

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20306

A RESOLUTION VACATING A PORTION OF CHARLIE RUSSELL DRIVE ADJACENT TO LOTS 2-4 IN THE SWANEY MINOR SUBDIVISION IN THE CITY OF HELENA, MONTANA

WHEREAS, the City of Helena Parks Department petitioned for the vacation of the cul-de-sac portion of Charlie Russell Drive adjacent to Lots 2-4 in the Swaney Minor Subdivision in Helena, Lewis and Clark County, Montana. The attached map shows the proposed vacation; and

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof that said cul-de-sac portion of Charlie Russell Drive in the Swaney Minor Subdivision be vacated; and

WHEREAS, a public hearing was held on this matter on the **26th day of September, 2016**, in the Commission Chambers in the City-County Building at 316 North Park Avenue in Helena, Montana.

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

Section 1. The Helena City Commission hereby conditionally approves the vacation of the cul-de-sac portion of Charlie Russell Drive adjacent to Lots 2-4 in the Swaney Minor Subdivision in Helena, Lewis and Clark County, Montana, be vacated.

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Section 2. This approval is conditioned upon satisfactory completion of the requirements set forth below. If these requirements are not completed within one (1) year from the date of this resolution, or as extended by the City Commission, this approval becomes void and the application for vacation is deemed denied. The requirements for completion of vacation are:

A. The City Parks and Recreation Department shall cause an amended plat to be prepared showing the proposed new boundary lines of the adjoining property to which title will revert upon vacation of the right-of-way.

The amended plat will be presented to the Commission for review and approval.

B. All pending taxes and special assessments levied against the properties affected by the proposed vacation must be paid in full. Kenneth and Elizabeth Eden shall furnish proof of payment of their taxes and special assessments to the City.

C. The transfer fee defined by Section 7-1-7 of the Helena City Code is hereby waived.

D. The amended plat must be filed and the appropriate deeds recorded with the Clerk and Recorder of Lewis & Clark County,

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Montana. The vacation is effective only upon the filing of the amended plat and recording of the deeds.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 26th DAY OF SEPTEMBER, 2016.

/S/ JAMES E. SMITH _____
MAYOR

ATTEST:

/S/ DEBBIE HAVENS _____
CLERK OF THE COMMISSION