

RESOLUTION 9857

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 4<sup>TH</sup> ALLEY SOUTH WITHIN BLOCK 419, GREAT FALLS ORIGINAL TOWNSITE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-14-4114, MONTANA CODE ANNOTATED

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WHEREAS, the subdivision plat of the Great Falls Original Townsite, dedicated a twenty (20) foot wide right-of-way for 4<sup>th</sup> Alley South within Block 419; and,

WHEREAS, Southern Foods Group, L.P., owns the property adjoining said right-of-way and has submitted a petition to have said 4<sup>th</sup> Alley South vacated; and,

WHEREAS, it is determined retention of 4<sup>th</sup> Alley South within Block 419 for access by the public is not needed and an easement will suffice to accommodate public and private utilities, both buried and overhead, existing in 4<sup>th</sup> Alley South within Block 419; and,

WHEREAS, an Amended Plat of Lots 1-14, Block 419, Great Falls Original Townsite & Vacated Right-of-Way, has been prepared which reflects the aggregation of said lots and requested vacated right-of-way into a single parcel; and,

WHEREAS, the City Commission of the City of Great Falls, Montana, duly and regularly passed and adopted on the 4<sup>th</sup> day of August, 2009, Resolution 9856 entitled;

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 4<sup>TH</sup> ALLEY SOUTH WITHIN BLOCK 419, GREAT FALLS ORIGINAL TOWNSITE, 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 9856 to be:

1) published in the Great Falls Tribune, the newspaper published nearest the right-of-way proposed to be vacated; 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 1<sup>st</sup> day of September, 2009, at 7:00 P.M. in the Commission Chambers of the Civic Center, Great Falls, Montana, where said Commission heard all persons relative to the proposed vacation of a twenty (20) foot wide right-of-way for 4<sup>th</sup> Alley South within Block 419.

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

That a twenty (20) foot wide right-of-way for 4<sup>th</sup> Alley South within Block 419, Great Falls Original Townsite is hereby vacated; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective thirty (30) days after its passage and approval or upon filing in the office of the Cascade County Clerk and Recorder, the Amended Plat consolidating the vacated right-of-way with the adjacent Lots 1-14, Block 419, Great Falls Original Townsite.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 1<sup>st</sup> day September, 2009.

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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City Attorney