

RESOLUTION 10078

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 26TH AVENUE SOUTHWEST, IN THE VICINITY OF 14TH STREET SOUTHWEST AND PARK GARDEN ROAD, AS SHOWN IN ATTACHMENT A, AND BY THIS REFERENCE MADE A PART HEREOF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-3-4448, MONTANA CODE ANNOTATED

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WHEREAS, the subdivision plat of Hilton Garden Inn Addition dedicated the right-of-way of 26th Avenue Southwest, located west of 14th Street Southwest and north of Park Garden Road; and

WHEREAS, Russell Country Investors, LLC and Bleskin Peter Revocable Trust have petitioned in writing to the City of Great Falls to have the 26th Avenue Southwest right-of-way vacated; and,

WHEREAS, the City of Great Falls owns the adjoining 14th Street Southwest right-of-way to the east of 26th Avenue Southwest, and does not object to the vacation of said right-of-way; and,

WHEREAS, it is determined retention of 26th Avenue Southwest is not necessary to maintain adequate public traffic flows or circulation in the area; and,

WHEREAS, it is determined that the width of 26th Avenue Southwest will be retained as a utility easement for existing public utilities; and

WHEREAS, it is determined that the width of 26th Avenue Southwest will be retained as a public access easement for existing residential properties currently served by 26th Avenue Southwest; and

WHEREAS, the City Commission of the City of Great Falls, Montana, adopted Resolution No. 10077 on May 20, 2014, and Corrected Resolution No. 10077 on June 3, 2014 titled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 26TH AVENUE SOUTHWEST, IN THE VICINITY OF 14TH STREET SOUTHWEST AND PARK GARDEN ROAD, AS SHOWN IN ATTACHMENT A, AND BY THIS REFERENCE MADE A PART HEREOF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-3-4448, MONTANA CODE ANNOTATED, AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

WHEREAS, the City Clerk of said City caused notice of said Resolution No. 10077 to be:

(1) published in the *Great Falls Tribune* providing notice of the time and place at which the proposed vacation will be heard; and

(2) posted in three public places, stating therein the time and place the City Commission shall hear all persons relative to said proposed vacation; and

(3) personally served the owners of property abutting the street with Notice of Intent to Vacate and those owners have not objected to the vacation; and

WHEREAS, a hearing was held by the City Commission of the City of Great Falls, Montana, on the 17<sup>th</sup> day of June, 2014, at 7:00 o'clock p.m. in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons relative to the proposed vacation of 26<sup>th</sup> Avenue Southwest, located in the vicinity of 14<sup>th</sup> Street Southwest and Park Garden Road, beginning at the junction with 14<sup>th</sup> Street Southwest and continuing west and terminating at the cul-de-sac. Said right-of-way extends  $\pm 899.25$  feet and comprises  $\pm 1.078$  acres, the entirety of this right-of-way is requested to be vacated.

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

The right-of-way extending  $\pm 899.25$  feet and comprising  $\pm 1.078$  acres, located on 26<sup>th</sup> Avenue Southwest in the vicinity of 14<sup>th</sup> Street Southwest and Park Garden Road, beginning at the junction with 14<sup>th</sup> Street Southwest and continuing west and terminating at the cul-de-sac is vacated, retaining an easement for public utilities and public access for existing residential properties for the width of 26<sup>th</sup> Avenue Southwest.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective thirty (30) days after its adoption.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
June 17, 2014.

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Michael J. Winters, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT


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
Sara R. Sexe, City Attorney

# Resolution 10078

## Attachment A



 Requested vacation of ROW

 Tracts of Land

150 75 0 150 Feet

