

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20578

### A RESOLUTION VACATING THE 1<sup>ST</sup> STREET RIGHT-OF-WAY BETWEEN BLOCK 567 IN THE EASTERLY ADDITION AND BLOCK 1A IN THE COURTHOUSE ADDITION AND A PORTION OF THE SOUTH HOBACK STREET RIGHT-OF-WAY ADJACENT TO LOT 1A-1 OF BLOCK 1A OF THE COURTHOUSE ADDITION IN THE CITY OF HELENA, MONTANA

**WHEREAS**, Section 7-1-7, Helena City Code, and Section 7-3-4448, MCA, permit the City Commission to vacate public rights-of-way and govern the process to do so;

**WHEREAS**, Bonnie Adee and Frank C. Crowley, David A. Nimick and Angie S. Leprohon, and Cheryl A. Lamb, the owners of the property adjacent to 1<sup>st</sup> Street in the City of Helena, Montana, have petitioned for the vacation of the full width of the 1<sup>st</sup> Street right-of-way between Lots 11 through 20 of Block 567 of the Easterly Addition and Lots 2A and Lot 1A-1 of Block 1A of the Courthouse Addition, in the City of Helena, County of Lewis and Clark, Montana, as shown on Certificates of Survey Nos. 3255657 and 3318059;

**WHEREAS**, Cheryl A. Lamb, the owner of the property adjacent to South Hoback Street in the City of Helena, Montana, has petitioned for the vacation of the western half of the South Hoback Street right-of-way adjacent to Lot 1A-1 of the Courthouse Addition, in the City of Helena, County of Lewis and Clark, Montana

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. 20578

as shown on Certificates of Survey Nos. 3255657 and 3318059;

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

**WHEREAS**, a public hearing was held on this matter on the 21<sup>st</sup> day of October, 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 the full width of the 1<sup>st</sup> Street right-of-way between Lots 11 through 20 of Block 567 of the Easterly Addition and Lots 2A and Lot 1A-1 of Block 1A of the Courthouse Addition as shown on Certificates of Survey Nos. 3255657 and 3318059, all in the City of Helena, County of Lewis and Clark, Montana.

**Section 2.** The Helena City Commission hereby conditionally approves the vacation of the western half of the South Hoback Street right-of-way adjacent to Lot 1A-1 of the Courthouse Addition as shown on Certificates of Survey Nos. 3255657 and 3318059, in

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. 20578

the City of Helena, County of Lewis and Clark, Montana.

**Section 3.** 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 Applicants shall cause an amended plat to be prepared showing the proposed new boundary lines of the adjoining properties 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. Applicants shall furnish proof of payment of these taxes and special assessments.

**C.** The following transfer fees must be paid as defined by Section 7-1-7 of the Helena City Code prior to filing the amended plat and recording the Quit Claim Deeds transferring title to Applicants:

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. 20578

- (1) Crowley/Adee - Lots 11-14 of Block 567 Easterly Addition - shall pay a \$26,626.89 transfer fee for the 5,877 square feet of vacated right-of-way.
- (2) Lamb - Lot 2A Block 1A Courthouse Addition - Hoback portion - shall pay a \$6,006.79 transfer fee for the 1,443.94 square feet of vacated right-of-way.
- (3) Lamb - Lot 1A-1 Block 1A Courthouse Addition - 1<sup>st</sup> Street frontage - shall pay a \$38,199.45 transfer fee for the 8,432.6 square feet of vacated right-of-way.
- (4) Nimick/Leprohon - Lot 2A Block 1A Courthouse Addition - 1<sup>st</sup> Street frontage - shall pay a \$33,940.79 transfer fee for the 7,492.45 square feet of vacated right-of-way.

D. The amended plat must be filed and the Quit Claim Deeds 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 Deeds.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 21<sup>st</sup> DAY OF October, 2019.**

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol. 20578

/S/ ANDRES HALADAY  
MAYOR PRO TEM

ATTEST:

/S/ DANNAI CLAYBORN  
CLERK OF THE COMMISSION