

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19792

A RESOLUTION VACATING A PORTION OF ALEXANDER AVENUE AND A PORTION OF THE ALLEY RIGHT-OF-WAY, BOTH IN THE WOODLAWN PARK ADDITION IN THE CITY OF HELENA, MONTANA

WHEREAS, Colleen Hansen, the owner of the property adjacent to the following-described property in the City of Helena, Montana, has petitioned for the vacation of the 30-foot wide right-of-way of Alexander Avenue adjacent to Lot 1 in Block 7 and a portion of the 16-foot wide alley right-of-way between Lot 1 and Lot 48 in Block 7, both in the Woodlawn Park Addition in the City of Helena, County of Lewis and Clark, State of Montana, more particularly described as follows:

A 30-foot wide by 133.52-foot long portion of Alexander Avenue adjacent to Lot 1 in Block 7, and a 16-foot wide by 34.53-foot long portion of the alley right-of-way between Lot 1 and Lot 48 in Block 7, both in the Woodlawn Park Addition in the City of Helena, Lewis and Clark County, Montana.

The attached map shows the proposed vacations.

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof, that the portion of Alexander Avenue and said alley right-of-way described above be vacated; and

WHEREAS, a public hearing was advertised to be held on this resolution on the **1st day of November, 2010, at 6:00 p.m.** in the

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Commission Chambers at 316 North Park Avenue in Helena, Montana;
and

WHEREAS, subsequent to the hearing the City discovered that the Applicant needed the entire thirty foot width of Alexander Avenue right-of-way vacated for Applicant's use, but the notice for the public hearing was to vacate only fifteen feet of the Alexander Avenue right-of-way width; and

WHEREAS, on November 1, 2010, prior to the Mayor opening a public hearing on the vacation of fifteen feet of the Alexander Avenue right-of-way width, the City Engineer recommended that the City Commission not conduct a public hearing and allow the City to re-advertise the public hearing notice for the vacation of the entire thirty-foot width of Alexander Street right-of-way and hold the public hearing on November 15, 2010; and

WHEREAS, the City Commission agreed with the City Engineer's recommendation and did not take any action on the request for vacation of the fifteen feet and allowed the City Engineer to publish a revised public notice that the entire thirty-foot width of the Alexander Street right-of-way was intended for vacation; and

WHEREAS, a public hearing was advertised and held on this resolution on the **15th day of November, 2010, at 6:00 p.m.** in the

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Commission Chambers 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 vacation of the entire 30-foot width of the Alexander Avenue right-of-way adjacent to Lot 1 in Block 7 and a portion of the alley right-of-way between Lot 1 and Lot 48 in Block 7, both in the Woodlawn Park Addition in the City of Helena, County of Lewis and Clark, State of Montana, more particularly described above.

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. Applicant 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 rights-of-way.

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

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B. All pending taxes and special assessments levied against the property affected by the proposed vacation shall be paid in full. The Applicant shall furnish proof of payment of these taxes and special assessments.

C. The amended plat must be filed and the Quit Claim Deed recorded with the Clerk & Recorder for Lewis & Clark County, Montana. The vacation is effective only upon the filing of the amended plat and recording of the Quit Claim Deed.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 15th DAY OF NOVEMBER, 2010.**

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION