

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20272

A RESOLUTION OF INTENTION TO ANNEX LOTS 31 and 32 IN BLOCK 182, PARTIALLY IN THE SYNDICATE ADDITION AND PARTIALLY IN THE BROOKE ADDITION, AND THE FULL WIDTH OF THE ADJACENT CHOTEAU STREET AND ALLEY RIGHT-OF-WAY, LOCATED IN LEWIS AND CLARK COUNTY, INTO THE CITY OF HELENA, MONTANA, AND ESTABLISH CONDITIONS FOR ANNEXATION

WHEREAS, Margery Wilmer, the legal owner of Lots 31 and 32 in Block 182, located partially in the Syndicate Addition and partially in the Brooke Addition, in Lewis and Clark County, Montana, generally located north of Choteau Street and east of Winston Street, 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 adjacent portions of Choteau Street and alley right-of-way under the provisions of Montana law; and

WHEREAS, the owner 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

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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 31 and 32 in Block 182, located partially in the Syndicate Addition and partially in the Brooke Addition, in Lewis and Clark County, Montana, generally located north of Choteau Street and east of Winston Street, and the adjacent streets and alley rights-of-way noted above, located 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 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, as shown below:

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

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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.

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

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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, 11th DAY OF JULY, 2016.

/S/ JAMES E. SMITH
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION