

RESOLUTION 10499

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, VACATING THE PORTION OF 50<sup>th</sup> STREET NORTH ABUTTING LOTS 9-19, BLOCK 1, AND LOT 9, BLOCK 2, AND THE PORTION OF 8<sup>TH</sup> AVENUE NORTH ABUTTING LOT 19, BLOCK 1 AND LOT 9, BLOCK 2, COTTAGE GROVE PHASE 3 ADDITION, SECTION 4, 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 Cottage Grove Phase 3 Addition to Great Falls dedicated a sixty (60) foot wide right-of-way for 50<sup>th</sup> Street North and 8<sup>th</sup> avenue North; and

WHEREAS, Discovery Meadows, Inc. owns the properties on both sides of said right-of-way and have submitted a petition to have said portions of 50<sup>th</sup> Street North and 8<sup>th</sup> Avenue North vacated; and

WHEREAS, it is determined retention of the portions of 50<sup>th</sup> Street North and 8<sup>th</sup> Avenue North 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; 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, at its regular meeting held on February 21, 2023, the City Commission of the City of Great Falls, Montana, passed and adopted Resolution 10491, titled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 50<sup>th</sup> STREET NORTH ABUTTING LOTS 10-19, BLOCK 1, AND LOT 9, BLOCK 2, AND 8<sup>TH</sup> AVENUE NORTH ABUTTING LOT 19, BLOCK 1 AND LOT 9, BLOCK 2, COTTAGE GROVE PHASE 3 ADDITION, SECTION 4, T20N, R4E, 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; 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 21st day of March, 2023, 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 50<sup>th</sup> Street North adjacent to Lots 9-19, Block 1 and Lot 9, Block 2, Cottage Grove Phase 3 Addition, and the portion of 8<sup>th</sup> Avenue North adjacent to Lot 19, Block 1 and Lot 9, Block 2, Cottage Grove Phase 3 Addition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that the portion of 50<sup>th</sup> Street North adjacent to Lots 9-19, Block 1 and Lot 9, Block 2, Cottage Grove Phase 3 Addition, and the portion of 8<sup>th</sup> Avenue North adjacent to Lot 19, Block 1 and Lot 9, Block 2, Cottage Grove Phase 3 Addition., Section 4, 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 water and 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.

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 21st day of March, 2023.

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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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David Dennis, City Attorney

# Resolution 10499 Exhibit A



- City Limits
- ROW vacation

