

# PLANNING ADVISORY BOARD ZONING COMMISSION

**JANUARY 8, 2012**

## VACATE RIGHT-OF-WAY: GRAND STREET

*Case Number*

ABN2013-1

*Applicant*

Mark Leo, ES  
Big Sky Civil & Environmental, Inc.

*Owners*

Third Avenue Corporation

*Property Location*

Corner of 5th Ave SW and  
14th St SW

*Requested Action*

**Vacate** the Grand Street right-of-way and provide an amended plat of Block 1 and 2 of the Amended Plat of the American Brewery Addition.

*Neighborhood Council*

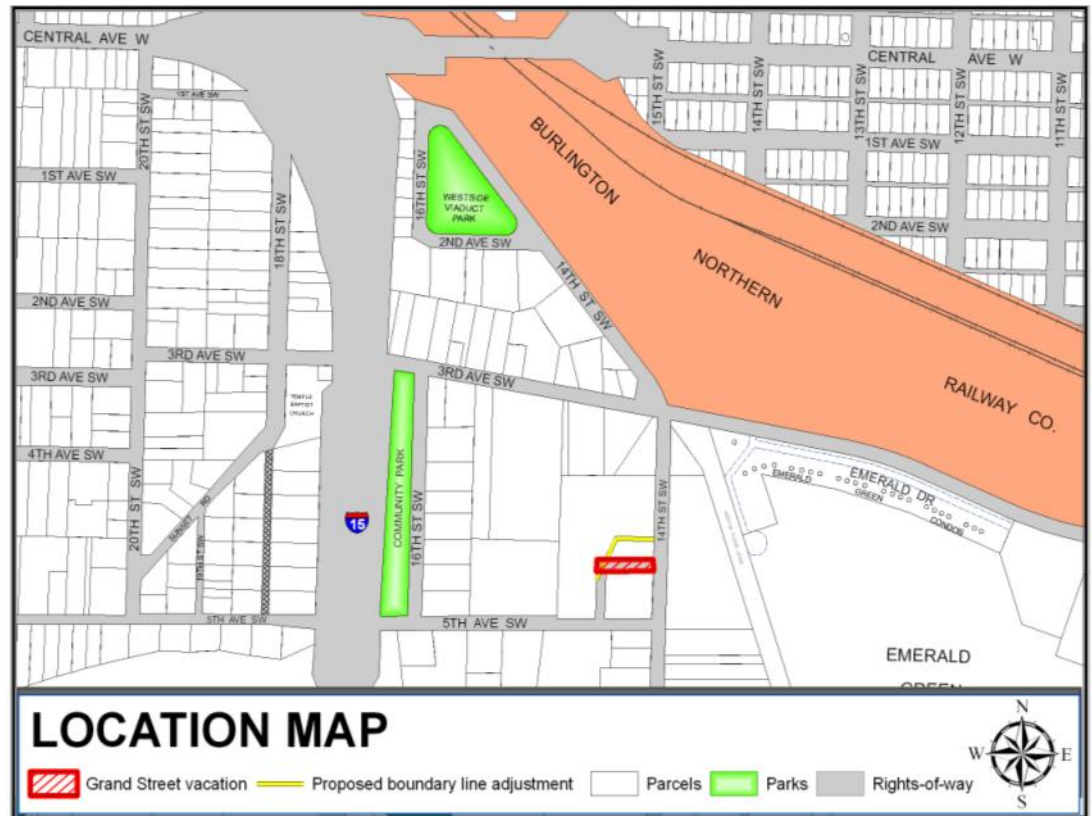
Neighborhood Council #2

*Recommendation*

Approval of the request with  
Conditions.

*Project Planner*

Galen Amy



### Project Description

Third Avenue Corporation, owners of the property north and south of Grand Street, have submitted an application to vacate Grand Street from 14th Street Southwest to previously vacated West Avenue.

In conjunction with the vacation of right-of-way, the owner is required to provide an amended plat incorporating the vacated right-of-way into the adjacent properties. The applicant is proposing a boundary line adjustment, which is not subject to City Commission approval, that relocates the common boundary line between Block 1 & 2. No new lots will be created as a part of this process.

