



Item: Public Hearing – Ordinance 3138 amending Ordinance 1447 pertaining to vacating that portion of 10th Alley South between 14th and 15th Streets South, all within block 780 of Great Falls Sixteenth Addition.

From: Galen Steffens, Planner II, Planning and Community Development

Initiated By: New Inns Limited Partnership, owner

Presented By: Craig Raymond, Director of Planning and Community Development

Action Requested: City Commission approve Ordinance 3138.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3138.”

2. Mayor calls for a second, discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission adopt Ordinance 3138, which vacates the portion of 10th Alley South located between 14th and 15th Streets South, all within block 780 of Great Falls Sixteenth Addition.

On February 16, 2016, the City Commission accepted Ordinance 3138 on first reading and set the public hearing for March 1, 2016. Notice of public hearing before the City Commission was published in the *Great Falls Tribune* on February 28, 2016. In accordance with Montana Code Annotated §7-3-4448, adjacent property owners were personally served notice of the alleyway vacation.

Background: Said alley and the adjacent lots are the current location of the Townhouse Inn of Great Falls, addressed as 1411 10th Avenue South. The subject portion of 10th Alley South is ±350 feet long by ±20 feet wide, thus ±7,000 square feet, or ±0.16 acres, in size. The original vacation of the alley was proposed and approved by adoption of Ordinance 1447 in 1963, and was ultimately conditional “so long as said alley shall be used as a building site for motel purposes”.

While the site's motel land use has been in place for 53 years, the owner is looking at redeveloping the site, which consists of a full City block, to construct a new Town Pump convenience store with attached Casino, type I, and associated fuel island. The subject property is zoned C-2 General Commercial district, and the proposed use is permitted. However, as Ordinance 1447 was conditional on motel use, rather than other land uses, it needs to be amended if redevelopment of other commercial land uses is to occur.

Currently the only options for the property would be for the motel use to continue and the vacation of 10th Alley South could continue, or if the motel use ceased then 10th Alley South would be reestablished which would reduce the development scale permissible on the adjacent lots.

Fiscal Impact: The subject property pays City assessments and taxes and will continue to do so; however, if the alley is no longer vacated, then taxes will no longer be paid for the square footage of the alleyway.

Alternatives: If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

Concurrences: Representatives from the City's Public Works and Fire Departments have been involved in the review process for this application.

Attachments/Exhibits: Ordinance 3138 with Attachment "A" – amended Ordinance 1447 and Attachment "B" - aerial map

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood Council Coordinator
Dan Sampson, New Inns Limited Partnership, dans@townpump.com
Joe Murphy, Big Sky Civil & Environmental, Inc., representative,
jmurphy@bigskyce.com

ORDINANCE 3138

**AN ORDINANCE AMENDING ORDINANCE 1447
PERTAINING TO VACATING THAT PORTION OF TENTH
ALLEY SOUTH BETWEEN FOURTEENTH AND FIFTEENTH
STREETS SOUTH, ALL WITHIN BLOCK 780, SIXTEENTH
ADDITION TO THE CITY OF GREAT FALLS, CASCADE
COUNTY, MONTANA**

* * * * *

WHEREAS, the City Council adopted Ordinance 1447 on September 30, 1963, vacating that portion of Tenth Alley South located between Fourteenth Street [South] and Fifteenth Street [South], all within Block 780, Sixteenth Addition to the City of Great Falls, Cascade County, Montana; and

WHEREAS, the vacation of the aforesaid Alley was to permit the construction of a large motel, with the provision that said City Council desires that the Alley revert to the City of Great Falls, a municipal corporation, in the event that said Alley shall cease to be used as a building site for motel purposes; and

WHEREAS, a motel has occupied the site for 53 years, and is the current location of the Townhouse Inn of Great Falls; and

WHEREAS, the owner is requesting consideration of an amendment in order to redevelop the property for commercial purposes and not reestablish said portion of 10th Alley South as a public alleyway; and

WHEREAS, Notice of Public Hearing has been duly given as provided by Mont. Code Ann. § 7-3-4448.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

- Section 1. Ordinance 1447 be amended as depicted in Exhibit "A" attached hereto, which removes any language indicated by a strike-out;
- Section 2. The aforesaid area is as depicted in the area map for reference purposes attached hereto as Exhibit "B";
- Section 3. That any and all reference to Fourteenth Street and Fifteenth Street in Exhibit "A" shall be correctly referred to as Fourteenth Street South and Fifteenth Street South;
- Section 4. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission on first reading February 16, 2016.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading
March 1, 2016.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that I did
post, as required by law and as prescribed and directed by the City Commission, Ordinance 3138 in
three places within the limits of said City to-wit:

- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

(Seal of the City)

Lisa Kunz, City Clerk

REEL 8 Doc. No. 1991

ORDINANCE NO. 1447

AN ORDINANCE VACATING THAT PORTION OF TENTH ALLEY SOUTH BETWEEN FOURTEENTH STREET AND FIFTEENTH STREET, OF BLOCK 780, 16th ADDITION TO THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. WHEREAS, the owners of the lots abutting that portion of Tenth Alley South located between Fourteenth Street and Fifteenth Street, of Block 780, 16th Addition to the City of Great Falls, Cascade County, Montana, have filed and presented to the City Council of the City of Great Falls, Montana, their petition in writing to vacate that portion of Tenth Alley South between 14th Street and 15th Street, Great Falls, Montana; and,

WHEREAS, the City Council of the City of Great Falls has determined and does hereby determine that good cause and reason exist to vacate that portion of 10th Alley South, located between 14th Street and 15th Street, Great Falls, Montana, and that vacating of same will be to the public interest and that the same may be vacated without detriment to the public interest; and,

WHEREAS, Notice of Hearing said petition has been duly given in the manner and form and for the time prior to this date, all as required by law; and,

WHEREAS, public hearing has been held, as provided by law, and whereas there has been no legal objection raised to the vacating of that portion of Tenth Alley South located between 14th Street and 15th Street, more particularly described as follows:

All of that portion of Tenth Alley South located between Fourteenth Street and Fifteenth Street, (all within Block Seven Hundred Eighty (780), Sixteenth (16th) Addition to the City of Great Falls, Cascade County, Montana).

AND WHEREAS, The City Council of the City of Great Falls has agreed to the vacation of the aforesaid Alley to permit the construction of a large motel, and whereas the said City Council desires that the Alley revert to the City of Great Falls, a municipal corporation, in the event the said Alley shall cease to be used as a building site for motel purposes; with all costs of such reverting to be borne by the property owner and/or owners;

NOW, THEREFORE, BE IT ORDAINED:

Section 2. That all that portion of Tenth Alley South located between Fourteenth Street and Fifteenth Street, (all in Block Seven Hundred Eighty (780), Sixteen Addition to the City of Great Falls, Cascade County, Montana, be and the same is hereby discontinued, vacated, and closed, ~~so long as said Alley shall be used as a building site for motel purposes.~~

Section 3. This ordinance shall become effective thirty (30) days after its passage and approval.

5801

PASSED by the Council of the City of Great Falls, Montana, this 30th day of September, 1963, and APPROVED by the Mayor of said City this 30th day of September, 1963.

Mayor
Mayor

ATTEST:

City Clerk
City Clerk

(SEAL OF CITY)

STATE OF MONTANA,)
County of Cascade,) ss.
City of Great Falls.)

I, FRED L. HILL, Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 1447 was regularly placed on its final passage and passed by the Council of said City at a meeting thereof held on the 30th day of September, 1963, and that the same was approved by the Mayor of said City on the 30th day of September, 1963.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 1st day of October, 1963.

City Clerk
City Clerk

(SEAL OF CITY)

STATE OF MONTANA,)
County of Cascade,) ss.
City of Great Falls.)

FRED L. HILL, being first duly sworn, deposes and says: That on the 30th day of September, 1963, and prior thereto, he was the City Clerk of the City of Great Falls, Montana; that as said City Clerk, he did on the 1st day of October, 1963, post as required by law and prescribed and directed by the City Council, Ordinance No. 1447 of the City of Great Falls, in five conspicuous places within the limits of said City, to-wit:

- On the Billboard of the First Floor of the Court House;
- At the entrance to the Police Station, 423 - 2d Avenue South;
- On the front of the West Side Fire Station, 526 - 2d Avenue S. W.;
- On the Bulletin Board on the First Floor of the Civic Center Building;
- On the Bulletin Board of the East Side Fire Station, 3301 Central Avenue.

City Clerk
City Clerk

(SEAL OF CITY)

SUBSCRIBED AND SWORN to before me this 1st day of October, 1963.

(NOTARIAL SEAL)

RECORDED OCT 2 1963
 TIME 4:14
 DOCUMENT NO. 5801

J. L. LENNON
 CLERK AND RECORDER
 CASCADE COUNTY, MONTANA

Notary Public for the State of Montana,
 Residing at Great Falls, Montana.
 My Commission expires: May 26, 1964

BY *Notary* DEPUTY

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INDEXED
 RECORDED

Exhibit "B"
Aerial Map



-  Tracts of Land
-  10th Alley S
-  1411 10th Ave S

