

RESOLUTION 2015 - 160

RESOLUTION ABANDONING A PORTION OF A COUNTY ROAD LOCATED
WITHIN THE BROWNLEE MINOR SUBDIVISION

WHEREAS, the Lewis and Clark County Board of County Commissioners (Board) has the authority to abandon any part of a county road upon the petition in writing of all owners of lots on the street if it can be done without detriment to the public interest, pursuant to Section 7-14-2103(3), MCA; and

WHEREAS, a public access easement was established by the Brownlee Minor Subdivision to "dedicate and donate the county road easement as shown and described on this plat to the use of the public forever;" said access easement was recorded on Document No. 3153904, Lewis and Clark County Clerk and Recorder; this document is attached as Exhibit "A"; and

WHEREAS, said access easement is located in the NW 1/4 of Section 19, T11N, R3W, P.M.M., Lewis and Clark County; a portion of the plat showing the location of the road known as Can Am Court is attached as Exhibit "B"; and

WHEREAS, the location of the proposed easement vacation begins at the south edge of the Lincoln Road right-of-way and extended approximately 195 feet to the end of the cul-de-sac of Can Am Court; a plat showing the location of the road is attached as Exhibit "B"; and

WHEREAS, said easement is approximately 195 feet in length and 60 feet in width, and

WHEREAS, landowners petitioned the Lewis and Clark County Board of Commissioners to abandon said easement; and

WHEREAS, the Board of County Commissioners has, by approving the final plat for the Brownlee Minor Subdivision, adopted said easement as a County Road; and

WHEREAS, this County road has never been constructed; and,

WHEREAS, the abandonment of this County road will not affect access for any residents; and

WHEREAS, having received a petition in writing of the owner of the lots underlying the easement, the Board published notice of a public hearing, held the public hearing, and considered at that hearing whether the abandonment, vacation or closure of the public access easement could be done without detriment to the public interest; and

WHEREAS, the Board determined that the abandonment, vacation or closure of this public access easement can be done without detriment to the public interest; and

NOW, THEREFORE, BE IT RESOLVED that the road easement known as Cam Am Court, located within the Brownlee Minor Subdivision, in the NW1/4 of Section 19, T11N, R3W, P.M.M., Lewis and Clark County, is hereby declared abandoned, vacated and discontinued, as shown on attached Exhibit "B".

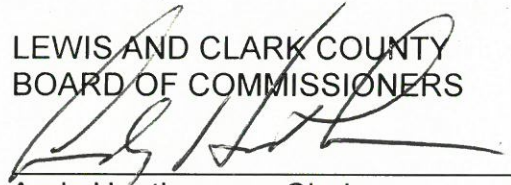


NOW, THEREFORE, BE IT FURTHER RESOLVED that Can Am Court will be vacated and closed as a County road and is not a maintenance obligation to the County.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this resolution be referenced on the face of the Amended Plat of Brownlee Subdivision.

DATED this 1st day of, December 2015.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman

ATTEST:



Paulette J. DeHart, Clerk of Board

Attachments:

Exhibit "A"
Exhibit "B"

