

RESOLUTION 10385

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE THE ALLEY EASEMENT LEGALLY DESCRIBED AS THE WEST 20 FEET OF LOTS 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, AND 1FE OF SUN RIVER PARK ADDITION, SECTION 9, T20N, R3E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA., IN ACCORDANCE WITH THE PROVISIONS OF MONT. CODE ANN. § 7-3-4448, AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

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WHEREAS, the deed dedicated on May 7, 1952 granted and conveyed an easement for the full and free right of way for a Highway upon and through the land to be used as an alley; and

WHEREAS, the City of Great Falls has never improved or maintained the alley easement for Highway or other purposes; and

WHEREAS, Gary and Nancy Martin own property adjacent of said alley easement and have submitted a petition to vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE as an alley; 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, it is determined that retention of the alley legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Sun River Park Addition, is no longer necessary and 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 remain to accommodate public utilities; and

WHEREAS, the requested vacation will not preclude the primary access of any owner affected by such vacation; and

WHEREAS, Exhibit A shows the proposed portions of the vacated alley easement.

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

That Tuesday, the 16th day of March, 2021, at 7:00 P.M. in the Commission Chambers of the Civic Center, Great Falls, Montana, is hereby set as the time and place at which the City Commission shall hear all persons relative to the proposed vacation of the alley easement described above; and

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of the City shall forthwith cause notice of Resolution 10386 to be: (1) published in the Great Falls Tribune, the newspaper published nearest such land, and (2) posted to the Great Falls Civic Center posting board and the Great Falls City website.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 16th day of February, 2021.

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Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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Sara Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Resolution 10385 on the Great Falls Civic Center posting board and the Great Falls City website.

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Lisa Kunz, City Clerk

(CITY SEAL)

# Exhibit A - Location Map of Proposed Vacation

Notice of Intent to Vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Block 17 of Sun River Park Addition, Section 9, T20N, R3E, P.M.M., Cascade County, Montana

