

RESOLUTION 9439

A RESOLUTION BY THE  
CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE A SEGMENT OF 14<sup>TH</sup> ALLEY SOUTH AT 26<sup>TH</sup> STREET SOUTH,  
AND ALL OF 14<sup>TH</sup> AVENUE SOUTH AND 15<sup>TH</sup> ALLEY SOUTH  
BETWEEN 25<sup>TH</sup> AND 26<sup>TH</sup> STREETS SOUTH,  
IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-14-4114,  
MONTANA CODE ANNOTATED

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WHEREAS, the subdivision plats of Lincoln Heights Addition and South 26<sup>th</sup> Street Addition, dedicated segments of 14<sup>th</sup> and 15<sup>th</sup> Alleys South and 14<sup>th</sup> Avenue South between 25<sup>th</sup> and 26<sup>th</sup> Streets South; and

WHEREAS, the sole owner of property abutting the hereinabove described right-of-way, Benefis Healthcare, has petitioned to vacate same; and

WHEREAS, subject right-of-way is currently unimproved and is deemed to be unnecessary based upon the planned development of abutting properties and remaining public right-of-way in the vicinity; and

WHEREAS, an Amended Plat of Blocks 28 and 29, Lincoln Heights Addition and Blocks 1 and 2 of the South 26<sup>th</sup> Street Addition and including Parcel Mark No. 18A, a tract of land located in the NE1/4 of Section 18, Township 20 North, Range 4 East, Cascade County, Montana, has been prepared which shows the consolidation of the right-of-way requested to be vacated with abutting private property to form a singular tract of land.

WHEREAS, the City Commission of the City of Great Falls, Montana, duly and regularly passed and adopted on the 19th day of October, 2004, Resolution No. 9431 entitled:

A RESOLUTION OF INTENTION BY THE CITY  
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE A SEGMENT OF 14<sup>TH</sup> ALLEY SOUTH AT 26<sup>TH</sup> STREET SOUTH,  
AND ALL OF 14<sup>TH</sup> AVENUE SOUTH AND 15<sup>TH</sup> ALLEY SOUTH  
BETWEEN 25<sup>TH</sup> AND 26<sup>TH</sup> STREETS SOUTH,  
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. 9431 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 16<sup>th</sup> day of November, 2004, 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 segment

of 14<sup>th</sup> Alley South at 26<sup>th</sup> Street South and all of 14<sup>th</sup> Avenue South and 15<sup>th</sup> Alley South between 25<sup>th</sup> and 26<sup>th</sup> Streets South.

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

The segment of 14<sup>th</sup> Alley South at 26<sup>th</sup> Street South and all of 14<sup>th</sup> Avenue South and 15<sup>th</sup> Alley South between 25<sup>th</sup> and 26<sup>th</sup> Streets South, as described on the attached Exhibit "A" 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 16th day of November, 2004.

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Randall H. Gray, Mayor

ATTEST:

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Carolyn M. Horst, Deputy City Clerk

(SEAL OF CITY)

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Approved for legal content: City Attorney

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

I, Carolyn M. Horst, Deputy City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9439 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 16th day of November, 2004, and approved by the Mayor of said City on the 16th day of November, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 16th day of November, 2004.

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Carolyn M. Horst, Deputy City Clerk

(SEAL OF CITY)