

RESOLUTION 2017 – 146

**RESOLUTION TO ESTABLISH COUNTY ROAD EASEMENTS AND ABANDON/VACATE
THOSE EASEMENTS IN BLOCK 11 OF THE MOUNTAIN HERITAGE TRACTS
SUBDIVISION**

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

WHEREAS, Roque Wardell (Applicant) has petitioned to establish two existing access easements as County road easements and then abandon/vacate those easements located on Lot 10A-2B and Tract A , Block 11, of the Mountain Heritage Tracts Subdivision in Sections 11 & 12, T11N, R3W, P.M.M., Lewis and Clark County, Montana.

WHEREAS, on September 30, 2016, Commissioner Hunthausen viewed the site to investigate the feasibility and desirability of granting the proposed street discontinuance; and

WHEREAS, on October 25, 2016, the Commission held a public hearing regarding the petition to establish County roads and abandon/vacate those roads to determine whether said action could be done without detriment to the public interest; and

WHEREAS, after the public hearing was held, the Commission granted preliminary conditional approval for the petitioned establishment and abandonment/vacation, subject to two conditions of approval:

1. The Applicant shall provide a Certificate of Survey that shows and includes:
 - i. The established and subsequently abandoned/vacated County road easements;
 - ii. The retention of the utility easement components of the former access and utility easements.
 - iii. A reference to the resolution that officially documents the County road establishment and abandonment/vacations.
2. The Applicant shall file the Certificate of Survey that contains the information required under Condition of Approval #1 with the Clerk and Recorder within one calendar year of this preliminary conditional approval.

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

WHEREAS, the Commission determined that the establishment and abandonment /vacation of County roads would not affect or impair the access of private landowners accessing the easement; and



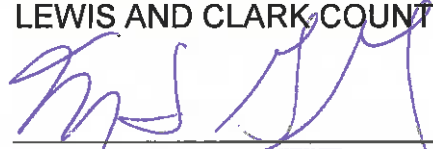
WHEREAS, the Commission determined that the establishment and abandonment /vacation of County roads would not affect the public's access to public lands or waters; and

WHEREAS, the Commission determined that the establishment and abandonment /vacation of County roads can be done without detriment to the public interest.

NOW, THEREFORE, BE IT RESOLVED that the two existing access easements located on Lot 10A-2B and Tract A, Block 11, of the Mountain Heritage Tracts Subdivision in Sections 11 & 12, T11N, R3W, P.M.M., Lewis and Clark County, Montana, are hereby established and subsequently abandoned/vacated.


DATED this 12 day of, October 2017.

BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY



Susan Good Geise, Chair

ATTEST:



Paulette J. DeHart, Clerk of Board

