

# STAFF REPORT

1201 Wilder Avenue

Residence, multiple-dwelling  
units

Conditional Use Permit

*Case# CUP2404-001*

Kyle Holland  
*Planner II*

Community Development Department  
316 North Park Avenue, Room 403  
Helena, Montana 59623





City of  
**Helena**

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## Section 1 - Project Overview

The applicant, B.G. Stumberg on behalf of Gotlieb's Five, is requesting a Conditional Use Permit to allow for Residence, multiple- dwelling units use in an R-2 zoning district for the property located at 1201 Wilder Avenue, legally described as:

Lots 15 and 16 in Block 97 of the Ming Addition to the City of Helena, Lewis and Clark County, Montana.

The subject property is currently zoned R-2 (Residential). The applicant is requesting a Conditional Use Permit to construct a duplex on the property. Currently, the property is developed with a Single Dwelling Unit Residence, and the addition of a further two units requires a CUP to allow a Residence, Multiple-dwelling Unit (3 or more units) property in the R-2 district.

## Section 2 - Staff Recommendation

Move to recommend **Approval** of a resolution granting a Conditional Use Permit to allow a Residence, multiple-dwelling units use in a R-2 zoning district for the property legally described as Lots 15 and 16 in Block 97 of the Ming Addition to the City of Helena, Lewis and Clark County, Montana.

## Section 3 - General Information

<b>Application Date:</b>	April 1, 2024
<b>Public Hearing Dates:</b>	Zoning Commission – May 14, 2024 City Commission – July 15, 2024
<b>Applicant:</b>	B.G. Stumberg Gotlieb's Five 3205 Wheatland Dr Helena, MT 59602
<b>Property Owner:</b>	Gotlieb's Five LLC 3205 Wheatland Dr Helena, MT 59602
<b>Legal Description:</b>	Lots 15 and 16 in Block 97 of the Ming Addition to the City of Helena, Lewis and Clark County, Montana
<b>General location:</b>	The property is generally located on the southwest corner of Cleveland Street and Wilder Avenue

**Present Land Use:** Residence, single-dwelling unit

**Adjacent Land Uses:** North: R-2 - Residential

South: B-2 - Commercial (White Knight Games)  
Commercial (Home Beautifiers)

East: R-2 - Residential

West: R-2 - Residential

**Tract/Property Size:** Approximately 0.14 acres

**2019 Growth Policy**

**Land Use Designation(s):** **Mixed Use**– Places where people can work, live, and play and learn. These areas include a variety of complementary and integrated uses such as, but not limited to, all forms of residential; office; light industrial/manufacturing; retail; entertainment or public uses. Development is usually in a denser comprehensive pattern to achieve a unified, functional, efficient, and aesthetically appealing physical setting, and provides opportunities for connectivity, public transportation, and walkability. Mixed-use areas do not use the traditional segregation of uses.

**Section 4 - Public Process**

- A. Conditional Use Permit applications are filed with the Community Development Department and any required fees must be paid upon submission of an application. The application will then be reviewed by City staff per City Code Section 11-3-2.
- B. The zoning commission shall hold a public hearing and make a recommendation to the city commission per City Code Section 11-3-6.
- D. The city commission shall pass a resolution approving the conditional use, which is effective upon the date of resolution. (Ord. 3097, 4-7-2008; amd. Ord. 3279, 1-13-2020)

This review process as defined by Helena City Code allows for public comment, staff review, and vetting through city departments and appointed and elected boards or committees prior to approval. As part of this process, the Community Development Department sends the application materials to applicable departments for their review and comment. This leads to a full evaluation of potential impacts and helps determine how the proposed conditional use relates to the review criteria.

Public Comment

An integral part of the review process is the conducting of public hearings and the solicitation of public comment. As of May 2, 2024, there have been no comments received regarding the proposed conditional use permit. Any comments received during and after the hearing conducted by the Zoning Commission will be attached to this report and presented to the City Commission for their review and final decision.

## Section 5 –Evaluation

The property at 1201 Wilder Avenue currently has the land use of Residence, single-dwelling unit, and is zoned R-2 Residential. The applicant and property owner are requesting a Conditional Use Permit to allow for Residence, multiple-dwelling units use at the property.

The Conditional Use Permit will allow the owners to construct an additional duplex on the property to create a total of three dwelling units. The existing single dwelling unit residence was constructed in 1913 and will be maintained as is with the addition of the proposed duplex.

Section 11-3-4 of the Helena Zoning Ordinance includes certain criteria that must be reviewed as part of the conditional use permit procedure.

*A. A conditional use permit may be granted by the city commission only upon a finding, supported by substantial credible evidence in the record that the following standards are met:*

- 1. The proposed conditional use, as conditioned, will not adversely impact the public health, safety, or general welfare.*
- 2. The proposed conditional use will not adversely impact or impair the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located.*

*B. In considering whether sections §11-3-4(A)(1) and (A)(2) of this chapter have been met, the following factors must be considered in determining the impacts of the proposed conditional use on the abutting properties and the neighborhood:*

- 1. Location, character, and natural features of the subject property as it currently exists.*
- 2. Type and size of the proposed structure and improvements and their relative location on the subject property.*
- 3. Historical uses, established use patterns, and recent changes and trends in the neighborhood.*
- 4. Conformity of the proposed use with the neighborhood plan, if one has been adopted.*
- 5. Current and proposed pedestrian, vehicular, and bicycle traffic including ingress and egress, circulation and parking.*
- 6. Whether the use is consistent with the Helena Climate Change Action Plan.*
- 7. Whether the proposal meets the zoning dimensional standards requirements for the zoning district without the need for a variance.*
- 8. Hours of operation.*
- 9. Noise.*
- 10. Glare.*
- 11. Odor.*
- 12. Expressed public opinion related to factors identified above.*

*C. The above factors are weighed and evaluated depending on the circumstances of each case. Any one factor may be sufficient to find adverse impacts for the purposes of Section §11-3-4(A)(1) and (A)(2) justifying denial of the permit or placement of special conditions.*

## EVALUATION

1. *Location, character, and natural features of the subject property as it currently exists.*

The subject property is currently a single-family home (Residence, single-dwelling unit). The surrounding block is primarily Residence, single-dwelling unit with Residential, with a multiple-dwelling unit property in the block to the west on Wilder Avenue and three two-dwelling unit properties in the block to the east.

South of the subject property along Euclid Avenue is zoned B-2 commercial. The commercial uses adjacent to the property include general retail sales, vehicle fuel sales, and vehicle sales and rental.

2. *Type and size of the proposed structure and improvements and their relative location on the subject property.*

The existing single-family home will be maintained as is throughout construction. The new duplex will be constructed on the northern vacant portion of the property. The new duplex will add 1,552 square feet of footprint to the property, and, with a lot coverage of 39.7%, will fall under the maximum allowed of 40%.

3. *Historical uses, established use patterns, and recent changes and trends in the neighborhood.*

This property and many of the surrounding properties date to the early 1900's, including the existing multi family structure located in the 1300 block of Wilder Avenue. The commercial development fronting Euclid Avenue on the opposite side of the alley from 1201 Wilder is more recent, having been constructed between the late 1960s and the mid-1990s.

This is a fully developed area, and most future development will be limited to infill projects on partially developed lots.

4. *Conformity of the proposed use with the neighborhood plan, if one has been adopted.*

This area of Helena does not have a neighborhood plan and development is instead guided by the 2019 Growth Policy, which designates this area as mixed use. The mixed-use designation allows for all forms of residential along with commercial and entertainment uses, encourages a denser comprehensive pattern to achieve a unified physical setting.

This is supported by the following goals and objectives of the Growth Policy.

- [G.02] Support provision of the housing that is safe, available, accessible, and affordable for all Helena residents.
  - [O.14] Support the development of housing located in proximity to necessary services and quality of life assets, including generalized physical, technological, social and economic infrastructure.
  - [O.15] Support and expand the supply of housing for lower income, senior citizens, persons with disabilities, homeless, and others with special needs.

