RESOLUTION 2017-5

RESOLUTION DISCONTINUING SEGMENTS OF LESLIE AVENUE, WINSTON STREET, AND AN ALLEY IN THE SYNDICATE ADDITION OF HELENA

WHEREAS, the Lewis and Clark County Board of Commissioners (Commission) may discontinue a street or alley or any part of a street or alley in an unincorporated town or townsite upon petition, pursuant to Section 7-14-2616, MCA; and

WHEREAS, on September 4, 1889, the "Map of The Syndicate Addition to Helena Montana" was recorded, dedicating the streets and alleys therein to the public use and benefit forever; and

WHEREAS, Kelly Kugler (Applicant) and all adjacent property owners have petitioned to discontinue three segments of unconstructed streets and alley, located within the Syndicate Addition of Helena in Section 23, T10N, R04W, P.M.M., Lewis and Clark County, Montana; and

WHEREAS, details of the three segments are as follows:

- 1. Leslie Avenue, between Blocks 188 and 189, and between Blocks 185 and 186, of the Syndicate Addition of Helena. This segment is approximately 856 feet in length and 67 feet in width.
- 2. Winston Street, between Blocks 185 and 189 and between the southern portions of Blocks 186 and 188, of the Syndicate Addition of Helena. This segment is approximately 396 feet in length and 60 feet in width.
- 3. The alley in Block 189 of the Syndicate Addition of Helena. This segment is approximately 396 feet in length and 28 feet in width; and

WHEREAS, on May 12, 2016, Commissioner Murray viewed the site to investigate the feasibility and desirability of granting the proposed street and alley discontinuances; and

WHEREAS, on May 26, 2016, the Commission held a public hearing regarding the petition to discontinue the street segments and an alley in the Syndicate Addition of Helena to determine whether discontinuances could be done without detriment to the public interest; and

WHEREAS, after the public hearing, the Commission granted preliminary conditional approval to discontinue the street segments and an alley in the Syndicate Addition of Helena, subject to two conditions of approval:

- The Applicant shall provide a Certificate of Survey that shows and includes:
 - a. The abandoned/vacated right-of-ways, omitting portions of right-of-way located within the City of Helena right-of-way for Country Club Avenue and Joslyn Street, and omitting the portion as requesting by the City of Helena as shown in Exhibit A.
 - b. Legal access for all lots that are the result of or affected by lot aggregation(s) or lot reconfiguration(s).
 - c. A reference to the resolution that officially documents the right-of-way 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; and

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

WHEREAS, the Commission has determined that the discontinuance of the street segments and an alley in the Syndicate Addition of Helena would not affect or impair the access of private landowners accessing the easement; and

WHEREAS, the Commission has determined that the discontinuance of the street segments and an alley in the Syndicate Addition of Helena would not affect the public's access to public lands or waters; and

WHEREAS, the Commission has determined that the discontinuance of the street segments and an alley in the Syndicate Addition of Helena can be done without detriment to the public interest.

NOW, THEREFORE, BE IT RESOLVED that segments of Leslie Avenue, Winston Street, and an alley, located within Blocks 185, 186, 188, and 189 the Syndicate Addition of Helena in Section 23, T10N, R04W, P.M.M., Lewis and Clark County, Montana as shown on attached Exhibit "A," are hereby discontinued.

DATED this /2 day of, January 2017.

BOARD OF COUNTY COMMISSIONERS LEWIS AND CLARK COUNTY

Susan Good Geise, Chair

Paulette J. DeHart, Clerk of Board

ttachments: Exhibit "A"

