

RESOLUTION 2017 – 6

RESOLUTION DISCONTINUING A SEGMENT OF LESLIE AVENUE
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, Nate Nachtsheim (Applicant) has petitioned to discontinue a segment of Leslie Avenue located adjacent to Lot 12 of Block 185 within the Syndicate Addition of Helena in Section 23, T10N, R04W, P.M.M., Lewis and Clark County, Montana; and

WHEREAS, on October 24, 2016, Commissioner Hunthausen viewed the site to investigate the feasibility and desirability of granting the proposed street discontinuance; and

WHEREAS, on November 15, 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 a segment of Leslie Street in the Syndicate Addition of Helena, subject to two conditions:

1. The Applicant shall provide a Certificate of Survey that shows and includes:
 - i. The discontinued segment of Leslie Avenue;
 - ii. The retention of a utility easement on the segment of Leslie Street;
 - iii. A reference to the resolution that officially documents the street discontinuance.
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 have been met; and

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

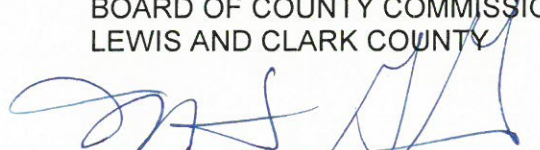
WHEREAS, the Commission has determined that the discontinuance of the street segment in the Syndicate Addition of Helena can be done without detriment to the public interest.



NOW, THEREFORE, BE IT RESOLVED that a segment of Leslie Avenue located adjacent to Lot 12 of Block 185 within the Syndicate Addition of Helena in Section 23, T10N, R04W, P.M.M., Lewis and Clark County, Montana, as shown on the attached Exhibit "A" is hereby discontinued.

DATED this 12 day of, January 2017.


BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY



Susan Good Geise, Chair

ATTEST





Fayette J. DeHart, Clerk of Board

Attachments: Exhibit "A"

