

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

Primary Applicant Brian J Weiss Phone No. 406-594-2039

Date: 12-16-2020

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



VACATE



CLOSE

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

Lots 11, 12, 13 in block 36 of the Flower Garden Addition  
to the City of Helena (see attached certificate of survey)

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

North of lots 11, 12 + 13 entire alley

**We, the undersigned property owners declare:**

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

Business use for existing business Big Sky Auto Glass Inc.

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

Maintain security around building

**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>
City of Helena	05-1888-20-2-04-05-0000	City of Helena

#### **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)