

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20607

**A RESOLUTION CONDITIONALLY GRANTING RED ALDER RESIDENCES 9%, LLLP, A WAIVER OF \$138,929.99 IN BUILDING FEES AND \$95,824.75 IN WATER AND WASTEWATER SYSTEM DEVELOPMENT FEES FOR THE RED ALDER RESIDENCES LOCATED AT 2200 HENDERSON STREET**

**WHEREAS**, the City Commission adopted Ordinance No. 3277 which allows the City Commission, by resolution, and at its sole discretion, to waive the imposition of a portion or all of any fee imposed by the provisions of Title 3 of the Helena City Code for an affordable housing project;

**WHEREAS**, Red Alder Residences 9%, LLLP is developing affordable housing, known as the Red Alder Residences at 2200 Henderson Street in the City of Helena;

**WHEREAS**, Red Alder Residences consists of eighty-five (85) affordable units that serve individuals and families who earn 60% or lower of the area median income. Thirty-four of these units will also serve persons with disabilities. The total cost of the project is \$20,632,825;

**WHEREAS**, Red Alder Residences 9%, LLLP has applied for a waiver of \$138,929.99 in building fees and \$95,824.75 in water and wastewater system development fees; and

**WHEREAS**, the City Commission has considered the information contained in the application, the information presented before the

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City Commission, and whether requirements of § 3-1-5(D), Helena City Code are satisfied by considering:

- (a) The size of the project;
- (b) The number of persons proposed to be served;
- (c) The financial capability of the applicant to pursue the project without fee waiver;
- (d) The length of time the project is guaranteed to remain affordable;
- (e) The manner in which the applicant has guaranteed the project will remain affordable; and
- (f) Any other factor the City Commission deems relevant.

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

**Section 1.** The Helena City Commission finds:

A. The Red Alder Residences 9%, LLLP, meets the definition of affordable housing project as defined by § 3-1-5(D), Helena City Code.

B. The waiver will not jeopardize the financial interests of the City.

**Section 2.** The Helena City Commission hereby conditionally grants the waiver of \$138,929.99 in building fees and \$95,824.75

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in water and wastewater system development fees for the Red Alder Residences located at 2200 Henderson Street and as shown on the attached Exhibit "A." This waiver is conditioned as set forth below:

A. Red Alder Residences must comply with the October 22, 2019 Declaration of Restrictive Covenants for Low-Income Housing Credits, document number 3345121 with the Lewis and Clark County Clerk and Recorder for the term of those Covenants.

B. Red Alder Residences 9%, LLLP, must provide a copy of all reporting and certification to the City concurrent with provision to the Montana Board of Housing.

**Section 3.** If the city determines that Red Alder Residences 9%, LLLP has violated any condition imposed in connection with this fee waiver, the city may seek the full balance of the waived fees, which may be attached as a lien against the property.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 22<sup>nd</sup> DAY OF JUNE, 2020.**

/S/ WILMOT COLLINS  
MAYOR

**ATTEST:**

/S/ DANNAI CLAYBORN  
CLERK OF THE COMMISSION