

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20620

**A RESOLUTION OF INTENTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A BUY-SELL AGREEMENT TO SELL 2,259 SQUARE FEET OF UNUSED CITY PROPERTY IN THE BELT VIEW PLANNED UNIT DEVELOPMENT ALONG COMSTOCK ROAD IN THE CITY OF HELENA, MONTANA**

**WHEREAS**, Section 1-4-17 of the Helena City Code governs the sale, disposal, or lease of real property owned by the City;

**WHEREAS**, the City of Helena wishes to dispose of 2,259 square feet of property as described in Quit Claim Deed, Book M55, Page 3272, Document No. 3334930 ("Property"), and more specifically shown on Exhibit "A", attached hereto, by direct sale to Thomas and Jolene Frances Jennings ("Buyers");

**WHEREAS**, Buyers own Lot 10 in Block 6 of the Belt View Planned Unit Development as shown on Certificate of Survey No. 236558 adjacent to the Property;

**WHEREAS**, the City of Helena previously granted Buyers' predecessors in interest a private driveway easement for ingress and egress across a portion of the Property and it currently has a paved driveway installed on it, as shown on Document No. 3304223 on file with the Lewis and Clark County Clerk and Recorder;

**WHEREAS**, the Property was originally obtained by the City via quit claim deed from Lewis and Clark County after the Belt View

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Homeowner's Association failed to pay property taxes on the "common area" which now constitutes a large undeveloped and undefined area in the Belt View Planned Unit Development. More specifically, the instant Property is undeveloped and the City of Helena has no present or foreseeable future use for the Property; and

**WHEREAS**, it appears to be in the best interests of the City of Helena and the inhabitants thereof that an agreement be entered into to sell the Property to Buyers.

**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 sell 2,259 square feet of property as described in Quit Claim Deed, Book M55, Page 3272, Document No. 3334930 and more specifically shown on Exhibit "A" attached hereto to Thomas and Jolene Frances Jennings.

**Section 2.** The City Manager is authorized to enter into a Buy/Sell Agreement with Thomas and Jolene Frances Jennings, for the sale of 2,259 square feet of property as described in Quit Claim Deed, Book M55, Page 3272, Document No. 3334930 and more specifically shown on Exhibit "A" attached hereto for the amount of

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Sixteen Thousand Seven Hundred Sixteen Dollars and Sixty cents (\$16,716.60).

**Section 3.** This property sale is conditioned upon final City Commission approval after compliance with public notice procedures and holding a public hearing in accordance with Section 1-4-17 of the Helena City Code.

**Section 4.** The Parks, Recreation, and Open Space Department shall publish notice of this Resolution of Intention and notify by mail all property owners within 300' of the sale of the 2,259 square feet of property as described in Quit Claim Deed, Book M55, Page 3272, Document No. 3334930 and more specifically shown on Exhibit "A" attached hereto in accordance with Section 1-4-17 of the Helena City Code.

**Section 5.** A public hearing on this Resolution of Intention will be held on the 28<sup>th</sup> day of September, 2020, via Zoom Meeting at webinar ID: <https://zoom.us/j/96833625205>, at 6:00 P.M., at which time the Commission will hear objections to the final adoption of this resolution.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 24<sup>th</sup> DAY OF AUGUST, 2020.**

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/S/ WILMOT COLLINS

MAYOR

ATTEST:

/S/ DANNAI CLAYBORN

CLERK OF THE COMMISSION