

RESOLUTION 9279

A RESOLUTION 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

€ * * * * *

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

WHEREAS, the City Commission of the City of Great Falls, Montana, duly and regularly passed and adopted on the 3rd day of December, 2002, Resolution No. 9275 entitled:

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

WHEREAS, the City Clerk of said City, forthwith caused notice of said Resolution No. 9275 to be:

- 1) published in the Great Falls Tribune, the newspaper published nearest the right-of-way proposed for vacation; 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.

WHEREAS, a hearing was held by the City Commission of the City of Great Falls on the 17th day of December, 2002, at 7:00 P.M. in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons relative to the proposed vacation of a partial alley right-of-way along the west boundary of Block 1, North Riverview Terrace Addition, Section Three, Part One.

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

The partial alley right-of-way along the west boundary of Block 1, North Riverview Terrace Addition, Section Three, Part One, as described hereinabove is hereby vacated.

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 17th day of December, 2002.

Randall H. Gray, Mayor

ATTEST:

Melodi A. Wald, Deputy City Clerk

(SEAL OF CITY)

Approved for legal content: City Attorney

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

I, Melodi A. Wald, Deputy City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9279 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 17th day of December, 2002, and approved by the Mayor of said City on the 17th day of December, 2002.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 17th day of December, 2002.

Melodi A. Wald, Deputy City Clerk

(SEAL OF CITY)