

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20655

A RESOLUTION 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;

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

WHEREAS, the Helena City Commission held a public hearing on this matter on the 17th day of May, 2021.

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

Section 1. The Helena City Commission hereby vacates the Right-of-Way situated between Lots 1 and 2 of Block 8 in Aspen Park at Mountain View Meadows. The land comprising the Right-of-Way shall 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 above-described approval is conditioned upon satisfactory completion of the requirements set forth below. If the requirements are not completed within one (1) year after the date of this resolution, or as extended by the City Commission, the approval shall be void and the application for vacation will

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be treated as if it were denied. The requirements for completion of vacation are:

A. The Applicant shall cause an amended plat to be prepared showing the proposed new boundary lines of the Applicant's property and the City's property to which title will revert upon vacation of the right-of-way. The amended plat shall be presented to the Commission for review and approval.

B. The Applicants shall pay to record a quit claim deed, prepared by the City, for transfer of the City's interest in the vacated right-of-way to the Applicant. The Applicant is responsible for the preparation and recording of a quit claim deed to transfer its interest in the vacated right-of-way to itself concurrent with the filing of the amended plat.

C. The Applicant will relocate the existing eighteen-inch (18") wastewater main at its own cost and grant the City an easement to operate and maintain that main if it is not located in City right-of-way.

D. 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.

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E. The Applicants shall file the amended plat and the quit claim deed with the Clerk & Recorder of Lewis and Clark County, Montana. The vacation is effective only upon the filing of the amended plat and recording of the quit claim deed.

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