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City of Columbia Falls
130 6th Street West
Columbia Falls, MT 59912

RESOLUTION NO. 1710

A RESOLUTION OF THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA ABANDONING, DISCONTINUING AND VACATING A PORTION OF THE ALLEYWAY IN BLOCK 34 ADJACENT TO LOTS 4 AND 5 AND THE 10' STRIP RETAINED WITH THE ABANDONMENT OF SIXTH STREET EAST BETWEEN BLOCK 34 AND 47, COLUMBIA FALLS ORIGINAL, COLUMBIA FALLS, MONTANA

WHEREAS, the owners of a 10' strip of property located in Blocks 34 and 47, held as a remainder by the City when that portion of Sixth Street East was abandoned in May 1981, more particularly described on COS 12244 and COS 14765, attached as Exhibits, and the unimproved alleyway adjacent to Lots 4 and 5 of Block 34 as shown on COS 12244, Columbia Falls Original, 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;

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 September 8, 2015;

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 abandonment of the alley and 10' street remainder will eliminate unmaintained areas of public right of way and formally establish the responsibility for the private driveway 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 34 adjacent to Lots 4 and 5 and the 10' remainder strip located in Blocks 34 and 47 as described on COS 12244 and COS 14765, respectively, Columbia Falls Original, Columbia Falls, MT 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.

Section Three. That upon the date that this Resolution becomes effective, the abandoned portion of Block 34 and Block 47 shall cease to be the property of the City of Columbia Falls, Montana, and said abandoned portion shall be placed upon the tax rolls with the 10' strip being added to the adjacent property as indicated on the respective COS and the abandoned 12' alleyway shall be added in its entirety to Block 34 Lots 4 and 5.

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 8th DAY OF SEPTEMBER, 2015. THE COUNCIL VOTING AS FOLLOWS:

AYES: Petersen, Shepard, Karper, Lovering and Plevel

NOES: None

ABSENT: Barnhart and Fisher

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 8th DAY OF SEPTEMBER 2015.

Vice Chairman

ATTEST:

City Clerk