

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:

1. 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

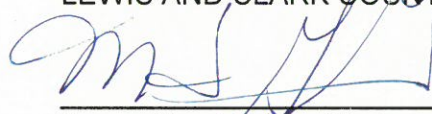
WHEREAS, the Commission has determined that the discontinuance of the street segments and an alley in the Syndicate Addition of Helena would not affect the public's access to public lands or waters; and

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 12 day of, January 2017.


BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY



Susan Good Geise, Chair



ATTEST



Paulette J. DeHart, Clerk of Board

Attachments: Exhibit "A"

AMENDED PLAT

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.

PURPOSE: BOUNDARY RELOCATION/AGGREGATION/STREET ABANDONED PER RESOLUTION

COMMISSIONED BY: KELLY KUGLER AND NATHAN B. NICHOLSHEIM

OWNER: LEE REYNOLDS REVOCABLE LIVING TRUST AND N & C PROPERTIES LLC

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT THE ABOVE DESCRIBED PLAT IS CORRECT AND ACCURATE AND THAT WE HAVE PERSONALLY EXAMINED THE SAME AND HAVE FOUND THE SAME TO BE TRUE AND CORRECT IN ALL PARTICULARS AND AS THE SAME ARE SHOWN ON THE ABOVE DESCRIBED PLAT, THE FOLLOWING DESCRIBED LAND IN THE CITY OF HELENA, MONTANA, TO WIT:

CERTIFICATE OF VERIFICATION

THE ABOVE DESCRIBED PLAT IS A CORRECT AND ACCURATE REPRESENTATION OF THE REAL ESTATE DESCRIBED THEREIN AND IS NOT IN VIOLATION OF ANY LAWS, ORDINANCES, RESOLUTIONS, DECISIONS OR REGULATIONS OF THE CITY OF HELENA, MONTANA. THE ABOVE DESCRIBED PLAT IS SUBJECT TO ALL EXISTING EASEMENTS, ENCUMBRANCES, AND RECORDS.

DATE: 2010

CERTIFICATE OF SURVEYOR

I, WILLIAM J. BISS (L109183), A PROFESSIONAL LAND SURVEYOR IN THE STATE OF MONTANA, HAVE PERSONALLY EXAMINED THE ABOVE DESCRIBED PLAT AND HAVE FOUND THE SAME TO BE TRUE AND CORRECT IN ALL PARTICULARS AND AS THE SAME ARE SHOWN ON THE ABOVE DESCRIBED PLAT, THE FOLLOWING DESCRIBED LAND IN THE CITY OF HELENA, MONTANA, TO WIT:

DATE: 2010

CERTIFICATE OF REVISION EXEMPTION

THE ABOVE DESCRIBED PLAT IS A CORRECT AND ACCURATE REPRESENTATION OF THE REAL ESTATE DESCRIBED THEREIN AND IS NOT IN VIOLATION OF ANY LAWS, ORDINANCES, RESOLUTIONS, DECISIONS OR REGULATIONS OF THE CITY OF HELENA, MONTANA. THE ABOVE DESCRIBED PLAT IS SUBJECT TO ALL EXISTING EASEMENTS, ENCUMBRANCES, AND RECORDS.

DATE: 2010

CERTIFICATE OF PROVISIONAL APPROVAL

I, HELEN CARRIY, ASSISTANT TO SECTION 16-3-201(1) AND (2) OF LOCAL LAWS, HAVE PERSONALLY EXAMINED THE ABOVE DESCRIBED PLAT AND HAVE FOUND THE SAME TO BE TRUE AND CORRECT IN ALL PARTICULARS AND AS THE SAME ARE SHOWN ON THE ABOVE DESCRIBED PLAT, THE FOLLOWING DESCRIBED LAND IN THE CITY OF HELENA, MONTANA, TO WIT:

DATE: 2010

CERTIFICATE OF EXAMINING LAND SURVEYOR

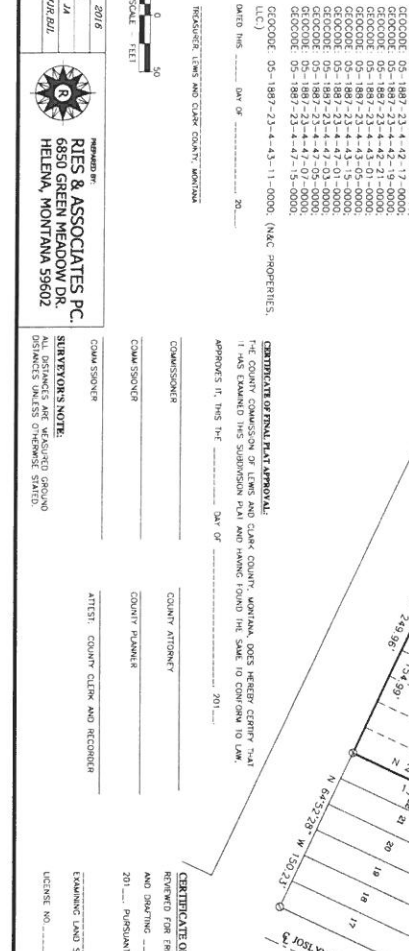
REMOVED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING

