

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20177

A RESOLUTION OF INTENTION TO ANNEX LOTS 3-8 AND 25-27 IN BLOCK 165 OF WALLACE'S SUBDIVISION IN THE SYNDICATE ADDITION AND LOTS 1-16 IN BLOCK 164 OF THE SYNDICATE ADDITION, ALL IN LEWIS AND CLARK COUNTY, MONTANA, AND THOSE PORTIONS OF CHOTEAU STREET, CANNON STREET, AND ALLEY RIGHTS-OF-WAY ADJACENT THERETO, INTO THE CITY OF HELENA, MONTANA, AND ESTABLISH CONDITIONS FOR ANNEXATION

**WHEREAS**, the Estate of Gene McLatchy, Nancy Cormier, Walt Ebert, Erik Schweitzer, Dan and Jo Lee Hawkins, Charles and Bridget Holland, and Brian and Kelsi Hannon, the legal owners of Lots 3-8 and 25-27 in Block 165 of Wallace's Subdivision in the Syndicate Addition and Lots 1-16 in Block 164 in the Syndicate Addition, all in Lewis and Clark County, Montana, generally located west of Laurel Street, east of Linden Street, and south of Cannon Street, with property addresses of 1801, 1811, 1815, and 1821 Choteau Street and 1817 and 1821 Cannon Street, which property is adjacent to the existing City limits, have requested that the City of Helena annex said properties; and

**WHEREAS**, the City of Helena desires to annex said properties and those portions of Choteau Street, Cannon Street, and alley rights-of-way adjacent thereto, under the provisions of Montana law; and

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**WHEREAS**, the owners of the properties 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 properties more particularly described above appears to be in the best interests of the present owners of the properties 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 3-8 and 25-27 in Block 165 of Wallace's Subdivision in the Syndicate Addition and Lots 1-16 in Block 164 in the Syndicate Addition, all in Lewis and Clark County, Montana, generally located west of Laurel Street, east of Linden Street, and south of Cannon Street, with property addresses of 1801, 1811, 1815, and 1821 Choteau Street and 1817 and 1821 Cannon Street, and those portions of Choteau Street, Cannon Street, and alley rights-of-way adjacent thereto, as shown on Exhibit "A" attached hereto and by this reference made a part hereof.

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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 including, but not limited to, the installation of a wastewater main extension and appurtenant facilities from either Joslyn Street or Lauren Street according to the 2002 Helena West Side Infrastructure Study across the frontage of all the properties, or connect to an existing wastewater main if one exists adjacent to the property.

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.

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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.

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 13<sup>th</sup> DAY OF JULY, 2015.**

ATTEST:

/S/ JAMES E. SMITH  
MAYOR

/S/ DEBBIE HAVENS  
CLERK OF THE COMMISSION