

# **RESOLUTIONS OF THE CITY OF HELENA, MONTANA**

## **RESOLUTION NO. 20233**

**A RESOLUTION VACATING THE FULL WIDTH OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY BETWEEN LOT 5 AND LOTS 21 THROUGH 23, AND THE SOUTHERN TRIANGULAR PORTION OF THE EAST-WEST ALLEY RIGHT-OF-WAY ADJACENT TO LOT 1, ALL IN BLOCK 1 OF THE GRAND AVENUE ADDITION IN THE CITY OF HELENA, MONTANA**

**WHEREAS, 80 Proof, LLC,** the owner of the property adjacent to the following-described property in the City of Helena, Montana, petitioned for the vacation of the full width of the north-south alley right-of-way between Lot 5 and Lots 21 through 23, and the southern triangular portion of the east-west alley right-of-way adjacent to Lot 1, all in Block 1 of the Grand Avenue Addition in the City of Helena, County of Lewis and Clark, State of Montana, containing 1,093 square feet, more or less.

The attached map shows the property to be vacated.

**WHEREAS,** it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof, that said alley rights-of-way in the Grand Avenue Addition be vacated; and

**WHEREAS,** a public hearing was held on this matter on the **22<sup>nd</sup> day of February, 2016,** in the City Commission Chambers in the City-County Building at 316 North Park Avenue in Helena, Montana.

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

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**Section 1.** The Helena City Commission hereby conditionally approves the vacation of the full width of the north-south alley right-of-way between Lot 5 and Lots 21 through 23, and the southern triangular portion of the east-west alley right-of-way adjacent to Lot 1, all in Block 1 in the Grand Avenue Addition in the City of Helena, Lewis and Clark County, Montana, more particularly described above.

**Section 2.** This approval is conditioned upon satisfactory completion of the requirements set forth below. If these requirements are not completed within one (1) year from the date of this resolution, or as extended by the City Commission, this approval becomes void and the application for vacation is deemed denied. The requirements for completion of vacation are:

**A.** The City of Helena and the Applicant shall cause an amended plat to be prepared showing the proposed new boundary lines of the adjoining property to which title will revert upon vacation of the rights-of-way.

The amended plat will be presented to the Commission for review and approval.

**B.** All pending taxes and special assessments levied against the properties affected by the proposed vacation must be paid in

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full. Applicant shall furnish proof of payment of these taxes and special assessments.

C. Applicant will provide the City with a Quit Claim Deed for approximately 1,093 square feet of the railroad spur line property, known as Tract R-1 as shown on COS #3179876 in the records of the Lewis and Clark County Clerk and Recorder, that it was entitled to pursuant to the "Real Property Development Agreement" between 80 Proof, LLC, and Mergenthaler Transfer and Storage, Inc., dated April 2, 2009, which property is adjacent to the vacated right-of-way, in lieu of paying the transfer fee as defined by Section 7-1-7 of the Helena City Code for vacated alley right-of-way. This deed will be recorded at the same time as the amended plat and the Quit Claim Deed transferring title of the vacated alley rights-of-way to Applicant.

D. The amended plat must be filed and the Quit Claim Deeds recorded with the Clerk & Recorder of Lewis & Clark County, Montana. The vacation is effective only upon the filing of the amended plat and recording of the Quit Claim Deeds.

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PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 22<sup>nd</sup> DAY OF FEBRUARY, 2016.

/S/ James E. Smith  
MAYOR

ATTEST:

/S/ Debbie Havens  
CLERK OF THE COMMISSION