

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20063

**A RESOLUTION VACATING THE FULL WIDTH OF THE PLATTED,
UNCONSTRUCTED ALLEY RIGHT-OF-WAY BETWEEN LOTS 7-11
AND 24-28 IN BLOCK 8 OF THE COURTHOUSE ADDITION
IN THE CITY OF HELENA, MONTANA**

WHEREAS, Neil Templeton and Erin McMahon, the owners of the property adjacent to the following-described property in the City of Helena, Montana, petitioned for the vacation of the platted, unconstructed alley right-of-way between Lots 7-11 and 24-28 in Block 8 of the Courthouse Addition in the City of Helena, County of Lewis and Clark, State of Montana, more particularly described as follows:

The 16-foot wide, 125-foot long east/west alley right-of-way between Lots 7-11 and 24-28 in Block 8 of the Courthouse Addition in the City of Helena, Lewis and Clark County, Montana, containing 2,000 square feet, more or less.

The attached map shows the property to be vacated.

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof, that said alley right-of-way in the Courthouse Addition be vacated; and

WHEREAS, a public hearing was held on this matter on the 2nd day of December, 2013, in the City Commission Chambers in the City-County Building 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 alley right-of-way between Lots 7-22 and 24-28 in Block 8 of the Courthouse 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

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full. The Applicants shall furnish proof of payment of these taxes and special assessments.

C. Applicants shall either (1) pay a transfer fee as defined by Section 7-1-7 of the Helena City Code for the 2,000 square feet of alley right-of-way or (2) enter into an agreement with the City of Helena to transfer ownership to the City of a portion of Applicants' real property equivalent in value to the amount of the applicable transfer fee. Payment of the transfer fee or transfer of ownership of the exchanged property must occur prior to filing the amended plat and recording the Quit Claim Deed transferring title of the alley right-of-way 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.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 2nd DAY OF DECEMBER, 2013.**

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION