

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

## **RESOLUTION NO. 20234**

**A RESOLUTION VACATING THE FULL WIDTH OF THE NORTH-SOUTH ALLEY RIGHT-OF-WAY BETWEEN LOTS 1 AND 7 IN BLOCK 4 AND THE EAST-WEST ALLEY BETWEEN LOTS 1 AND 7 IN BLOCK 4 AND LOTS 12 AND 13 IN BLOCK 3, ALL IN THE GRAND AVENUE ADDITION IN THE CITY OF HELENA, MONTANA**

**WHEREAS, Wylie A. Rucker and U Haul Real Estate Co.,** the owners 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 Lots 1 and 7 in Block 4 and the east-west alley right-of-way between Lots 1 and 7 in Block 4 and Lots 12 and 13 in Block 3, all in the Grand Avenue Addition in the City of Helena, County of Lewis and Clark, State of Montana, containing 1,942 square feet, more or less, with approximately 1,370 square feet to be deeded to Wylie A. Rucker and approximately 572 square feet to be deeded to U Haul Real Estate Co.

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.

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

**Section 1.** The Helena City Commission hereby conditionally approves the vacation of the full width of the north-south alley right-of-way between Lots 1 and 7 in Block 4 and the east-west alley right-of-way between Lots 1 and 7 in Block 4 and Lots 12 and 13 in Block 3, all in the Grand Avenue Addition in the City of Helena, County of Lewis and Clark, State of Montana.

**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 Applicants 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.

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B. All pending taxes and special assessments levied against the properties affected by the proposed vacation must be paid in full. Applicant shall furnish proof of payment of these taxes and special assessments.

C. Applicants shall pay a transfer fee as defined by Section 7-1-7 of the Helena City Code for their proportionate shares of the 1,942 square feet of vacated alley right-of-way. This fee must be paid prior to filing the amended plat and recording the Quit Claim Deeds transferring title to Applicants.

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.

**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**