

RESOLUTION 10340

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, VACATING 5TH AVENUE NORTH BETWEEN 12TH STREET NORTH AND 13TH STREET NORTH, BLOCK 179 AND BLOCK 199, GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION, AS SHOWN IN EXHIBIT "A", AND IN ACCORDANCE WITH THE PROVISIONS OF MONT. CODE ANN. § 7-3-4448

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WHEREAS, the Plat of Great Falls Water Power and Townsite Company's First Addition dedicated an eighty (80) foot wide right-of-way for 5th Avenue North between 12th Street North and 13th Street North; and

WHEREAS, Trigg CM Russell Foundation, Inc, and the CM Russell Museum owns the properties on both sides of said right-of-way and has submitted a petition to have said 5th Avenue North vacated; and

WHEREAS, it is determined retention of 5th Avenue North between 12th Street North and 13th Street North serves no practical or functional traffic related purpose or for access by the public; and

WHEREAS, it is determined that a twenty (20) foot wide utility easement will be created to accommodate public utilities; and

WHEREAS, Mont. Code Ann. § 7-3-4448 sets forth, in pertinent part: (1)...Before vacating any street or part thereof or narrowing any street, the commission shall first pass a resolution declaring its intention to do so; and

WHEREAS, the right-of-way and easement therein of any owner is not impaired by the requested vacation; and

WHEREAS, at its regular meeting held on March 17, 2020, the City Commission of the City of Great Falls, Montana, passed and adopted Resolution 10339, titled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 5TH AVENUE NORTH BETWEEN 12TH STREET NORTH AND 13TH STREET NORTH, BLOCK 179 AND BLOCK 199, GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION, IN ACCORDANCE WITH THE PROVISIONS OF MONT. CODE ANN. § 7-3-4448, AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW; and

WHEREAS, notice was provided pursuant to Mont. Code Ann. § 7-3-4448(2); and

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls, Montana, on the 7th day of April, 2020, at 7:00 o'clock p.m. in the Commission Chambers of the Civic Center, 2 Park Drive South, Great Falls, Montana, where said Commission heard all persons relative to the proposed vacation of 5th Avenue North between 12th Street North and 13th Street North within Block 179 and Block 199, Great Falls Water Power and Townsite Company's First Addition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that 5th Avenue North between 12th Street North and 13th Street North within Block 179 and Block 199, Great Falls Water Power and Townsite Company's First Addition, is hereby vacated.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that Amended Plat of Great Falls Water Power and Townsite Company's First Addition, Block 179, Lots 8-14 and Block 199, Lot 1A including those portions of vacated right-of-way, has been prepared which reflects the aggregation of said parcels and the requested vacated right-of-way into one parcel.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 7th day of April, 2020.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney



 Proposed Vacation of 5th Ave N

 Tracts of Land

 LotLines

180 90 0 180 Feet



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