

ORDINANCE NO. 2952

AN ORDINANCE ASSIGNING CITY ZONING TO PARCEL MARK NO. 1B AND A PORTION OF 10<sup>TH</sup> AVENUE SOUTH, BETWEEN 40<sup>TH</sup> STREET SOUTH AND 47<sup>TH</sup> STREET SOUTH, SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA.

\* \* \* \* \*

WHEREAS, a tract of land described as Parcel Mark No. 1B, NW¼, Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and as further described on a Quit Claim Deed filed January 15, 1986, in the Clerk and Recorder's Office of Cascade County, Montana, under Reel 179, Document 688, is an unincorporated enclave entirely surrounded by the incorporated area of the City of Great Falls; and,

WHEREAS, in accordance with Section 7-2-4501 MCA, a city may include as part of the city any platted or unplatted tract or parcel of land that is wholly surrounded by the city; and,

WHEREAS, being simultaneously annexed with said Parcel No. 1B is a portion of 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> Street South, in the North Half (N½) of Section 16, Township 20 North, Range 4 East, P.M.M., Great Falls, Cascade County, Montana, and further described as:

Beginning at the southeast corner of Lot 17, Block 7, Sunrise Terrace Addition; of the Amended Plat of Lots 17, 18 and East 58' of Lot 19, The West 41 Feet of Lot 22, Lots 22 thru 28, Block 7, Sunrise Terrace Addition, incorporating there in the Fifth Supplement to Sunrise Terrace Addition and the former portion of the abutting State Highway Roadway Easement, Filed with the Cascade County, Clerk and Recorder on February 25, 1986; thence N.0°06'30"E. 15.0 feet to a point along the west right-of-way line of Doris Drive; thence S.89°55'30"E. 1025.11 feet along the north right-of-way line of the existing State Highway, 10<sup>th</sup> Avenue South, to the southeast corner of Lot 4, Block 1, Bleskin Tracts Addition to Great Falls; thence S.0°06'30"W. 140.0 feet to the northeast corner of Lot 4, Block 1, T.R.F. Addition to Great Falls and to a point on the south right-of-way of 10<sup>th</sup> Avenue South; thence N.89°52'20"W. 1026.2 feet along the south right-of-way line of the existing State Highway, 10<sup>th</sup> Avenue South, to the northeast corner of Lot 1, Block 1, Mc Ewen Addition to Great Falls; thence N.89°52'20"W. 632 feet continuing along the south right-of-way line of the existing State Highway, 10<sup>th</sup> Avenue South, to the northeast corner of Lot 1, Block 1, Third Supplement to Rice Tracts Addition to Great Falls; thence N.0°43'W. 124.18 feet to a point along the north right-of-way line of the existing State Highway, 10<sup>th</sup> Avenue South; thence S.89°51'45"E. 634.85 feet along the north right-of-way line of the existing State Highway, 10<sup>th</sup> Avenue South, to the point of beginning, containing in all 5.071 acres more or less; 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; and

WHEREAS, the City of Great Falls is undertaking the annexation of subject Parcel Mark No. 1B and a portion of 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> Street South in Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, in accordance with Sections 7-2-4501 and 7-2-4402, MCA, respectively; and,

WHEREAS, notice of assigning a zoning classification of C-2 General commercial district, to Parcel Mark No. 1B and a portion of 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> Street South in Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 3<sup>rd</sup> day of October, 2006, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended that the said zoning designation be made, NOW THEREFORE,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. It is determined assignment of a C-2 General commercial district zoning classification to the hereinabove described Parcel Mark No. 1B and a portion of 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> Street South in Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning of Parcel Mark No. 1B and a portion of 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> Street South in Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, be designated as C-2 General commercial district classification.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolutions annexing the hereinabove described Parcel Mark No. 1B and a portion of 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> Street South in Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 3<sup>rd</sup> day of October, 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 Ordinance No. 2952 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3<sup>rd</sup> day of October, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 3<sup>rd</sup> day of October, 2006.

\_\_\_\_\_  
Peggy J. Bourne, City Clerk

(SEAL OF CITY)

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

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 3<sup>rd</sup> day of October, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2952 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

\_\_\_\_\_  
Peggy J. Bourne, City Clerk

(SEAL OF CITY)