

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20278

A RESOLUTION VACATING THE FULL WIDTH OF THE EAST-WEST ALLEY RIGHT-OF-WAY BETWEEN LOTS 1-5 AND LOT 6 IN BLOCK 1 OF THE GRAND AVENUE ADDITION IN THE CITY OF HELENA, MONTANA

WHEREAS, Mergenthaler Family, LLC, the owner of the property adjacent to the following-described property in the City of Helena, Montana, has petitioned for the vacation of the east-west alley right-of-way between Lots 1-5 and Lot 6 in Block 1 of the Grand Avenue Addition in the City of Helena, County of Lewis and Clark, State of Montana. The attached map shows the proposed vacation; and

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 Grand Avenue Addition be vacated; and

WHEREAS, a public hearing was held on this matter on the **25th day of July, 2016**, 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:

Section 1. The Helena City Commission hereby vacates the east-west alley right-of-way between Lots 1-5 and Lot 6 in Block 1 of the Grand Avenue Addition in the City of Helena, County of Lewis and Clark, State of Montana.

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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. The City of Helena and the Applicant 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 rights-of-way.

The amended plat will be presented to the Commission for review and approval.

B. All pending taxes and special assessments levied against the properties affected by the proposed vacation must be paid in full. Applicant shall furnish proof of payment of these taxes and special assessments.

C. Applicant shall pay a transfer fee as defined by Section 7-1-7 of the Helena City Code for the 2,142 (approximately) square feet of vacated alley right-of-way. This fee must be paid prior to filing the amended plat and recording the Quit Claim Deed transferring title to Applicant.

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D. The amended plat must be filed and the Quit Claim Deed recorded with the Clerk & Recorder of Lewis & Clark County, Montana. The vacation is effective only upon the filing of the amended plat and recording of the Quit Claim Deed.

Section 2. A public hearing on the vacation of said right-of-way shall be held before the Helena City Commission in its chambers at 316 North Park Avenue in Helena, Montana, on **July 25, 2016 at 6:00 p.m.**

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 25th DAY OF JULY, 2016.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION