

RESOLUTION NO. 1635

A RESOLUTION OF THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA ABANDONING, DISCONTINUING AND VACATING THE PUBLIC ALLEY WAY IN BLOCK 43 BETWEEN 6TH AVE. WEST AND 7TH AVE. WEST, COLUMBIA FALLS, MONTANA.

WHEREAS, the owners of certain property located in Block 43 between 6th Ave. West and 7th Ave. West, Columbia Falls, Montana have presented a petition to the City Council to abandon, discontinue and vacate a certain platted public alley way at said location, more particularly described as follows:

Lots 1 – 10, Block 43, between 6th Ave. West and 7th Ave. West

WHEREAS, the City has received a petition in writing of at least fifty percent (50%) of the owners of lots on the subject street;

WHEREAS, the City has accepted said petition and agreed to act thereon;

WHEREAS, the proposed action of the Council was duly advertised according to law for a hearing to be held thereon at its regular meeting on July 16, 2012;

WHEREAS, said hearing was held, with all objections or objectors, either in person or in writing, having been fully considered; and

WHEREAS, at the completion of said hearing, it was determined by the Council that it would be an enhancement to public safety and provide better parking and access to City Hall by abandoning, discontinuing or vacating the public alley way;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. The public alley way located on Block 43, between 6th Ave. West and 7th Ave. West, adjacent to Lots 1 – 10 is hereby vacated.

Section Two. The abandonment, discontinuance and vacation of said public way shall not affect the right of any public utilities which may be contained therein or thereon. The City of Columbia Falls expressly reserves any and all easements it may have or require over or under said public way, including a twenty foot (20') wide utility easement for the length of the abandonment.

Section Three. That upon the date that this Resolution becomes effective, the abandoned alley way shall cease to be the property of the City of Columbia Falls, Montana as a public right of way and said abandoned alley way shall be placed upon the tax rolls, with the property attached to Lots 1 – 5 and 8 – 10, owned by the City of Columbia Falls. Buffington Enterprises, owner of Lots 6 – 7 does not receive any portion of the abandoned alley way.

Section Four. Effective Date. This Resolution shall become effective immediately upon its final passage and adoption by the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 6TH DAY OF AUGUST, 2012. THE COUNCIL VOTING AS FOLLOWS:

AYES: Plevel, Shepard, Bates, Fisher, Petersen, Barhart
NOES: None
ABSENT: Karper

Todd Watkins

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 6th DAY OF
AUGUST 2012.

Donald Barnhart

Mayor

ATTEST:

Todd Watkins

City Clerk