

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20349

**A RESOLUTION OF INTENTION TO ANNEX FIVE PROPERTIES LEGALLY DESCRIBED BELOW; GENERALLY LOCATED NORTH OF BROADWATER AVENUE AND WEST OF SPRING MEADOW LAKE, IN LEWIS AND CLARK COUNTY, MONTANA, INTO THE CITY OF HELENA, MONTANA, AND ESTABLISH CONDITIONS FOR ANNEXATION**

**WHEREAS, M & J. Leasing,** the legal owner of (1) a tract of land more particularly described by metes and bounds on that Warranty Deed recorded under Document No. 3025255, (2) a tract of land more particularly described by metes and bounds on that Warranty Deed recorded under Document No. 3025256, (3) Tract B1 more particularly described on that Corporation Warranty Deed recorded under Document No. 3100363, (4) a tract of land more particularly described by metes and bounds on that Quitclaim Deed recorded under Document No. 3286611, and **James E. George and Barbara A. Thompson,** the legal owners of (5) a tract of land more particularly described on that Warranty Deed recorded in Book M2. Page 3593, all in Lewis and Clark County, Montana, generally located north of Broadwater Avenue and west of Spring Meadow Lake with property addresses of 2770, 2782, 2784, 2786, 2812 Broadwater Avenue, in Lewis and Clark County, Montana, which property is not currently located adjacent to the existing City limits but is located within the "Urban Standards Boundary Area", has requested that the City of Helena annex said

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property; and

**WHEREAS**, the City of Helena desires to annex said property under the provisions of Montana law; and

**WHEREAS**, the owners of 100% of the property to be annexed have petitioned for 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 owner 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 (1) a tract of land more particularly described by metes and bounds on that Warranty Deed recorded under Document No. 3025255, (2) a tract of land more particularly described by metes and bounds on that Warranty Deed

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recorded under Document No. 3025256, (3) Tract B1 more particularly described on that Corporation Warranty Deed recorded under Document No. 3100363, (4) a tract of land more particularly described by metes and bounds on that Quitclaim Deed recorded under Document No. 3286611, and **James E. George and Barbara A. Thompson**, the legal owners of (5) a tract of land more particularly described on that Warranty Deed recorded in Book M2. Page 3593, all in Lewis and Clark County, Montana, generally located north of Broadwater Avenue and west of Spring Meadow Lake with property addresses of 2770, 2782, 2784, 2786, 2812 Broadwater Avenue, in Lewis and Clark County, Montana, which property is not currently located adjacent to the existing City limits but is located within the "Urban Standards Boundary Area," 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

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to the

City that defines responsibility for installation or deferment of the improvements, as shown below:

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

b) install a water main and appurtenant facilities across the eastern frontage of the properties according to the Helena West Side Infrastructure Study, Final Plan dated April 2002.

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

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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 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 26<sup>th</sup> DAY OF JUNE, 2017.**

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          /S/ JAMES E. SMITH            
MAYOR

ATTEST:

          /S/ DEBBIE HAVENS            
CLERK OF THE COMMISSION

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## EXHIBIT "A"

### James George Annexation Old Kessler Brewery and Adjacent Properties Vicinity Map Exhibit "A"

