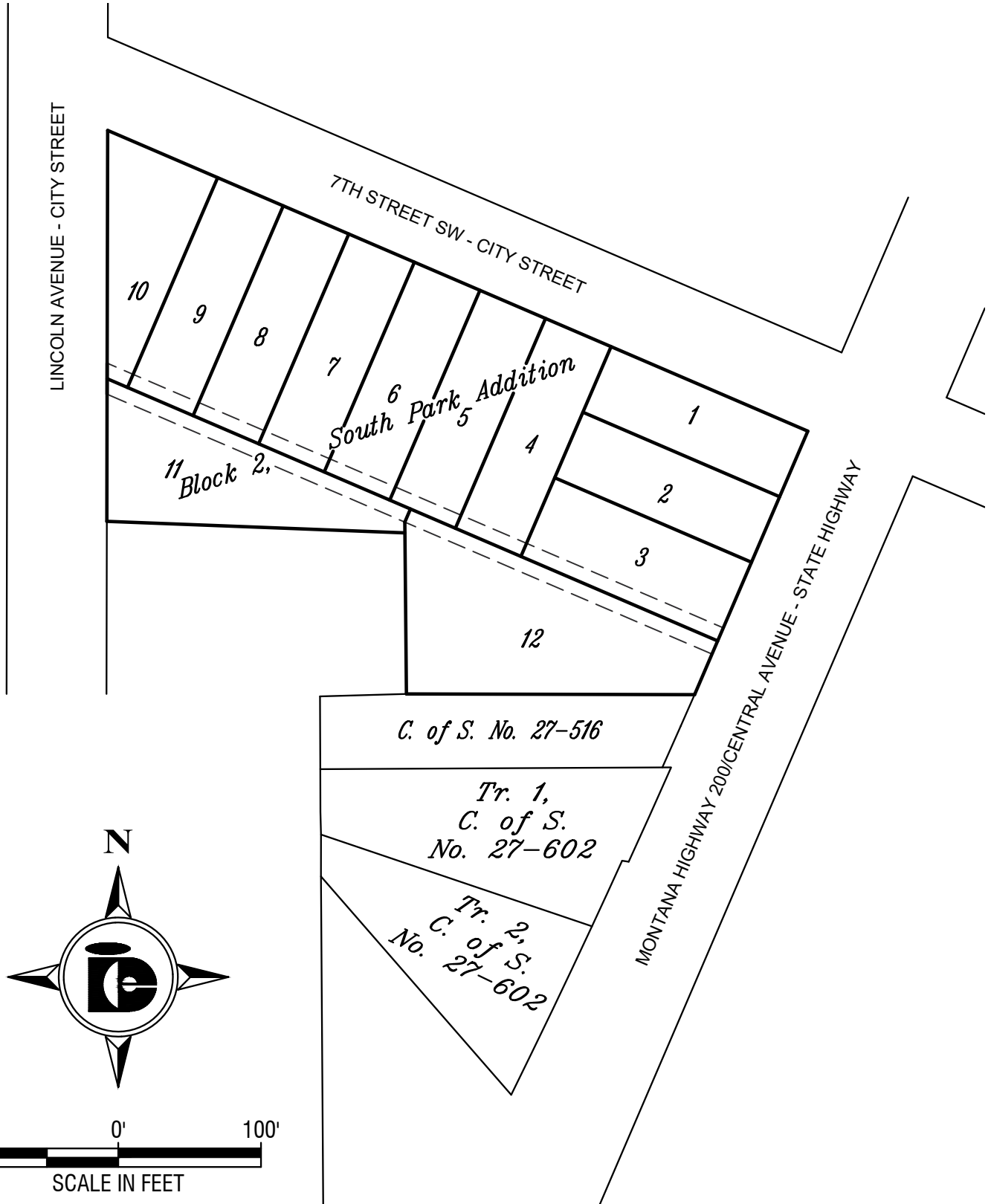


EXHIBIT D

SW1/4, SECTION 33, T23N, R59E, P.M.M.
CITY OF SIDNEY, RICHLAND COUNTY, MONTANA

