

RESOLUTION NO. 9499

A RESOLUTION BY THE CITY
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,
TO VACATE THE 60 FOOT RIGHT-OF-WAY BETWEEN
THE INTERSECTION OF 6TH STREET NW AND
1ST AVENUE NW AND
THE SOUTHWEST BOUNDARY OF THE MONTANA EXPO PARK,
IN ACCORDANCE WITH THE PROVISIONS OF
SECTION 7-14-4114, MONTANA CODE ANNOTATED

* * * * *

WHEREAS, ownership of said 60 foot strip of land was unknown until recent title review determined vested interest lies with the City of Great Falls; and,

WHEREAS, the 60 foot wide strip of land is generally located between the East boundary of 6th Street Northwest and the Southwest boundary of the Montana Expo Park "Fairgrounds", and is more particularly described as follows:

A tract of land in the Southwest ¼ of Section 2, T20N, R3E, P.M.M., located between Lots 2 and 3 of Block 7, Fair Acreage Tracts and Deeded parcels 33-2675, 256-1391 and 254-912; and designated and identified in various documents of record as "a City Road", said Tract being more particularly described as follows:

Beginning at the centerline intersection of First Avenue Northwest and Fifth Street Northwest of the City of Great Falls; thence North 00° 03' 01" West, a distance of 35.00 feet to the North right-of-way of First Avenue Northwest; thence South 89° 56' 59" West along said North right-of-way, a distance of 378.78 feet to the TRUE POINT OF BEGINNING; thence South 89° 56' 59" West along said North right-of-way, a distance of 11.13 feet to the East right-of-way of Sixth Street Northwest; thence North 00° 01' 03" East, along said East right-of-way, a distance of 113.14 feet, thence North 26° 15' 25" East, a distance of 628.92 feet to a point on the Westerly line of C.O.S. # 3176; thence South 32° 08' 05" East along said Westerly line, a distance of 70.45 feet; thence South 26° 15' 25" West, a distance of 688.54 feet to the TRUE POINT OF BEGINNING and containing 0.92 acres.

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof; and,

WHEREAS, in order for the City of Great Falls to dispose of and abandon the 60 foot strip of land formerly used as public access, the City Commission of the City of Great Falls adopted Ordinance No. 2916 on June 7, 2005 dedicating said 60 foot strip of land as public right-of-way; and,

WHEREAS, due to modifications to access to Montana Expo Park, (Fairgrounds), and the reconstruction of 6th Street Northwest, retaining said 60 foot strip of land for public access is no longer necessary and actually presents a safety hazard; and,

WHEREAS, the owners of the property abutting subject 60 foot strip of right-of-way have petitioned to have it vacated; and,

WHEREAS, an Amended Plat of Lots 2 & 3, Block 7, Fair Acreage Tracts and deeded parcels 33-2675, 256-1391 and 254-912 have been prepared which show the distribution of the 60 foot strip of right-of-way requested to be vacated and reconfiguration of abutting lots; and,

WHEREAS, the City Commission of the City of Great Falls, Montana, duly and regularly passed and adopted on the 7th day of June, 2005, Resolution No. 9490 entitled:

A RESOLUTION OF INTENTION BY THE CITY
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,
TO VACATE THE 60 FOOT RIGHT-OF-WAY BETWEEN
THE INTERSECTION OF 6TH STREET NW AND
1ST AVENUE NW AND
THE SOUTHWEST BOUNDARY OF THE MONTANA EXPO PARK
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 Deputy City Clerk of said City, forthwith caused notice of said Resolution No. 9490 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; and,

WHEREAS, a hearing was held by the City Commission of the City of Great Falls on the 21st day of June, 2005, 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 60 foot wide strip of right-of-way generally located between the East boundary of 6th Street Northwest and the Southwest boundary of the Montana Expo Park "Fairgrounds".

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

That the 60-foot strip of right-of-way between the intersection of 6th Street NW and 1st Avenue NW and the southwest boundary of the Montana Expo Park, as is more particularly described hereinabove is hereby vacated.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall be effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 21st day of June, 2005.

Randall H. Gray, Mayor

ATTEST:

Carolyn M. Horst, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, 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. 9499 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 21st day of June, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 21st day of June, 2005.

Carolyn M. Horst, Deputy City Clerk

(SEAL OF CITY)

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

Carolyn M. Horst, being first duly sworn, deposes and says: That on the 21st day of June, 2005, and prior thereto, she was the Deputy City Clerk of the City of Great Falls, Montana; that as said Deputy City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Resolution No. 9499 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

Carolyn M. Horst, Deputy City Clerk

(SEAL OF CITY)



EXHIBIT "A"



60-FOOT PUBLIC RIGHT-OF-WAY TO BE VACATED

