

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO. _____

A RESOLUTION VACATING THE 6th AVENUE RIGHT-OF-WAY BETWEEN NORTH ROBERTS STREET AND SANDERS STREET AND BLOCKS 4 AND 9 OF THE CORBIN SUBDIVISION IN THE CITY OF HELENA, MONTANA

WHEREAS, Section 7-1-7, Helena City Code, and Section 7-3-4448, MCA, permits the City Commission to vacate public rights-of-way and governs the process to do so;

WHEREAS, the **State of Montana Department of Administration**, the owner of the property adjacent to 6th Avenue in the City of Helena, Montana, have petitioned for the vacation of the full width of the 6th Avenue right-of-way between North Roberts Street and Sanders Street and Blocks 4 and 9 of the Corbin Subdivision in the City of Helena, County of Lewis and Clark, Montana, in order to accommodate the construction of a new Montana Heritage Center;

WHEREAS, it appears to be in the best interests of the City of Helena, Montana, and the inhabitants thereof that said right-of-way be vacated; and

WHEREAS, a public hearing was held on this matter on the 8th day of June, 2020, at 6:00 p.m. in the City Commission Chambers 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 6th Avenue right-of-way between North Roberts Street and Sanders Street and Blocks 4 and 9 of the Corbin Subdivision, in the City of Helena, County of Lewis and Clark, 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. Applicant shall abandon the existing wastewater main and relocate to service existing conditions in accordance with Helena City Code and Engineering Standards.

B. Applicant shall abandon the existing water main and relocate to 8th Avenue to serve existing conditions in accordance with Helena City Code and Engineering Standards.

C. Applicant shall abandon the existing stormwater main and relocate to service existing conditions in accordance with Helena City Code and Engineering Standards. The Applicant is responsible

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for disconnecting stormwater service connections to the 48" main include the area inlet south of the present Montana Historical Society.

D. 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 must be presented to the Commission for review and approval.

E. 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.

F. Applicant shall pay a \$165,571.70 transfer fee as required by Section 7-1-7 of the Helena City Code for the 28,063 square feet of vacated right-of-way. This fee must be paid prior to filing the amended plat and recording the Quit Claim Deed transferring title to Applicant.

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

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amended plat and recording of the Quit Claim Deed.

**PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 8th DAY OF JUNE, 2020.**

MAYOR

ATTEST:

CLERK OF THE COMMISSION