

SENATE BILL NO. 115

Introduced: 01/12/83

Referred to Committee on Local Government: 01/12/83

Hearing: 1/20/83

Died in committee.

1 *State* BILL NO. *115*
 2 INTRODUCED BY *Thomas*
 3 *Mill*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE
 5 REQUIREMENT THAT THE COMMISSION IN MUNICIPALITIES HAVING A
 6 COMMISSION-MANAGER FORM OF GOVERNMENT MUST PASS A RESOLUTION
 7 OF INTENT TO VACATE A STREET OR PART OF A STREET, OR TO
 8 NARROW A STREET; PROVIDING THAT THE NOTICE TO PROPERTY
 9 OWNERS ABUTTING A STREET PROPOSED FOR VACATION OR NARROWING
 10 MUST BE BY CERTIFIED MAIL; AMENDING SECTION 7-3-4448, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 7-3-4448, MCA, is amended to read:

14 "7-3-4448. Vacating or changing name of street. (1)
 15 The commission, in vacating any street or part of a street
 16 or changing the name of any street, may include in one
 17 ordinance the change of name or the vacation or narrowing of
 18 more than one street, alley, or avenue. ~~Before vacating any~~
 19 ~~street or part thereof or narrowing any street, the~~
 20 ~~commission shall first pass a resolution declaring its~~
 21 ~~intention to do so.~~

22 (2) The city manager shall serve notice of ~~the~~
 23 ~~resolution in the manner that service of summons is~~
 24 ~~required to be made in civil actions~~ of the proposed
 25 vacation or narrowing by certified mail upon all persons

1 whose property abuts upon the portion of the street affected
 2 by the proposed vacation or narrowing and shall publish
 3 notice once in one daily newspaper of general circulation in
 4 the municipality if there is one or if not, once in one
 5 weekly newspaper of like circulation. The notice shall
 6 state the time and place at which objections will be heard.
 7 (3) Unless at least 51% of the affected property
 8 owners object to the proposed vacation or narrowing, the
 9 commission may by ordinance declare such vacation or
 10 narrowing. The order of the commission vacating or narrowing
 11 a street or alley which has been dedicated to public use by
 12 the proprietor, to the extent that it is vacated or
 13 narrowed, operates as a revocation of the acceptance thereof
 14 by the commission, but the right-of-way and easement therein
 15 of any lot owner is not impaired thereby."

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