

RESOLUTION 10484

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, VACATING THE PORTION OF 10TH ALLEY SOUTH ABUTTING LOTS 1-9 AND LOTS 20-28, BLOCK 2, LINCOLN HEIGHTS ADDITION, SECTION 18, T20N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA 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 Lincoln Heights Addition to Great Falls dedicated a sixteen (16) foot wide right-of-way for 10th Alley South between 24th Street South and 25th Street South; and

WHEREAS, 2 Other 1 Guys LLC and Dead Drift Investments LLC, representing Discount Tire Company, owns the properties on both sides of said right-of-way and have submitted a petition to have said portion of 10th Alley South vacated; and

WHEREAS, it is determined retention of the portion of 10th Alley South serves no practical or functional traffic related purpose or for access by the public; and

WHEREAS, it is determined that utility easements will be created to accommodate public utilities; and

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

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, at its regular meeting held on November 15, 2022, the City Commission of the City of Great Falls, Montana, passed and adopted Resolution 10483, 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 1-9 AND LOTS 20-28, BLOCK 2, LINCOLN HEIGHTS ADDITION, 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 6th day of December, 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 1-9 and 20-28, Block 2, Lincoln Heights 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 1-9 and 20-28, Block 2, Lincoln Heights Addition, Section 18, T20N, R4E, P.M.M., City of Great Falls, Cascade County, Montana 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 sanitary sewer 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 alley vacation and utility relocations shall meet all City standards and be 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 6th day of December, 2022.

Bob Kelly, Mayor

ATTEST:

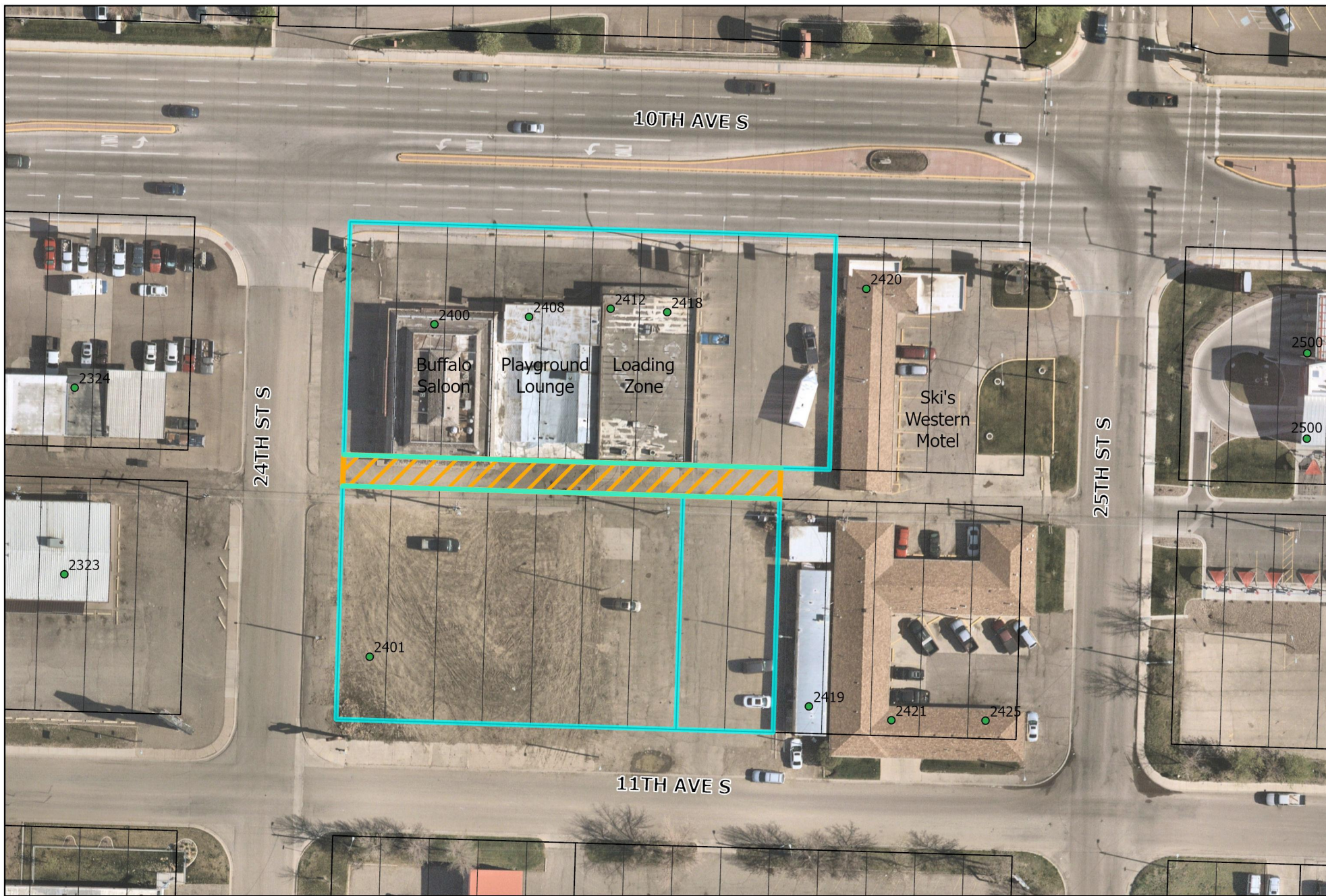
Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David G. Dennis, City Attorney

Resolution 10484 Exhibit A



Parcels

Alley Proposed for Vacation

