

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20654

A RESOLUTION OF INTENTION TO VACATE THE FULL WIDTH OF THE ALLEY ADJACENT TO LOTS 11, 12, AND 13 IN BLOCK 36 OF THE FLOWER GARDEN ADDITION TO THE CITY OF HELENA, MONTANA

WHEREAS, Big Sky Auto Glass, Inc. ("BSAG") owns Lots 11, 12, and 13 in Block 36 of the Flower Garden Addition to the City of Helena, Montana (the "BSAG Property");

WHEREAS, the City of Helena (the "City") owns approximately 4.38 acres of real property in the southeast $\frac{1}{4}$ of the of the northwest $\frac{1}{4}$ of Section 20, Township 10 North, Range 3 West, which property is more particularly described on Lewis & Clark County Certificate of Survey No. 402032 (the "City Property");

WHEREAS, an alley is located between the BSAG Property and the City Property, with the BSAG Property situated to the south of the alley and the City Property situated to the north of the alley;

WHEREAS, BSAG has petitioned the City for vacation of the entire width of the alley between the BSAG Property and the City Property, with the vacation beginning at the westernmost lot line of Lot 11 in Block 36 of the Flower Garden Addition and ending at the easternmost lot line of Lot 13 in Block 36 of the Flower Garden Addition, a proposed vacation of approximately 1,741 square feet of right-of-way (the "Right-of-Way");

WHEREAS, BSAG owns other property in the area identified as

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Lot 14 in Block 36 of the Flower Garden Addition;

WHEREAS, a City-owned sanitary sewer main crosses under and through Lot 14 in Block 36 of the Flower Garden Addition even though the City has no recorded utility easement that encumbers the property;

WHEREAS, BSAG has proposed that, upon vacation, the entirety of the land comprising the Right-of-Way be transferred to BSAG's ownership, free of charge;

WHEREAS, in exchange for BSAG acquiring the entirety of the land comprising the Right-of-Way without charge, BSAG has proposed to create and grant to the City a utility easement for the sanitary sewer main that crosses under and through Lot 14 in Block 36 of the Flower Garden Addition; 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 agree that the entirety of the land comprising the Right-of-Way be transferred to BSAG's ownership, free of charge, in exchange for BSAG granting to the City a utility

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easement for the sanitary sewer main that crosses under and through Lot 14 in Block 36 of the Flower Garden Addition.

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 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 **7th day of June, 2021**, at which time the Commission will hear all interested parties to express their opinions of approval or disapproval of this resolution.

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PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 17th DAY OF MAY, 2021.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DANNAI CLAYBORN
CLERK OF THE COMMISSION