### Background

- Legal Description: Amended Plat of Blocks 1 and 2, American Brewery Addition, Section 10, T20 N., R.3 E., P.M.M., Great Falls, Cascade County, Montana
- Prior to Amended Plat: Block 1 = ±4.178 acres, Block 2 = ±0.913 acres
- After Amended Plat: Block 1 = ±3.794 acres, Block 2 = ±1.756 acres

### Agency Comment

Representatives from the City's Public Works and Fire Department have been involved in the review process for this project. All comments by the above parties have been addressed by the applicant or in the conditions of this report.

## Existing Conditions

The existing site information for the subject property includes:

**Existing Use:** Grand Street, a public right-of-way, was never developed to City standards and is not in public use. The street is blocked to through traffic due to an existing building which was constructed in the right-of-way. The amended plat will incorporate a boundary line adjustment that will alter the north boundary line of Block 2 in order to incorporate the existing building on to one parcel (Block 2).

**Existing Zoning:** The subject property is zoned M-2 Mixed-use transitional. According to the Land Development Code, this district is “intended to promote a transition over time to a predominately mixed-use land use pattern. Because of changing economic conditions and other factors, some current uses do not represent the highest and best use, given other more suitable areas.”

**Adjacent Land Use:** Adjacent properties on the north, east and west of the subject property are also zoned M-2 Mixed-use transitional. There are a mix of uses in the area. Directly to the south of the subject property is the Flower Farm and residential development which is zoned R-1 Single-family suburban. West of the property there are vacant undeveloped parcels. East of the subject property is the existing business Loenbro Comprehensive Pipeline Solutions.



View west down 5th Ave SW, from the southwest corner of the subject property.

