

**RESOLUTION 2015 - 40**

**RESOLUTION REGARDING OWNERSHIP OF  
THE OLD YORK ROAD EASEMENT**

WHEREAS, the Helena-York Road was originally established as a County Road by the order of the Board of County Commissioners on December 26<sup>th</sup>, 1866, Commissioners Journal A, pages 117, 118; and

WHEREAS, subsequent changes in the original road alignment have occurred over the years and the road became known as York Road; and

WHEREAS, York Road currently passes through the NE ¼ of Section 34, Township 11 North, Range 2 West, Lewis and Clark County; and

WHEREAS, the current alignment of York Road was established by the State of Montana in 1972, as shown on the Highway design plans of record under Federal Aid Project No. 72(4) with the Montana Department of Transportation, the highway project created short sections of unused road known as Old York Road, formerly the Helena-York Road; and

WHEREAS, there have been a number of Commission actions over the years, Resolutions Nos, 1978-2, 1984-10, 1999-125 abandoning sections of the Old York Road, aka Helena-York Road; and

WHEREAS, Arnold L. Herrin and Eleanor A. Diamond, as Trustees of the Mutual Irrevocable Trust of Arnold L. Herrin and Eleanor A. Diamond have possessed the herein described property, including paying taxes on the area of the Old York Road, and have developed the property with landscaping; and

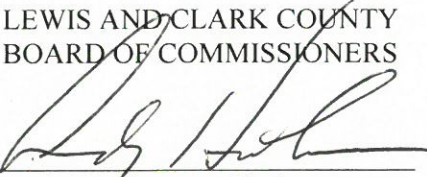
NOW, THEREFORE, BE IT RESOLVED, to clarify the ownership of the "Old York Road" for purposes of the title records, the County hereby agrees to file and record in the Office of the Clerk and Recorder a quitclaim deed (Exhibit A) granting any of its interest in the areas depicted as "Old County Road" on Certificate of Survey Number 3269751 to Michael Herrin, rightful heir of Eleanor Diamond.

BE IT FURTHER RESOLVED that this Resolution be referenced on the face of the Certificate of Survey to be recorded in the Partition action, Cause No. DDV-2012-656 in the Montana First Judicial Court, Lewis and Clark County.



DATED this 3 day of, March 2015.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Andy Hunthausen, Chairman

ATTEST:



*Andy Hunthausen*  
*for Paulette DeHart*

Paulette J. DeHart, Clerk of the Board

Attachments: Exhibit A

## QUIT CLAIM DEED

This instrument is executed the \_\_\_\_ day of February, 2015 by **LEWIS AND CLARK COUNTY**, 316 N. Park Avenue, Helena, Montana as GRANTORS, granting unto **MICHAEL HERRIN**, 5165 York Road, Helena, Montana as GRANTEE, all right, title and interest that GRANTOR may have to the following described property:

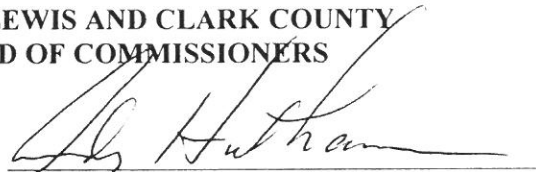
An area of land situated in the NE ¼ of Section 24, Township 11 North, Range 2 West of P.M.M., Lewis and Clark County, Montana, being more particularly described as the area depicted as "Old County Road" as represented and incorporated herein to Tract 1, all shown Certificate of Survey # \_\_\_\_\_;

The County held the right of way for the public's use, benefit and maintenance – not fee title absolute and through this quitclaim deed, the County disclaims any title to the "Old County Road" as depicted on the referenced Certificate of Survey.

DATED this 3 day of March, 2015.

**FOR LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS**

BY

  
\_\_\_\_\_  
Andy Hunthausen, Chairman

(Seal)

Attest:

Paulette DeHart, Clerk of the Board