

RESOLUTION NO. 9612

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE PORTIONS OF 10TH AVENUE SOUTH AND U.S. HIGHWAY 87 & 89 AND SEGMENTS OF 50TH AND 52ND STREETS SOUTH, ALL SITUATED IN THE NW1/4 OF SECTION 15, AND THE NE1/4 OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA.

* * * * *

WHEREAS, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and,

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

Montana Department of Transportation rights-of-way for 10th Avenue South and U.S. Highway 87 & 89 situated in the NE1/4 NE1/4 of Section 16 and the NW1/4 of Section 15, all in T20N, R4E, PMM, Cascade County, Montana, described as follows:

COMMENCING at the Northwest Corner of said Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of said Section 16;

THENCE S01°27'15"E along the west line of said NE1/4 NE1/4, a distance of 117.69 feet (117.54 feet recorded) to the north right-of-way of State Highway 87, otherwise known as 10th Avenue South, and the POINT OF BEGINNING of the parcel herein described;

THENCE along said north right-of-way on the following 5 courses:

S89°30'37"E a distance of 722.20 feet (723.25 feet recorded) to an angle point in Tract 4 of Certificate of Survey number 2069;

THENCE N00°30'39"E a distance of 25.00 feet to an angle point in said Tract 4;

THENCE S89°30'37"E a distance of 150.00 feet to an angle point in said Tract 4;

THENCE S00°30'39"W a distance of 25.00 feet to an angle point in said Tract 4;

THENCE S89°30'37"E a distance of 378.06 feet (376.15 feet recorded) to the east line of said Section 16;

THENCE N01°01'22"W along said east line, a distance of 129.69 feet to the Section Corner common to Sections 9, 10, 15 and 16;

THENCE N89°54'26"E along the north line of said Section 15, a distance of 489.68 feet to the intersection of said line with the west right-of-way of 54th Street South;

THENCE continuing along said north line, N89°54'26"E a distance of 60.00 feet to the east right-of-way of said 54th Street South and the Northwest Corner of a roadway and utilities easement annexed by the City of Great Falls as recorded in Reel 118, Document 532 in the records of Cascade County;

THENCE along the perimeter of said annexed easement on the following 3 courses:

S00°30'49"W a distance of 70.00 feet;

THENCE N89°54'26"E a distance of 721.13 feet;

THENCE N00°51'07"W a distance of 70.01 feet to the north line of said Section 15 at the intersection of said line with the west right-of-way of a U.S. Highway 87 Bypass, otherwise known as 57th Street South, and the Northeast Corner of said easement;

THENCE N89°54'26"E along said north line of Section 15, a distance of 170.02 feet to the east right-of-way of said U.S. Highway 87 Bypass;

THENCE S00°51'07"E along said east right-of-way, a distance of 395.23 feet (394.8 feet recorded) to the intersection of said east right-of-way with the northeasterly right-of-way U.S. Highways 87 and 89;

THENCE along said northeasterly right-of-way on the following 4 courses:

S60°31'18"E a distance of 871.53 feet (871.2 feet recorded) to an angle point therein;

THENCE S29°29'15"W a distance of 21.33 feet;

THENCE S72°28'24"E a distance of 71.79 feet to a Point of Curvature of a non-tangent circular curve to the left, at highway station 18+66.44 (18+68.4 recorded) according to right-of-way plans for M.D.O.T. project number F 60-2(18)81, with a radius point which bears N31°53'27"E a distance of 11399.20 feet;

THENCE along said curve, through a central angle of 01°43'14", an arc distance of 340.53 feet to a Point of Tangency in said right-of-way at highway station 22+12.44 (22+12.62 recorded);

THENCE leaving said northeasterly right-of-way, along said station 22+12.44 on a radial bearing to last said curve, S29°16'37"W a distance of 120.00 feet to a M.D.O.T. 2" diameter aluminum cap marking said Point of Tangency at project centerline;

THENCE continuing along said station, S29°16'37"W a distance of 130.00 feet to the southwesterly right-of-way of said U.S. Highway 87 & 89 at a Point of Curvature of a circular curve to the right, with a radius point which bears N29°16'37"E a distance of 11589.19 feet;

THENCE along said southwesterly right-of-way on the following 8 courses:

THENCE along said curve, through a central angle of 00°03'15", an arc distance of 10.93 feet;

THENCE continuing along said curve, through a central angle of 02°03'44", an arc distance of 417.11 feet to a point a highway station 17+89.77 (17+88.4 recorded);

THENCE N58°21'22"W a distance of 546.80 feet to an angle point in said right-of-way at highway station 12+42.97 (12+43.06 recorded);

THENCE N47°25'23"W a distance of 141.71 feet to an angle point in said right-of-way at highway station 11+00.00;

THENCE N60°31'18"W a distance of 374.75 feet to the Point of Curvature of a circular curve to the left, at highway station 7+24.76 (7+25.0 recorded) according to M.D.O.T. right-of-way plans for project number 64-A, with a radius point which bears S29°28'42"W a distance of 1332.50 feet;

THENCE along said curve, through a central angle of 28°59'18", an arc distance of 674.17 feet to the Point of Tangency at highway station 0+00;

THENCE N00°29'23"E along last said station, a distance of 20.00 feet to the southeast corner of the parcel described in Book 190, Page 529 in the records of Cascade County and a point on the southerly right-of-way of said U.S. Highway 87 & 89;

THENCE N89°30'37"W along said southerly right-of-way and along the southerly line of the parcel described in Book 190, Page 529, a distance of 520.09 feet to the west line of said Section 15;

THENCE S89°30'37"E along said south right-of-way, a distance of 1249.21 feet to the west line of said NE1/4 NE1/4 of Section 16;

THENCE N01°27'15"W along said west line, a distance of 140.08 feet to the POINT OF BEGINNING of the parcel herein described;

and containing 21.961 acres, and

a 123.39 foot segment of 50th Street South measured along its centerline between 9th and 10th Avenues South and containing 0.23 acres, and

a 128.87 foot segment of 52nd Street South measured along its centerline between 9th and 10th Avenues South and containing 0.18 acres,

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof, and according to the Minor Subdivision Plat of East Great Falls Retail Center Addition; and,

WHEREAS, Section 7-2-4402, Montana Code Annotated, provides that whenever any land contiguous to a municipality is owned by the State of Montana or a political subdivision of the State, such land may be incorporated and included in the municipality to which it is contiguous.

WHEREAS, in the judgment of the City Commission of said City, expressed by Resolution No. 9594 entitled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE PORTIONS OF 10TH AVENUE SOUTH AND U.S. HIGHWAY 87 & 89 AND SEGMENTS OF 50TH AND 52ND STREETS SOUTH, ALL SITUATED IN THE NW1/4 OF SECTION 15, AND THE NE1/4 OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, DIRECTING NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

duly and regularly passed and adopted on the 1st day of August, 2006, stating that it will be in the best interest of said city and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended so as to include "PORTIONS OF 10TH AVENUE SOUTH AND U.S. HIGHWAY 87 & 89 AND SEGMENTS OF 50TH AND 52ND STREETS SOUTH, ALL SITUATED IN THE NW1/4 OF SECTION 15, AND THE NE1/4 OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

WHEREAS, the City Clerk of said City, pursuant to said Resolution and the statute in such case made and provided, forthwith caused to be published in the Great Falls Tribune, the newspaper published nearest said tract of land, at least once a week for two (2) successive weeks, a notice to the effect that said Resolution had been duly and regularly passed, and that for a period of twenty (20) days after the first publication of said notice, said City Clerk would receive expressions of approval or disapproval, in writing, of the said proposed extension of the boundaries of said City, and also stating therein the time and place set for the public hearing provided by said Resolution; and,

WHEREAS, the first publication of said notice hereinbefore referred to was the 13th day of August, 2006; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on September 5, 2006, at 7:00 P.M., in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons and all things relative to the proposed annexation of said property;

NOW, THEREFORE, the City Commission now finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said territory into the City of Great Falls; and,

WHEREAS, all of the proceedings herein have been conducted in strict compliance with and in conformity to the law and constitution of the State of Montana, and all conditions, acts, and things required to be done precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed;