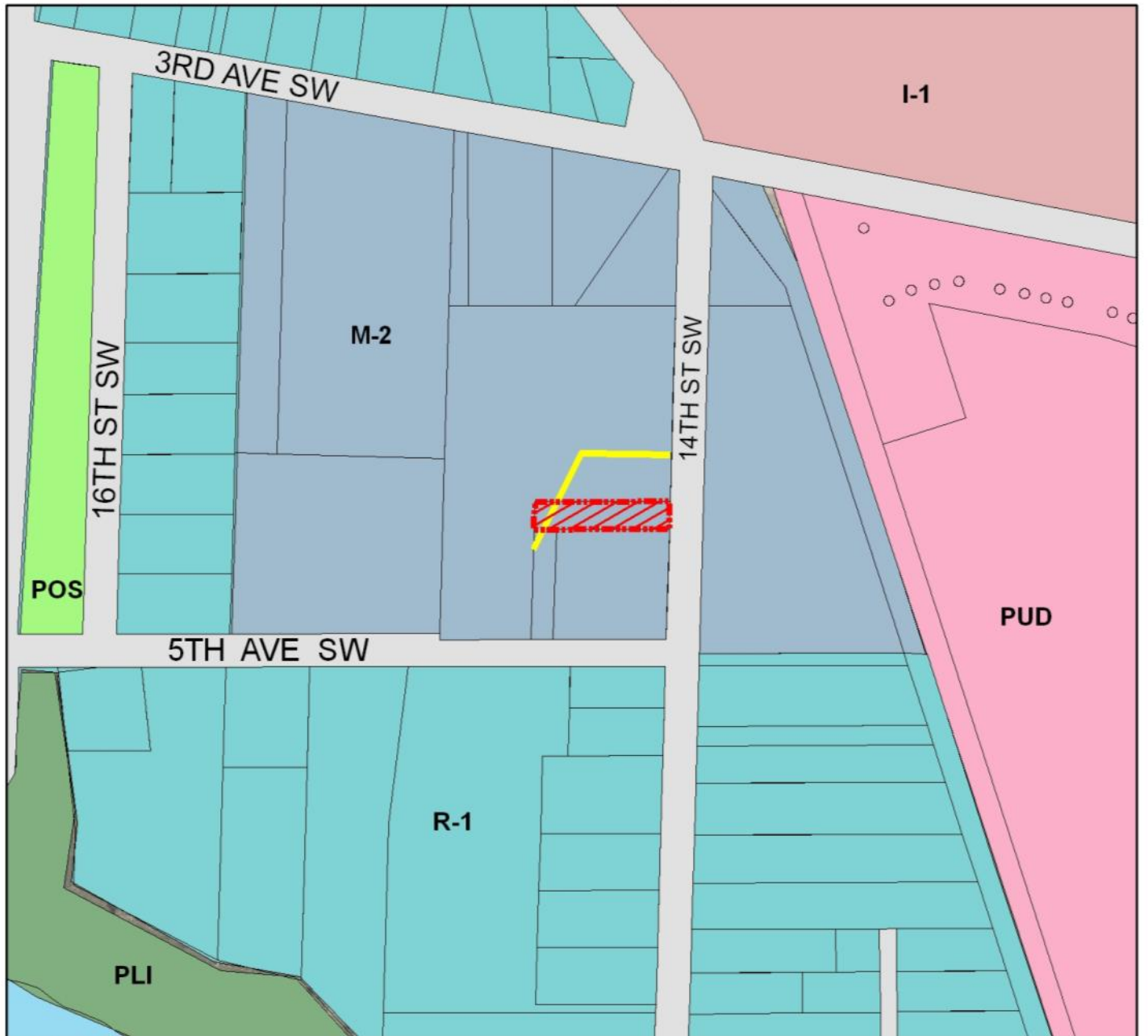



























View looking north toward previously vacated West Avenue.



View looking west at the existing building that is located on the Grand Street right-of-way.

# EXHIBIT A - ZONING MAP



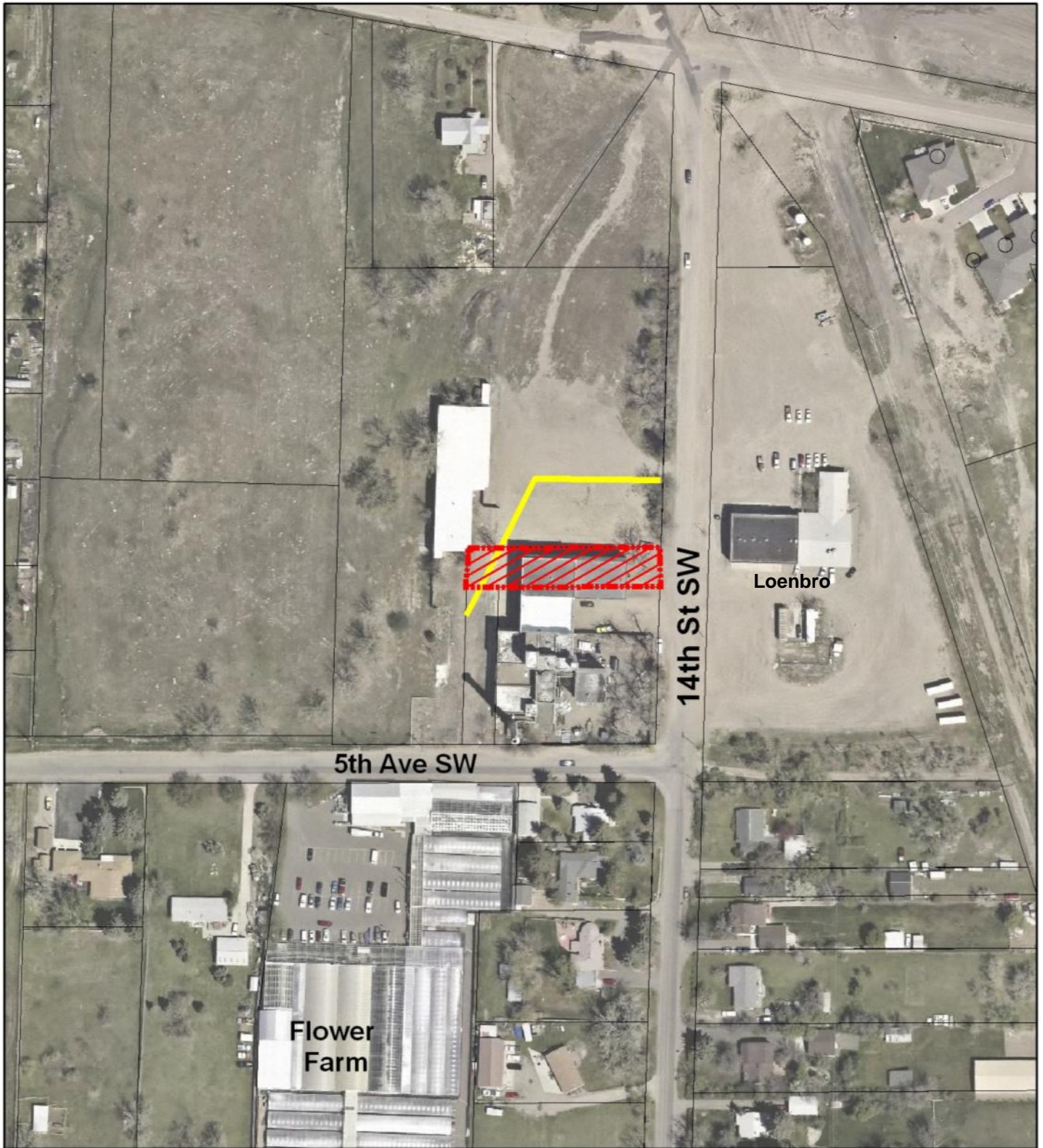
- |   |  |  |
|---|--|--|
|  Grand Street vacation             |  C-5 Central business periphery |  R-2 Single-family medium density |
|  Proposed boundary line adjustment |  I-1 Light industrial           |  R-3 Single-family high density   |
|  Tracts of Land                    |  I-2 Heavy industrial           |  R-5 Multi-family medium density  |
| <b>ZONING</b>   |  M-1 Mixed-use district         |  R-6 Multi-family high density    |
|  AI Airport Industrial             |  M-2 Mixed-use transitional     |  R-9 Mixed residential            |
|  C-1 Neighborhood commercial       |  PLI Public lands institutional |  R-10 Mobile home park            |
|  C-2 General commercial            |  POS Park Open Space            |  Unincorporated Enclave           |
|  C-3 Highway commercial            |  PUD Planned unit development   |  Right-of-Way                     |
|  C-4 Central business core         |  R-1 Single-family suburban     |  |






