

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20213

A RESOLUTION OF INTENTION TO ANNEX LOTS 1 AND 2 IN BLOCK 2 OF THE HIGHLAND PARK SUBDIVISION, IN LEWIS AND CLARK COUNTY, MONTANA, AND THE PORTIONS OF STUART STREET AND GLEN AVENUE RIGHTS-OF-WAY ADJACENT THERETO, INTO THE CITY OF HELENA, MONTANA, AND ESTABLISH CONDITIONS FOR ANNEXATION

WHEREAS, Ronald and Barbara Marcoux and Dan Anderson and Susan Bailey-Anderson, the legal owners of Lots 1 and 2 in Block 2 of the Highland Park Subdivision, generally located at 2451 and 2575 Stuart Street, west of Granite Street and south of Stuart Street, in Lewis and Clark County, Montana, which property is adjacent to the existing City limits, have requested that the City of Helena annex said property; and

WHEREAS, the City of Helena desires to annex said property and the portions of Stuart Street and Glen Avenue rights-of-way adjacent thereto, under the provisions of Montana law; and

WHEREAS, the owners of the property in the territory to be annexed have 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 more particularly described above appears to be in the best interests of the present owners 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 Lots 1 and 2 in Block 2 of the Highland Park Subdivision and the adjacent Stuart Street and Glen Avenue rights-of-way, generally located at 2451 and 2575 Stuart Street, west of Granite Street and south of Stuart Street, in Lewis and Clark County, Montana, which property is adjacent to the existing City limits, 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 owners must install all infrastructure improvements required by the City of Helena, to City standards, or enter into a development agreement acceptable to the City that defines responsibility for installation or deferment of the improvements including, but not limited to, (a) signing a waiver of the right to protest an SID for future street

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improvements; (b) installation of a wastewater main and appurtenant facilities in Stuart Street across the frontage of the properties; and (c) installation of a water main and appurtenant facilities in Stuart Street across the frontage of the properties.

2. **Review of New Construction:** The property owners 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.

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.

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5. Completion of Conditions: These annexation conditions must be completed within one (1) year of the date of approval of this resolution. The property owners 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 14<sup>th</sup> DAY OF SEPTEMBER, 2015.**

/S/ JAMES E. SMITH  
MAYOR

**ATTEST:**

/S/ DEBBIE HAVENS  
CLERK OF THE COMMISSION