

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20490

### A RESOLUTION ANNEXING AND INCORPORATING WITHIN THE BOUNDARIES OF THE CITY OF HELENA THE WHOLLY SURROUNDED AREA EAST OF GRANITE STREET, SOUTH OF HIGHWAY 12 WEST, AND GENERALLY WEST OF THE EXISTING CITY LIMITS

WHEREAS, the City of Helena desires to annex the following described property, together with the full width of all platted streets and alley rights-of-way adjacent thereto:

Lots 1-16 in Block 180 which is partially in the Brooke Addition and partially in the Syndicate Addition.

Lots 1-28 in Block 181 which is partially in the Brooke Addition and partially in the Syndicate Addition.

Lots 1-30 in Block 182 and all of the Block 183 which are partially in the Syndicate Addition and partially in the Wallace's Subdivision in the Syndicate Addition.

Lots 1-16 and 21-32 in 192, which is partially in the Ames Addition and partially in the Brooke Addition; all of Blocks 194 and 204 which are partially in the Brooke Addition and partially in the Ames Addition.

All of Blocks 300, 301, 302, Lots 1-9 and 13-18 in Block 303, 304, 313, and 314 of the Brooke Addition.

All of Blocks 305 and 312 of the Bellevue Addition.

All of Block 191 partially in the Ames Addition and partially in the Syndicate Addition,

Lots 1-6 and 11-36 in Block 195, all of Block 196, less U.S. Highway 12 right-of-way, Lots 13-32 in Block 202, Lots 1-25 and the adjacent vacated in Block 203, all of Block 205, Lot 14-A in Block 206, all of the Ames Addition.



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All of Block 12 of the Highland Park Addition.

The above-described properties are generally located east of Granite Street, south of Highway 12 West, and generally west of the existing city limits;

**WHEREAS,** the properties described herein are wholly surrounded by land which is incorporated within the boundaries of the City of Helena, it is the decision of the Helena City Commission to consider this annexation pursuant to the statutory wholly surrounded land method of annexation set forth in Title 7, Chapter 2, Part 45 Montana Code Annotated (MCA);

**WHEREAS,** a service plan has been prepared to assist the City Commission in determining whether the City is able to provide, in addition to the current sewer services, municipal police protection, fire protection, street maintenance, and other municipal services to the property to be annexed on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation;

**WHEREAS,** said services will be available and commence upon the effective date of the annexation;

**WHEREAS,** in the judgment of the Helena City Commission the

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City is able to provide municipal services to the area proposed for annexation in accordance with the service plan attached as Exhibit "B" and being considered with this resolution;

**WHEREAS**, it is deemed to be in the best interest of the City and the inhabitants thereof as well as the current and future inhabitants of the lands to be annexed as described above, which lands are contiguous to and wholly surrounded by the corporate limits of the City of Helena, that the boundaries of the City of Helena shall be extended to include the same within the corporate limits; and

**WHEREAS**, a public hearing was held by the Commission on September 24, 2018, in the City Commission Chambers, 316 North Park Avenue, in Helena, Montana.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, AS FOLLOWS:**

**Section 1.** The Helena City Commission hereby annexes the above-described wholly surrounded property and the full width of the platted streets and alley rights-of-way adjacent thereto, as shown on Exhibit "A" attached hereto.

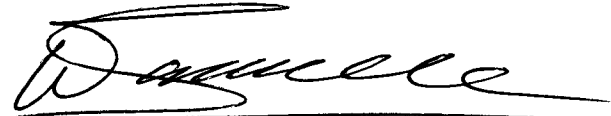
**Section 2.** The Helena City Commission approves the plan for extension of services Exhibit "B," attached hereto.

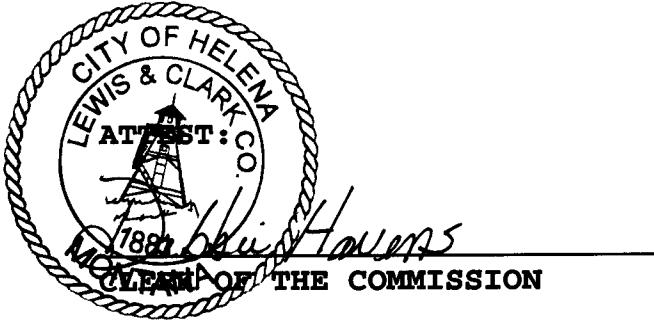
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**Section 3.** This Resolution will become effective as of December 1, 2018.

**PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,  
THIS 24<sup>th</sup> DAY OF SEPTEMBER, 2018.**

  
MAYOR

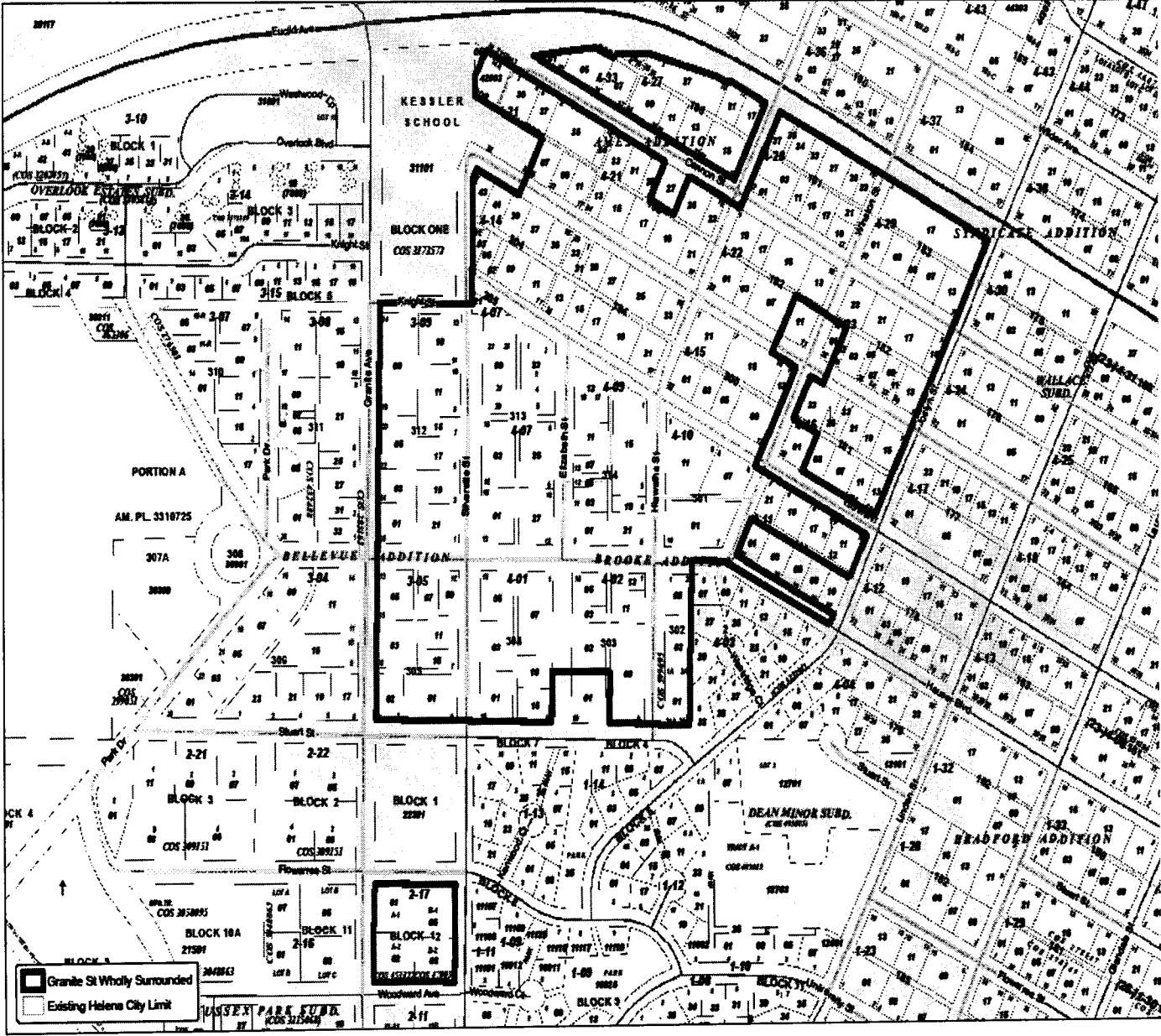


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## EXHIBIT "A"

Westside Annexation (Granite St Wholly Surrounded)



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## EXHIBIT "B"

### Annexation Plan for Extension of Services

This plan is intended to comply with the requirements of §§7-2-4506 and 7-2-4732, MCA. Services to the wholly surrounded properties west of Joslyn Street and east of Granite Street will be available and provided according to this plan.

EMERGENCY SERVICES: Fire protection is currently provided to the area by the Helena Fire Department pursuant to the Westside Fire Service Area contract. Once annexed, emergency service response will be provided by both the Helena Police Department and the Helena Fire Department in the same manner as all property owners in the City. The Fire Department would also provide building inspections and plan review for compliance with the current Fire Codes.

SOLID WASTE COLLECTION: The wholly surrounded area does not currently receive solid waste collection from the city. §7-2-4736, MCA, precludes the city from being the exclusive provider of solid waste collection. As a result, the city will make commercial and residential solid waste collection available to those who request such service. For residential customers, solid waste service is funded through an annual assessment against the property to be served. Commercial solid waste service is billed on a monthly basis. Residents that pay their annual assessment for solid waste service will receive a permit to utilize the transfer station. Residents that have chosen to hire a different solid waste hauler do not receive a permit and will have to pay tipping fees as a cash customer.

STREET IMPROVEMENTS AND MAINTENANCE: The wholly surrounded area to be annexed is largely already platted into lots and blocks with adjacent public rights-of-way to all lots and blocks. Those public rights-of-way are generally not improved to city of Helena standards and lack pavement, curb and gutter, and facilities for pedestrians. The improvement of streets in public rights-of-way including the construction of sidewalks and curbs and gutter are not immediately contemplated to be done by

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the city of Helena. Funding of street improvements to existing streets within public rights-of-way to city standards may be done via special improvement district(s). Extension of future public rights-of-way and improvements thereon will be the responsibility of the property owner desiring such extension. As well, §7-4-2, Helena City Code, permits the city commission to order the adjacent property owner to install curb and gutter and sidewalks. Such infrastructure is also required with the construction and occupancy of the primary structure. Such requirement may be waived by the city commission upon the granting of a variance. Such improvement requirements are the same as those placed upon property owners currently within the city.

Maintenance of alleys and streets in public rights-of-way will be conducted in accordance with standard operating procedures of the city of Helena in substantially the same basis as the rest of the city.

Stormwater facilities will generally be installed at the time that the public rights-of-way are improved and receive paving, curb and gutters and will be financed at the time those improvements are made. All other stormwater facilities will be handled in the same manner as the rest of the City and will be subject to the same requirements.

WATER AND WASTEWATER UTILITY SERVICE: The wholly surrounded area has city water mains in some locations. The city's water and wastewater systems have the capacity to provide service to the wholly surrounded area. A majority of the property in the area is already connected to the city's public drinking water supply system via mains in public rights-of-way. The same cannot be said for wastewater collection. As a result, any necessary water and wastewater main extensions and appurtenant facilities to provide service to properties will be extended as needed by and at the expense of the requesting property owner pursuant to §§ 6-2-6 and 6-3-4, Helena City Code.

The city may construct and install water distribution and wastewater collection mains and appurtenant facilities necessary to serve properties in the wholly surrounded area. However, it

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is still the general obligation of the property owner to extend water and wastewater main across the frontage of their property according to their need for such services on the property. If a city project to install water distribution and wastewater collection infrastructure and appurtenant facilities is completed it is expected that city will require individual property owners to reimburse the city a proportional share based on an equitable methodology determined by the city commission on a project by project basis. The city has the intention to install water distribution and wastewater collection infrastructure in the wholly surrounded area by the end of 2025.

Once annexed into the City all tax burdens for services will be shared equally and on the same basis as current city residents across the entire municipality. There are no special districts serving the area that will be affected by annexation