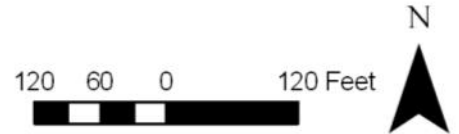
414 14th Street SW



# EXHIBIT B—AERIAL MAP



-  Grand Street vacation
-  Proposed boundary line adjustment
-  Tracts of Land



414 14th Street SW

## Project Overview

The applicant has submitted a request to vacate Grand Street, which is generally located west of 14<sup>th</sup> St SW and north of 5<sup>th</sup> Ave SW. Grand Street extends  $\pm 242$  feet between the previously vacated (Ord. 768) West Avenue and 14<sup>th</sup> Street Southwest and comprises approximately  $\pm 0.28$  acres. Please refer to Exhibit C and Exhibit D, the amended plat of the subject property, for more information.

The portion of Grand Street being vacated is public right-of-way and is undeveloped as a street. There is an existing building which was built on the right-of-way. The City's Public Works Department does not have a need to retain the subject right-of-way to maintain adequate public traffic flows. In addition, the City does not need to retain the subject property for future use as public utility easement for water, sewer or storm drain.

Upon abandonment, all of Grand Street that is part of this application would revert to and become a part of the abutting Blocks 1 and 2 which are both owned by Third Avenue Corporation. The applicant has provided a draft amended plat incorporating the vacated street into the adjacent properties.

The amended plat also rearranges the property lines of Block 1 and 2. The new property lines of Block 2 will incorporate the entire building that is situated on the Grand Street right-of-way. No new lots are created by the boundary line adjustment, therefore City Commission approval is not required.

Currently, Montana Metal Fabrications operates their metal fabrication business out of the former brewery building located on the subject property. The application to vacate the right-of-way and to adjust the property lines was initiated by Montana Metal Fabrications, who intend to purchase the property legally described as Block 2. They wish to maintain legal access to the property and ample space on the north and west side of the building to navigate trucks.

