

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19854

A RESOLUTION OF INTENTION TO ANNEX TRACTS A1 AND B2 SHOWN ON COS #3203658, AND THE FULL WIDTH OF THE ADJACENT PORTIONS OF THE CUSTER AVENUE, INTERSTATE 15, AND THE NEW FRONTAGE ROAD RIGHTS-OF-WAY, ALL LOCATED IN LEWIS AND CLARK COUNTY, INTO THE CITY OF HELENA, MONTANA AND ESTABLISH CONDITIONS FOR ANNEXATION

WHEREAS, Greyn Family, LLC, the legal owner of Tracts A1 and B2 shown on Certificate of Survey No. 3203658, in Lewis and Clark County, Montana, generally located north of Custer Avenue, south of the new Frontage Road, and east of Interstate 15, which property is currently located adjacent to the existing City limits, has requested that the City of Helena annex said property; and

WHEREAS, the City of Helena desires to annex said property and the full width of the Custer Avenue, Interstate 15, and the new Frontage Road rights-of-way adjacent to said property under the provisions of Montana law; and

WHEREAS, the owner of the property in the territory to be annexed has signed a written application requesting annexation pursuant to statute to the City of Helena; and

WHEREAS, the governing body need not submit the question of annexation to the qualified electors, and has approved the application upon its merits; and

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WHEREAS, the annexation of the property and adjacent rights-of-way more particularly described above appears to be in the best interests of the present owner of the property and the City of Helena, Montana.

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

Section 1. It is the intention of the Helena City Commission to annex Tracts A1 and B2 shown on Certificate of Survey No. 3203658, in Lewis and Clark County, Montana, generally located north of Custer Avenue, south of the new Frontage Road, and east of Interstate 15, and the full width of the Custer Avenue, Interstate 15, and the new Frontage Road rights-of-way, all in Lewis and Clark County, Montana, as shown on Exhibit "A" attached hereto and by this reference made a part hereof.

This annexation will only be effective upon completion of rezoning of the property and the following conditions:

1. **Review of New Construction:** The property owner must submit plans for review by the City of Helena for compliance with City infrastructure, zoning, and other Code requirements, provide proof of compliance with all building and fire codes for all new construction or remodels subsequent to the adoption of this

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resolution and prior to annexation of the property, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.

2. **Taxes and Assessments**: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.

3. **Notice of Special Districts**: The property owner must waive the right to notification and protest and consent to the alteration of the Urban Forest Maintenance District and the Landfill Monitoring District in order to include the Property in said districts prior to annexation, pursuant to Section 7-11-1023, MCA.

4. **Completion of Conditions**: These annexation conditions must be completed within one (1) year of the date of approval of this resolution. The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within that time frame, the City is under no obligation to annex the property and may discontinue any City services to the property, including water and sewer service.

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PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 25th DAY OF JULY, 2011.

/S/ James E. Smith

MAYOR

ATTEST:

/S/ Debbie Havens

CLERK OF THE COMMISSION