

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19726

**A RESOLUTION VACATING THE FULL WIDTH OF THE ALLEY RIGHT-OF-WAY
EAST OF LOTS 7-12 AND LOT 29, AND WEST OF LOTS 19-27,
ALL IN BLOCK 37 OF CENTRAL ADDITION NO. 2
IN THE CITY OF HELENA, MONTANA**

WHEREAS, Darla Agtarap, the former owner of the property adjacent to the following-described property in the City of Helena, Montana, petitioned for the vacation of the full width of the alley right-of-way east of Lots 7-2 and Lot 29, and west of Lots 19-27, all in Block 37 of Central Addition No. 2 in the City of Helena, County of Lewis and Clark, State of Montana, more particularly described as follows:

The 16-foot wide by 198 feet on the west side and 214 feet on the east side portion of the north-south alley right-of-way east of Lots 7-12 and Lot 29, and west of Lots 19-27, all in Block 37 of Central Addition No. 2 in the City of Helena, Lewis and Clark County, Montana, containing 3,288 square feet, more or less.

The attached map shows the proposed vacation.

WHEREAS, First Interstate Bank, the current owner of the property adjacent to the above-described property, concurred with the Agtarap petition; and

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof, that said alley right-of-way in Central Addition No. 2 be vacated; and

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WHEREAS, a public hearing was held on this matter on the **8th day of March, 2010**, in the City Commission Chambers in the City-County Building at 316 North Park Avenue in Helena, Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. The Helena City Commission hereby conditionally approves the vacation of the full width of the alley right-of-way east of Lots 7-2 and Lot 29, and west of Lots 19-27, all in Block 37 of Central Addition No. 2, in the City of Helena, Lewis and Clark County, Montana, more particularly described above.

Section 2. This approval is conditioned upon satisfactory completion of the requirements set forth below. If these requirements are not completed within one (1) year from the date of this resolution, or as extended by the City Commission, this approval becomes void and the application for vacation is deemed denied. The requirements for completion of vacation are:

A. Applicants shall cause an amended plat to be prepared showing the proposed new boundary lines of the adjoining property to which title will revert upon vacation of the rights-of-way.

The amended plat shall be presented to the Commission for review and approval.

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B. All pending taxes and special assessments levied against the property affected by the proposed vacation shall be paid in full. The Applicants shall furnish proof of payment of these taxes and special assessments.

C. The amended plat must be filed and the Quit Claim Deed recorded with the Clerk & Recorder for Lewis & Clark County, Montana. The vacation is effective only upon the filing of the amended plat and recording of the Quit Claim Deed.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 8th DAY OF MARCH, 2010.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION