

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20307

A RESOLUTION EXCHANGING LOT 4 FOR LOT 3 IN THE SWANEY MINOR SUBDIVISION

WHEREAS, Kenneth V. Eden and Elizabeth J. Eden own Lot 3 in the Swaney Minor Subdivision in the City of Helena, Lewis and Clark County, Montana as shown on Certificate of Survey No. 3036912 on file with the Lewis and Clark County Clerk and Recorder, generally located west of Charlie Russell Drive; and

WHEREAS, the City of Helena owns Lot 4 in the Swaney Minor Subdivision, in the City of Helena, Lewis and Clark County, Montana as shown on Certificate of Survey No. 3036912 on file with the Lewis and Clark County Clerk and Recorder, generally located north and west of Charlie Russell Drive; and

WHEREAS, the Prickly Pear Land Trust has released the deed restrictions on Lot 4 which limit the use thereof to non-motorized access and as open space by the general public, as reflected in the Warranty Deed between Prickly Pear Land Trust, Grantor, to the City of Helena, Grantee, and recorded in M Book 36 of Records, page 7358; and

WHEREAS, the Edens and the City desire to exchange ownership of their respective lots described above; and

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WHEREAS, Section 1-4-17 of the Helena City Code governs the process for the disposition of real property owned by the City; and

WHEREAS, the City Commission established conditions for this land exchange in the Land Exchange Agreement entered into between the City and the Edens on August 31, 2016; and

WHEREAS, the exchange of the property more particularly described above appears to be in the best interests of the present owners of the property and the City of Helena, Montana; and

WHEREAS, a public hearing was held on this matter on the **26th day of September, 2016**, in the City 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, AS FOLLOWS:

Section 1. The Helena City Commission hereby authorizes the exchange of ownership, with Kenneth V. Eden and Elizabeth J. Eden, of Lot 4 for Lot 3, both in the Swaney Minor Subdivision in the City of Helena, Lewis and Clark County, Montana as shown on Certificate of Survey No. 3036912 on file with the Lewis and Clark County Clerk and Recorder, generally located west of Charlie Russell Drive.

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Section 2. The City Manager is hereby authorized to sign any documents necessary to complete this property exchange.

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