

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

## **RESOLUTION NO. 20059**

**A RESOLUTION OF INTENTION TO ANNEX THE FULL WIDTH OF THAT PORTION OF MISSOULA AVENUE DISCONTINUED BY THE LEWIS AND CLARK COUNTY COMMISSION, ADJACENT TO BLOCK 21 IN THE BOYCE ADDITION (NOW INCORPORATED INTO BLOCK 21-A SHOWN ON COS #3249720), LOCATED IN LEWIS AND CLARK COUNTY, INTO THE CITY OF HELENA, MONTANA, AND ESTABLISH CONDITIONS FOR ANNEXATION**

**WHEREAS, Ed Maronick,** the legal owner of the portion of discontinued Missoula Avenue adjacent to Block 21 in the Boyce Addition, now incorporated into Block 21-A shown on COS #3249720, in Lewis and Clark County, Montana, generally located between Blaine Street and Market Street, 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 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

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

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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 the portion of discontinued Missoula Avenue adjacent to Block 21 in the Boyce Addition, now incorporated into Block 21-A shown on COS #3249720, generally located between Blaine Street and Market Street, 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 following improvements:

A. Installation of water and wastewater mains in the discontinued Missoula Avenue right-of-way across the entire property frontage Block 21-A. A twenty-foot wide (20') utility easement must be granted to the City to access and maintain the water and wastewater mains.

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B. Install the full width of Blaine Street to the northeast corner of Block 21-A.

C. Install a secondary emergency services access with a 20-foot wide all-weather surface on the existing Market Street right-of-way.

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.

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.

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5. 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.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 18<sup>th</sup> DAY OF NOVEMBER, 2013.**

/S/ James E. Smith  
MAYOR

ATTEST:

/S/ Debbie Havens  
CLERK OF THE COMMISSION