

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20026

A RESOLUTION OF INTENTION TO ANNEX THE EASTERN PORTION OF BLOCK 20 IN THE BOYCE ADDITION AND THE WEST ONE-HALF OF CLOSED AND VACATED MARKET STREET, THE ADJACENT PORTION OF CLOSED AND VACATED BUTTE AVENUE, AND THE FULL WIDTH OF THE ADJACENT MISSOULA AVENUE RIGHT-OF-WAY, ALL LOCATED IN LEWIS AND CLARK COUNTY, INTO THE CITY OF HELENA, MONTANA, AND ESTABLISH CONDITIONS FOR ANNEXATION

WHEREAS, Ed Maronick, the legal owner of the eastern portion of Block 20 in the Boyce Addition and the west one-half (1/2) of closed and vacated Market Street and the adjacent portion of closed and vacated Butte Avenue, in Lewis and Clark County, Montana, generally located north of Highway 12 East and east of Interstate 15, which property is currently located adjacent to the existing City limits, has requested that the City of Helena annex said property; and

WHEREAS, the City of Helena desires to annex said property and the full width of the Missoula Avenue right-of-way adjacent to said property under the provisions of Montana law; and

WHEREAS, the owner of the property in the territory to be annexed has 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

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WHEREAS, the annexation of the property and adjacent rights-of-way more particularly described above appears to be in the best interests of the present owner of the property 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 the eastern portion of Block 20 in the Boyce Addition and the west one-half (1/2) of closed and vacated Market Street and the adjacent portion of closed and vacated Butte Avenue, and the full width of the Missoula Avenue right-of-way adjacent to said property, generally located north of Highway 12 East and east of Interstate 15, all in Lewis and Clark County, Montana, as shown on Exhibit "A" attached hereto and by this reference made a part hereof.

This annexation will only be effective upon completion of the following conditions:

1. Infrastructure: The property owner must install all infrastructure improvements required by the City, to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the following improvements:

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A. Installation of water and wastewater mains in the Missoula Avenue right-of-way across the entire property frontage of the eastern portion of Block 20. If the Missoula Avenue right-of-way is vacated, a twenty-foot (20') utility easement must be granted to the City to access and maintain the water and wastewater mains.

B. Install the full width of Blaine Street to the intersection with Missoula Avenue and dedicate an additional twenty feet (20') of right-of-way for Blaine Street, as well as the necessary amount of right-of-way to accommodate the radius of a cul-de-sac.

C. Subject to the contingencies set forth below, install the full width of Missoula Avenue to the western property boundary of the eastern portion of Block 20, and install a twenty-foot (20') wide all-weather surface on the existing Market Street right-of-way to provide a secondary emergency services access route to Block 20.

(1) In the event the Missoula Avenue right-of-way adjacent to Blocks 20 and 21 is vacated, install the full width of Market Street to provide primary access to Block 20, and install a twenty-foot (20') wide all-weather surface to connect with Stanley Street as a secondary emergency services access route to Block 20.

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(2) In the event the Missoula Avenue right-of-way adjacent to Blocks 20 and 21 is vacated and those blocks are aggregated, provide secondary emergency access in the form of the installation of a twenty-foot (20') wide all-weather surface in the existing Market Street right-of-way.

D. Submit a Traffic Impact Study for full build out of the eastern portion of Block 20 for the zoning district designated by the City Commission, and install all recommended improvements that are identified by the Traffic Impact Study. The Traffic Impact Study must be submitted and may not be deferred pursuant to any agreement. Identified improvements may be deferred.

2. Review of New Construction: The property owner 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.

3. Taxes and Assessments: Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.

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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 8th DAY OF JULY, 2013.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION