

SENATE BILL NO. 254

INTRODUCED BY

Forrester Deborah Mills M. Lee Bishop

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE CRITERIA UPON WHICH A GOVERNING BODY DECIDES TO WHICH PROPERTIES VACATED PLATS REVERT; AND AMENDING SECTION 76-3-305, MCA."

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

Section 1. Section 76-3-305, MCA, is amended to read:

"76-3-305. Vacation of plats -- utility easements. (1) Any plat prepared and recorded as herein provided in this section may be vacated either in whole or in part as provided by 7-5-2501, 7-5-2502, subsections (1) and (2) of 7-14-2616(1) and (2), 7-14-2617, subsections (1) and (2) of 7-14-4114(1) and (2), and 7-14-4115, and upon such. Upon vacation, the governing body shall determine to which properties the title to the streets and alleys of such the vacated portions to the center thereof shall must revert. The governing body shall take into consideration the previous platting; the manner in which the right-of-way was originally dedicated, granted, or conveyed; the reasons stated in the petition requesting the vacation; the parties requesting the vacation; and any agreements between the adjacent property owners regarding the use of the vacated area. The title to the streets and alleys of the vacated portions may revert to one or more of the owners of the properties within the platted area adjacent to such the vacated portions.

(2) However, when any poleline, pipeline, or any other public or private facility is located in a vacated street or alley at the time of the reversion of the title thereto to the vacated street or alley, the owner of said the public or private utility facility shall have has an easement over the vacated land to continue the operation and maintenance of the public utility facility."

-END-

APPROVED BY COM ON
LOCAL GOVERNMENT

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