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City of Columbia Falls  
130 6<sup>th</sup> Street West  
Columbia Falls, MT 59912

## **RESOLUTION NO. 1791**

### **A RESOLUTION OF THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA ABANDONING, DISCONTINUING AND VACATING A PORTION OF THE ALLEYWAY BETWEEN TRACTS A AND B, LOT 1, LENONVILLE SUBDIVISION, COLUMBIA FALLS, MONTANA**

WHEREAS, the owners of Tracts A and B, Lot 1, Lenonville Subdivision, Columbia Falls, Montana have presented a petition to the City Council to abandon, discontinue and vacate the alleyway at said location;

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

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 May 20, 2019;

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 62' of the alleyway will resolve encroachment and ownership issues and will place the property on the tax roll.

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

Section One. A 62' portion of the alleyway between Tracts A and B, Lot 1, Lenonville, Columbia Falls, MT is hereby vacated, as shown on Exhibit A.

Section Two. The abandonment, discontinuance and vacation of said portion of 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 62' X 12' portion of the alleyway 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 abandoned portion to be divided between the adjacent property owners based on the results of a survey of their current occupancy. Further, the owners shall pay for the cost of the survey and recording of this abandonment.

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 20th DAY OF MAY, 2019. THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

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City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 20TH  
DAY OF MAY 2019.

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MAYOR

ATTEST:

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City Clerk