

RESOLUTION NO. 9616

A RESOLUTION BY THE CITY COMMISSION OF  
THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE AN UNUSED PORTION OF 26<sup>TH</sup> STREET SOUTH,  
IN ACCORDANCE  
WITH THE PROVISIONS OF SECTION 7-14-4114,  
MONTANA CODE ANNOTATED

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WHEREAS, the right-of-way of 26<sup>th</sup> Street South in the vicinity of 17<sup>th</sup> Avenue South was dedicated and annexed to the City as part of the Stites Addition Phase 1, in 1993; and

WHEREAS, a segment of the westerly right-of-way of 26<sup>th</sup> Street South abutting Parcel Mark 6B, Section 18, Township 20 North, Range 4 East presently contains no roadway improvements; and

WHEREAS, it has been determined retention nor eventual improvement of the segment of the westerly right-of-way of 26<sup>th</sup> Street South abutting Parcel Mark 6B, Section 18, Township 20 North, Range 4 East serves any practical or functional public purpose; and

WHEREAS, Forest Glen LLC., which owns Parcel Mark 6B, Section 18, Township 20 North, Range 4 East desires to aggregate the unused right-of-way and Parcel Mark 6B into Lot 1A, Block 1, Forest Glen South Addition; and

WHEREAS, subject right-of-way proposed to be vacated is further described by the survey drawing attached as Exhibit 1 and by this reference made a part hereof; and

WHEREAS, an Amended Plat of Lot 1A, Block 1 Forest Glen South 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 19<sup>th</sup> day of September, 2006, Resolution No. 9615 entitled:

A RESOLUTION OF INTENTION BY THE CITY  
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE AN UNUSED SEGMENT OF 26<sup>TH</sup> STREET SOUTH  
RIGHT-OF-WAY ABUTTING PARCEL MARK 6B, SECTION 18,  
TOWNSHIP 20 NORTH, RANGE 4 EAST,  
CASCADE, MONTANA, IN ACCORDANCE  
WITH THE PROVISIONS OF SECTION 7-14-4114,  
MONTANA CODE ANNOTATED

WHEREAS, the City Clerk, forthwith caused notice of said Resolution No. 9616 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 17<sup>th</sup> day of October, 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 a portion of 26<sup>th</sup> Street South.

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

That the segment of the westerly right-of-way of 26<sup>th</sup> Street South abutting Parcel Mark 6B, Section 18, Township 20 North, Range 4 East, as described in the attached Exhibit 1 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 17<sup>th</sup> day of October, 2006.

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Dona R. Stebbins, Mayor

ATTEST:

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Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney

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

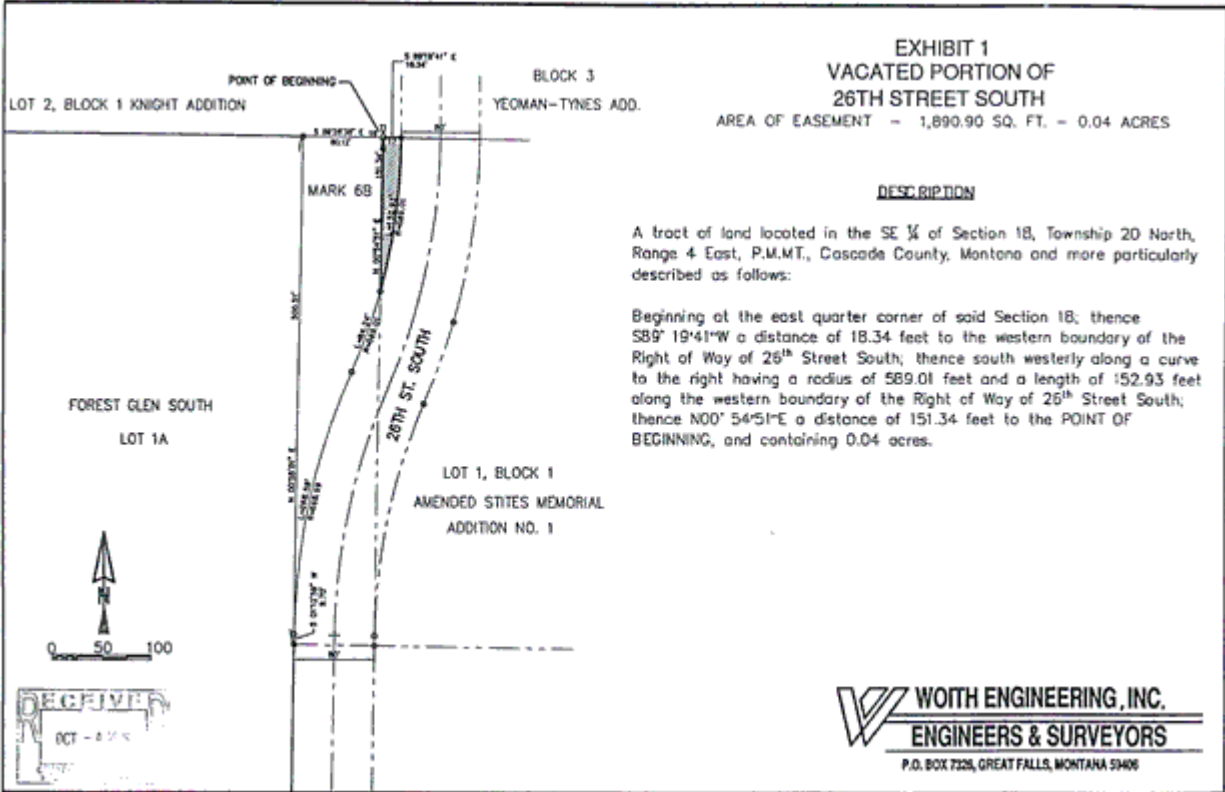
I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9616 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on this 17<sup>th</sup> day of October, 2006, wherein it was approved by said City Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 17<sup>th</sup> day of October, 2006.

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Peggy J. Bourne, City Clerk

(SEAL OF CITY)



**EXHIBIT 1**  
**VACATED PORTION OF**  
**26TH STREET SOUTH**  
 AREA OF EASEMENT - 1,890.90 SQ. FT. - 0.04 ACRES

**DESCRIPTION**

A tract of land located in the SE ¼ of Section 18, Township 20 North, Range 4 East, P.M.M.T., Cascade County, Montana and more particularly described as follows:

Beginning at the east quarter corner of said Section 18; thence S89° 19' 41" W a distance of 18.34 feet to the western boundary of the Right of Way of 26<sup>th</sup> Street South; thence south westerly along a curve to the right having a radius of 589.01 feet and a length of 152.93 feet along the western boundary of the Right of Way of 26<sup>th</sup> Street South; thence N00° 54' 51" E a distance of 151.34 feet to the POINT OF BEGINNING, and containing 0.04 acres.

**W** WOTH ENGINEERING, INC.  
**ENGINEERS & SURVEYORS**  
 P.O. BOX 7226, GREAT FALLS, MONTANA 59406