

RESOLUTION 9859

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE THE SOUTH 20 FEET OF 19<sup>TH</sup> AVENUE SOUTH, ALL OF 20<sup>TH</sup> & 21<sup>ST</sup> ALLEYS SOUTH AND 20<sup>TH</sup> AVENUE SOUTH, BETWEEN THE WEST RIGHT-OF-WAY OF 8<sup>TH</sup> STREET SOUTH AND THE WEST BOUNDARY OF HIGHLAND PARK ADDITION, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-14-4114, MONTANA CODE ANNOTATED

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WHEREAS, the subdivision plat of Highland Park Addition, dedicated eighty (80) foot width rights-of-way for 19<sup>th</sup> and 20<sup>th</sup> Avenues South and dedicated twenty (20) foot width rights-of-way for 20<sup>th</sup> and 21<sup>st</sup> Alleys South between the west right-of-way of 8<sup>th</sup> Street South and the west boundary of Highland Park Addition; and,

WHEREAS, said rights-of-way presently contain no roadway improvements; and,

WHEREAS, it is determined reduction of 19<sup>th</sup> Avenue South to the City standard sixty (60) foot right-of-way width would provide adequate public access to adjoining parcels; and,

WHEREAS, it is determined retention and eventual improvement of 20<sup>th</sup> Avenue South, 20<sup>th</sup> Alley South and 21<sup>st</sup> Alley South between the west right-of-way of 8<sup>th</sup> Street South and the west boundary of Highland Park Addition serves no practical or functional purpose; and,

WHEREAS, Dale and Tracy Yurek, own the property adjoining said rights-of-way; and,

WHEREAS, an Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition & Vacated Rights-of-Way, has been prepared which reflects the aggregation of said lots, blocks and requested vacated rights-of-way into a single parcel; and,

WHEREAS, Dale and Tracy Yurek, have petitioned the City of Great Falls to annex the area contained within the Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition

& Vacated Rights-of-Way and the abutting portion of 19<sup>th</sup> Avenue South, all in Section 13, Township 20 North, Range 3 East, Cascade County, Montana; 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 July, 2009, Resolution 9841 entitled;

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE THE SOUTH 20 FEET OF 19<sup>TH</sup> AVENUE SOUTH, ALL OF 20<sup>TH</sup> & 21<sup>ST</sup> ALLEYS SOUTH AND 20<sup>TH</sup> AVENUE SOUTH, BETWEEN THE WEST RIGHT-OF-WAY OF 8<sup>TH</sup> STREET SOUTH AND THE WEST BOUNDARY OF HIGHLAND PARK 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 9841 to be:

- 1) published in the Great Falls Tribune, the newspaper nearest the rights-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 18<sup>th</sup> day of August, 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 the southerly 20 feet of 19<sup>th</sup> Avenue South, all of 20<sup>th</sup> & 21<sup>st</sup> Alleys South and 20<sup>th</sup> Avenue South, between the west right-of-way of 8<sup>th</sup> Street South and the west boundary of Highland Park Addition.

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

The rights-of-way comprising of the southerly 20 feet of 19<sup>th</sup> Avenue South, all of 20<sup>th</sup> & 21<sup>st</sup> Alleys South and 20<sup>th</sup> Avenue South, between the west right-of-way of 8<sup>th</sup> Street South and the west boundary of Highland Park 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 or upon filing in the office of the Cascade County Clerk and Recorder, the Amended Plat consolidating the vacated rights-of-way with the adjacent Block 21 & Lots 1-10, Block 22, Highland Park Addition.

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