

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19763

A RESOLUTION CLOSING A PORTION OF BENTON TRAIL IN THE ORIGINAL HELENA TOWNSITE IN THE CITY OF HELENA, MONTANA

WHEREAS, the Benton Trail right-of-way is a narrow road adjacent to a cliff; and

WHEREAS, a portion of the guard rail along the road has failed; and

WHEREAS, Benton Trail has been temporarily closed since 2007 as a result of the guard rail failure; and

WHEREAS, the City Engineer proposed closure of a portion of Benton Trail in the Original Helena Townsite in the City of Helena, County of Lewis and Clark, State of Montana, more particularly described as follows:

That portion of Benton Trail adjacent to Lots 19, 20, 25, 26, and 27 in Block 61 of the Original Helena Townsite.

The attached map shows the proposed closure.

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof that said portion of Benton Trail be closed to general public use by motorized vehicles.

WHEREAS, a public hearing on this closure was held on **the 26th day of July, 2010, at 6:00 p.m.** in the Commission Chambers in the City-County Building at 316 North Park Avenue, Helena, Montana.

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

Section 1. Pursuant to Section 7-1-7 of the Helena City Code, it is

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the intention of the Helena City Commission that the 15-foot wide right-of-way of a portion of the Benton Trail in the Original Helena Townsite in the City of Helena, more particularly described above, be closed to general public use by motorized vehicles, and by this resolution the Helena City Commission directs the Clerk of the City Commission to cause to be published twice a notice in The Independent Record, a daily newspaper published in Helena, Montana, to the effect that the Helena City Commission has passed a resolution of intention to close the above-described portions of streets located in the City of Helena, and that expressions of approval or disapproval will be received in writing in the office of the Clerk of the Commission prior to the hearing thereon.

Section 2. This proposed closure does not affect the right of any public utility to operate and maintain its facilities which may be located in said right-of-way, now or in the future.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 26th DAY OF JULY, 2010.**

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION