

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20005

A RESOLUTION OF INTENTION TO ANNEX TRACT G1-A SHOWN ON CERTIFICATE OF SURVEY NO. 3182656, AND THE FULL WIDTH OF THE ADJACENT PORTION OF THE COONEY DRIVE RIGHT OF WAY, ALL LOCATED IN LEWIS AND CLARK COUNTY, INTO THE CITY OF HELENA, MONTANA AND ESTABLISH CONDITIONS FOR ANNEXATION

**WHEREAS, McHugh Land and Livestock,** the legal owner of Tract G1-A shown on Certificate of Survey No. 3182656, located in Lewis and Clark County, Montana, generally located west of McHugh Lane and north Colton Drive, 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 portion of the Cooney Drive right-of-way adjacent to said property under the provisions of Montana law; and

**WHEREAS,** the owners of the property in the territory to be annexed have 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

**WHEREAS,** the annexation of the property and adjacent right-of-way more particularly described above appears to be in the best

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interests of the present owners 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 Tract G1-A shown on Certificate of Survey No. 3182656, generally located west of McHugh Lane and north of Colton Drive, and the full width of the adjacent portion of the Cooney Drive right-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 the following conditions:

**1. Infrastructure:** The property owner must install all infrastructure improvements required by the City to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements listed below.

**a.** Develop lift station capacity necessary to convey wastewater from the property according to the needs of the particular uses allowed by the zoning of the property, to the

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City's wastewater treatment plant, to City standards.

b. Dedicate and install an east-west street connection to City standards from Cooney Drive to McHugh Lane. The property owner is responsible for costs of surveying and dedication.

c. Install sidewalks in the McHugh Lane public right-of-way adjacent to the property.

d. Submit a Traffic Impact Study for full build out of the property for the zoning district designated by the City Commission. Any infrastructure improvements identified by the Traffic Impact Study will need to be installed by the property owner.

2. **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 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.

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

4. Notice of Special Districts: The property owners 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 § 7-11-1023, MCA.

5. Completion of Conditions: These annexation conditions must be completed within one (1) year of the date of approval of this resolution. The property owners 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.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 24<sup>th</sup> DAY OF JUNE, 2013.

ATTEST:

/S/ JAMES E. SMITH  
MAYOR

/S/ DEBBIE HAVENS  
CLERK OF THE COMMISSION