RESOLUTION 9275

A RESOLUTION OF INTENTION BY THE CITY
COMMISSION OF THE CITY OF GREAT FALLS,
MONTANA, TO VACATE A PARTIAL ALLEY
RIGHT-OF-WAY ALONG THE WEST BOUNDARY
OF BLOCK 1, NORTH RIVERVIEW TERRACE ADDITION,
SECTION THREE, PART ONE, IN ACCORDANCE
WITH THE PROVISIONS OF SECTION 7-14-4114,
MONTANA CODE ANNOTATED, AND
DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

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WHEREAS, the subdivision plat of North Riverview Terrace Addition, Section Three, Part One, dedicated a portion of the right-of-way for an alley along the west boundary of Block 1 within said subdivision; and

WHEREAS, the dedicated strip of right-of-way is 800 feet in length, varies in width from 9.38 feet to 16.60 feet and extends between Smelter Avenue and 23rd Avenue Northeast; and

WHEREAS, subject strip of right-of-way is inaccessible at the north end and is partially obstructed in its south half by power poles and guy wire supports; and

WHEREAS, the development of the Twilite Theater Tracts on abutting property to the west of subject right-of-way provides an opportunity to rectify said strip of land which has been an ongoing nuisance and point of confusion to the City and abutting property owners; and

WHEREAS, a majority of the property owners abutting said strip of right-of-way have signed a petition to vacate said strip of right-of-way with the understanding:

- 1) The portion of subject right-of-way abutting Lots 2 and 3, Block 1, Twilite Theater Tracts, shall, upon vacation, revert to the abutting property owners in Twilite Theater Tracts.
- 2) The owners of Lots 2 and 3, Block 1, Twilite Theater Tracts, shall provide a non-exclusive access easement paralleling the east boundary of said Lots 2 and 3 for use by the owners of Lots 2 9, Block 1, North Riverview Terrace Addition, Section Three, Part One.
- 3) The northerly 177 feet of subject right-of-way shall, upon vacation, revert to the owners of Lots 10, 11, and 12, Block 1, North Riverview Terrace Addition, Section Three, Part One.
- 4) Subject right-of-way, upon vacation, shall be encumbered by a utility easement.

WHEREAS, the above mentioned conditions will be addressed as a part of the Amended Plat of Lots 2 and 3, Block 1, Twilite Theater Tracts and Lots 10, 11 and 12, Block 1, North Riverview Terrace Addition, Section Three, Part One, which will show the distribution of vacated right-of-way and enlargement of abutting lots; and

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

That Tuesday, the 17th day of December, 2002, at 7:00 P.M. in the Commission Chambers of the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place at which the Great Falls City Commission shall hear all persons relative to the proposed vacation of an 800-ft long strip of right-of-way abutting the west boundary of Block 1, North Riverview Terrace Addition, Section Three, Part One; and

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of said City shall forthwith cause notice of this Resolution to be: (1) published once in the Great Falls <u>Tribune</u>, the newspaper published nearest such land; and, (2) posted in three public places.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 3rd day of December, 2002.

ATTEST:	Randall H. Gray, Mayor
Peggy J. Bourne, City Cerk	
(SEAL OF CITY)	
Approved for legal content:	City Attorney

State of Montana County of Cascade City of Great Falls) :ss)		
I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9275 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3 rd day of December, 2002, and approved by the Mayor of said City on the 3 rd day of December, 2002.			
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this $3^{\rm rd}$ day of December, 2002.			
(SEAL OF CITY)		Peggy J. Bourne, City Clerk	
State of Montana County of Cascade City of Great Falls) : ss)		
December, 2002, an	± -	nd says: that on the 3 rd day of Clerk of the City of Great Falls, d post as required by law and as	

prescribed and directed by the Commission, Resolution No. 9275 of the City of Great Falls, in three conspicuous 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

Peggy J. Bourne, City Clerk

(SEAL OF CITY)