

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19720

**A RESOLUTION OF INTENTION TO ANNEX LOT 3 IN BLOCK 1
OF THE SLEEPING GIANT ADDITION AMENDMENT, OF INDUSTRIAL PARK,
IN LEWIS AND CLARK COUNTY, INTO THE CITY OF HELENA, MONTANA AND
ESTABLISH CONDITIONS FOR ANNEXATION**

WHEREAS, Koehler Properties, LLC, the legal owner of a 2.23-acre tract of land shown on the preliminary plat of that property to be known as the Big Sky Estates Subdivision, a major subdivision in Lewis and Clark County, Montana, legally described as Lot 3 in Block 1 of the Sleeping Giant Addition, Amendment of Industrial Park, on Document #310668 in the records of the Clerk and Recorder of Lewis and Clark County, Montana, generally located west of Elaine Street and south of Tricia Street, 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 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 to the City of Helena pursuant to state law; 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 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 a 2.23-acre tract of land shown on the preliminary plat of that property in Lewis and Clark County, Montana, to be known as Big Sky Estates, a major subdivision, legally described as Lot 3 in Block 1 of the Sleeping Giant Addition, Amendment of Industrial Park, on Document #310668 in the records of the Clerk and Recorder of Lewis and Clark County, Montana, generally located west of Elaine Street and south of Tricia Street, in Lewis and Clark County, Montana, as shown on Exhibit "A" attached hereto. This annexation will only be effective upon completion of the following conditions:

1. **Review of New Construction:** The property owner must submit plans for review by the City of Helena for all construction commenced subsequent to the adoption of this resolution and prior to annexation of the property to ensure compliance with infrastructure, zoning, and all other Code requirements. Owner

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shall provide proof of compliance with all building and fire codes for all new construction or remodels on the property after the date of this resolution.

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

3. **Elaine Street Improvements:** Elaine Street, from the intersection with the frontage road (Tricia Street) to the southern most boundary of the subject property, must be installed to City standards or the improvements must be financially guaranteed prior to annexation of the subject property. The owner of the subject property must participate pro rata in the expenses of the street improvement project for the construction of streets, curbs, and gutters for Elaine Street. If a special improvement district is formed to finance the initial construction of the street improvements, the owner of the subject property must agree to participate in the special improvement district.

4. **Final Plat:** The property owner must meet the conditions of the preliminary plat approval prior to annexation. Annexation of the property is not effective until the final plat of the proposed subdivision has been filed with the Clerk and Recorder of Lewis and Clark County, Montana.

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5. Completion of Conditions: The property owner must notify City Planning in writing upon completion of the conditions for approval of annexation which must occur on or before the date of completion of conditions for subdivision of the property and subject to the same time limitations. 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, including water and sewer service, to the property.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 8th DAY OF FEBRUARY, 2010.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION