

RESOLUTION 18-10729

**A RESOLUTION AUTHORIZING PERMIT FOR
CONSTRUCTION AND MAINTENANCE OF
PEDESTRIAN SKYWAY**

WHEREAS, Section 6-901, BMCC, encourages the private development over city streets and alleys of enclosed pedestrian skyways, but subject to uniform minimum standards to ensure that all such structures shall be constructed, finished, lighted and maintained in compliance with all applicable codes, and shall consistently be of high quality and attractive design and construction so as not to be detrimental to the surrounding properties, and so that they shall contribute to orderly and desirable development of the surrounding areas in the interest of the general public; and

WHEREAS, continued development within downtown Billings is often dependent upon pedestrian skyway connections between office buildings and parking facilities over city streets and alleys to promote pedestrian safety, convenience and access; and

WHEREAS, WC Commercial LLC is the Owner of the Stillwater Building which is a multi-story office building located at 316 North 26th Street. CRMX-233 ("the Owner") is constructing a Parking Garage, a multi-story private parking facility, located at 2549 3rd Avenue North, to provide parking to users of the Stillwater Building; and

WHEREAS, the Owner desires to construct and maintain a pedestrian skyway connecting its Parking Garage to the Stillwater Building, identified and attached, hereto, as Exhibit A; and

WHEREAS, City Council is empowered pursuant to §6-902, BMCC, to authorize the issuance of a permit to construct and maintain a pedestrian skyway over and across city streets or alleys upon a finding that such a pedestrian skyway is in the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. The City Council finds that the construction and maintenance of the pedestrian skyway, identified and attached as Exhibit A, is in the public interest and, therefore, authorizes the Mayor to execute and acknowledge a Permit for the Construction and Maintenance of a Pedestrian Skyway between the City and the Owner, identified and attached as Exhibit B, for the construction and maintenance of a pedestrian skyway connecting the Stillwater Parking Garage to the Stillwater Building over and across North 26th Street.
2. Pursuant to Section 6-903(11), BMCC, the City Council prescribes that Owner, as Permittee, shall obtain prior to commencement of construction of the pedestrian skyway and maintain at all times thereafter until the

termination of the permit, for the mutual benefit of the Permittee and the City, general public liability insurance against claims for bodily injury, death or property damage occurring in, on or about the pedestrian skyway, with minimum limits of \$1,500,000 each occurrence, naming the City as an additional insured.

PASSED AND ADOPTED by the City Council of the City of Billings, Montana, on the 11th day of June, 2018.

CITY OF BILLINGS

By: William A. Cole
William A. Cole, Mayor



ATTEST:

By: Denise R. Bohlman
Denise R. Bohlman, City Clerk