- [O.19] Maintain standards for multi-family housing that encourage quality building design, landscaping and usable open space, supporting long-term family living.
  - [G.10] Plan for and establish types and quantities of land uses in Helena supporting community needs, neighborhood centers, aesthetics and the City's long-term sustainability.
    - [0.76] Support land use patterns that:
      - Promote compatible, well-designed development;
      - Foster the long-term fiscal health of the community;
      - Maintain and enhance resident quality of life;
      - Implement related master plans and/or facility plans.
    - [0.78] Encourage infill development on vacant and under-utilized land within the city, directing growth to areas, currently served by, or in close proximity to, existing infrastructure and that harmonizes with the character of existing neighborhoods.
5. *Current and proposed pedestrian, vehicular, and bicycle traffic including ingress and egress, circulation and parking.*

Community access around the site will be improved with the addition of sidewalk and boulevard along the Cleveland Street frontage of the property. A new parking pad will be constructed for the existing property that will be accessed off the alley. The new duplex structure will have single car garages accessible off of Cleveland Street for both residences and will meet the City Code garage door setback minimum of twenty feet, allowing for additional off-street parking in front of the garage without impacting pedestrian access.

The Institute of Transport Engineers Trip Generation Handbook lists the estimated trips per day for a single dwelling unit residence as 9.52 trips. Residential, two dwelling unit properties are estimated to also generate 9.52 trips per dwelling unit, creating 19.04 trips per day for the property. The ITE Handbook estimates Residential, multiple dwelling units will produce 6.65 trips per unit, giving a three dwelling unit property an estimated total of 20.04 trips per day. Traffic impacts for the creation of a third unit will beyond the two dwellings permitted by right will not have significant impact on the surrounding properties.

6. *Whether the use is consistent with the Helena Climate Change Action Plan.*

Construction on a developed lot will have less environmental impact due to more limited infrastructure construction. Infill development will create additional housing while increasing concentrations of residents in proximity to existing development. Added pedestrian connectivity to commercial, mixed-use areas in proximity to the property may reduce vehicle miles traveled.

7. *Whether the proposal meets the zoning dimensional standards requirements for the zoning district without the need for a variance.*



The proposal, as presented, would not require a variance.

8. *Hours of operation.*

The use of the property will be residential and hours of use will be consistent with the surrounding neighborhood.

9. *Noise.*

Due to the residential use of the property, noise is expected to be consistent with the surrounding properties. Additional restrictions on noise will be enforced through rental agreements by the property owner and the tenants.

10. *Glare.*

Glare will be similar to other residential uses in the vicinity.

11. *Odor.*

Odors are expected to be consistent with existing and surrounding uses.

12. *Expressed public opinion related to factors identified above.*

As of Thursday, May 2, 2024 no public comments have been collected for this proposal.

## Section 6 - Staff Recommendation

The approval of this conditional use in a R-2 zoning district is consistent with the goals and objectives of the 2019 Growth Plan. Those goals are intended to guide City decision making and implement a citizen guided vision for the future of Helena.

### **Staff Recommendation:**

Move to recommend **Approval** of a resolution granting a Conditional Use Permit to allow a Residence, multiple-dwelling units use in a R-2 zoning district for the property legally described as Lots 15 and 16 in Block 97 of the Ming Addition to the City of Helena, Lewis and Clark County, Montana.


# Appendix A - Maps

## 1201 Wilder Avenue Vicinity Map





- 1201 Wilder Avenue
- Divided 4-Lane
- Paved
- Alley
- MT Parcels w Condos

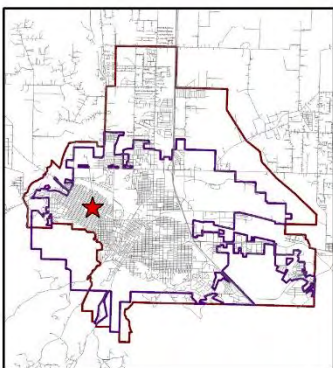
RGB



Community Development  
City/County Building  
316 North Park Avenue, Rm. 445  
Helena, MT 59623


Legal Description: MING  
ADDN, S24, T10 N, R04 W,  
BLOCK 97, Lot 15 - 16




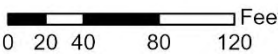
# 1201 Wilder Avenue Zoning Map



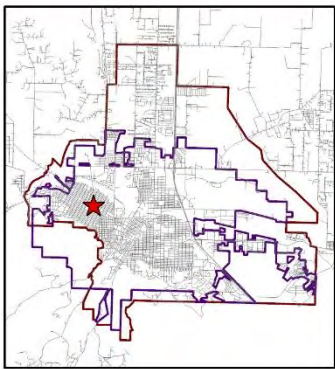
1201 Wilder Avenue  
 Divided 4-Lane  
 Paved  
 Alley  
 MT Parcels w Condos



Community Development  
City/County Building  
316 North Park Avenue, Rm. 445  
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Legal Description: MING  
ADDN, S24, T10 N, R04 W,  
BLOCK 97, Lot 15 - 16







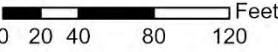
# 1201 Wilder Avenue Utility Map



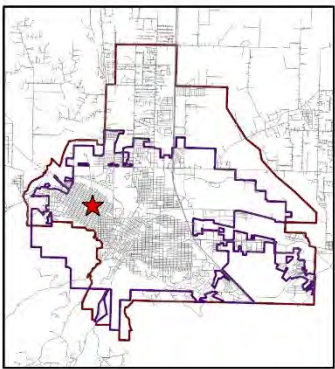
- 1201 Wilder Avenue
- Divided 4-Lane
- Paved
- Alley
- MT Parcels w/ Condos



Community Development  
 City/County Building  
 316 North Park Avenue, Rm. 445  
 Helena, MT 59623

Legal Description: MING  
 ADDN, S24, T10 N, R04 W,  
 BLOCK 97, Lot 15 - 16



## Appendix B – Comments



# CONDITIONAL USE PERMIT/AMENDMENT APPLICATION

Community Development Department, Planning Division  
316 North Park Avenue, Room 445, Helena, MT 59623  
406-447-8490; citycommunitydevelopment@helenamt.gov

Date received:

# RECEIVED

## MAR 29 2024

### City Comm. Dev. Dept.

APPLICATION FEE: \$435.00  
(PAYABLE TO THE CITY OF HELENA)  
ALL FEES ARE NON-REFUNDABLE

**PROPERTY OWNER: Primary Contact?**

Name: B.G. Stumbers - Gotlieb's Five Primary Number: 406 439 3175  
Address: 3205 Wheatland Dr, Helena Other Phone: \_\_\_\_\_  
Email: gotliebsfive@gmail.com

**APPLICANT (If different from property owner): Primary Contact?**

Name: \_\_\_\_\_ Primary Number: \_\_\_\_\_  
Address: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Company: \_\_\_\_\_

**AUTHORIZED REPRESENTATIVE: Primary Contact?**

Name: B.G. Stumbers Primary Number: 406 439 3175  
Address: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Email: \_\_\_\_\_ Company: Gotlieb's Five LLC

**ADDRESS OF PROPERTY:** 1201 Wilder Helena MT 59601  
Address City State Zip Code

Legal Description (Block & Lots, Subdivision, COS #) \_\_\_\_\_

MING ADDN, 524, T10N, R04W, Block 97, Lot 15-16

Current Zoning District R-2

Geocode 05-1887-24-4-11-19-0000

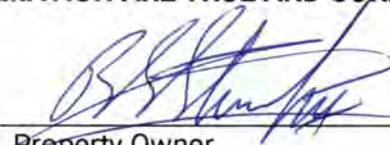
Provide a current deed & plat

Are there other related Land Use Applications being submitted: Yes  No

Submit proof of current paid taxes



I HEREBY CERTIFY AND ACKNOWLEDGE THE STATEMENTS IN THIS APPLICATION AND ANY ATTACHED INFORMATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signed:  Date: 3/25/24  
Property Owner

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_  
(If different from Owner)

**Please provide all the information requested in the Application Instructions. An incomplete application may delay the review of your request.**

Are you requesting any variances with this application?  Yes  No  
If yes, see Board of Adjustment application.

Have any variances or CUPs been previously given for this property?  Yes  No  
If yes, provide a copy of the variance decision or CUP Resolution.

**Review Process and Criteria per 11-3-3 City Code:** The following completeness review is required for applications for conditional use permits:

- A. Within ten (10) working days of receipt of an application and required filing fee, the City shall review the submitted information to determine whether the application contains all the information required by this chapter. The application is complete if all the information required is provided, thereby forming the basis for an informed decision on the application. The City shall give written notice to the applicant of the determination as to whether or not the application is complete.
- B. If the City determines that information is missing from the application, the City will identify those elements in the notification. If the applicant fails to submit the missing information within five (5) working days of the notice of deficiency, the City may deny approval of the application.
- C. If the applicant corrects the deficiencies and resubmits the application within the time provided above, the City has ten (10) working days to notify the applicant whether the resubmitted application contains all the information required by this chapter.
- D. After a complete application has been filed, the City shall investigate the facts bearing on the application to assure that the action on the application is consistent with the intent and purpose of this Title and then give its recommendation to the Zoning and City Commission.

