

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20152

A RESOLUTION OF INTENTION TO ANNEX LOTS 27-32 IN BLOCK 182 IN THE SYNDICATE ADDITION & BROOKE ADDITION, AND THE FULL WIDTH OF THE ADJACENT CHOTEAU AND WINSTON STREETS AND ALLEY RIGHTS-OF-WAY, ALL LOCATED IN LEWIS AND CLARK COUNTY, INTO THE CITY OF HELENA, MONTANA, AND ESTABLISH CONDITIONS FOR ANNEXATION

WHEREAS, Margery Wilmer and Darla W. Tenter, the legal owners of Lots 27-32 in Block 182, located partially in the Syndicate Addition and partially in the Brooke Addition, in Lewis and Clark County, Montana, generally located north of Choteau Street and east of Winston Street, which property is currently located adjacent to the existing City limits, have requested that the City of Helena annex said property; and

WHEREAS, the City of Helena desires to annex said property and the adjacent portions of Choteau and Winston Street and the alley rights-of-way, 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 more particularly described above appears to be in the best interests of the present

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. 20152

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 Lots 27-32 in Block 182 located partially in the Syndicate Addition and partially in the Brooke Addition, in Lewis and Clark County, Montana, generally located north of Choteau Street and east of Winston Street, and the adjacent streets and alley rights-of-way noted above, all located 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 owners must install all infrastructure improvements required by the City of Helena, to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements, as shown below:

a. Sign a waiver of the right to protest an SID for future street improvements; and

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. 20152

b. Extend a water main across the frontage of the property in Choteau Street or connect to a City-installed main if one exists, and reimburse the installer on a pro-rata basis for the cost of installation of said water main.

2. **Review of New Construction:** The property owners 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.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Res. No. 20152

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 23rd DAY OF MARCH, 2015.**

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION