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:

- The Applicant shall provide a Certificate of Survey that shows and includes:
 - 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

Paulette & Collart, Clerk of Board

Attachments / Exhibit "A"

DATE: DEC. 21, 2016 JOB NO.: 16127 FIELD BY: WJR, JA DRAFTED BY: WJR, BJL P.O.B. LOT 188-B 2 CERTIFICATE OF COUNTY TREASURER TREASURER, LEWIS AND CLARK COUNTY, MONTANA HERBEY CERBLY PURSUMN 10 SECTION 78-3-207 (3)(b) F MCA. THAT ALL REAL PROPERTY JAKES MID SECOND SECSIONARY ASSESSMENTS ASSESSMENTS ASSESSMENTS ASSESSMENT HAWATHA STREET- 60 RW 100 GS-1887-23-4-42-01-0000 (Life SPANUS). 101 GS-1887-23-4-42-07-0000 (RAST)) 102 GS-1887-23-4-42-07-0000 (RAST)) 103 GS-1887-23-4-42-07-0000 (RAST)) 104 GS-1887-23-4-42-07-0000 105 GS-1887-23-4-42-07-0000 COS. 5098301 05-1887-23-4-43-11-0000: RIES & ASSOCIATES PC. 6850 GREEN MEADOW DR. HELENA, MONTANA 59602 LOT 189-A LOT 188-A 0.78 ACRES - BOD IN 8 LOT 189-E Para Bues de Sala SURVEYOR'S NOTE: ALL DISTANCES ARE MEASURED GROUND DISTANCES UNLESS OTHERWISE STATED. COMM SSIONER APPROVES IT, THIS THE CERTIFICATE OF FINAL PLAT APPROVAL. E COUNTY COMMISSION OF LEWS AND CHARK COUNTY, NONTANA, DOES HEREBY CERTIFY THAT HAS EXAMINED THIS SUBDIVISION PLAT AND HAVING FOUND THE SAME TO CONFORM TO LAW, S. Ereal Palled LOT 189-D-0.42 Acres OT 189-B \$ LOT 189-C LOT 185 0.65 Acres SET 5/8" REBAR #/RED PLASTIC CAP (#LI RIES 1401845); O POUND 1/8" REBAR #/RELD# PLASTIC CAP (BUDDOND 137545); O POUND 1/8" REBAR; #/ YELLD# PLASTIC CAP (BUTTO 20158); O POUND 1/8" REBAR; O POUND 1/8" REBAR; O POUND 1/8" REBAR; O ROUND 1/8" REBAR COUNTY PLANNER (R) RECORD MEASTREMENT: • EXISTING TELECOMMUNICATION BOX; B. POINT OF RECUNNING; • LEWINATED LOT BOUNDARY; • EXISTING OVERHEAD UTILITY LINES; • EXISTING OVERHEAD UTILITY LINES; • EXISTING OVERHEAD UTILITY LINES; /LOT 185-A BASTS OF BEARINGS: C.P.S. CONTROL SURVEY, ROTATED ATTORNEY COUNTY CLERK AND RECORDER , LOT 185-0.65 Acres Transporter /LOT 185-B A Total Control Contro WILLIAM J. RIES (14016LS) ROFESSIONAL LAND SURVEYOR LOT 202.75 0.23 ACRES 10 Ries 14016LS 201___ PURSUANT TO SECTION 76-3-611(2)(a), MCA. CERTIFICATE OF EXAMINING LAND SURVEYOR REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS 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. HINING LAND SURVEYOR E JOSE YN STREET A 33.81. (3.57.49.25- 6) DAY OF THECT OF LAND BIRDS. A SPECIAL OF DIRECT MS. 188. 188. AND 150 OF THE STRUCKET ADDRESS OF STRUK AND A PORTING OF TRUE AND AT MINES AND ALTES AND ADDRESS OF STRUK AND ADDRESS OF OWNER: LEE REYNOLDS REVOCABLE LIVING TRUST AND N & C PROPERTIES LLC LEGAL DESCRIPTION: PERIMETER , yet the underseased undowners) to here retern that "Me Causso to be space", appeared and that do to selected or center of the cause of the space country and authority of the space country and the cause of the ca COMMISSIONED BY: KELLY KUGLER AND NATHAN B. NACHTSHEIM 10/ PURPOSE: BOUNDARY RELOCATION/AGGREGATION/STREET ABANDONED PER RESOLUTION ON THE PUMPOSES STATED FOR THE PUMPOSES STATED FOR THE PUMPOSES STATED STATE OF WONTANA u OWNER: KELLY KUGLER ON BEHALF OF ON BEHALF OF COUNTY OF LINGER PENALTES DE PERUEY I (ME) DECLARE THAT I (ME) MAE EXAMBED THS ÁFILANT AND THE ACCOMPANING SKETCH OR DIAP CERTICATE DE SURREY OF THE PROPOSED DIASON OF LAND, AND TO THE BEST OF THE (OLDS) ANOMEDICE AND BELEF, THEY ARE TRUE, CORRECT, COLARIET AND ARE IN COMPLANCE WITH ALL STATE LAWS AND LOCAL REGULATIONS. CHITIFICATE OF END EXCHITIONS. IN THE LONG TORSION FOR THE CHITICAL HEALTH A. HEALTH Ver, he uddiscale herte cert he he descend it has some de ha ander hat is eine her betaken a subskoch a accombant with he forescend is steen in "h--2010) and he of the her descend his a a document with combant of some of the combant of the comba STATE OF MONTANA OWNER: N & C PROPERTIES LLC. OWNER/PRESIDENT: NATHAN B. NACHTSHEIM PERSONALLY APPEARED BEFORE ME AND HAVING BEEN DULY SWORN DID HEREIN EXECUTE THE ABOVE INSTRUMENT FOR THE PURPOSES STATED OWNER: LEE REYNOLDS REVOCABLE LYANG TRUST CERTIFICATE OF SUBDIVISION EXEMPTION: PERSONALLY APPEARED BEFORE ME AND HAVING BEEN DULY SWORN DID HEREIN EXECUTE THE KELLY KUGEER ACTING IN THE CAPACITY OF PRINT NAME OF SCHER PRINT NAME OF SICYER ACTING IN THE CAPACITY OF SS. COUNTY OF LEE REYNOLDS REVOCABLE LIVING TRUST N & C PROPERTIES LLC : 55. SHEET 1 OF 1 DOCUMENT NO. OWNER/PRESIDENT TRUSTEE ABOVE NSTR 1/4 SEC. T. R. 23 10N 4W P.M. MONTANA, LEWIS AND CLARK ABOVE INSTRUMEN

AMENDED PLAT