

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 19803

A RESOLUTION VACATING THE HOLLY STREET RIGHT-OF-WAY IN THE ANTELOPE TRACE PHASE OF CROSSROADS AT MOUNTAIN VIEW MEADOWS IN THE CITY OF HELENA, MONTANA

WHEREAS, R & D Partners, LLC, the owners of the property adjacent to the following-described property in the City of Helena, Montana, have requested vacation of the Holly Street right-of-way in the Antelope Trace Phase of Crossroads at Mountain View Meadows in the City of Helena, County of Lewis and Clark, State of Montana, more particularly described as follows:

The 60-foot wide Holly Street right-of-way north and south of Ascent Avenue as shown on the final plat of the Antelope Trace Phase of the Crossroads at Mountain View Meadows Subdivision, recorded under Document Number 3173428, filed in the records of the Clerk and Recorder of Lewis and Clark County, Montana, in the City of Helena, Montana

The attached map shows the proposed vacation.

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof, that the Holly Street right-of-way described above be vacated; and

WHEREAS, a public hearing was advertised and held on this resolution on the **20th day of December, 2010, at 6:00 p.m.** in the Commission Chambers at 316 North Park Avenue in Helena, Montana.

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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 full width of the Holly Street right-of-way in the Antelope Trace Phase of Crossroads at Mountain View Meadows Subdivision in the City of Helena, Lewis and Clark County, 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. Applicants 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.

B. All pending taxes and special assessments levied against the property affected by the proposed vacation shall be paid in

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full. The Applicants 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 20th DAY OF DECEMBER, 2010.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION