

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20419

A RESOLUTION VACATING THE NORTH SANDERS STREET RIGHT-OF-WAY BETWEEN BLOCKS 31 AND 44 IN THE NORTHERN PACIFIC ADDITION AND THE CONRAD-STANFORD ADDITION SOUTH OF THE EAST-WEST ALLEY IN BLOCK 44 IN THE NORTHERN PACIFIC ADDITION AND CONRAD-STANFORD ADDITION TO LIVINGSTON AVENUE, AND THE EAST-WEST ALLEY RIGHT-OF-WAY ADJACENT TO LOTS 1-4 IN BLOCK 44 IN THE NORTHERN PACIFIC ADDITION, ALL IN THE CITY OF HELENA, MONTANA

WHEREAS, Helena School District #1, the owner of the property adjacent to the following-described public rights-of-way in the City of Helena, Montana, has petitioned for vacation the North Sanders Street right-of-way between Blocks 31 and 44 in the Northern Pacific Addition and the Conrad-Stanford Addition south of the east-west alley in Block 44 in the Northern Pacific Addition and Conrad-Stanford Addition to Livingston Avenue, and the east-west alley right-of-way adjacent to Lots 1-4 in Block 44 in the Northern Pacific Addition, all in Helena, Lewis and Clark County, Montana. The attached maps show the proposed vacations; and

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof that the rights-of-way described above be vacated; and

WHEREAS, a public hearing was held on this matter on the 20th day of November, 2017, at 6:00 p.m. in the City Commission

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Chambers 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 conditionally approves the vacation of the North Sanders Street right-of-way between Blocks 31 and 44 in the Northern Pacific Addition and the Conrad-Stanford Addition south of the east-west alley in Block 44 in the Northern Pacific Addition and Conrad-Stanford Addition to Livingston Avenue, and the east-west alley right-of-way adjacent to Lots 1-4 in Block 44 in the Northern Pacific Addition, all in Helena, Lewis and Clark County, Montana, all in Helena, Lewis and Clark County, Montana.

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. Applicant shall replace the City wastewater main and

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stormwater main located in Sanders Street between Boulder Avenue and Livingston Avenue and relocate manhole DG-2-22 to a mutually agreeable location. This condition may be met via an agreement with the City that defines the timing for the replacement and relocation of the infrastructure described above.

B. Applicant shall enter into an agreement with the City obligating the Applicant to reimburse the City for any cost or expense that is above and beyond normal repair or maintenance of the wastewater or stormwater mains due to that infrastructure being located under improvements made by the Applicant.

C. Applicant shall grant the City an exclusive utility easement(s), via an easement document(s) approved by the City, for the repair and maintenance of the new wastewater and stormwater mains. Said easement(s) shall not require the City to restore or otherwise be responsible for costs of restoration of Applicant's improvements within the utility easement(s). Applicant shall bear all costs for preparation of any exhibit(s) for the utility easement(s).

D. Applicant shall obtain City approval for on-street parent and bus parking plans. The plans for on-street parent and

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bus parking shall meet Helena City Code, City of Helena Engineering Standards, and the City's Complete Streets Policy. If the proposed parking plan does not meet those standards a deviation or variance will be required.

E. 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 these rights-of-way. The amended plat shall be presented to the Commission for review and approval.

F. All pending special assessments levied against the property affected by the proposed vacation shall be paid in full. Applicant shall furnish proof of payment of these special assessments to the City.

G. The amended plat must be filed and any deeds required must be recorded with the Clerk & Recorder of Lewis & Clark County, Montana. This vacation is effective only upon the filing of the amended plat and recording of the deed(s).

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 20th DAY OF NOVEMBER, 2017.

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ATTEST:

/S/ JAMES E. SMITH _____
MAYOR

/S/ DEBBIE HAVENS _____
CLERK OF THE COMMISSION