

RESOLUTION NO. 9548

A RESOLUTION BY THE CITY COMMISSION OF  
THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE UNUSED RIGHTS-OF-WAY OF 3<sup>RD</sup> AVENUE SOUTH,  
IN ACCORDANCE  
WITH THE PROVISIONS OF SECTION 7-14-4114,  
MONTANA CODE ANNOTATED

\* \* \* \* \*

WHEREAS, the right-of-way of 3<sup>rd</sup> Avenue South in the vicinity of 51<sup>st</sup> & 52<sup>nd</sup> Streets was dedicated and annexed to the City as part of the Second Supplement to Sunrise Terrace Addition in 1959 and the Sunrise Court Addition in 1976; and

WHEREAS, the northerly right-of-way of 3<sup>rd</sup> Avenue South abutting Sunrise Court Addition presently contains no roadway improvements; and

WHEREAS, it has been determined retention and eventual improvement of the northerly right-of-way of 3<sup>rd</sup> Avenue South abutting Sunrise Court Addition serves no practical or functional purpose; and

WHEREAS, the Great Falls Housing Authority, which owns and operates the public housing complex comprising Sunrise Court Addition desires to use the vacated right-of-way to improve the parking arrangement for the complex; and

WHEREAS, subject right-of-way proposed to be vacated is further described by the survey drawing attached as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, an Amended Plat of Lot 1, Block 3, and Lot 1, Block 4, Sunrise Court Addition, has been prepared which reflects the proposed disposition of the right-of-way requested to be vacated; and

WHEREAS, the City Commission of the City of Great Falls, Montana, duly and regularly passed and adopted on the 21<sup>st</sup> day of February, 2006, Resolution No. 9547 entitled:

A RESOLUTION OF INTENTION BY THE CITY  
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE TWO SEGMENTS OF 3<sup>RD</sup> AVENUE SOUTH  
RIGHT-OF-WAY ABUTTING SUNRISE COURT ADDITION,  
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. 9547 to be:

- 1) published in the Great Falls Tribune, the newspaper published nearest the rights-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 7<sup>th</sup> day of March, 2006, 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 unused portions of rights-of-way abutting Lot 1, Block 3, and Lot 1, Block 4, Sunrise Court Addition.

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

The rights-of-way comprising of the unused portions of rights-of-way of 3<sup>rd</sup> Avenue South abutting Lot 1, Block 3, and Lot 1, Block 4, Sunrise Court Addition are 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 7<sup>th</sup> day of March, 2006.

\_\_\_\_\_  
Dona R. Stebbins, Mayor

ATTEST:

\_\_\_\_\_  
Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David V. Gliko, City Attorney

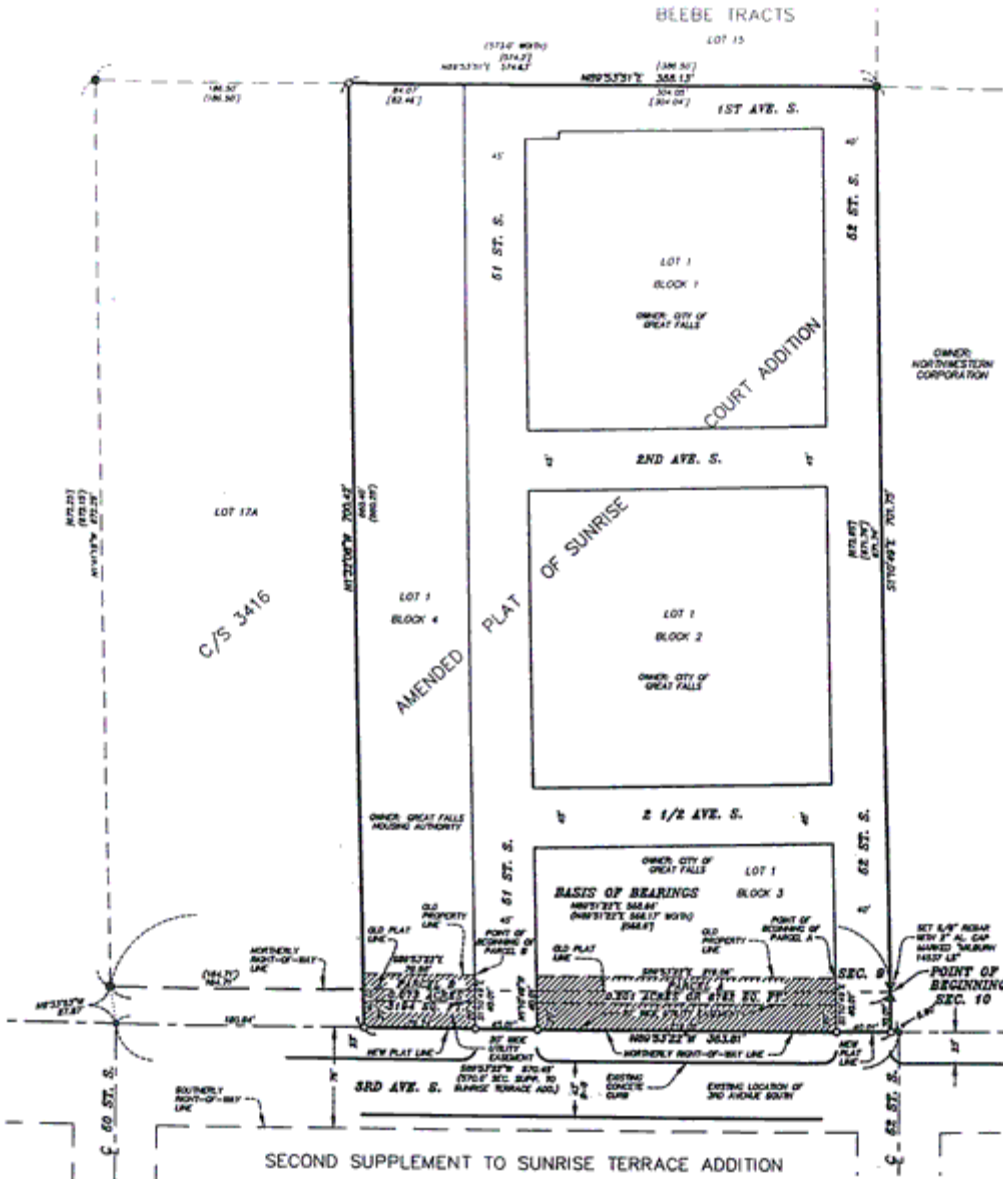
State of Montana        )  
County of Cascade     :ss  
City of Great Falls    )

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9548 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 7<sup>th</sup> day of March, 2006, wherein it was approved by said City Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7<sup>th</sup> day of March, 2006.

\_\_\_\_\_  
Peggy J. Bourne, City Clerk

(SEAL OF CITY)



**RIGHT-OF-WAY TO BE VACATED**

PARCEL A: Beginning at the southeast corner of Lot 1, Block 3, AMENDED PLAT OF SUNRISE COURT ADDITION; thence S110°49'E, 40.01 feet; thence N89°53'22"W, 383.81 feet; thence N110°49'W, 40.01 feet; thence S89°53'22"E, 219.08 feet along the south line of said Lot 1, Block 3 to the POINT OF BEGINNING, containing 0.201 acres.

PARCEL B: Beginning at the southeast corner of Lot 1, Block 4, AMENDED PLAT OF SUNRISE COURT ADDITION; thence S110°49'E, 40.01 feet; thence N89°53'22"W, 79.74 feet; thence N1°32'08"W, 40.02 feet along the west line and its southerly extension of said AMENDED PLAT OF SUNRISE COURT ADDITION; thence S89°53'22"E, 79.98 feet along the south line of said Lot 1, Block 4 to the POINT OF BEGINNING, containing 0.073 acres.

EXHIBIT "A"