No other property owners in the vicinity will be adversely effected by the right-of-way vacation. Approval of the vacation is subject to the applicant providing an amended plat showing the vacation of right-of-way and incorporated boundary line adjustment (Exhibit C and Exhibit D).

## City's Right to Sell Right-of-Way

Generally land in the right-of-way is dedicated to the City for public use, which includes public access and certain utility uses. The right-of-way dedicated to the City is not fee title property that can be sold or traded. Once the right-of-way is determined to not be needed for public use, it can be vacated, in which case the title reverts to the adjacent property owner.

The adjacent property owner does not own the land until the reversion is completed. To meet the standards of the City's Land Development Code and the Montana Subdivision and Platting Act (Title 76, Chapter 3, MCA), the lot needs to be resurveyed, and an amended plat filed with the County Clerk and Recorder, to incorporate the vacation of right-of-way.

## Improvements

As previously stated, Public Works does not have a need to retain the subject right-of-way to maintain adequate traffic flow. There are no existing utilities within the subject right-of-way, therefore the roadway does not need to be maintained as an easement. The required amended plat is subject to review and approval by the Public Works and/or the Planning and Community Development Departments prior to filing with the Clerk and Recorder's office.

## Transportation/Great Falls Growth Policy:

The transportation element of the City of Great Falls Growth Policy establishes strategies and actions to implement sound traffic and roadway management. In this case, the right-of-way was never developed to City standards and is not in public use. The right-of-way is blocked to through traffic due to a building being constructed in the area that should be designated right-of-way. Thus, the right-of-way is not needed for future street development or transportation use. All of the affected properties have conforming land uses per the zoning code.

## Neighborhood Council Input

Patty Cadwell, Neighborhood and Youth Council Coordinator, provided information regarding the request to vacate the right-of-way to Neighborhood Council #2 on December 5, 2012. On December 12, 2012, Mark Leo, Big Sky Civil & Environmental, met with the Neighborhood Council to provide information. There were general questions about the project, but no comments, and the Council did not make a recommendation for or against the project.

## Recommendation

It is recommended that the Planning Advisory Board recommend the City Commission approve the request to vacate the right-of-way of Grand Street consisting of  $\pm 0.28$  acres as shown in the attached Amended Plat and located in the American Brewery Addition, Section 10, T.20 N., R.3 E., P.M.M., Great Falls, Cascade County, Montana subject to the conditions below:

## Conditions of Approval

1. The Amended Plat of the Amended Plat of Blocks 1 and 2, American Brewery Addition, Section 10, T20 N., R.3 E., P.M.M., Great Falls, shall incorporate correction of any errors or omissions noted by staff.
2. The amended plat for the subject property shall be submitted to the City Public Works and/or Planning and Community Development Department for review and approval prior to filing at the County Clerk and Recorder's Office.

