

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **RESOLUTION NO. 19945**

**A RESOLUTION VACATING THE FULL WIDTH OF A PORTION OF THE CABOOSE WAY RIGHT-OF-WAY BETWEEN LOT 1 IN BLOCK D AND COMMON AREA #6 ADJACENT TO LOT 2 IN BLOCK A, AND AN ADDITIONAL PORTION ADJACENT TO THE EASTERN PROPERTY BOUNDARY OF LOT 1 IN BLOCK D, ALL AS SHOWN ON THE GREAT NORTHERN TOWN CENTER P.U.D. PLAT AND LOCATED IN THE CITY OF HELENA, MONTANA**

**WHEREAS, Great Northern Town Center Owners' Association and Artisan, LLC,** the owners of the property adjacent to the following-described property in the City of Helena, Montana, petitioned for the vacation of a portion of the Caboose Way right-of-way between Lot 1 in Block D and Common Area #6; and a portion of the Caboose Way right-of-way adjacent to the eastern property boundary of Lot 1 in Block D, all as shown on the Great Northern Town Center P.U.D. plat in the City of Helena, County of Lewis and Clark, State of Montana, more particularly described as follows:

The 20-foot wide Caboose Way right-of-way between Lot 1 in Block D and Common Area #6 in the Great Northern Town Center P.U.D. in the City of Helena, County of Lewis and Clark, State of Montana, containing 614 square feet, more or less; and

A triangular portion of the 20-foot wide Caboose Way right-of-way adjacent to the eastern property boundary of Lot 1 in Block D of the Great Northern Town Center P.U.D. in the City of Helena, County of Lewis and Clark, State of Montana, containing 154 square feet more or less.

The attached map shows the property being vacated.

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**WHEREAS**, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof, that said portions of the Caboose Way right-of-way in the Great Northern Town Center P.U.D. be vacated; and

**WHEREAS**, a public hearing was held on this matter on the **6<sup>th</sup> day of August, 2012**, 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 a portion of the Caboose Way right-of-way between Lot 1 in Block D and Common Area #6; and a portion of the Caboose Way right-of-way adjacent to the eastern property boundary of Lot 1 in Block D, all as shown on the Great Northern Town Center P.U.D. plat 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

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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 right-of-way.

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

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

**C.** Applicants shall pay a transfer fee as defined by Section 7-1-7 of the Helena City Code for the 768 square feet of right-of-way. This fee must be paid prior to filing the amended plat and recording the Quit Claim Deed transferring title to Applicants.

**D.** 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.

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**E.** Applicants shall install a City-approved and code compliant emergency services turn around at the end of Caboose Way.

**F.** Applicants shall submit plans to relocate the existing eight inch (8") water main. Applicants shall install the relocated water main according to City-approved plans.

**G.** Applicants shall grant the City a utility easement for maintenance and operation of any portion of the relocated water line that is not located in dedicated public right-of-way. The easement must be at least ten feet (10') on either side of the relocated water line.

**H.** Applicants shall dedicate a twenty foot (20') wide public right-of-way to the City across Lot 4 in Block D in the Great Northern Town Center P.U.D. Applicants are responsible for preparing and filing an amended plat, if necessary, showing the dedicated public right-of-way and the new boundary lines of the adjoining property. If an amended plat is required to be filed to dedicate the right-of-way, it must be filed and the Quit Claim Deed recorded with the Clerk & Recorder for Lewis & Clark County, Montana by the Applicants. Additionally, Applicants shall also install a ten foot (10') bike/pedestrian path on that dedicated right-of-way in accordance with City engineering standards.

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I. Applicants shall submit and obtain approval of a solid waste collection plan for all businesses affected by this vacation.

J. Applicants shall install no parking signs, according to City-approved plans, along Caboose Way east and north of the vacated right-of-way, including the approved emergency services turn around. Additionally, Applicants shall paint the curb along Caboose Way yellow to indicate no parking.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 6<sup>th</sup> DAY OF AUGUST, 2012.**

/S/ James E. Smith  
**MAYOR**

**ATTEST:**

/S/ Debbie Havens  
**CLERK OF THE COMMISSION**