**A CONDITIONAL USE PERMIT IS EFFECTIVE UPON APPROVAL BY THE CITY COMMISSION AND AFTER ALL OF THE CONDITIONS FOR APPROVAL HAVE BEEN COMPLETED.**

**YOUR PROPOSAL MUST COMPLY WITH THE FOLLOWING:**

- Building and fire codes including required building and occupancy permits.
- Zoning Ordinance requirements including but not limited to: front, side and rear yard setbacks; maximum lot coverage; building height; landscaping; parking; screening; and signage.
- Sidewalks, curbs, and gutters; if deteriorated, repair or replacement may be required.

**APPLICATION INSTRUCTIONS:**

**Please note: "N/A" is not an acceptable answer alone and requires an explanation if used.**

**All conditional use permit applications must include the following information per 11-3-2 CC:**

- 1. Apply to the City on the appropriate forms and pay any required fees. The application must include the property owner's signature;
- 2. Type and extent of the proposed use (including hours of operation);
- 3. Site plan showing the proposed and current location of:
  - Pedestrian, vehicular, and bicycle ingress and egress to the property;
  - Parking and loading areas;
  - Landscaping and screening;
  - Solid waste collection areas;
  - Utilities;
  - Signs; and
  - Lighting;
- 4. Proposed storm water drainage plan;
- 5. Traffic impact study for any use that will generate more than two hundred (200) vehicle trips a day;
- 6. Vicinity map of the area showing the location of the property in relation to surrounding land and zoning in the immediate area, water and wastewater mains, other utilities, and city streets;
- 7. Planned modifications to the existing structure;
- 8. Preliminary architectural drawings for new construction with elevations that include building heights;
- 9. An evaluation of the impacts on the abutting properties and the neighborhood with respect to the factors identified in section 11-3-4B City Code. The evaluation must address any potential adverse impacts and how any such adverse impacts will be mitigated.
- 10. Expected time when the permitted conditional use will commence; and
- 11. Variances requested.



**12. All applications for conditional use permits will be evaluated against the following criteria from 11-3-4 City Code:**

- The proposed conditional use, as conditioned, will not adversely impact public health, safety, or general welfare.
- The proposed conditional use, as conditioned, will not adversely impact the peaceful use of existing property or improvements in the vicinity and the zoning district in which the subject property is located.

The following factors must be considered in determining the impacts of the proposed conditional use on the abutting properties and the neighborhood. **Please provide an evaluation of the following using the above criteria on a separate page:**

- Location, character, and natural features of the subject property as it currently exists;
- Type and size of the proposed structure and improvements and their relative location on the subject property;
- Historical uses, established use patterns, and recent changes and trends in the neighborhood;
- Conformity of the proposed use with the neighborhood plan if one has been adopted;
- Current and proposed pedestrian, vehicular, and bicycle traffic including ingress and egress, circulation, and parking;
- Whether the use is consistent with the Helena Climate Change Action Plan;
- Whether the proposal meets the zoning dimensional standards requirements for the zoning District without the need for a variance;
- Hours of operation;
- Noise;
- Glare;
- Odor;

**Expressed public opinion related to factors identified above will be used in the evaluation of the proposed CUP.** It is recommended that the applicant contact neighbors to inform them of proposal and identify any concerns that the applicant may be able to address.

**IT IS THE POLICY OF THE CITY COMMISSION NOT TO ACT ON A PROPOSAL IF THE APPLICANT/ APPLICANT'S REPRESENTATIVE IS NOT PRESENT AT THE COMMISSION MEETING.** City Planning Staff represents the City; staff cannot answer questions for the applicant.

Per 1-4-12 City Code, the taxes and assessments on the applicant's property, which is the subject of the proposed action, must be paid or payment of said taxes and assessments must be made a condition of final approval of said action by the City Commission, with the taxes and assessments to be paid within fourteen (14) days after final passage.

11-3-2CC:

- 2) I am applying for a Residential Duplex with normal hours of use for residents. This will be an addition to an existing neighborhood. This duplex will be built up to modern standards and will improve and add value to the existing neighborhood. There are numerous multi families in the immediate area and this will be a great addition.
- 3) We are planning to build a new sidewalk on the Cleveland St. side. We are planning for the off street parking for both homes. The existing home will have a space on the north side off the alley. This does not exist presently. The new Duplex will have a garage for each side and then a parking space in the driveway right outside the garage. We will have a bit of grass and some new ornamentals for landscaping. I hope to keep the few trees that are there presently. There will be garbage pick up in the alley as it is already functioning there. We may add a community receptacle on the Cleveland street side. The utilities will come in off existing water, sewer and electric as noted in the drawings. We will have new address signs for the duplex and single family existing home. Finally for this there will be new outside lighting for this Duplex on all sides as needed.
- 4) The duplex will occupy the eastern part of the lot. It will have new gutter and downspouts that will point storm water away from the neighboring home.
- 5) The duplex could have a maximum of 4 vehicles, 2 per family. This will increase traffic according to the national average by 6.5 trips per vehicle, 2 per side. This will amount to about 104 trips added to the neighborhood per day.
- 7) There is an existing small home on the property right now. This structure will remain on the property and the duplex will be built in front of it. Within this application there is a sketched preliminary site plan, floor plan, setbacks, sidewalks, and city hookups for sewer and water.
- 8) Please note attached preliminary architectural drawings for the new construction.
- 9) To my understanding there is no adverse impact on the neighbors or neighborhood with this addition. I believe it will be a great added addition to the neighborhood and an added value. It will help to increase the value of the existing neighborhood.
- 10) My intent is to start building as soon as I get the permit and the final architectural drawings and then the actual building permits. My hope is to have the foundation in and have it dried in by the end of the summer.
- 11) I am requesting a variance for 1201 Wilder to build a second building on the front part of the lot. This will be well within the 40% land use for the lot. It will be a new and beautiful Duplex, 3bd/2 bath. I like to use a light green siding with a beige white trim. I built another duplex at 611 Wilder two years ago with these colors. There is also another duplex I built at 1312 Poplar 4 years ago that has these colors. It also has upgraded both areas. I am excited about this prospect.

11-3-4 City Code:

I am applying for a Conditional Use Permit for an existing developed lot within the City of Helena. This is an effort to add much needed housing to the area. This will be a 3bd/2bath duplex for families at 1201 Wilder.

This will be built on the east end of the property at 1201 Wilder. There is an existing small single family home, 864 sq.ft. It that was built in 1913 as I understand. It is in great shape and has a family in it now. It is built right up next to the existing alley leaving a lot of room to build this duplex in the front closer to Wilder. As I understand the history of the area this has always been a neighborhood for 100 plus years. As I understand it there is no existing plan for this neighborhood, hence the application for a Conditional Use Permit.

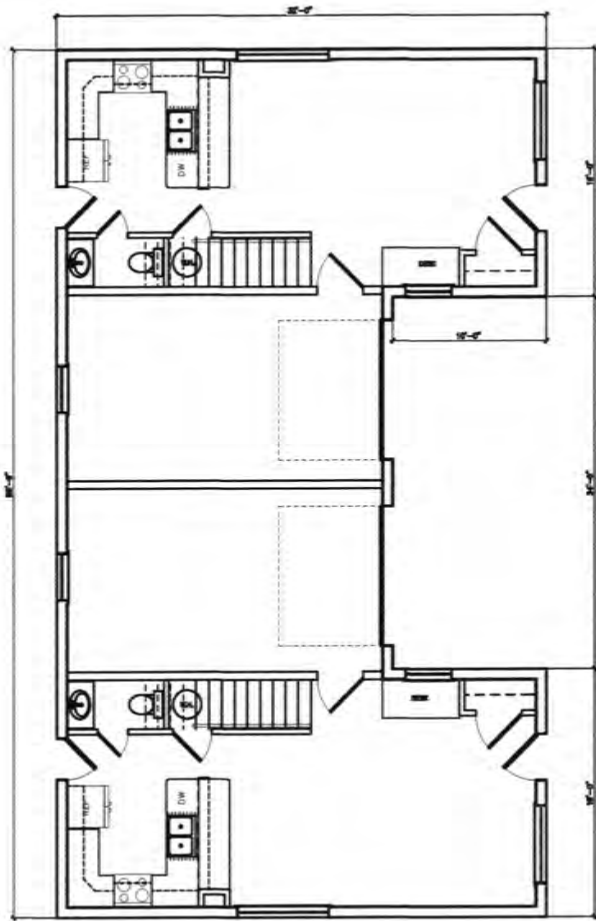
The plans call for a new sidewalk to be put in on the Cleveland street side. All sides of the duplex proposed will adhere to current setbacks and use by the tenants. Any pedestrian use as I understand it will meet code and again add to the vitality of the neighborhood. We will be bringing the property up to

current engineering standards for new homes. There is one garage and a parking area behind the garages for both sides of the duplex.

The home is being built on a current lot and to my understanding does not affect current Helena Climate Change.

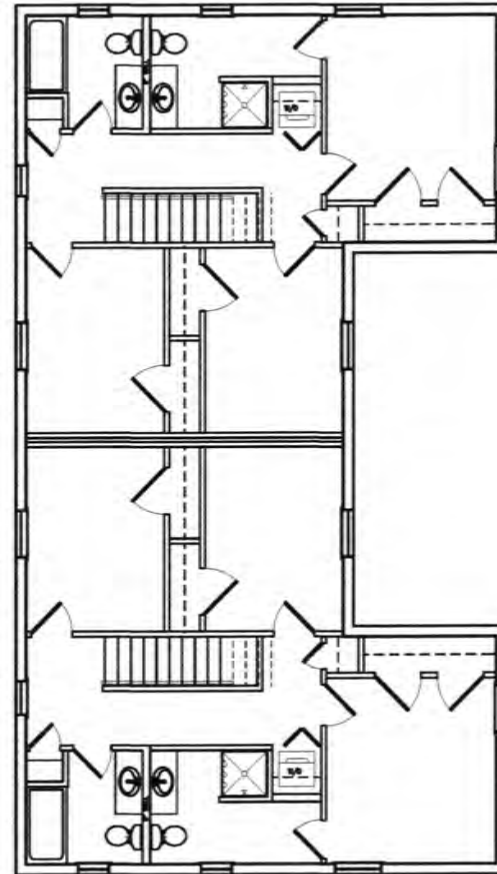
I see no need for a variance regarding zoning.

This is a duplex that will hopefully house 2 families. There will be normal noise created by any family in a normal neighborhood. As a landlord, I have strict guidelines for noise in and out of the unit while on the property. Glare and Odor will be in keeping with a normal residence. This will not be for families with pets which should eliminate a good amount of odor. The yard will not be big enough for normal pets.



1-First Floor

VP = 1-2'



2-Second Floor

VP = 1-2'





3-South

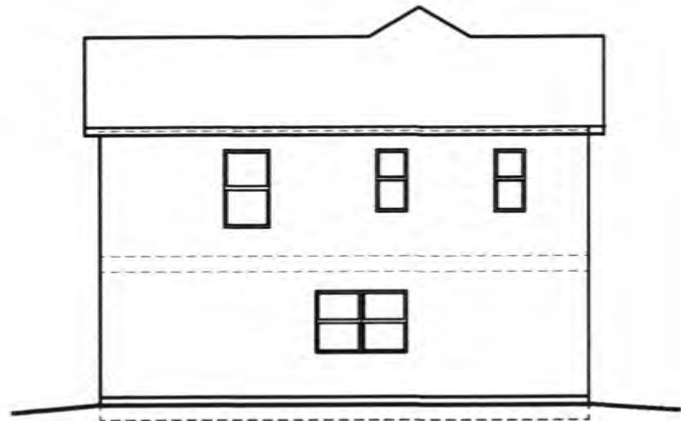
SCALE 1/8" = 1'-0"

VP = 1'-0"



4-East

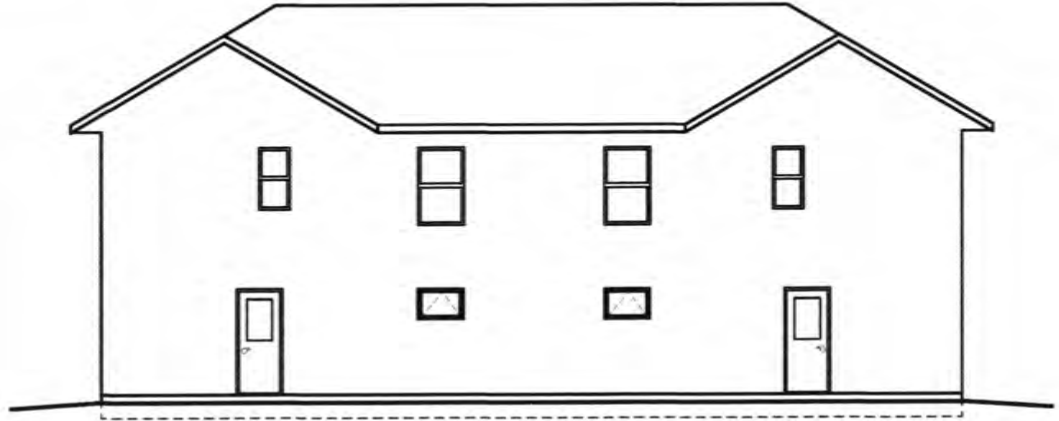
VP = 1'-0"



5-North

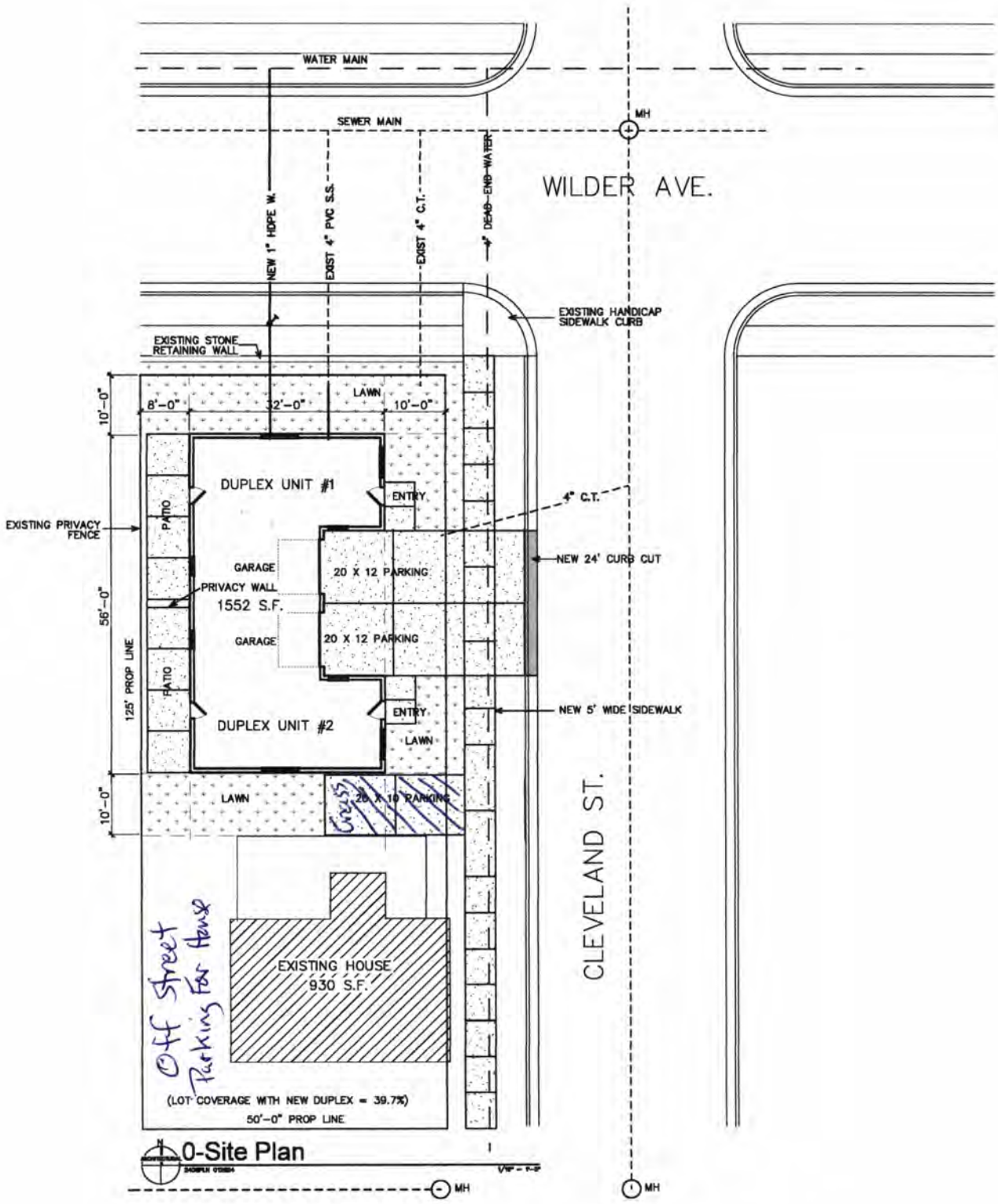
SCALE 1/8" = 1'-0"

VP = 1'-0"

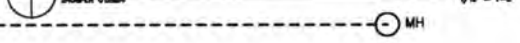


6-West

VP = 1'-0"



0-Site Plan



*Off Street Parking for house*

(LOT COVERAGE WITH NEW DUPLEX = 39.7%)  
50'-0" PROP. LINE

**RETURN TO:**

**Name:** Helena Abstract and Title Company  
**Address:** PO Box 853  
Montana Club Bldg, 6th & Fuller Ave  
Helena, MT 59624  
**File No.:** 2078438 *Wille*

**WARRANTY DEED**

**FOR VALUABLE CONSIDERATION**, ASHTON C. SHEPPARD and ERWIN C. SCHOCK, the grantor(s), do(es) hereby grant, bargain, sell, convey and confirm unto GOTLIEB'S FIVE, LLC, the grantee(s), the following described premises in Lewis and Clark County, Montana, to-wit:

Lots 15 and 16 in Block 97 of the Ming Addition to the City of Helena, Lewis and Clark County, Montana.

**TO HAVE AND TO HOLD** the said premises, with its appurtenances, unto the said Grantee(s), (his, her, their) heirs and assigns, forever;

**SUBJECT TO:** A. All reservations, exceptions, covenants, conditions and restrictions of record and in patents from the United States or the State of Montana; B. All existing easements, rights of way and restrictions apparent or of record; C. Taxes and assessments for the current year and subsequent years; D. All prior conveyances, leases or transfers of any interest in minerals, including oil, gas and other hydrocarbons; and E. Building, use, zoning, sanitary, and environmental restrictions.

And the said Grantor(s) do(es) hereby **WARRANT** unto the said Grantee(s), their heirs and assigns, that previous to the date of this conveyance said Grantor(s) has not conveyed the same estate or any right, title, or interest therein to any person other than Grantee(s) and that such estate is at the time of the execution of this conveyance, free from encumbrances done, made, or suffered by them or any person claiming under them.

**DATED** 1-19-2021  
*Ashton C. Sheppard*  
ASHTON C. SHEPPARD

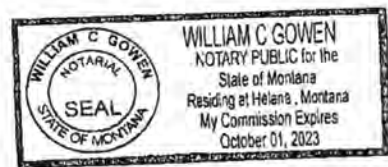
*Erwin C. Schock*  
ERWIN C. SCHOCK

STATE OF MONTANA  
COUNTY OF LEWIS AND CLARK

This instrument was acknowledged before me on January 19, 2021 by ASHTON C. SHEPPARD and ERWIN C. SCHOCK.

*William C. Gowen*  
\_\_\_\_\_  
Notary Public for the State of Montana

Residing at  
My Commission expires:







# YEAR 2023 REAL ESTATE STATEMENT OF TAXES PAYABLE



**Amy Reeves**  
Lewis & Clark County Treasurer  
316 N. Park Ave Rm 113  
Helena, MT 59623  
Phone: (406) 447-8329

8979\*33\*\*G50\*\*1.39\*\*5/10\*\*\*\*\*AUTO5-DIGIT 59602  
GOTLIEBS FIVE LLC  
3205 WHEATLAND DR  
HELENA MT 59602-8862

PROPERTY ID NO.: 5770  
01-01: Tax District 01  
SEC-TWN-RGE: 24-10 N-04 W

For internet payments  
please log onto:  
[https://tax.tyler-tech.com/  
LewisAndClarkMT/](https://tax.tyler-tech.com/LewisAndClarkMT/)  
For payments using  
credit cards, dial toll free  
1-888-272-9829.  
You will be asked for a  
jurisdiction Number. This  
number is 3602. You will  
then be prompted for  
payment information.

Property Location: 1201 WILDER AVE  
Legal Description: MING ADDN, S24, T10 N, R04 W, BLOCK  
97,

Valuation Type	Market Value	Taxable Value
Real Estate	80,063.00	1,081.00
Improvements	114,137.00	1,541.00
Personal Property	0.00	0.00
	194,200.00	2,622.00

County Mill Value: 0

### DELINQUENT TAXES

Total Prior Year(s)  
Delinquent Tax Including  
Penalty and Interest:

### GENERAL TAX DETAIL

Levy Description	Amount
HL *Helena Fire Safety Levy-Voted	26.16
HL Helena General	277.14
HL *Helena GO 2008-Voted	14.64
HL Helena Permissive	72.14
LC All Purpose	74.72
LC Co Extension	2.92
LC *Detention Center Bond Services-Voted	8.08
LC *Detention Services-Voted	44.74
LC District Court	7.42
LC *Diversion Services-Voted	11.74
LC Entitlement Levy	38.30
LC *Fairgrounds-Voted	7.08
LC Health	16.62
LC Library	14.98
LC **Library 1-Voted	31.46
LC Mental Health	1.52
LC Parks	0.22
LC Permissive Med Levy	24.90
LC Public Safety	72.76
LC **Public Safety 1-Voted	60.62
LC *Search and Rescue Maintenance	2.10
LC Senior Citizens	2.34
LC Sheriffs Retirement System Levy	3.20
SC Co Elem Retirement	61.67
SC Co High Retirement	36.34
SC Co Transportation	7.02
SC Co Elem Schools	70.80
SC Co High Schools	47.20
SD Elem Adult Ed	3.64
SD Elem Bond/Debt	4.16
SD **Elem Bond/Debt A-Voted	74.46
SD Elem Building Reserve-Permissive	5.06
SD *Elem Building Reserve-Voted	50.08
SD Elem General	74.22
SD **Elem General A-Voted	137.50
SD *Elem Technology-Voted	8.68
SD Elem Transportation	92.54
SD Elem Tuition	33.50

Levy Description (Continued)	Amount
SD High Adult Ed	3.34
SD High Bond/Debt	2.68
SD *High Building Reserve	22.94
SD High Building Reserve-Permissive	2.34
SD High General	37.76
SD **High General A-Voted	79.16
SD *High Technology	8.54
SD High Transportation	16.12
SD High Tuition	6.10
ST St Equalization	86.26
ST University	15.74
ST Vo-Tech	3.40

Total Mill Levy: 689.19

Total General Taxes **1,807.05**

### SPECIAL ASSESSMENTS

Description	Code	1st Half	2nd Half
OT LANDFILL MONITORING	0016	3.62	3.61
OT STORM WATER UTILITY	0008	23.08	23.08
OT WATER QUALITY INSIDE CITY	8000	4.40	4.40
OT OPEN-SPACE LANDS	2518	6.12	6.12
OT STREET MAINT #1	0001	103.08	103.08
OT SOLID WASTE	0003	97.05	97.05
OT FORESTVALE CEM	2121	3.40	3.39
OT LIGHT DISTRICT #357	0357	22.44	22.43
OT OPEN SPACE MAINT	0070	10.00	10.00
OT URBAN FOREST MGMT	0061	19.50	19.50

TOTAL **292.69** **292.66**  
Total Taxes Due Current Year **1,196.22** **1,196.18**

\*-Voted in    \*\*Voted to increase    \*\*\*Voted to exceed Statutory Authority

Please fold on perforation BEFORE tearing

10-24-23 v2

## 2023 2ND HALF PAYMENT STUB

Property ID Number: 5770

DUE ON OR BEFORE: 05/31/2024

Property Tax Assistance eligibility reflected in amount due for current tax year

This property may qualify for a Property Tax Assistance Program. This may include: Property Tax Assistance, Disabled or Deceased Veterans' Residential Exemption, and/or Elderly Homeowner's Tax Credit. Contact the Local Department of Revenue at 406-444-4000 for further information.

*If your mailing address has changed, please fill out the form on the back of your payment coupon!*

GOTLIEBS FIVE LLC  
3205 WHEATLAND DR  
HELENA MT 59602-8862

Second Half Amount Due:

**\$1,196.18**

NO SECOND HALF NOTICE WILL BE SENT. YOUR CHECK IS YOUR RECEIPT. STUBS MUST ACCOMPANY PAYMENT. FOR A COPY OF YOUR TAX RECEIPT INCLUDE A SELF ADDRESSED STAMPED ENVELOPE.

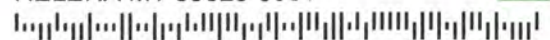


eNoticesOnline.com  
Go Paperless

AUTHORIZATION CODE  
**LCC-74QMV6W3**

RETURN THIS STUB WITH YOUR SECOND HALF PAYMENT TO:

LEWIS & CLARK COUNTY TREASURER  
316 N. PARK AVE RM 113  
HELENA MT 59623-0001



NO STAPLES, PAPERCLIPS, OR TAPE PLEASE!



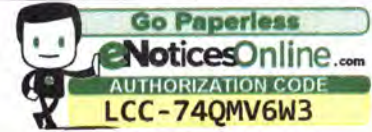
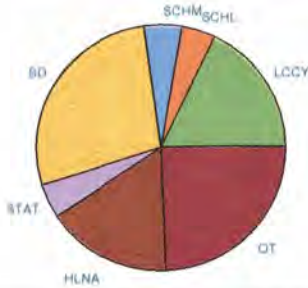


**LEWIS & CLARK COUNTY  
TREASURER**

Phone: (406) 447-8329

Website: <https://www.lccountymt.gov/car.html>  
Department email: [propertytax@lccountymt.gov](mailto:propertytax@lccountymt.gov)

**DISTRIBUTION BREAKDOWN**



HL	HLNA	18.30%	\$390.08
LC	LCCY	17.79%	\$425.72
SC	SCHL	4.39%	\$105.03
SC	SCHM	4.93%	\$118.00
SD	SD	27.71%	\$662.82
ST	STAT	4.41%	\$105.40
OT	OTHER	24.47%	\$585.35

**IMPORTANT TAX INFORMATION – PLEASE READ CAREFULLY!**

EXAMINE THIS BILL BEFORE PAYING. See that all legal descriptions are correct as the Treasurer is not responsible for payments on the wrong property and payments so made CANNOT BE REFUNDED.

Address changes are made through the Department of Revenue, Property Assessment Division at 340 N. Last Chance Gulch, Helena, MT 59601 or call (406) 444-4000.

PAYMENT STUB(S) must be sent with your check in order to receive proper credit for payments. Please refer to your Property ID Number(s) on all checks and correspondence.

THIS IS THE ONLY NOTICE YOU SHALL RECEIVE. So, if you don't pay in full, save your tax bill with the 2nd Half Stub to send with the 2nd payment. We do not mail receipts for payments unless a stamped, self addressed envelope is enclosed. Your check is your receipt.

When any tax payment becomes delinquent, a penalty of 2% is immediately added. Also added is interest at the rate of 5/6 of 1% per month until paid. Interest is figured daily. The delinquent amount that may be shown on the front of this form may be for more than one tax year. Our phone number is (406) 447-8329.

**PLEASE NOTE: IF YOUR TAXES ARE PAID VIA AN ESCROW ACCOUNT, IT WILL BE YOUR RESPONSIBILITY TO NOTIFY YOUR AGENT OF THESE CHARGES.**

USE THE MAIL TO AVOID ANY INCONVENIENCE. HELP US HELP YOU!

PROPERTY VALUATION STAFF MAY BE VISITING YOUR PROPERTY TO CONDUCT AN ON-SITE REVIEW FOR APPRAISAL AND AUDIT PURPOSES. YOU OR YOUR AGENT MAY WANT TO BE PRESENT. IF YOU WISH TO MAKE AN APPOINTMENT, CONTACT THE LOCAL DEPARTMENT OF REVENUE OFFICE AT 406-444-4000.

Thank you!  
Amy Reeves  
Lewis and Clark County Treasurer

KEEP THIS PART FOR YOUR RECORDS.  
IT IS THE ONLY NOTICE THAT YOU WILL RECEIVE.

10-24-23 v2

**NOTE:**

**This stub must accompany 2nd half payment.**

Please write the Property ID Number(s) on your check.

Note any address changes here (PLEASE PRINT):

NAME \_\_\_\_\_

NEW ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

PHONE \_\_\_\_\_ TAX CODE \_\_\_\_\_

EMAIL \_\_\_\_\_

OWNER SIGNATURE \_\_\_\_\_

Make check or money order payable to:  
**Lewis & Clark County Treasurer**

Mail to:  
Lewis & Clark County Treasurer  
316 N. Park Ave Rm 113  
Helena, MT 59623

**IMPORTANT:** Please make sure the address on the front of this coupon shows through the window in the provided return envelope or the Post Office will NOT deliver your payment.

To expedite the processing of your payment, please don't staple, paperclip, or fasten the check and statement together.

Date: 03/29/2024  
 Time: 13:11:40

**LEWIS AND CLARK COUNTY**

\*\*\* REPRINTED \*\*\*

**CASH RECEIPT**

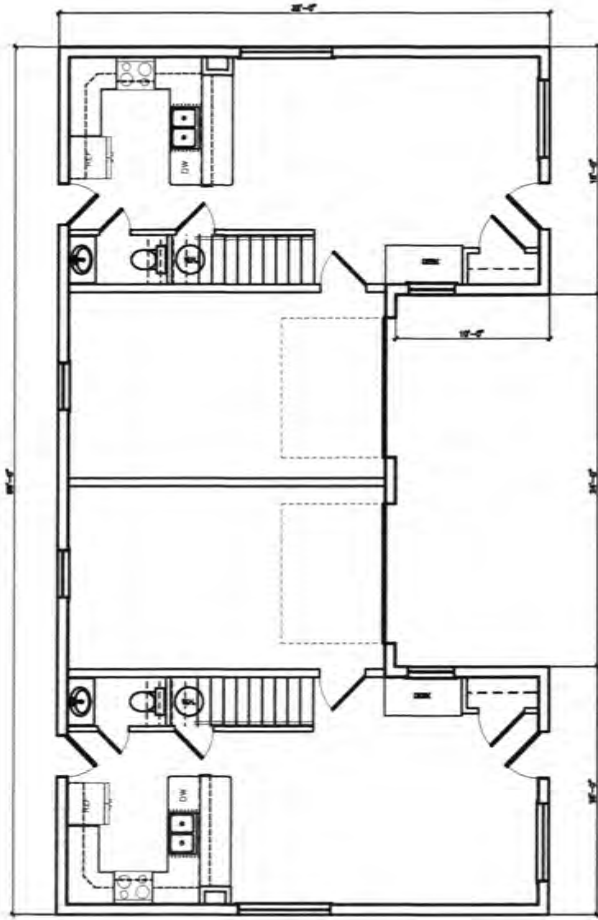
**2023 REAL ESTATE TAXES**

Receipt#	Trans Date	Clerk ID	Batch#	Tax Year	Tax Code	Receipt Total
2420796	11/22/2023	SO	20231122-000361	2023	5770	\$1,196.22

Legal Owner Name	Legal Description
GOTLIEBS FIVE LLC 3205 WHEATLAND DR HELENA MT 59602-8862	LOC: 1 GEO: 05-1887-24-4-11-19-0000 TWN: 10 N SCT: 24 RNG: 04 W MNG SubDiv MNG LOT: 15 BLK: 97 MING ADDN, S24, T10 N, R04 W, BLOCK 97, Lot 15 - 16

