

RESOLUTION 2015-58

RESOLUTION ABANDONING TWO PUBLIC ACCESS EASEMENTS LOCATED
SOUTHWEST OF THE JUNCTION OF NORTH MONTANA AVENUE AND JOHN G. MINE
ROAD, AND LYING SOUTH OF AND ADJACENT TO JOHN G. MINE ROAD

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, on February 26, 2008, two public access easements were dedicated on a single parcel of land by the previous property owners, Wayne and Doretta Pacheco, as recorded on Certificate of Survey (C.O.S.) No. 3143795, attached as Exhibit "A"; and

WHEREAS, the two said public access easements are located in the NE 1/4 of Section 30, T11N, R3W, P.M.M., Lewis and Clark County; and

WHEREAS, the proposed easement abandonments are located southwest of the junction of North Montana Avenue and John G. Mine Road, and lying south of and adjacent to John G. Mine Road; a certificate of survey showing the location of the easements is attached as Exhibit "B"; and

WHEREAS, both easements are approximately 1,600 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 abandonment of said public access easements will not have a significant adverse effect on access for any residents or services; and

WHEREAS, on Tuesday, October 28, 2014, the Lewis and Clark County Commission held a public hearing on the proposed abandonment of said public access easements at which time the Commission granted preliminary approval for the proposed abandonment; and

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

WHEREAS, the applicant has met all conditions of approval set forth by the Board at the hearing for preliminary approval on Tuesday, October 28, 2014; and

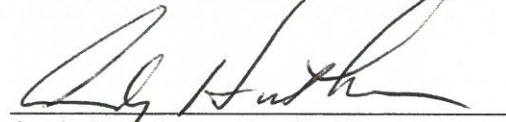
NOW, THEREFORE, BE IT RESOLVED that the two public access easements, located southwest of the junction of North Montana Avenue and John G. Mine Road, and lying south of and adjacent to John G. Mine Road, NE 1/4 of Section 30, T11N, R3W, P.M.M., Lewis and Clark County, are hereby declared abandoned, vacated, and discontinued, as shown on attached Exhibit "B".

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above-described easements will be discontinued and are not a maintenance obligation to the County.

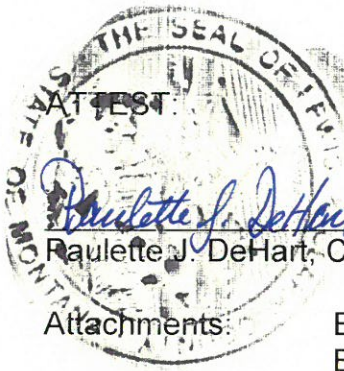
NOW, THEREFORE, BE IT FURTHER RESOLVED, that this Resolution be referenced on the face of the certificate of survey with the purpose of formally eliminating the two said public access easements.

DATED this 14 day of April 2015.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chairman



ATTEST:


Paulette J. DeHart, Clerk of Board

Attachments: Exhibit "A"
 Exhibit "B"

Certificate of Survey: To Create Public Access & Utility Easements
Situated in part of the NE 1/4 of Section 30, Township 11 North, Range 3 West, P.M.M.,
Lewis & Clark County, Montana.

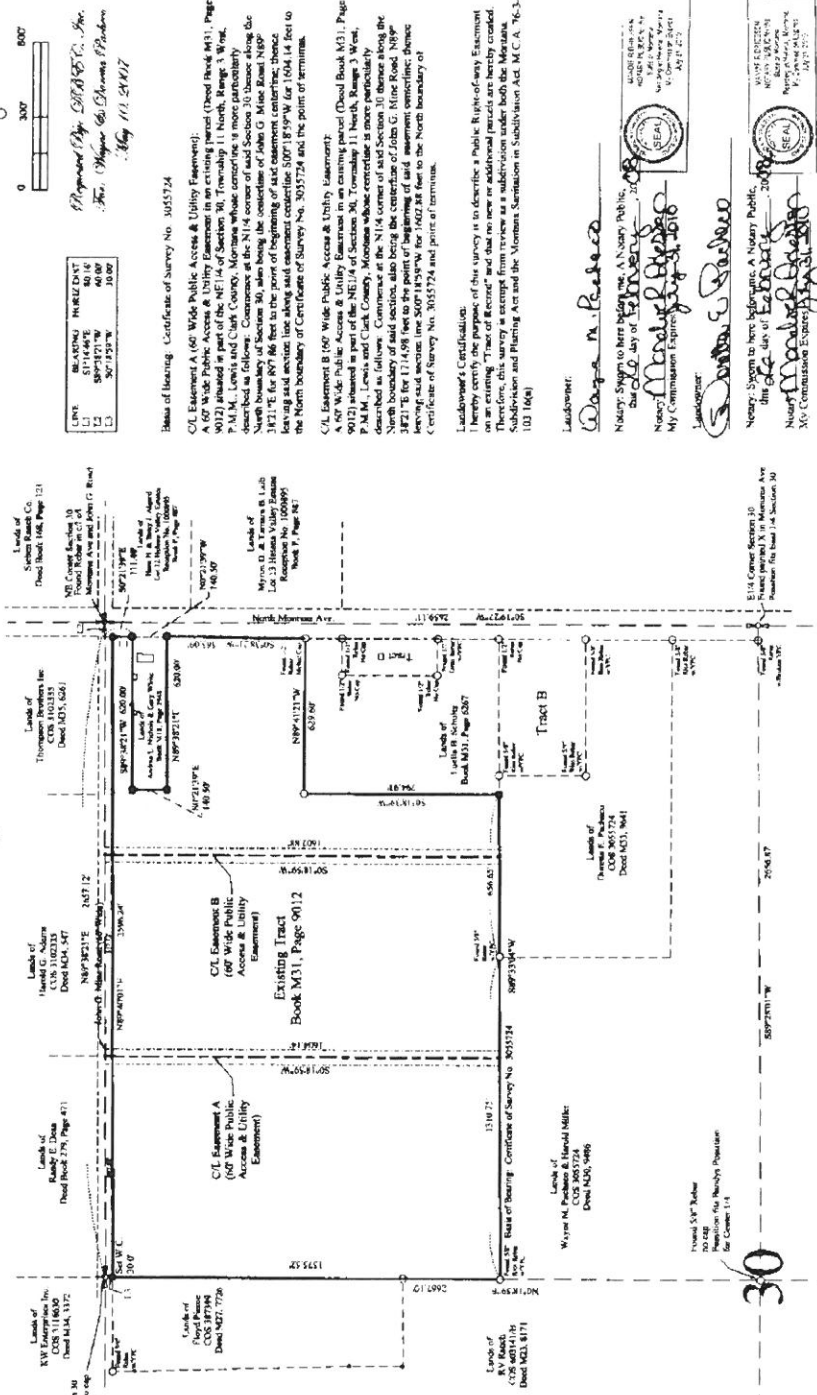


Table with 2 columns: TYPE, BEARING, DISTANCE, and COMMENTS. Includes entries for 'Easement', 'Survey Line', and 'Survey Point'.

Issue of Hearing: Certificate of Survey No. 3055724
C/L Easement A (60' Wide Public Access & Utility Easement):
A 60' Wide Public Access & Utility Easement in an existing parcel (Deed Book M31, Page 9012) advanced as part of the NE 1/4 of Section 30, Township 11 North, Range 3 West, P.M.M., Lewis & Clark County, Montana whose centerline is more particularly described as follows: Commencing at the NE 1/4 corner of said Section 30 (being the North boundary of Section 30, also being the centerline of John G. Mike Rural NRP 34711'E for 877.86 feet to the point of beginning of said easement centerline; thence leaving said section line along said easement centerline S00°18'59"W for 1004.14 feet to the North boundary of Certificate of Survey No. 3055724 and the point of terminus.

C/L Easement B (60' Wide Public Access & Utility Easement):
A 60' Wide Public Access & Utility Easement in an existing parcel (Deed Book M31, Page 9012) advanced as part of the NE 1/4 of Section 30, Township 11 North, Range 3 West, P.M.M., Lewis & Clark County, Montana whose centerline is more particularly described as follows: Commencing at the NE 1/4 corner of said Section 30 (being the North boundary of said section, also being the centerline of John G. Mike Rural NRP 34711'E for 1714.98 feet to the point of beginning of said easement centerline; thence leaving said section line S00°18'59"W for 1462.88 feet to the North boundary of Certificate of Survey No. 3055724 and the point of terminus.

Landowner's Certification:
I, the undersigned, being the person in possession of the property to be described in this Public Right-of-Way Easement on an existing Tract of record, and being duly qualified as a surveyor in and for the State of Montana, do hereby certify that this survey is correct and true and that I have not been convicted of a crime involving Subdivision and Plating Act and the Montana Subdivision and Plating Act, M.C.A. 76-3-103 (1969).

Landowner: Wayne M. Peckham
Notary Public to Montana, Lewis & Clark County, Montana
My Commission Expires: 01/01/2011

Notary: Wayne M. Peckham
Notary Public, Lewis & Clark County, Montana
My Commission Expires: 01/01/2011

3143795

NE 1/4 Sec. 30, T. 11 N., R. 3 W., P.M.M., Lewis & Clark Co.

Respondent: THRF, Inc. / Eric Wayne & Doreen Fashion
Type: To Create Public Access & Utility Easements
Schauer Surveying 266-4602

Scale: 300 Feet to 1 Inch
Date: 2-25-2008
Surveyor: Eric Wayne

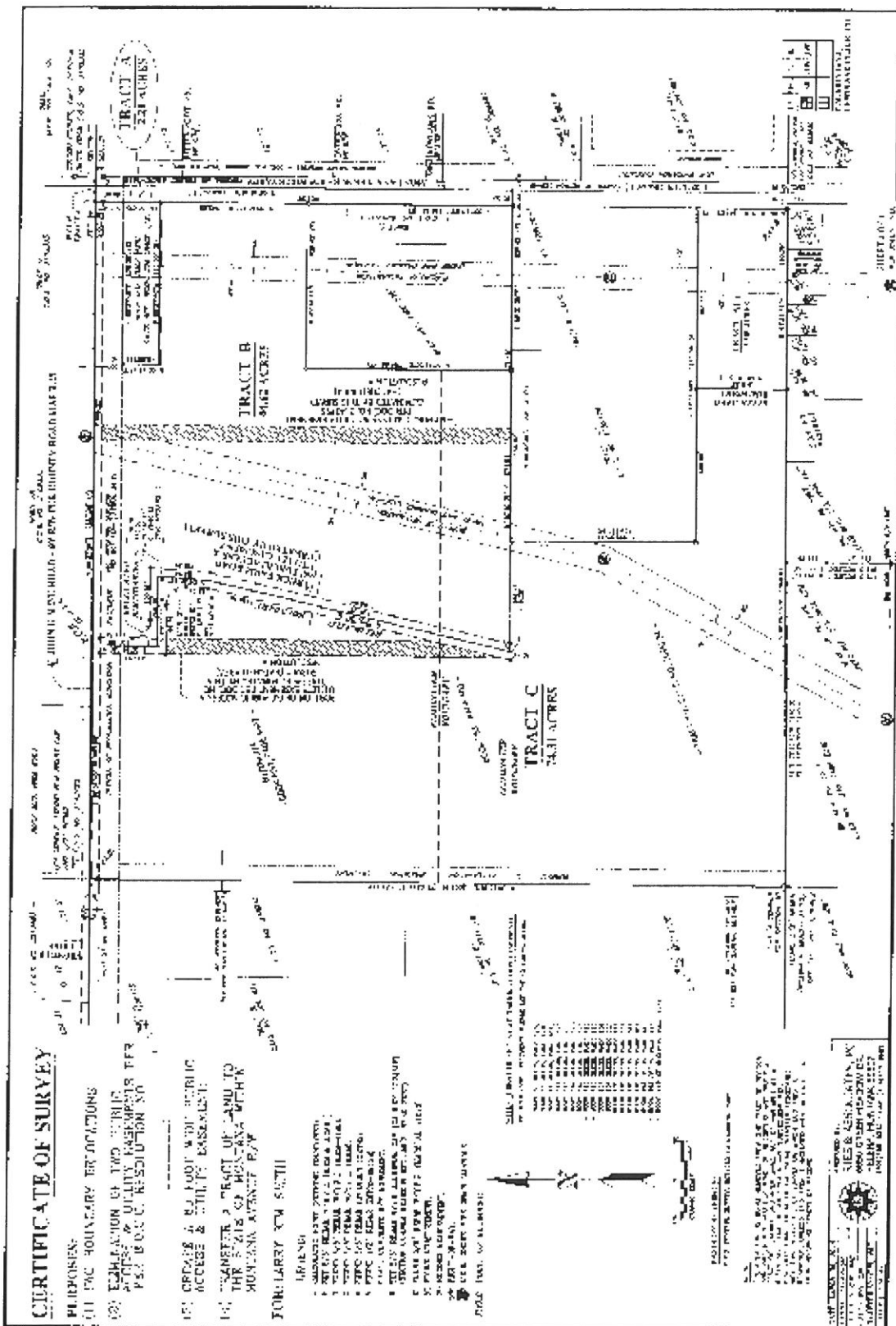
Certificate of Survey:
I hereby certify the attached data is a true representation of a survey performed under my supervision and completed on May 11, 2008 and described the same. I am duly qualified as a surveyor in and for the State of Montana and have not been convicted of a crime involving Subdivision and Plating Act and the Montana Subdivision and Plating Act, M.C.A. 76-3-103 (1969).
Eric Wayne
Notary Public, Lewis & Clark County, Montana
My Commission Expires: 01/01/2011

Certificate of Transfer:
GED Code: 01199200 (0) 154900
Respondent: Peckham & Peckham
Type: To Create Public Access & Utility Easements
I hereby certify that the above described land is being transferred to the Respondent as shown on the attached plat and that the Respondent is duly qualified as a surveyor in and for the State of Montana and has not been convicted of a crime involving Subdivision and Plating Act and the Montana Subdivision and Plating Act, M.C.A. 76-3-103 (1969).
Eric Wayne
Notary Public, Lewis & Clark County, Montana
My Commission Expires: 01/01/2011

Certificate of Subdivision:
I hereby certify the above and annexed data is the 26 day of February 2008 presented to me by the Respondent and that I am duly qualified as a surveyor in and for the State of Montana and have not been convicted of a crime involving Subdivision and Plating Act and the Montana Subdivision and Plating Act, M.C.A. 76-3-103 (1969).
Eric Wayne
Notary Public, Lewis & Clark County, Montana
My Commission Expires: 01/01/2011

LEGEND
- Point
o Huber
+ Quarter Corner
+ Section Corner
+ Six Meter

EXHIBIT "B"



CERTIFICATE OF SURVEY

RECORDS:

1. THE BOUNDARY INDICATIONS
 2. THE EXTENSION OF THE BOUNDARY
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JAMES H. SMITH
 SURVEYOR
 COMMISSION EXPIRES 10/31/2014
 STATE OF MONTANA
 BLAINE COUNTY
 TOWNSHIP 10N, RANGE 10E, SECTION 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000