

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. 20245

A RESOLUTION OF INTENTION TO ANNEX A FIVE-ACRE PORTION OF TRACT B-1-A SHOWN ON COS #3207070, IN LEWIS AND CLARK COUNTY, MONTANA, AND THE SANDERS STREET RIGHT-OF-WAY ADJACENT THERETO, INTO THE CITY OF HELENA, AND ESTABLISH CONDITIONS FOR ANNEXATION

WHEREAS, Trinity Development Partnership, LLC, on behalf of Resurrection Cemetery Association, Inc., the legal owners of a portion of Tract B-1-A as shown on Certificate of Survey filed under Document No. 3207070, located in Lewis and Clark County, Montana, which property is generally located north of Sanders Street and east of Jordan Drive, is currently adjacent to the existing City limits and is located within the "Urban Standards Boundary Area," have requested that the City of Helena annex a five-acre portion of said property, more particularly described by metes and bounds (see Exhibit "A" attached hereto); and

WHEREAS, the City of Helena desires to annex said five-acre portion of Tract B-1-A described above and the adjacent Sanders Street right-of-way, under the provisions of Montana law; and

WHEREAS, the owners of the property in the territory to be annexed have signed a written application requesting annexation pursuant to statute to the City of Helena; and

WHEREAS, the governing body need not submit the question of annexation to the qualified electors, and has approved the

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application upon its merits; and

WHEREAS, the annexation of the property more particularly described above appears to be in the best interests of the present owner of the property and the City of Helena, Montana.

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

Section 1. It is the intention of the Helena City Commission to annex an approximate five-acre portion of Tract B-1-A as shown on a Certificate of Survey filed under Document No. 3207070, more particularly described by metes and bounds, in Lewis and Clark County, Montana, as shown on Exhibit "A" attached hereto and by this reference made a part hereof, and the adjacent Sanders Street right-of-way.

This annexation will only be effective upon completion of the following conditions:

1. Infrastructure: The property owners must install the following infrastructure to City standards, or enter into a development agreement acceptable to the City that defines the timing of dedication of public rights-of-way and deferment of the installation of improvements relative to the "remainder" parcel and the instant five-acre parcel:

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- a. sign a waiver of right to protest an SID for future street improvements;
- b. dedicate to the City public right-of-way for Sanders Street and Jordan Drive to their intersection, and install Jordan Drive and Sanders Street to City standards for collector streets;
- c. install a westbound, right-hand turn lane from Custer Avenue onto Sanders Street;
- d. install the recommendations from the Traffic Impact Study, including:
 - i. re-striping on Sanders Street;
 - ii. an additional center left turn lane from Sanders Street onto Custer Avenue; and
 - iii. removal of on-street parking on Sanders Street.
- e. install a wastewater main in the dedicated Sanders Street right-of-way;
- f. install a single lift station with the force main located within right-of-way or an exclusive easement, with capacity necessary to serve B-2 zoning district uses for

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the five-acre parcel proposed for annexation. Any lift station serving more than one lot must be owned and operated by the City of Helena, built to City standards, and the property upon which the public lift station is located must be dedicated to the City of Helena.

g. install a water main in the dedicated Jordan Drive and Sanders Street rights-of-way.

2. **Review of New Construction:** The property owners must submit plans for review by the City of Helena for compliance with City infrastructure, zoning, and other Code requirements, provide proof of compliance with all building and fire codes for all new construction or remodels subsequent to the adoption of this resolution and prior to annexation of the property, and pay all fees for such reviews in the same manner and on the same basis as do owners of properties already in the City.

3. **Taxes and Assessments:** Taxes and assessments must be paid and current at the time of filing the Resolution of Annexation.

4. **Notice of Special Districts:** The property owners must waive the right to notification and protest and consent to the alteration of the boundaries of Urban Forest Maintenance District

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and Landfill Monitoring District in order to include the property prior to annexation pursuant to § 7-11-1023, MCA.

5. Completion of Conditions: These annexation conditions must be completed within one (1) year of the date of approval of this resolution. The property owners must notify City Planning in writing upon completion of the conditions for approval of annexation. If the conditions are not completed within that time frame, the City is under no obligation to annex the property and may discontinue any City services to the property, including water and sewer service.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 9th DAY OF MAY, 2016.

/S/ James E. Smith
MAYOR

ATTEST:

/S/ Debbie Havens
CLERK OF THE COMMISSION

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EXHIBIT "A"

Beginning at the northwest corner of Lot 1 of the Lowes's HIW, Inc. Minor Subdivision recorded under Document No. 3098722, said point also being the intersection of the east right-of-way line of Sanders Street and the south line of said Tract B-1-A as shown on a Certificate of Survey filed under Document No. 3207070; thence approximately north 00°00'00" east, 300± feet; thence approximately south 90°00'00" east, 700± feet; thence approximately south 00°00'00" east, 300± feet; thence approximately north 90°00'00" west, 700± feet to the point of beginning.