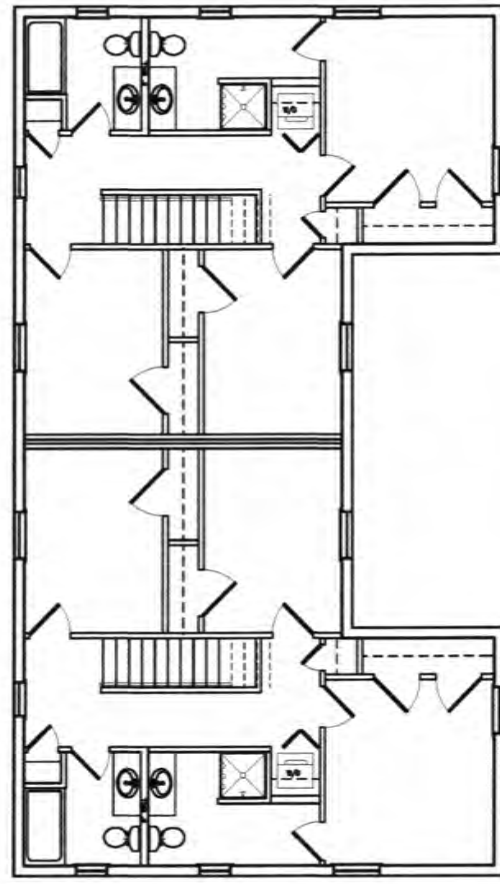
Stmt#	MC	Description	1st Half	Status	2nd Half	Status
16865	0000	Tax District 01	903.53	PAID	0.00	
16865	0001	STREET MAINT #1	103.08	PAID	0.00	
16865	0003	SOLID WASTE	97.05	PAID	0.00	
16865	0008	STORM WATER UTL	23.08	PAID	0.00	
16865	0016	LANDFILL MONITORING	3.62	PAID	0.00	
16865	0061	URBAN FOREST MGMT	19.50	PAID	0.00	
16865	0070	OPEN SPACE MAINT	10.00	PAID	0.00	
16865	0357	LIGHT DISTRICT #357	22.44	PAID	0.00	
16865	2121	FORESTVALE CEM	3.40	PAID	0.00	
16865	2518	OPEN-SPACE LANDS	6.12	PAID	0.00	
16865	8000	WATER QUALITY INSIDE CITY	4.40	PAID	0.00	
		PAYMENT DATE:	11/22/2023			
		TAX AMOUNT:	\$1,196.22			
		PENALTY:				
		INTEREST:				
		TOTAL:	\$1,196.22			
		RECEIPT TOTAL:	\$1,196.22			
THIS RECEIPT IS INCLUDED IN A BATCH WITH 16 OTHER RECEIPT(S) TOTALING:					\$37,803.80	

Payment Type	Doc#	Description	Amount
Check	1175	GOTLIEBS FIVE LLC	39,000.02
<b>TOTAL:</b>			<b>39,000.02</b>



1-First Floor

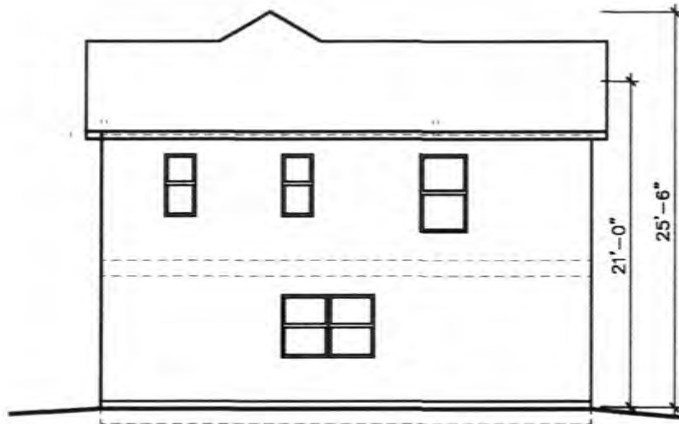
VP - 1-2'



2-Second Floor

VP - 1-2'

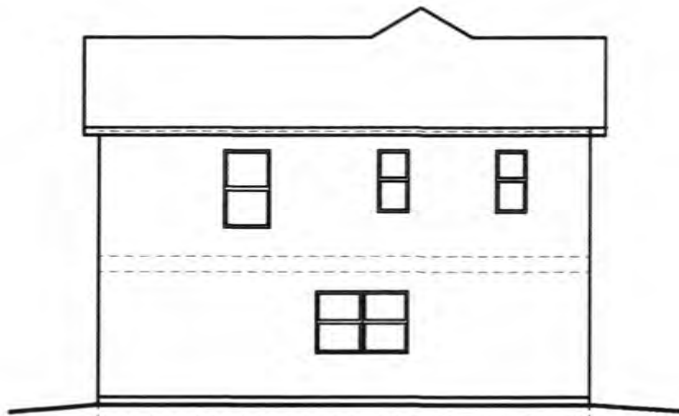




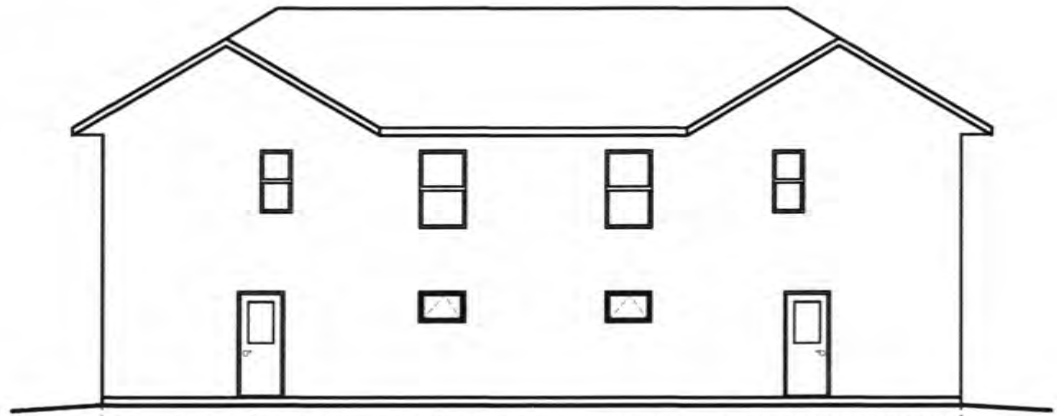
3-South



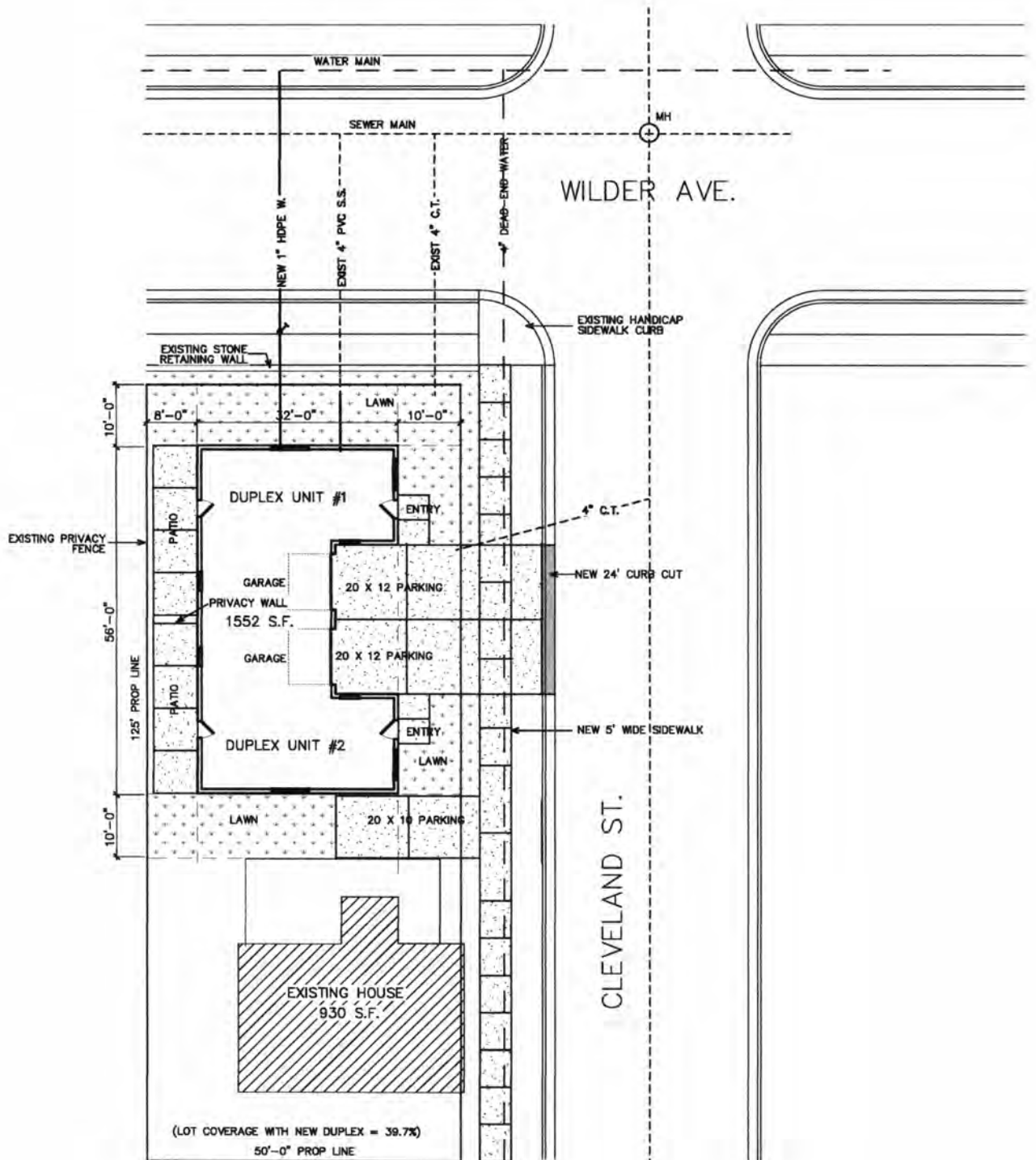
4-East



5-North



6-West



**0-Site Plan**  
 1" = 10'-0"  
 MH

**RETURN TO:**

**Name:** Helena Abstract and Title Company  
**Address:** PO Box 853  
Montana Club Bldg, 6th & Fuller Ave  
Helena, MT 59624  
**File No.:** 2078438 *Wille*

**WARRANTY DEED**

**FOR VALUABLE CONSIDERATION**, ASHTON C. SHEPPARD and ERWIN C. SCHOCK, the grantor(s), do(es) hereby grant, bargain, sell, convey and confirm unto GOTLIEB'S FIVE, LLC, the grantee(s), the following described premises in Lewis and Clark County, Montana, to-wit:

Lots 15 and 16 in Block 97 of the Ming Addition to the City of Helena, Lewis and Clark County, Montana.

**TO HAVE AND TO HOLD** the said premises, with its appurtenances, unto the said Grantee(s), (his, her, their) heirs and assigns, forever;

**SUBJECT TO:** A. All reservations, exceptions, covenants, conditions and restrictions of record and in patents from the United States or the State of Montana; B. All existing easements, rights of way and restrictions apparent or of record; C. Taxes and assessments for the current year and subsequent years; D. All prior conveyances, leases or transfers of any interest in minerals, including oil, gas and other hydrocarbons; and E. Building, use, zoning, sanitary, and environmental restrictions.

And the said Grantor(s) do(es) hereby WARRANT unto the said Grantee(s), their heirs and assigns, that previous to the date of this conveyance said Grantor(s) has not conveyed the same estate or any right, title, or interest therein to any person other than Grantee(s) and that such estate is at the time of the execution of this conveyance, free from encumbrances done, made, or suffered by them or any person claiming under them.

**DATED** 1-19-2021

*Ashton C. Sheppard*  
ASHTON C. SHEPPARD

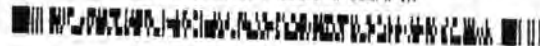
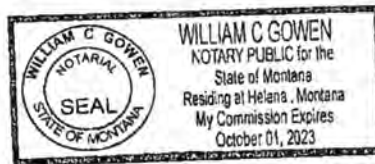
*Erwin C. Schock*  
ERWIN C. SCHOCK

STATE OF MONTANA  
COUNTY OF LEWIS AND CLARK

This instrument was acknowledged before me on January 19, 2021 by ASHTON C. SHEPPARD and ERWIN C. SCHOCK.

*William C. Gowen*

Notary Public for the State of Montana  
Residing at  
My Commission expires:



Section 139  
 Henry & Dorothy  
 100 East 150 West  
 Helena, Mont. 59102

Alley in Block 127, Page 57 City Plat No. 77 of 113 Bqs. 150  
 Registered 9-15-66

Ordinance creating streets of Helena  
 1911 Ch. 111, 112

# MAP OF MING ADDITION TO HELENA

EMBRACING THE S 1/2 S.W. 1/4 SEC 24  
 T. 10N. R. 4W. PRINCIPAL BASE AND MERIDIAN  
**MONTANA**  
 SCALE 200 FT. TO 1 INCH

Cumming and Hovey  
 Civil and Mining Engineers

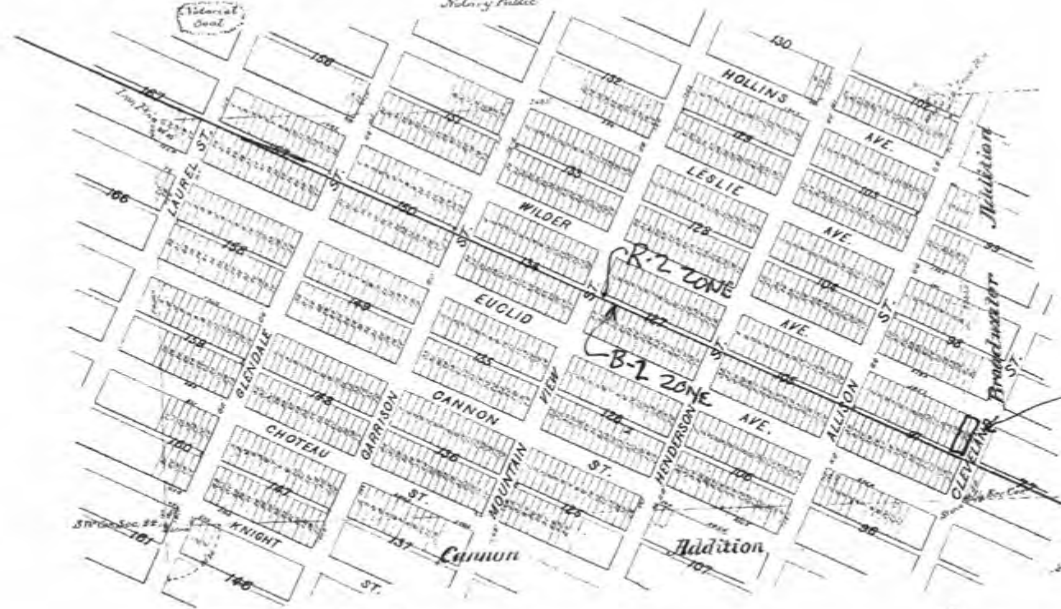
**Acknowledgment**  
 We all know that the undersigned John H. Ming and Katherine I. Ming  
 his wife proprietors of the Ming Addition to Helena, Montana, and under the 21st of the  
 109th of Sec. 24 T. 10N. R. 4W. Range Four West Montana Meridian have by school  
 edge and verify that we prepared and caused to be made a survey of the corner  
 of which this plat was taken, and for the purpose of record, and we  
 hereby state and declare the standard of the survey to be the public use and benefit forever.  
 In testimony whereof we have hereunto set our hands and  
 affixed our seals this 14th day of April 1907.  
 In presence of  
 J. H. Hovey  
 Katherine I. Ming

Secretary of Montana  
 County of Lewis & Clark } ss  
 On this 14th day of April AD 1907 the said  
 eight hundred and eighty seven personally appeared before me J. H. Hovey  
 a Notary Public in and for said Territory of Montana John H. Ming  
 and Katherine I. Ming the wife and widow of the foregoing plat  
 a witness of their acknowledgment to me that they each of them respectively  
 executed the same freely and voluntarily and for the uses and pur-  
 poses therein mentioned.  
 And the said Katherine I. Ming the wife of the said John H. Ming  
 having been by me first interrogated with the contents of said  
 instrument acknowledged to me as a witness apart from and without the  
 hearing of her husband that she executed the same freely and voluntarily without  
 fear or compulsion or undue influence of her husband and that she does not  
 wish to retract the execution of the same.  
 In witness whereof I have hereunto set my hand and affixed my official  
 seal the day and year in this certificate first above written.  
 J. H. Hovey  
 Notary Public

**Remarks**  
 Streets running North and South are 100 ft. wide  
 North and South, excepting Front Street which  
 is 100 ft. wide, see in plan.  
 Alleys are 10 ft. in width, lots 25 x 100 ft.

Secretary of Montana  
 County of Lewis & Clark } ss  
 I, J. H. Hovey, Notary Public, do hereby certify that  
 the streets and alleys are of the width stated in the foregoing  
 remarks and that said addition has been laid out on the ground  
 according to this plat and that said addition embraces the 1/2  
 of the 24th of Sec. 24 T. 10N. R. 4W. Principal Base and Meridian  
 Montana.

J. H. Hovey  
 Civil Engineer  
 Given to and subscribed before me this 30 day of March 1907  
 J. H. Hovey  
 Notary Public  
 Filed May 7th A.D. 1907 at 4 o'clock  
 J. B. Johnson  
 County Recorder



SUBJECT PROPERTY  
 LOTS 15 & 16

Secretary of Montana  
 County of Lewis & Clark } ss  
 I, J. B. Johnson, County Recorder, do hereby certify that the foregoing is a correct copy  
 of the original record of said addition in the public records of said County, Volume 74 of 1907  
 without my hand and seal of said County, Volume 74 of 1907.  
 J. B. Johnson  
 County Recorder





521-2

1201

1205

300-41L

CLEVELAND ST

WILDERAVE