

RESOLUTION 9939

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE A PORTION OF 1<sup>ST</sup> AVENUE NORTHWEST AND RAILROAD STREET, IN THE VICINITY OF 3<sup>RD</sup> STREET NORTHWEST AND BNSF RIGHT-OF-WAY, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-14-4114, MONTANA CODE ANNOTATED AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW AS SHOWN IN EXHIBIT "A"

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WHEREAS, the subdivision plat of 5<sup>th</sup> Addition to Great Falls, dedicated right-of-way of 1<sup>st</sup> Avenue Northwest and Railroad Street, in the vicinity of 3<sup>rd</sup> Street Northwest and BNSF right-of-way; and,

WHEREAS, Talcott Properties LLC, owns the property adjoining 1<sup>st</sup> Avenue Northwest and Railroad Street and has petitioned the City of Great Falls to have said right-of-way be vacated; and,

WHEREAS, it is determined retention and eventual improvement of 1<sup>st</sup> Avenue Northwest serves no practical or functional traffic related purpose; and,

WHEREAS, it is determined that 1<sup>st</sup> Avenue Northwest and Railroad Street will be retained for use as a utility easement for existing public utilities; and,

WHEREAS, an Amended Plat of Lots 3 and 4, Block 598, and a portion of 1st Ave NW, of the 5th Addition to Great Falls, and Parcel No. 2, all located in Gov. Lot 7 of Section 2, the NW1/4, and Gov. Lot 2 of Section 11, Township 20 North, Range 3 East, M.P.M., Great Falls, Cascade County, Montana, has been prepared which reflects the aggregation of said Block 596 and the requested vacated right-of-way into one parcel.

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

That Tuesday, the 6th day of September, 2011, at 7:00 P.M. in the Commission Chambers of the Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place at which the City Commission shall hear all persons relative to the proposed vacation of right-of-way; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of the City shall forthwith cause notice of the Resolution to vacate be: (1) published twice in the Great Falls Tribune, the newspaper published nearest such land; and (2) posted in three public places.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 16<sup>th</sup> day August, 2011.

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Michael J. Winters, Mayor

ATTEST:

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Lisa Kunz, City Clerk

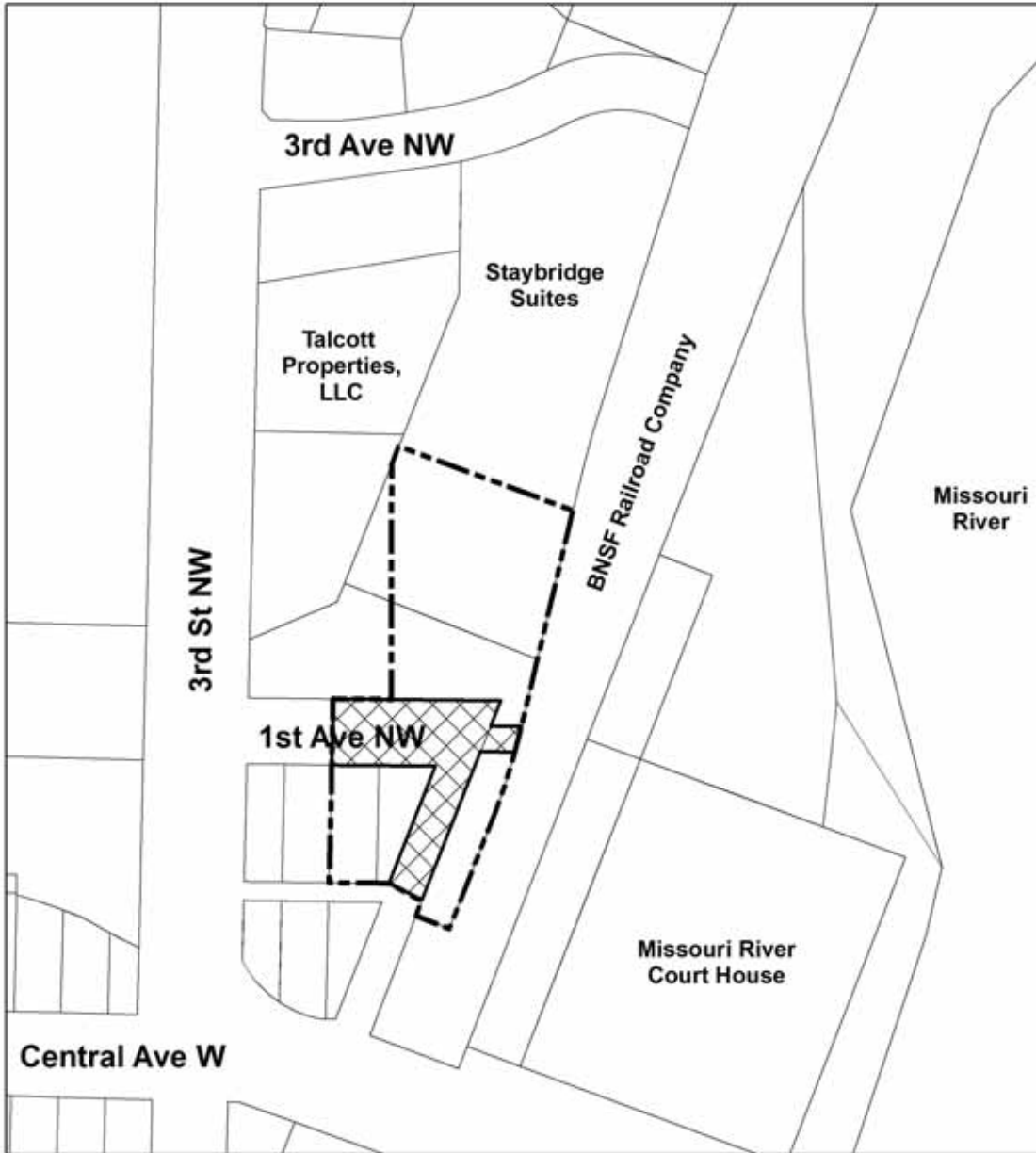
(CITY SEAL)

APPROVED FOR LEGAL CONTENT:




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City Attorney

# Exhibit A



Aerial Photo: May, 2009

-  Amended Plat Area
-  ROW Abandonment Area
-  Tracts of Land