DATE: 2010

CERTIFICATE OF FINAL PLAT APPROVAL

I, THE CLERK OF THE COUNTY OF HELENA, MONTANA, HAVE PERSONALLY EXAMINED THE ABOVE DESCRIBED PLAT AND HAVE FOUND THE SAME TO BE TRUE AND CORRECT IN ALL PARTICULARS AND AS THE SAME ARE SHOWN ON THE ABOVE DESCRIBED PLAT, THE FOLLOWING DESCRIBED LAND IN THE CITY OF HELENA, MONTANA, TO WIT:

DATE: 2010



- LEGEND**
- SPT 5/8" BEARER W/RED PLASTIC CAP (N.A. RES. 140451)
 - FOUND 5/8" BEARER W/YELLOW PLASTIC CAP (REVISION 127951A)
 - FOUND 1/2" BEARER W/ YELLOW PLASTIC CAP (OTTO 99151)
 - FOUND 5/8" BEARER
 - FOUND 1/2" BEARER
 - FOUND BARRIED SPRINKLER
 - ▣ EXISTING TELECOMMUNICATION BOX
 - ▣ EXISTING TELECOMMUNICATION LINE
 - ▣ EXISTING OVERHEAD UTILITY LINES
 - ▣ EXISTING TELECOMMUNICATION LINES
 - ▣ POINT OF BEGINNING
 - ▣ ESTIMATED LOT BOUNDARY
 - ▣ NEW LOT BOUNDARY
 - ▣ BASIS OF BEARINGS: PROFESSIONAL LAND SURVEYOR TO CLERK OF RECORD

CERTIFICATE OF COUNTY TREASURER

I, HELEN CARRIY, ASSISTANT TO SECTION 16-3-201(1) AND (2) OF LOCAL LAWS, HAVE PERSONALLY EXAMINED THE ABOVE DESCRIBED PLAT AND HAVE FOUND THE SAME TO BE TRUE AND CORRECT IN ALL PARTICULARS AND AS THE SAME ARE SHOWN ON THE ABOVE DESCRIBED PLAT, THE FOLLOWING DESCRIBED LAND IN THE CITY OF HELENA, MONTANA, TO WIT:

DATE: 2010

CERTIFICATE OF TOWN CLERK AND RECORDER

I, THE CLERK OF THE COUNTY OF HELENA, MONTANA, HAVE PERSONALLY EXAMINED THE ABOVE DESCRIBED PLAT AND HAVE FOUND THE SAME TO BE TRUE AND CORRECT IN ALL PARTICULARS AND AS THE SAME ARE SHOWN ON THE ABOVE DESCRIBED PLAT, THE FOLLOWING DESCRIBED LAND IN THE CITY OF HELENA, MONTANA, TO WIT:

DATE: 2010

DATE: DEC 21, 2010
 JOB NO.: 16127
 FILED BY: WJL/JL
 DRAWN BY: WJL/BAL

RIS & ASSOCIATES P.C.
 6850 GREEN MEADOW DR.
 HELENA, MONTANA 59602

OWNER: KELLY KUGLER & NATHAN B. NICHOLSHEIM
 STATE OF MONTANA

CERTIFICATE OF EXAMINING LAND SURVEYOR

REMOVED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING

DATE: 2010

CERTIFICATE OF FINAL PLAT APPROVAL

I, THE CLERK OF THE COUNTY OF HELENA, MONTANA, HAVE PERSONALLY EXAMINED THE ABOVE DESCRIBED PLAT AND HAVE FOUND THE SAME TO BE TRUE AND CORRECT IN ALL PARTICULARS AND AS THE SAME ARE SHOWN ON THE ABOVE DESCRIBED PLAT, THE FOLLOWING DESCRIBED LAND IN THE CITY OF HELENA, MONTANA, TO WIT:

DATE: 2010

CERTIFICATE OF TOWN CLERK AND RECORDER

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DATE: 2010