DATE: DEC. 21, 2016 IOB NO.: 16127 FIELD BY: WJR. JA DRAFTED BY: WJR.BJL P.O.B. CEOCODE: 05-TREASURER, LEWIS AND CLARK COUNTY, MONTANA CERTIFICATE OF COUNTY TREASURER 0.10 ACRES THIS HIA WATHA STREET - 60 RW CO.S. 50983QX 50-1887-234-42-01-0000 (1/2 REYMOUS, 65-1887-234-42-01-0000 (1/2 REYMOUS, 65-1887-234-42-01-0000 (1/2 REYMOUS, 65-1887-234-42-01-0000 (REYS)) 50-1887-234-42-11-0000 (REYS) 50-1887-234-42-11-0000 (REYS) 50-1887-234-42-11-0000 (REYS) 50-1887-234-42-11-0000 (REYS) 50-1887-234-42-11-0000 (REYS) 50-1887-234-43-01-0000 (REYS) 50-1887-234-43-01-0000 (REYS) 50-1887-234-43-01-0000 (REYS) 1887-23-4-43-11-0000; (N&C PROPERTIES, S/89":2"29"W RIES & ASSOCIATES PC. 6850 GREEN MEADOW DR. HELENA, MONTANA 59602 LOT 189-/0.61 ACRES LOT 188-A 0.78 ACRES - NOOR LAND 0.42 Acres Many Avenue of the SURVEYOR'S NOTE: ALL DISTANCES ARE WEASURED GROUND DISTANCES UNLESS OTHERWISE STATED. COMM SSIGNER CERTIFICATE OF FINAL PLAT APPROVAL: COMM SSIGNER PPROVES IT, THIS THE E COUNTY COMMISSION OF LEWIS AND CLARK COUNTY, MONTANA, DOES HEREBY CERTIFY HAS EXAMINED THIS SUBDIVISION PLAT AND HAVING FOUND THE SAME TO CONFORM TO S/2 LOT 189-D-O.53 Acres \ 18 LOT 189-C & LOT 185 AMENDIN LEGEND 188 AI • SET 5/6" REBAR W/RED PLASTIC CAP (W.J. RIES 140181S); O FOUND 5/6" REBAR W/YELLOW PLASTIC CAP (REDMOND 137551S); O FOUND 1/2" REBAR, W/ YELLOW PLASTIC CAP (DITTO 2018S); O FOUND 1/6" REBAR; P.O.B. COUNTY PLANNER COUNTY ATTORNEY B. POINT OF BEGINNING: NEW LOT BOUNDARY; ELIMINATED LOT BOUNDARY; EXISTING OVERHEAD UTILITY LINES: EXISTING OVERHEAD UTILITY LINES: TELECOMMUNICATION LINES LOT 185-A RECORD MEASUREMENT: EXISTING TELECOMMUNICATION BOX: BASIS OF BEARINGS: C.P.S. CONTROL SURVEY, ROTATED FOUND RAILROAD SPIKE. COUNTY CLERK AND RECORDER /LOT 185-0.65 Acres /LOT 185-B To the state of th Town to the state of the state CERTIFICATE OF SURVEYOR WILLIAM J. RIES (140161S) PROFESSIONAL LAND SURVEYOR LOT 302.75 0.23 ACRES 12 THOTELS . CERTIFICATE OF EXAMINING LAND SURVEYOR REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATION EXAMINING LAND SURVEYOR AND DRAFTING AMENDING LOTS 1-12 & 23-32 IN BLOCK 185, LOTS 22-32 IN BLOCK 186, LOTS 17-32 IN BLOCK 188 AND ALL OF BLOCK 189 OF THE SYNDICATE ADDITION TO HELENA, MONTANA. PURSUANT TO SECTION 76-3-611(2)(a), MCA E JOSE YN STREET (13373,49:25- 8) DAY OF CHORD 16:047 LEGAL DECURITION: FERMENTER STREET OF LAND SHEWLA PREMISE BY RELOCATION THE STANDARD ADDITION TO RELETAN, MORPHAN, AND A PORTICE OF LESS RAWFAIL WASHING STREET OF LAND SHEWLAND, A PORTICE OF LESS RAWFAIL WASHING AS THE CONTROL OF THE CONTROL OF LAND AS THE CONTROL OF THE CON THE THE MORPHSON LINCONNERSY DO HERRY CERTY THE THE CAUST TO BE SUPPLIED. ADDRESSED AND THE THIS OUTS (ADDRESSED OF EXEMINE LOTS (NO EAST LOTS ARE SHOULD PART AND IS TO SE KNOWN AS THE CONTROL OF EAST) AND ADDRESSED AND AND CONTROL OF ALL OF THE SHOULD PART AND IS TO SE KNOWN AS THE CONTROL OF THE SHOULD PART AND IS TO SE KNOWN AS THE CONTROL ADDRESS AND THE CONTROL ADDRESS AT THE CONTROL OF THE SHOULD PART AND THE CONTROL THE CONTROL OF THE CONTROL OF THE SHOULD PART AND THE CERTIFICATE OF DEDICATION COMMISSIONED BY: KELLY KUGLER AND NATHAN B. NACHTSHEIM 18 PURPOSE: BOUNDARY RELOCATION/AGGREGATION/STREET ABANDONED PER RESOLUTION OWNER: LEE REYNOLDS REVOCABLE LIVING TRUST AND N & C PROPERTIES LLC STATE OF WONTAWA BY KELY KUGLER ACTING IN THE CAPACITY OF Off, the unspecial hear cours had in cross of lad seem on its award sale state state when way as a subsection of the unspecial hear course of the unspecial seems of the unspecial seem DWNER: KELLY KUGLER COUNTY OF ON BEHALF OF DATE PERSONALLY APPEARED BEFORE ME AND HAVING BEEN DULY SWORN DID HEREIN EXECUTE THE ABOVE INSTRU ON BEHALF OF ___ STATE OF MONTANA OWNER: N & C PROPERTIES LLC. OWNER/PRESIDENT: NATHAN B. NACHTSHEIM PERSONALLY APPEARED BEFORE WE AND HAVING BEEN DULY SWORN DID HEREIN EXECUTE THE STATE OF WONTANA OWNER: LEE REYNOLDS REVOCABLE LYING TRUST TRUSTEE: KELLY KUGLER INDER FUNKLIES OF PAUJURY. (ME) DECLARE HAT I (ME) HAVE EXAMBED HIS AFFARM MID HE ACCOMPANING SELECT OR DIVER-CERTIFORT OF SURPEY OF THE PROPOSITO DAVISON OF LAND, AND TO THE BEST OF HIS (YOUR) KNOWLEDGE AND BELIEF, HEY ARE TRUE, CORRECT, COMPLETE AND ARE IN COMPLANCE WITH ALL STATE LIMS AND LOCAL REGULATIONS. CERTIFICATE OF SUBDIVISION EXEMPTION: NATIONAL OF SIGNER ACTING IN THE CAPACITY OF PRINT NAME OF SIGNER AMENDED PLAT SS COUNTY OF N & C PROPERTIES LLC LEE REYNOLDS REVOCABLE LIVING TRUST : 55. SS SHL NO SHEET 1 OF 1 DOCUMENT NO. OWNER/PRESIDENT TRUSTEE ABOVE INSTRUMENT FOR 1/4 SEC. T. R. 23 ION 4W 23 ION 4W P.M. MONTANA. P.M. MONTANA. THE ABOVE INSTRUME THE PURPOSES STATES