

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

## **RESOLUTION NO. 19911**

**A RESOLUTION OF INTENTION TO ANNEX CROSSROADS AMENDMENT AT MOUNTAIN VIEW MEADOWS SUBDIVISION, DESCRIBED AS TRACT D-1-A OF AMENDED PLAT OF PHASE A OF ASPEN PARK AT MOUNTAIN VIEW MEADOWS, SHOWN ON COS #3173426; THE WESTERN PORTION OF TRACT C-2-A-1-A-1-A-1-A ON THE PLAT OF ANTELOPE TRACE PHASE OF CROSSROADS AT MOUNTAIN VIEW MEADOWS, SHOWN ON COS #3173428; TRACT A-1 SHOWN ON COS #3015742; PORTIONS OF TRACT A-1-A-1-A-1 ON THE PLAT OF CRAFTSMAN VILLAGE PHASE 1 OF THE CROSSROADS AT MOUNTAIN VIEW MEADOWS SUBDIVISION, SHOWN ON COS#3200059; TRACT B-2 SHOWN ON COS #3140554; OFF-SITE PARKLAND AREA; AND THE FULL WIDTH OF THE ADJACENT PORTIONS OF THE RIGHTS-OF-WAY OF U.S. HIGHWAY 12, ROUTE 240, AND CROSSROADS PARKWAY, ALL LOCATED IN LEWIS AND CLARK COUNTY, INTO THE CITY OF HELENA, MONTANA AND ESTABLISH CONDITIONS FOR ANNEXATION**

**WHEREAS, R and D Partners, LLC,** the legal owners of Crossroads Amendment at Mountain View Meadows Subdivision, described as Tract D-1-A of Amended Plat of Phase A of Aspen Park at Mountain View Meadows, shown on COS #3173426; the western portion of Tract C-2-A-1-A-1-A-1-A on the Plat of Antelope Trace Phase of Crossroads at Mountain View Meadows, shown on COS #3173428; Tract A-1 shown on COS #3015742; portions of Tract A-1-A-1-A-1 on the Plat of Craftsman Village Phase 1 of the Crossroads at Mountain View Meadows Subdivision, shown on COS #3200059; and off-site parkland area; and **International Church of the Four Square Gospel,** the legal owner of Tract B-2 shown on COS #3140554; all in Lewis and Clark County, Montana, generally located south of U.S. Highway 12, east of Crossroads Parkway, southwest of East Helena, west of Highway

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

## **Resol. No. 19911**

282, and north of the Jefferson County line, 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 has previously approved Resolution of Intention to Annex No. 19627 that set conditions for annexation of property that is included in this current resolution of intention; and

**WHEREAS**, a portion of the property discussed in Resolution of Intention to Annex No. 19627 has subsequently been annexed into the City of Helena; and

**WHEREAS**, the property owners now desire to annex property not considered in Resolution of Intention to Annex No. 19627; and

**WHEREAS**, the property owners desire to amend the Crossroads at Mountain View Meadows preliminary plat that was previously approved and was the basis for conditions of annexation under Resolution of Intention to Annex No. 19627; and

**WHEREAS**, Resolution of Intention No. 19191 to annex Aspen Park at Mountain View Meadows Subdivision conditioned annexation upon the dedication of a fire station lot acceptable to the Helena Fire Department; and

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

## **Resol. No. 19911**

**WHEREAS**, the need for a fire station lot is further supported by annexation of property under consideration of the current resolution of intention to annex; and

**WHEREAS**, a fire station lot that meets the approval of the Helena Fire Department has not been dedicated to the city; and

**WHEREAS**, the property owners have proposed to dedicate Lot 1 in Block 7, as shown on the proposed Crossroads Amendment at Mountain View Meadows preliminary plat, to the City of Helena for use as a fire station; and

**WHEREAS**, the City of Helena desires to annex the above-described property and the full width of the rights-of-way of U.S. Highway 12, Route 240, and Crossroads Parkway 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

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

## **Resol. No. 19911**

**WHEREAS**, the annexation of the property and adjacent rights-of-way more particularly described above appears to be in the best 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 D-1-A of Amended Plat of Phase A of Aspen Park at Mountain View Meadows, shown on COS #3173426; the western portion of Tract C-2-A-1-A-1-A-1-A on the Plat of Antelope Trace Phase of Crossroads at Mountain View Meadows, shown on COS #3173428; Tract A-1 shown on COS #3015742; portions of Tract A-1-A-1-A-1 on the Plat of Craftsman Village Phase 1 of the Crossroads at Mountain View Meadows Subdivision, shown on COS #3200059; and off-site parkland area; and Tract B-2 shown on COS #3140554, all in Lewis and Clark County, Montana, generally located south of U.S. Highway 12, east of Crossroads Parkway, southwest of East Helena, west of Highway 282, and north of the Jefferson County line, and the full width of the rights-of-way of U.S. Highway 12, Route 240, and Crossroads Parkway, all in Lewis and Clark County, Montana, as

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

## **Resol. No. 19911**

shown on Exhibit "A" attached hereto and by this reference made a part hereof.

This annexation will only be effective upon completion of rezoning of the property and the following conditions:

1. **City Services**: Each annexation phase of the Crossroads Amendment at Mountain View Meadows Subdivision must be adjacent to existing City limits and be served by city approved infrastructure.

2. **Phases**: A legal description must be provided for each phase of the Crossroads Amendment at Mountain View Meadows Subdivision prior to its annexation.

3. **Fire Station Lot**: The proposed fire station lot must include all of the property located west of the drainage and south of the Crossroads Parkway and Jeanette Rankin Way intersection, as shown on the Crossroads Amendment at Mountain View Meadows preliminary plat, to provide a lot more suitable for operation of a Helena Fire Department fire station. This property must be dedicated to the City of Helena with the annexation of the first phase of the Crossroads Amendment at Mountain View Meadows preliminary plat.

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

## **Resol. No. 19911**

4. **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.

5. **Taxes and Assessments:** Taxes and assessments must be paid and current at the time of filing a Resolution of Annexation for each phase.

6. **Notice of Special Districts:** The property owner 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.

7. **Final Plat:** The property owners must meet the conditions of the Crossroads Amendment at Mountain View Meadows Subdivision preliminary plat approval prior to annexation. Annexation of the property is not effective until the final plat of the proposed

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

**Resol. No. 19911**

subdivision has been filed with the Clerk and Recorder of Lewis and Clark County, Montana.

**8. Completion of Conditions:** The property owners must notify City Planning in writing upon completion of the conditions for approval of annexation that 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 to the property, including water and sewer service.

**Section 2.** It is the intention of the Helena City Commission to supersede the conditions of annexation set by Resolution of Intention to Annex No. 19627.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 7<sup>th</sup> DAY OF MAY, 2012.**

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

**ATTEST:**

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