

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19970

A RESOLUTION AUTHORIZING THE EXCHANGE OF A PORTION OF MOUNT HELENA CITY PARK PROPERTY OWNED BY THE CITY OF HELENA WITH THE OWNERS OF LOTS 1 AND 2 IN THE IRVING MINOR SUBDIVISION IN THE CITY OF HELENA, MONTANA

WHEREAS, Section 1-4-17 of the Helena City Code provides that the City Commission may sell, dispose or lease real property owned by the City; and

WHEREAS, the City of Helena owns that real property, as part of Mount Helena City Park, more particularly described below:

The NW1/4NW1/4, the SW1/4SW1/4, the SE1/4SE1/4, the NE1/4SW1/4, the SW1/4SE1/4, and the NW1/4SE1/4, all in Section 25, Township 10 North, Range 4 West, in Lewis and Clark County, Montana, Geocode 05-1888-25-4-01-01-0000

WHEREAS, the City has no need for a 396-square foot portion of the above mentioned property, located in the S1/2SE1/4 that is adjacent to the northwest corner of Lot 1 in the Irving Minor Subdivision as shown on Certificate of Survey Number 3128575; and

WHEREAS, Michael L. Gilleran and Amy D. Barrett, owners of Lot 1 in the Irving Minor Subdivision, and Brenda K. Elias and Brent A. Thompson, owners of Lot 2 in the Irving Minor Subdivision, desire to convey a 2.78-foot wide strip of their property along the southern boundary of both lots to the City of Helena in exchange for the abovementioned Mount Helena City Park property being conveyed to the owners of Lot 1; and

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WHEREAS, it appears to be in the best interests of the City of Helena and the inhabitants thereof that the 396-square foot triangle shown on the Amended Plat of the Irving Minor Subdivision, filed under Document Number _____ be conveyed to Michael L. Gilleran and Amy D. Barrett, owners of Lot 1 in the Irving Minor Subdivision, in exchange for a 2.78-foot wide by 142.33-foot long strip of land along the south boundary of Lots 1 and 2 in the Irving Minor Subdivision

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. That pursuant to §1-4-17 of the Helena City Code, the public shall be given an opportunity to be heard concerning the issue of whether a 396-square foot portion of the above mentioned Mount Helena City Park property should be conveyed to Michael L. Gilleran and Amy D. Barrett in exchange for an equal-size portion of Lots 1 and 2 in the Irving Minor subdivision, subject to the following condition:

Brenda K. Elias and Brent A. Thompson; and Michael L. Gilleran and Amy D. Barrett will pay for and prepare an amended plat showing the new boundary lines of the Mount Helena City Park property and Lots 1 and 2 in the Irving Minor Subdivision, the advertising costs, title insurance

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(if requested by them), closing costs, and filing and recording fees. The amended plat must be presented to the Commission for review and approval.

Section 2. The Clerk of the Commission is hereby directed to publish notice of this Resolution of Intention twice as required by §1-4-17-A.1. of the Helena City Code, and notice shall be mailed to all owners of property located within three hundred feet (300') of the exterior boundaries of the above-described parcels, as required by §1-4-17-A.2. of the Helena City Code.

Section 3. A public hearing will be held on this matter on **the 29th day of October, 2012, at 6:00 p.m.** in the City Commission Chambers at 316 North Park Avenue, Helena, Montana, so that all interested parties may appear and express their opinions of approval or disapproval.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 15th DAY OF OCTOBER, 2012.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION