

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20515

A RESOLUTION OF INTENTION TO ANNEX LOTS 3 and 4 IN BLOCK 2 OF THE HIGHLAND PARK SUBDIVISION, IN LEWIS AND CLARK COUNTY, MONTANA, AND THE PORTIONS OF FLOWERREE STREET AND GLEN AVENUE RIGHTS-OF-WAY ADJACENT THERETO, INTO THE CITY OF HELENA, MONTANA, AND ESTABLISH CONDITIONS FOR ANNEXATION

WHEREAS, Mark and Theresa Maleski, the legal owners of Lot 3 in Block 2 of the Highland Park Subdivision, as shown on COS #309151, generally located at the northwest corner of Flowerree Street and Granite Avenue, in Lewis and Clark County, Montana, which property is adjacent to the existing City limits, have requested that the City of Helena annex said property;

WHEREAS, Jeffrey L. and Andra L. Allen, the legal owners of Lot 4 in Block 2 of the Highland Park Subdivision, as shown on COS #309151, generally located west of Granite Street and north of Flowerree Street, in Lewis and Clark County, Montana, which property is adjacent to the existing City limits, have requested that the City of Helena annex said property;

WHEREAS, the City of Helena desires to annex said properties and the portion of Flowerree Street and Glen Avenue rights-of-way adjacent thereto, under the provisions of Montana law;

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WHEREAS, the owners of the properties in the territory to be annexed have signed a written application requesting annexation to the City of Helena pursuant to statute;

WHEREAS, pursuant to § 7-2-4601, MCA, the governing body need not submit the question of annexation to the qualified electors, and have approved the applications upon their merits; and

WHEREAS, the annexation of the properties more particularly described above appears to be in the best interests of the present owners of the properties 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 3 and 4 in Block 2 of the Highland Park Subdivision, as shown on COS #309151, and the adjacent Flowerree Street and Glen Avenue rights-of-way, generally located west of Granite Street and north of Flowerree Street, in Lewis and Clark County, Montana, which property is adjacent to the existing City

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limits, 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 to the City that defines responsibility for installation or deferment of the improvements including, but not limited to, (a) signing a waiver of the right to protest an SID for future street improvements and (b) installation of water and wastewater mains and appurtenant facilities in Flowerree Street across the frontage of the property.

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

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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 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 properties and may discontinue any City services to the properties, including water and sewer service.

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PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF
HELENA, MONTANA, THIS 25th DAY OF MARCH 2019.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION