



March 27, 2020

Ryan Leland, PE
City Engineer
Public Works Department
City of Helena
316 N Park Ave
Helena, MT, 59601

Dear Mr. Leland,

Please find attached the petition for the vacation of 6th Avenue that is associated with the proposed addition to the State of Montana museum located at 225 Roberts Street. Included with this petition is the following supporting information:

- Exhibit showing the extent the proposed vacation.
- A draft of a boundary survey including the location of the proposed vacation.
- Technical Memo describing the water system analysis for the proposed abandonment of the 6" water main in 6th Avenue to be replaced in an easement within 8th Avenue.
- Traffic Impact study showing the impact to intersections in and around the Capitol Campus due to the proposed vacation/closure of 6th Avenue.
- Correspondence from Ken Wood confirming that the closure of 6th Avenue would not have an adverse impact to the emergency response time in the area.
- Correspondence from Shane Bogard confirming that the sewer from the Fish Wildlife and Parks building flows to Sanders Street, not 6th Avenue.

Thank you for your continued efforts in working with us through this project. Should you have any questions or need additional information, please contact me at 406-922-7137.

Sincerely,

Zack Graham, PE
Civil Engineer

Attachments

cc: Russ Katherman – Administrator, State of Montana Dept. of Administration
Marty Byrnes – Principal/Architect, Cushing Terrell
Mark Young, PE – Transportation Engineer, City of Helena
Jamie Clark, PE – Civil Engineer, City of Helena
Kevin Harrington, PE – Project Manager, City of Helena

CITY OF HELENA PETITION FOR CLOSURE OR VACATION OF A STREET OR ALLEY

Primary Applicant Russ Katherman Phone No. 406.444.3332

Date: March 27, 2020

We, the undersigned property owners, do hereby petition the City of Helena to:

☒ **VACATE**

☐ **CLOSE**

Legal Description: (include subdivisions, blocks and lots where applicable)

A portion of 6th Avenue falling between Blocks 4 and 9, of the Corbin Subdivision, and between the right-of-ways of N. Roberts Street and Sanders Street, located in the northwest 1/4 of Section 32, Township 10 North, Range 3 West, P.M., M.

General Description: (include north/south/east/west bounds if applicable)

6th Avenue between Roberts and Sanders streets on the Montana Capitol campus.

We, the undersigned property owners declare:


1. Our plans and needs in using the land are:

For the construction of the new Montana Heritage Center which is an addition to the existing Montana State Museum located on the Montana Capitol Campus. A conceptual site plan for the proposed improvements is attached to the application.

2. Hardships we will incur if the street or alley is not closed or vacated:

A physical connection between the new building and the existing building is critical for museum functions and visitor experience. Other forms of connectivity require increased staffing, security, and negatively impact the mission of the Historical Society as a whole.

We, the undersigned, declare that we are owners of the property that abuts the street/alley and hereby waive service of notice in the manner prescribed in 7-3-4448, MCA. We individually consent to service of notice by first class mail, postage prepaid, addressed to our respective mailing addresses shown below.

<u>OWNER NAME</u>	<u>LEGAL DESC./GEOCODE</u>	<u>MAILING ADDRESS/PHONE</u>
STATE OF MONTANA DEPT OF ADMIN ATTN A&E Div	05-1888-32-2-35-11-0000	PO BOX 200110
	05-1888-32-2-35-09-0000	HELENA, MT 59620-0110
(Same owner for all)	05-1888-32-2-35-01-0000	(406) 444-3332
	05-1888-32-2-40-01-0000`	
		

Owner's Signature

7-1-7: CLOSURE AND VACATIONS:

The commission may close or vacate streets, alleys and other public ways. Any person desiring the closure or vacation of a street, alley or other public way shall apply therefore and pay to the city an application fee of two hundred fifty dollars (\$250.00). The city shall investigate the proposed closure or vacation and shall, after public notice, hold a public hearing thereon and either approve, deny or conditionally approve said closure or vacation.

- A. The term "closure" shall mean the cessation of general public use, but the city shall retain title to the right of way. A closed public way may subsequently be reopened for vehicular or other traffic by the commission after public notice and hearing. (Ord. 2267, 11-15-1982)
- B. The term "vacation" shall mean closure and transfer of legal title of the right of way. On vacation, the owners of the adjacent parcels shall each take title to the portions of the vacated right of way that revert to the adjacent parcels as determined by the city commission. The owners shall present an amended plat to the city commission for approval, showing the new lots or parcels resulting from the reversion of the vacated right of way, and are responsible for preparing quit claim deeds for the transfer of the vacated right of way in accordance with the approved amended plat. (Ord. 2810, 10-6-1997)
- C. A person applying for a quitclaim deed for vacated right of way shall first pay a transfer fee to the city in an amount equal to the market value of the vacated right of way to be reverted. The market value of the vacated right of way is the value per square foot of the adjoining property to which the vacated right of way will revert, as appraised by the Montana department of revenue in the most recent periodic evaluation, multiplied by the area of the portion of the reverted right of way. If there is no value for the adjoining property from the department of revenue, the value of the closest property having such an appraised value will be used. No deed for vacated right of way may be delivered until the transfer fee is paid. (Ord. 2851, 8-24-1998)