

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20217

**A RESOLUTION OF INTENTION TO ANNEX LOT 4A SHOWN ON COS #3035465,
IN LEWIS AND CLARK COUNTY, MONTANA, AND THE PORTION OF GREEN
MEADOW DRIVE RIGHT-OF-WAY ADJACENT THERETO,
INTO THE CITY OF HELENA, MONTANA,
AND ESTABLISH CONDITIONS FOR ANNEXATION**

WHEREAS, Peter and Jeanida Donovan, the legal owners of Lot 4A shown on Certificate of Survey No. 3035465, in Lewis and Clark County, Montana, generally located east of Green Meadow Drive and north of Andesite Avenue, 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 portion of Green Meadow Drive right-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

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.

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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 Lot 4A shown on Certificate of Survey No. 3035465, in Lewis and Clark County, Montana, and the portion of Green Meadow Drive right-of-way adjacent thereto, 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 improvements listed below.

a. Sign a waiver of the right to protest an SID for future street improvements.

b. Dedicate and install public right-of-way for the northward extension of Benton Avenue across the subject property. The property owner is responsible for costs of surveying and dedication.

c. Install two five foot (5') wide, east-west sidewalks or a ten foot (10') wide combination bike/pedestrian path (or

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some combination thereof) that connects Green Meadow Drive to Benton Avenue and from Benton Avenue to the open space park to city engineering standards as part of a combined total twenty feet (20') wide non-motorized public access easement. The property owner is responsible for costs of surveying and dedication.

d. Dedicate a twenty foot (20') wide non-motorized public access easement to connect Sandstone Way to the above mentioned east-west non-motorized public access easement. Install a ten foot (10') wide combination bike/pedestrian path to city engineering standards within this easement. The property owner is responsible for costs of surveying and dedication.

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

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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.

5. **Completion of Conditions:** These annexation conditions must be completed within three (3) years 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 5th DAY OF OCTOBER, 2015.**

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION