

RESOLUTION 2016 -18

RESOLUTION ESTABLISHING A COUNTY ROAD EASEMENT AND
ABANDONING/VACATING A PORTION OF THE EASEMENT ON LOT 13 OF THE
BUCKBOARD MEADOWS SUBDIVISION

WHEREAS, the Lewis and Clark County Board of Commissioners (Commission) may establish, alter, or abandon a county road upon petition, pursuant to Section 7-14-2601, MCA; and

WHEREAS, on July 28, 2011, an Easement Certificate (Doc. No. 3207792) was filed establishing a public access, utility, and fire protection easement (easement), located in the SW¼ of Section 19, T11N, R3W, P.M.M., Lewis and Clark County, Montana; and

WHEREAS, the land containing the easement was subdivided, and the easement is now located on Lot 13 of the Buckboard Meadows Subdivision, located in the SW¼ of Section 19, T11N, R3W, P.M.M., Lewis and Clark County, Montana; and

WHEREAS, ten freeholders in the Lewis and Clark County petitioned the Board of County Commissioners to establish a portion of the easement as a county road easement and then abandon/vacate the county road easement; and

WHEREAS, the portion of the easement in question is approximately 17.95 feet in length and 27.06 feet in width; and

WHEREAS, on January 11, 2016, Commissioner Hunthausen viewed the site to investigate the feasibility and desirability of granting the proposed establishment and abandonment/vacation of a county road easement; and

WHEREAS, on March 8, 2016, the Commission held a public hearing regarding the petition to establish and abandon/vacate a county road easement, to determine whether the establishment and abandonment/vacation could be done without detriment to the public interest; and

WHEREAS, after the public hearing was held, the Commission granted preliminary approval to establish and abandon/vacate a county road easement, subject to two conditions of approval:

1. The Applicant shall provide a Certificate of Survey or an amended Subdivision plat that shows and includes:
 - i. The established county road easement and abandonment/vacation of this portion of the easement.
 - ii. A reference to the resolution that officially documents the county road easement establishment and abandonment/vacation of this portion of the easement.



2. The Applicant shall file the Certificate of Survey or amended Subdivision plat that contains the information required under Condition of Approval #1 with the Clerk and Recorder within one calendar year of this preliminary conditional approval; and

WHEREAS, the Commission determined that all conditions of the preliminary approval are met; and

WHEREAS, the Commission determined establishing and abandoning/vacating a county road easement would not affect or impair the access of private landowners accessing the easement; and


WHEREAS, the Commission determined establishing and abandoning/vacating a county road easement would not affect the public's access to public lands or waters; and

WHEREAS, the Commission determined establishing and abandoning/vacating a county road easement can be done without detriment to the public interest.

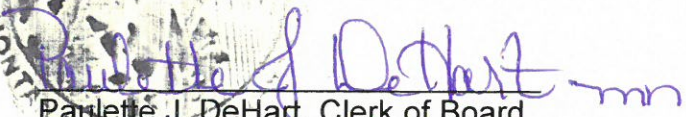
NOW, THEREFORE, BE IT RESOLVED that a portion of the public access easement described in Doc. No. 3207792, located on Lot 13 of the Buckboard Meadows Subdivision, located in the SW¼ of Section 19, T11N, R3W, P.M.M., Lewis and Clark County, Montana, is hereby established as a county road easement, and said county road easement is abandoned/vacated as shown on attached Exhibit "A."

DATED this 12 day of, April 2016.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael Muffray, Chairman




Paulette J. DeHart, Clerk of Board

Attachment: Exhibit "A"

AMENDED PLAT OF LOT 13 - BUCKBOARD MEADOWS SUBDIVISION - PER DOC. NO. 3254327

PURPOSE: 1) TO ESTABLISH A COUNTY ROAD EASEMENT AND ABANDON/VACATE THE COUNTY ROAD EASEMENT; AND
 2) TO ELIMINATE A PORTION OF THE UTILITY & FIRE PROTECTION EASEMENT.
FOR: VALLEY CONSTRUCTION OF HELENA, LLC.

BK 446, PG. 7683
 N 89°25'46" E 198.32'

CERTIFICATE OF DEDICATION:
 I, THE UNDERSIGNED PROPERTY OWNER, DO HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED AND ESTABLISHED A COUNTY ROAD EASEMENT AND ABANDONED/VACATED THE COUNTY ROAD EASEMENT AND ESTABLISHED A PORTION OF THE UTILITY AND FIRE PROTECTION EASEMENT AS SHOWN BY THE PLAT HERETO ANNEXED, THE FOLLOWING DESCRIBED LAND IN LEWIS AND CLARK COUNTY TO WIT:
LEGAL DESCRIPTION: LOT 13 OF BUCKBOARD MEADOWS SUBDIVISION, DOC. NO. 3254327
 A TRACT OF LAND LOCATED IN THE SW/4 OF SECTION 19, TOWNSHIP 11 NORTH, RANGE 3 WEST, P.M. MONTANA, LEWIS AND CLARK COUNTY, BEING THE NORTHWEST CORNER OF LOT 12 OF BUCKBOARD MEADOWS SUBDIVISION, DOC. NO. 3254327, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING FROM THE THENCE S 00°48'03" W 219.71' FEET ALONG THE WEST LINE OF LOT 14 OF SAID BUCKBOARD MEADOWS SUBDIVISION; THENCE N 00°47'30" E 198.32' FEET ALONG THE SOUTH LINE OF BOOK W 46, PAGE 7683; THENCE S 00°48'03" W 219.71' FEET ALONG THE WEST LINE OF LOT 14 OF SAID BUCKBOARD MEADOWS SUBDIVISION; THENCE N 00°47'30" E 219.71' FEET ALONG THE EAST LINE OF SAID LOT 13 OF BUCKBOARD MEADOWS SUBDIVISION TO THE POINT OF BEGINNING. THE TOTAL AREA OF SAID TRACT OF LAND CONTAINS 1.00 ACRE MORE OR LESS AND IS SUBJECT TO ALL EXISTING EASEMENTS, EASEMENTS SHOWN ON THIS AMENDED PLAT AND DOCUMENTS OF RECORD.
CERTIFICATE OF DEQUEXEMPTION (LOT 13):
 LOT 13 IS EXEMPT FROM DEQ REVIEW AS THIS LOT IS AN EXISTING TRACT OF RECORD THAT IS NOT BEING DIVIDED IN ACCORDANCE WITH SECTION 76-4-102(1)(b) MCA, AS A "SUBDIVISION" MEANS A DIVISION OF LAND OR LAND SO DIVIDED THAT CREATES ONE OR MORE PARCELS CONTAINING LESS THAN 20 ACRES OF LAND, AND THE TITLE TO OR POSSESSION OF THE PARCELS MAY BE SOLD, RENTED, LEASED, OR OTHERWISE CONVEYED AND INCLUDES ANY REZONING AND ANY CONVEYANCE ON AREA, RESPECTLESS OF SIZE, THAT PROVIDES FURNISHMENT MULTIPLE SPACE FOR RECREATIONAL CAMPING VEHICLES OR MOBILE HOMES.

OWNER: VALLEY CONSTRUCTION OF HELENA, LLC.
 LARRY KIM SMITH, PRESIDENT
 STATE OF MONTANA, COUNTY OF LEWIS AND CLARK

On this _____ day of _____, 201____, State of _____, County of _____
 this instrument was acknowledged before me by **LARRY KIM SMITH** acting in the capacity of **PRESIDENT** on behalf of **VALLEY CONSTRUCTION OF HELENA, LLC.**

CERTIFICATE OF AMENDED PLAT APPROVAL:

THE COUNTY COMMISSION OF LEWIS AND CLARK COUNTY, MONTANA, DOES HEREBY CERTIFY THAT IT HAS EXAMINED THIS AMENDED PLAT AND FINDING FOUND THE SAME TO CONFORM TO LAW, APPROVES IT, THIS _____ DAY OF _____, 20____.

COMMISSIONER _____ COUNTY PLANNER _____
 COMMISSIONER _____ COUNTY ATTORNEY _____
 COMMISSIONER _____

CERTIFICATE OF SURVEYOR

REMOVED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING, THIS _____ DAY OF _____, 20____.
 AND PURSUANT TO SECTION 76-3-611(2)(g), MCA.



CHRISTOPHER J. RIES (122461S)
 PROFESSIONAL LAND SURVEYOR

EXAMINING LAND SURVEYOR
 LICENSE NO. _____

DATE: **MARCH 28, 2016**
 JOB NO.: **15226**
 DRAFTED BY: **PAC, CJR**
 FIELD BY: **CJR, PAC**



PREPARED BY:
RIES & ASSOCIATES PC,
 6850 GREEN MEADOW DR.,
 HELENA, MONTANA 59602



LEGEND
 FOUND: 5/8" REBAR W/RED PLASTIC CAP (RIES & ASSOC.);
 CALCULATED POSITION, NOTHING FOUND OR SET;
 POINT OF BEGINNING;
 AREA OF COUNTY ROAD EASEMENT ESTABLISHED & ABANDONED/VACATED & UTILITY & FIRE PROTECTION EASEMENT ELIMINATED

RESTRICTIVE COVENANTS:
 M Book 48 of Records, page 1935;
 M Book 48 of Records, page 2124;
 M Book 48 of Records, page 2540;
 M Book 48 of Records, page 3217;
 M Book 49 of Records, page 6910

LOT 18
 DOC. NO. 3254327
 SHEET 1 OF 1
 DOCUMENT NO. _____

1/4	SEC. T. R.
19	11N 3W

P.M. MONTANA,
 LEWIS AND CLARK COUNTY

