

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20647

A RESOLUTION OF INTENTION TO VACATE THE POWDERHORN COURT RIGHT-OF-WAY IN ASPEN PARK AT MOUNTAIN VIEW MEADOWS, ALL IN THE CITY OF HELENA, MONTANA

WHEREAS, an undeveloped but platted right-of-way known as Powderhorn Court (the "Right-of-Way") is located in Aspen Park at Mountain View Meadows Subdivision;

WHEREAS, the Right-of-Way is situated between Lots 1 and 2 of Block 8 in Aspen Park at Mountain View Meadows, with Lot 1 located to the south of the Right-of-Way and Lot 2 located to the north of the Right-of-Way, all as shown and detailed on Lewis & Clark County Certificate of Survey No. 3150185;

WHEREAS, the City of Helena (the "City") owns Lot 2 of Block 8, and R & D Partners, LLC ("R & D") owns Lot 1 of Block 8;

WHEREAS, R & D has petitioned the City for vacation of the entirety of the Right-of-Way so that R & D can move forward with plans for a condominium development in the area;

WHEREAS, R & D has proposed that, upon vacation, the land comprising the Right-of-Way will revert to the City, as owner of abutting Lot 2, and R & D, as owner of abutting Lot 1, such that approximately 6,799 square feet of the Right-of-Way will revert to the City and approximately 17,067 square feet of the Right-of-Way will revert to R & D;

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WHEREAS, an 18" sewer main is within the Right-of-Way but R & D has proposed to relocate the main in connection with the City's vacation of the Right-of-Way; and

WHEREAS, it appears to be in the best interests of the City and the inhabitants thereof to vacate the Right-of-Way.

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

Section 1. The Helena City Commission intends to vacate the Right-of-Way and intends to agree that the land comprising the Right-of-Way to revert to the City, as owner of abutting Lot 2, and R & D, as owner of abutting Lot 1, such that approximately 6,799 square feet of the Right-of-Way will revert to the City and approximately 17,067 square feet of the Right-of-Way will revert to R & D.

Section 2. The Commission hereby directs the City Manager or the City Manager's designee to serve notice of this resolution of intention upon affected owners of property abutting the Right-of-Way, and directs the Clerk of the Commission to cause a notice to be published once in the Independent Record, a daily newspaper published in Helena, Montana, as provided by § 7-3-4448, MCA. The notice shall state the time and place for hearing objections, and

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that expressions of approval or disapproval will be received in writing in the office of the Clerk of the Commission prior to the hearing thereon.

Section 3. A public hearing on the vacation of the Right-of-Way shall be held before the Helena City Commission via Zoom Meeting at webinar ID: <https://zoom.us/j/99232891124> on the **17th day of May, 2021**, at which time the Commission will hear all interested parties to express their opinions of approval or disapproval of this resolution.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 3rd DAY OF MAY, 2021.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DANNAI CLAYBORN
CLERK OF THE COMMISSION