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "PORTIONS OF 10TH AVENUE SOUTH AND U.S. HIGHWAY 87 & 89 AND SEGMENTS OF 50TH AND 52ND STREETS SOUTH, ALL SITUATED IN THE NW1/4 OF SECTION 15, AND THE NE1/4 OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

The Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate district boundaries of the City of Great Falls, Montana, to include said tract of land; and,

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 5th day of September, 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)

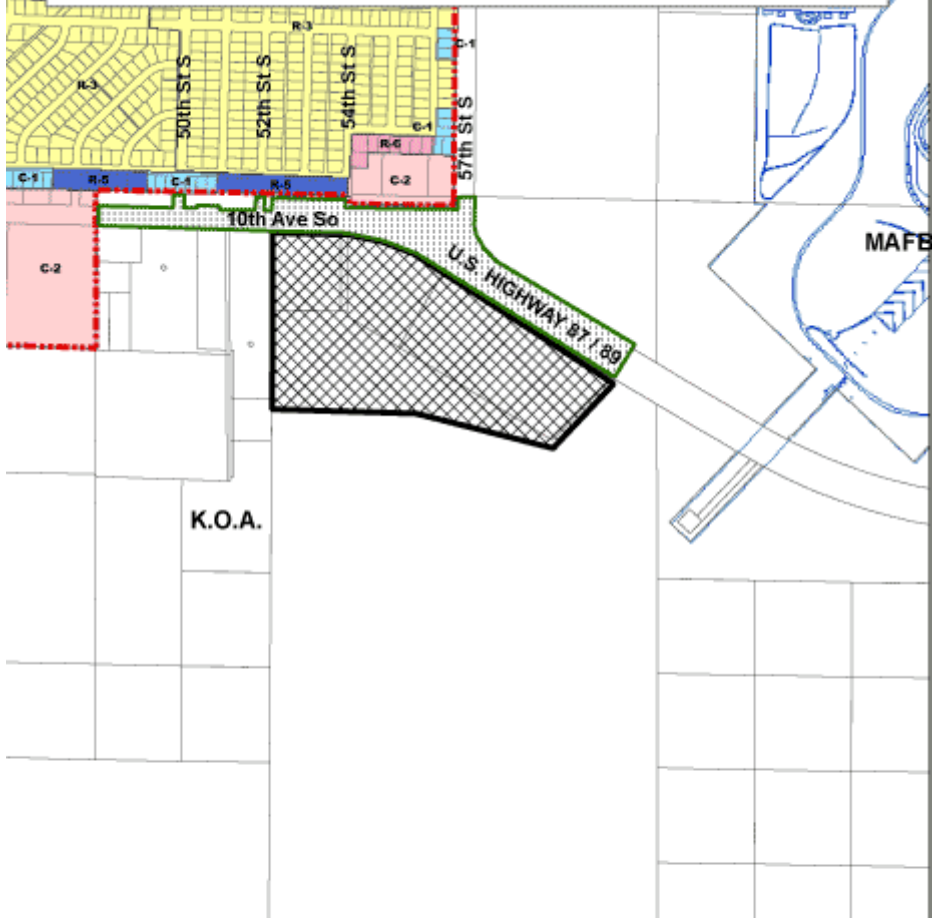
I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9612 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5th day of September, 2006, wherein it was approved by said Commission.






IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of September, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

VICINITY / ZONING MAP



-  PROPOSED AREA TO BE SUBDIVIDED AND ANNEXED TO THE CITY AS EAST GREAT FALLS RETAIL CENTER ADDITION
-  EXISTING RIGHT-OF-WAY PROPOSED TO BE ANNEXED TO THE CITY AS PART OF EAST GREAT FALLS RETAIL CENTER ADDITION
-  PARCELS
-  CITY LIMITS
-  MAFB






- Base Zoning Districts**
-  R-3 Single-family high density
 -  R-5 Multi-family medium density
 -  R-6 Multi-family high density
 -  C-1 Neighborhood commercial
 -  C-2 General commercial
 -  PCS Parks and Open Space

EXHIBIT "A"

