

RESOLUTION 10457

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, VACATING THE PORTION OF 10TH ALLEY SOUTH ABUTTING LOTS 1-2, 9-10, BLOCK 1, FAIRVIEW 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 the Fairview Addition dedicated a twenty (20) foot wide right-of-way for 10th Alley South between 19th Street South and 20th Street South; and

WHEREAS, Mountain West Bank, represented by Talcott Properties, LLC, owns the properties on both sides of said right-of-way and has submitted a petition to have said portions of 10th Alley South vacated; and

WHEREAS, it has been determined that the subject portion of 10th Alley South can be relocated while still fulfilling its purpose to provide traffic access for the public; and

WHEREAS, it is determined that utility easements 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 April 19, 2022, the City Commission of the City of Great Falls, Montana, passed and adopted Resolution 10455, titled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE THE PORTION OF 10TH ALLEY SOUTH ABUTTING LOTS 1-2,9-10, BLOCK 1, FAIRVIEW ADDITION TO GREAT FALLS TOWNSITE, IN ACCORDANCE WITH THE PROVISIONS OF MONT. CODE ANN. § 7-3-4448, AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

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 17th day of May, 2022, 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 the portion of 10th Alley South adjacent to Lots 1-2, 9-10, Block 1, Fairview Addition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that the portion of 10th Alley South adjacent to Lots 1-2, 9-10, Block 1, Fairview Addition is hereby vacated and abandoned subject to the following conditions.

- 1. Amended Plat.** Provide an Amended Plat of the subject properties, showing the proposed vacation and aggregation, which notes all easements required by the City of Great Falls, including the access easement for the relocated alley as well as storm drain and sewer relocation easements. The revised plat shall incorporate corrections of any errors or omissions noted by Staff. A deed will also be required to ensure that all the properties are under one ownership in order to aggregate the parcels.
- 2. Relocation and Easement Documents for the Alley and Utilities.** The designs for the proposed relocation of the alley and utilities shall meet all City standards and be approved by staff in conjunction with the issuance of permits. Easement documents for the relocated alley and utilities are additionally required.
- 3. Delay in Effective Date of Resolution and Plat.** Resolution 10457 and the required amended plat shall not be recorded and filed until the submittal of construction drawings that comply with code requirements have been approved by staff in conjunction with the issuance of permits.

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 17th day of May, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Jeffrey M. Hindoien, City Attorney



10TH AVE S

19TH ST S

20TH ST S

21ST ST S

18TH ST S

11TH AVE S