

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20524

### A RESOLUTION VACATING THE HOWIE STREET RIGHT-OF-WAY ADJACENT TO LOT 9 AND THE WEST 25 FEET OF LOTS 11 THROUGH 14 IN BLOCK 4 OF THE HELENA TOWNSITE 1869, IN THE CITY OF HELENA, MONTANA

**WHEREAS**, Kathryn Wright, the owner of the property adjacent to the following described public right-of-way property in the City of Helena, Montana, has petitioned for the vacation of the eastern portion of Howie Street adjacent to Lot 9 and the west 25 feet of Lots 11 through 14 in Block 4 of the Helena Townsite 1869, as shown on Certificate of Survey No. 3065974 in Helena, Lewis and Clark County, Montana;

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

**WHEREAS**, a public hearing was held on this matter on the 22<sup>nd</sup> day of April, 2019, at 6:00 p.m. in the City Commission 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 a 2,548 square foot portion Howie Street right-of-way, as shown on the attached Exhibit "A," adjacent to

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Lot 9 and the west 25 feet of Lots 11 through 14 in Block 4 of the Helena Townsite 1869, as shown on Certificate of Survey No. 3065974 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.** 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 \$21,632.52 transfer fee as defined by Section 7-1-7 of the Helena City Code for the 2,548 square feet

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of vacated right-of-way. This fee must be paid prior to filing the amended plat and recording the Quit Claim Deed transferring title to Applicant.

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.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 6<sup>th</sup> DAY OF MAY, 2019.**

**/S/ WILMOT J. COLLINS**  
**MAYOR**

**ATTEST:**

**/S/ DEBBIE HAVENS**  
**CLERK OF THE COMMISSION**