

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **RESOLUTION NO. 20031**

### **A RESOLUTION VACATING THE FULL WIDTH OF THE BLAINE STREET RIGHT-OF-WAY BETWEEN BLOCKS 21 AND 22 IN THE BOYCE ADDITION IN THE CITY OF HELENA, MONTANA**

**WHEREAS, Westmoreland Company, Inc.,** the owner of the property adjacent to the following-described property in the City of Helena, Montana, petitioned for the vacation of the Blaine Street right-of-way between Blocks 21 and 22 in the Boyce Addition in the City of Helena, County of Lewis and Clark, State of Montana, more particularly described as follows:

Except for such portion of its north end necessary to allow for the construction of the cul-de-sac referenced in Helena City Commission Resolution No. 20026, the full width of the Blaine Street right-of-way between Blocks 21 and 22 in the Boyce Addition in the City of Helena, Lewis and Clark County, Montana, containing 12,000 square feet, more or less.

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 said right-of-way in the Boyce Addition be vacated; and

**WHEREAS,** a public hearing was held on this matter on the **19<sup>th</sup> day of August, 2013,** 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:**

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**Section 1.** The Helena City Commission hereby conditionally approves the vacation of the full width of Blaine Street between Blocks 21 and 22 in the Boyce Addition 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 right-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 full. Applicants shall furnish proof of payment of these taxes and special assessments.

**C.** Applicants shall pay a transfer fee as defined by Section 7-1-7 of the Helena City Code for the vacated right-of-way, subject

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to reduction for the value of the additional right-of-way to be dedicated attendant to the development of Blaine Street to the north as contemplated by Resolution No. 20026. The value of that additional right-of-way shall be calculated in accordance with Section 7-1-7 of the Helena City Code, but in no event shall the reduction amount exceed the transfer fee amount. The transfer fee, if any, must be paid prior to filing the amended plat and recording the Quit Claim Deed transferring title to Applicants.

**D.** 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.

**E.** Applicants shall grant the City a utility easement for maintenance and operation of the sewer main that is currently located in the platted public right-of-way. The easement must be at least ten feet (10') on either side of the main.

**F.** Applicants shall grant utility easements to the private utility companies that have gas, fiber optic, and telephone lines currently located in the platted right-of-way.

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PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 19<sup>th</sup> DAY OF AUGUST, 2013.

/S/ James E. Smith

MAYOR

ATTEST:

/S/ Debbie Havens

CLERK OF THE COMMISSION