



**RESOLUTION 2017 – 74**

**RESOLUTION DISCONTINUING A SEGMENT OF AN ALLEY  
IN THE AMES 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 October 9, 1888, the “Map of the Ames Addition to Helena Montana” was recorded, dedicating the streets and alleys therein to the public use and benefit forever; and

WHEREAS, Mr. Hinman (Applicant) has petitioned to discontinue a segment of an unconstructed alley, located south of Lots 14, 15, and 16 of Block 206 within the Ames Addition of Helena in Section 23, T10N, R04W, P.M.M. Lewis and Clark County, Montana

WHEREAS, on June 6, 2016, Commissioner Hunthausen viewed the site to investigate the feasibility and desirability of granting the proposed alley discontinuances; and

WHEREAS, on July 14, 2016, the Commission held a public hearing regarding the petition to discontinue an alley segment in the Ames Addition of Helena to determine whether the discontinuance 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 proposal to discontinue the alley segment in the Ames Addition of Helena, subject to four (4) conditions of approval:

1. The Applicant shall provide a Certificate of Survey that shows and includes:
  - i. The discontinued portion of alley.
  - ii. The retention of a public utility easement in the discontinued portion of alley.
  - iii. A boundary line relocation, if the Applicant chooses to pursue ownership of the discontinued alley area, in conjunction with the filing of a new deed as described in Condition of Approval No. 2.
  - iv. A reference to the resolution that officially documents the right-of-way abandonment/vacations.
2. If the Applicant chooses to pursue ownership of the discontinued alley area, the Applicant shall, in cooperation with Helena School District No 1, file a new deed with the County Clerk and Recorder reflecting said ownership, and include a boundary line relocation in the Certificate of Survey required by Condition of Approval No. 1
3. Prior to final approval of the proposed alley discontinuation, the Applicant shall apply for an encroachment agreement with the County for the garage and any additional improvements constructed within the public utility easement to be retained through filing of the Certificate

of Survey required by Condition of Approval No. 1.

4. The Applicant shall file the Certificate of Survey that contains the information required under Condition of Approval No. 1 with the County Clerk and Recorder within one calendar year of the County Commission granting this preliminary conditional approval.

WHEREAS, the Commission determined that all conditions of the preliminary approval have been fully and/or substantially satisfied; and

WHEREAS, the Commission determined that the discontinuance of the alley segment in the Ames Addition of Helena would not affect or impair the access of private landowners accessing the alley; and

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

WHEREAS, the Commission determined that the discontinuance of the alley segments in the Ames Addition of Helena can be done without detriment to the public interest.

WHEREAS, the Commission determined that the retention of a 30 foot utility easement is necessary for the overhead utilities located in the alley.

NOW, THEREFORE, BE IT RESOLVED that alley segment located south of Lots 14, 15, and 16 of Block 206 within the Ames Addition of Helena in Section 23, T10N, R04W, P.M.M. Lewis and Clark County, Montana, is hereby discontinued, and a 30 foot utility easement is hereby declared.

BE IT FURTHER RESOLVED that a certificate of survey reflecting said discontinuance is to be recorded with a reference to this resolution.

DATED this 22 day of, August 2017.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS



Susan Good Geise, Chair

ATTEST:



Paulette J. DeHart, Clerk of Board