## Review/Approval Process

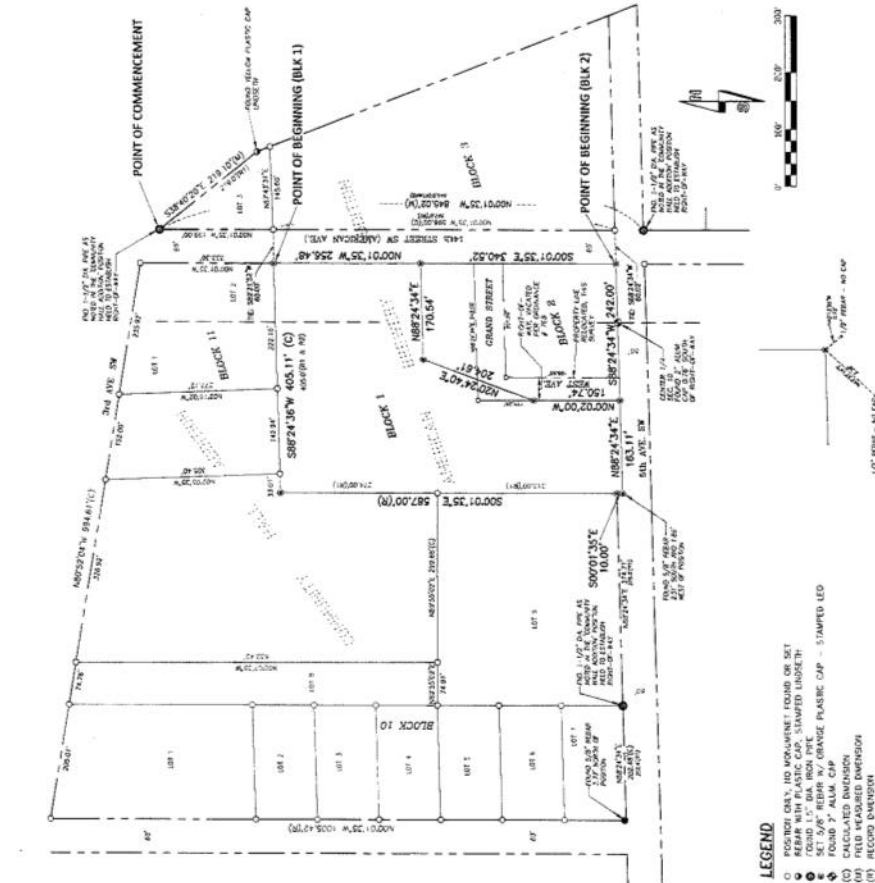
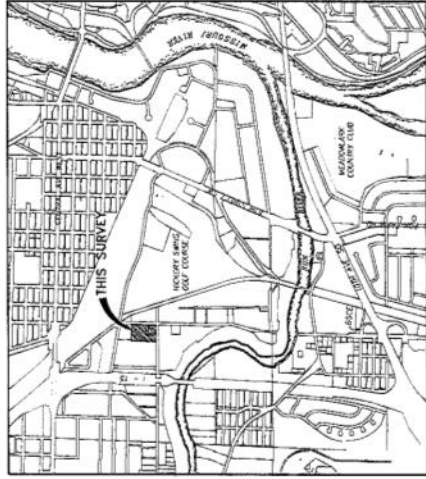
### **Next Steps**

1. The Planning Advisory Board recommendation will be presented to the City Commission.
2. City Commission will approve or deny the abandonment.
3. If approved, the applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Recorder's Office.

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood and Youth Council Coordinator  
Mark Leo, Big Sky Civil & Environmental, bscemark.leo@gmail.com  
Ted Weissman, Third Avenue Corporation, PO Box 507, Fairfield, IA 52556



AMENDED PLAT OF THE AMENDED PLAT OF  
BLOCKS 1 AND 2, AMERICAN BREWERY ADDITION TO THE CITY OF GREAT FALLS, CASCADE COUNTY MONTANA  
A SUBDIVISION IN SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY MONTANA



- LEGEND**
- (O) POINT ONLY, NO INSTRUMENT FOUND OR SET
  - (R) REBAR WITH PLASTIC CAP, STAMPED DIMENSION
  - (S) SET 5/8\"/>
  - (F) FOUND 3\"/>
  - (C) CALCULATED DIMENSION
  - (D) FIELD MEASURED DIMENSION
  - (E) RECORD DIMENSION
- RECORD DIMENSIONS**
- (P1) AN UNSTAMPED, LANSORED ALTA/ACSM, LAND TITLE SURVEY
  - (P2) A PLASTIC CAP, INSTRUMENT FOUND OR SET BY OWNER
  - (P3) AND USED AS REFERENCE ONLY.

**CERTIFICATE OF SURVEY**

THE UNDERSIGNED, BEING A LICENSED SURVEYOR IN THE STATE OF MONTANA, DO HEREBY CERTIFY THAT I HAVE PERSONALLY EXAMINED THE ORIGINAL RECORDS OF THE SURVEY AND THE FIELD NOTES AND INSTRUMENTS AND HAVE FOUND THEM TO BE TRUE AND CORRECT AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SAME.

