

# RESOLUTIONS OF THE CITY OF HELENA, MONTANA

## RESOLUTION NO. 20402

### RESOLUTION ENTERING INTO A LAND EXCHANGE AGREEMENT WITH LEWIS AND CLARK COUNTY TO EXCHANGE PROPERTY LOCATED IN SECTION 17, TOWNSHIP 10 NORTH, RANGE 3 WEST, P.M.M.

**WHEREAS**, the City of Helena owns 33.8 acres in the southeast corner of the SW1/4NE1/4 of Section 17, Township 10 North, Range 3 West, P.M.M., in the City of Helena, Lewis and Clark County, Montana, generally located east of the Frontage Road and north of Custer Avenue; and

**WHEREAS**, Lewis and Clark County owns 40.17 acres in the SE1/4 NE1/4 of Section 17, Township 10 North, Range 3 West, P.M.M., in Lewis and Clark County, Montana, generally located east of the Frontage Road and north of Custer Avenue; and

**WHEREAS**, The City and County properties are substantially the same in all respects except for overall size; and

**WHEREAS**, the City and County desire to exchange ownership of 15-acre portions of their respective parcels described above; and

**WHEREAS**, the City desires to purchase the remaining 25.17 acres of property owned by Lewis and Clark County; and

**WHEREAS**, Sections 1-4-15 and 1-4-17 of the Helena City Code (HCC) govern the process for the purchase and disposition of real property owned by the City; and

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**WHEREAS**, Section 1-4-15(B), HCC, requires that prior to the purchase of real property the City obtain two (2) independent appraisals when the proposed purchase price is more than \$500,000; and

**WHEREAS**, Section 1-4-15(C), HCC, provides the Commission with authority to waive that requirement upon a finding that the procedure is not in the best interests of the City; and

**WHEREAS**, Lewis and Clark County obtained an appraisal of its property in 2015 that serves as the basis for determination of the purchase price; and

**WHEREAS**, the exchange of the properties more particularly described above appears to be in the best interests of the present owners of the properties and the inhabitants of the City of Helena, Montana; and

**WHEREAS** a public hearing was held on this matter on the 11<sup>th</sup> day of September, 2017, at 6:00 p.m. in the 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**

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**CITY OF HELENA, MONTANA, AS FOLLOWS:**

**Section 1.** The Helena City Commission hereby agrees to exchange ownership of the southern 15 acres of its 33.8-acre parcel in the SW1/4NE1/4 of Section 17, Township 10 North, Range 3 West, P.M.M., in the City of Helena, Lewis and Clark County, Montana, with Lewis and Clark County for its 40.17-acre parcel in the SE1/4NE1/4 of Section 17, Township 10 North, Range 3 West, P.M.M., in Lewis and Clark County, Montana, generally located east of Frontage Drive and north of Custer Avenue.

**Section 2.** The requirement to obtain two (2) independent appraisals to purchase the Lewis and Clark County property as described above is not in the best interests of the City and is hereby waived.

**Section 3.** The City Manager is hereby authorized to finalize and sign any documents necessary to complete this property exchange.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, 11<sup>th</sup> DAY OF SEPTEMBER, 2017.**

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/S/ JAMES E. SMITH  
MAYOR

ATTEST:

/S/ KATYA GROVER  
DEPUTY CLERK OF THE COMMISSION