**LEGAL DESCRIPTION:**

**BLOCK 1:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 2:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 3:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 4:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 5:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 6:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 7:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 8:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 9:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 10:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 11:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 12:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 13:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 14:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 15:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 16:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 17:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 18:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 19:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

**BLOCK 20:** THE WEST HALF OF SECTION 10, T.20 N., R.3 E., P.M.M., CASCADE COUNTY, MONTANA, MORE FULLY DESCRIBED AS FOLLOWS:

AUTHORIZED REPRESENTATIVE OF JOSH KIRCH COOPERATION (OWNER)  
STATE OF MONTANA )  
COUNTY OF CASCADE ) SS  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, I, \_\_\_\_\_, SURVEYOR, DO HEREBY CERTIFY THAT I HAVE PERSONALLY EXAMINED THE ORIGINAL RECORDS OF THE SURVEY AND THE FIELD NOTES AND INSTRUMENTS AND HAVE FOUND THEM TO BE TRUE AND CORRECT AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SAME.

**CERTIFICATE OF COUNTY TREASURER**

I, \_\_\_\_\_, COUNTY TREASURER OF CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT THE ABOVE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SAME AND THAT THE SAME IS SUBJECT TO THE TAXES AND CHARGES THEREON AS PROVIDED BY LAW.

**CERTIFICATE OF SURVEYOR**

I, \_\_\_\_\_, SURVEYOR, DO HEREBY CERTIFY THAT I HAVE PERSONALLY EXAMINED THE ORIGINAL RECORDS OF THE SURVEY AND THE FIELD NOTES AND INSTRUMENTS AND HAVE FOUND THEM TO BE TRUE AND CORRECT AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SAME.

DATE: \_\_\_\_\_

COUNTY: CASCADE

SECTION: 10

TOWNSHIP: T.20 N.

RANGE: R.3 E.

PLAT NO.: \_\_\_\_\_

OWNER: \_\_\_\_\_

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

STATE OF MONTANA

DEPARTMENT OF LAND SURVEYING

REGISTERED SURVEYOR

NO. \_\_\_\_\_

EXPIRES \_\_\_\_\_



ENGINEERS - DESIGNERS - LAND SURVEYORS - ENVIRONMENTAL SCIENTISTS

www.bsccorp.com



# EXHIBIT D - AMENDED PLAT WITH AERIAL





# EXHIBIT E - APPLICATION

**CITY OF GREAT FALLS  
PLANNING & COMMUNITY DEVELOPMENT DEPT.  
P.O. Box 5021, GREAT FALLS, MT, 59403-5021  
406.455.8415 • WWW.GREATFALLSMT.NET**

**DEVELOPMENT APPLICATION**

Submittal Date: 11/28/12  
 Application Number: ABN12-3  
 Paid (Official Use ONLY):   
 Annexation: \$400  
 Establish City Zoning: \$700  
 Zoning Map Amendment: \$700  
 Conditional Use Permit: \$700  
 Planned Unit Development: \$700  
 Subdivision Preliminary Plat: \$800  
 Subdivision Minor Plat: \$600  
 Subdivision Final Plat: \$300  
 Amended Plat (6 or more lots): \$600  
 Vacate Public Right of Way: \$200

Am. Plat of Am. Plat of Blocks 1 & 2, American Brewery Addn.

Name of Project / Development:

Third Avenue Corporation (Ted Weissman, Auth. Rep.)

Owner Name:

P.O. Box 507, Fairfield, IA. 52556-0009

Mailing Address:

Phone:

Email:

Mark Leo, ES (Big Sky Civil & Environmental, Inc.)

Representative Name:

P.O. Box 3625, Great Falls, MT 59403

Mailing Address:

406-727-2185

mleo@bigskyce.com

Phone:

Email:

**PROPERTY DESCRIPTION / LOCATION:**

Block 1, Block 2

Sec. 10

T. 20 N.

3 E. <sup>(GRAND STREET)</sup>  
(American Brewery Addn)

Mark/Lot:

Section:

Township/Block:

Range/Addition:

414 14th Street SW, Great Falls, MT. 59404

Street Address:

**ZONING:**

M-2

M-2

**LAND USE:**

Metal Fabrication

Metal Fabrication

Current:

Proposed:

Current:

Proposed:

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (we) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (we) further understand that other fees may be applicable per City Ordinances.

I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

*Ted Weissman*

Property Owner's Signature:

Date:

11/18/12

*Mark Leo*

Representative's Signature:

Date:

11-14-12

