

RESOLUTION 2019 – 30

A RESOLUTION OF INTENTION
TO CREATE A SPECIAL DISTRICT TO BE KNOWN AS
THE LINCOLN CEMETERY DISTRICT

WHEREAS, the United States Department of Agriculture, Forest Service, Helena-Lewis & Clark National Forest ("USFS") has transferred the Old Lincoln Cemetery and surrounding 4.77 acres (also known as Cemetery Hill) to Lewis and Clark County, Montana ("County") in a deed dated June 28, 2016 and recorded July 14, 2016 with the Lewis and Clark County Clerk and Recorder in Book M51, Page 6066; and

WHEREAS, one of the conditions of the transfer of this real property to the County, as outlined in a Memorandum of Agreement ("MOA") between the Board of County Commissioners ("BoCC") and the USFS executed in May of 2016, is to create a Special District, specifically a Cemetery District, for the daily operation, maintenance and historic preservation of the property also known as the Old Lincoln Cemetery and/or Cemetery Hill; and

WHEREAS, the BoCC concludes a Special District created pursuant to MCA §7-11-1001, *et seq.* is necessary to fulfill the conditions of said real property transfer from the USFS, including, but not necessarily limited to, the operation, management, maintenance and historic preservation of the property, as well as oversight of burials in the contemporary portion of the cemetery; and

WHEREAS, the BoCC has further concluded that the Special District to be created pursuant to MCA §7-11-1001, *et seq.* may also provide for, but not limited to, the operation, management, maintenance and historic preservation of the property, as well as oversight of burials in the Memorial Meadows Cemetery (also known as the Lower Cemetery); and

WHEREAS, the BoCC intends to create the Special District that shall hereinafter be known as the "Lincoln Cemetery District" by resolution, which is authorized by MCA §7-11-1003 and must include information set out in MCA §7-11-1007; and

WHEREAS, the duration of the Lincoln Cemetery District shall be in perpetuity; and

WHEREAS, the lands to be included within, and boundary of the Lincoln Cemetery District shall be coincident with the existing boundary of both the Old Lincoln Cemetery/Cemetery Hill and the boundary of the Memorial Meadows Cemetery/Lower Cemetery; and

WHEREAS, the legal descriptions for the Lincoln Cemetery District boundary were prepared in consultation with a professional land surveyor pursuant to MCA §7-11-1006, as shown on attached Exhibit-A, attached hereto and incorporated herein; and

WHEREAS, the property within said District is wholly owned by Lewis and Clark County, as noted on the attached Exhibit-B, attached hereto and incorporated herein; and



WHEREAS, the Lincoln Cemetery District shall be responsible for, but necessarily limited to, the following:

1) preserving and protecting the historic portion of the Old Lincoln Cemetery in accordance with the National Historical Preservation Act and its implementing regulations; 2) restricting additional modern burials in the pioneer portion of the Old Lincoln Cemetery by installing a jack-leg pole fence on the southwest border and a picket fence with gate that separates the pioneer portion from the contemporary portion; 3) restoring the three pioneer grave fences to historical standards and maintaining them in perpetuity in compliance with said standards; 4) designing, manufacturing and installing interpretive signage; and 5) providing general operation, management, and maintenance of the property, as well as oversight of burials in the both the Memorial Meadows/Lower Cemetery (also known as the Lower Cemetery) as well as in the contemporary portion of the Old Lincoln Cemetery; and

WHEREAS, the initial estimated cost of the proposed program and improvements is \$12,972, as more particularly described on Exhibit-C, attached hereto and incorporated herein; and

WHEREAS, the BoCC intends that should assessments be required for the district, the percentage of the program or improvements would be assessed equally to each lot; and

WHEREAS, the BoCC intends the program costs to be offset by revenue raised by the Lincoln Cemetery District Board, as authorized within Montana Code Annotated, and more specifically as follows: 1) burial plot fees; 2) fundraising efforts; 3) donations, and 4) others sources as the BoCC and/or the Lincoln Cemetery District Board may deem acceptable from time to time; and

WHEREAS, the BoCC intends that this district shall be administered by an appointed board, which is intended to be immediately established following the creation of the Lincoln Cemetery District; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners:

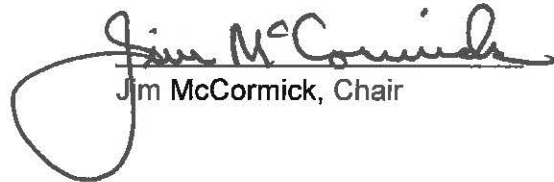
That the Board of County Commissioners hereby declares its intention to create a Special District which shall be known as the Lincoln Cemetery District, to be administered by an appointed board, and which shall provide for, but not necessarily limited to:

- 1) the preservation of and protection of the historic portion of the Old Lincoln Cemetery in accordance with the National Historical Preservation Act and its implementing regulations; 2) the restriction of additional modern burials in the pioneer portion of the Old Lincoln Cemetery by installing a jack-leg pole fence on the southwest border and a picket fence with a gate that separates the pioneer portion from the contemporary portion; 3) the restoration of the three existing pioneer grave fences to historical standards and the maintenance of them in perpetuity in compliance with said standards; 4) the design, manufacture and installation of interpretive signage; and 5) the general operation, management and maintenance of the properties, as well as the oversight of burials in the both the Memorial Meadows Cemetery (also known as the Lower Cemetery) as well as in the contemporary portion of the Old Lincoln Cemetery.

INTRODUCED at a regular meeting of the Board of County Commissioners on this 5
day of April, 2019 by Commission Member Jim McCormick.

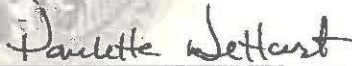
PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS on this 5th
day of April, 2019.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Jim McCormick, Chair



Attest:



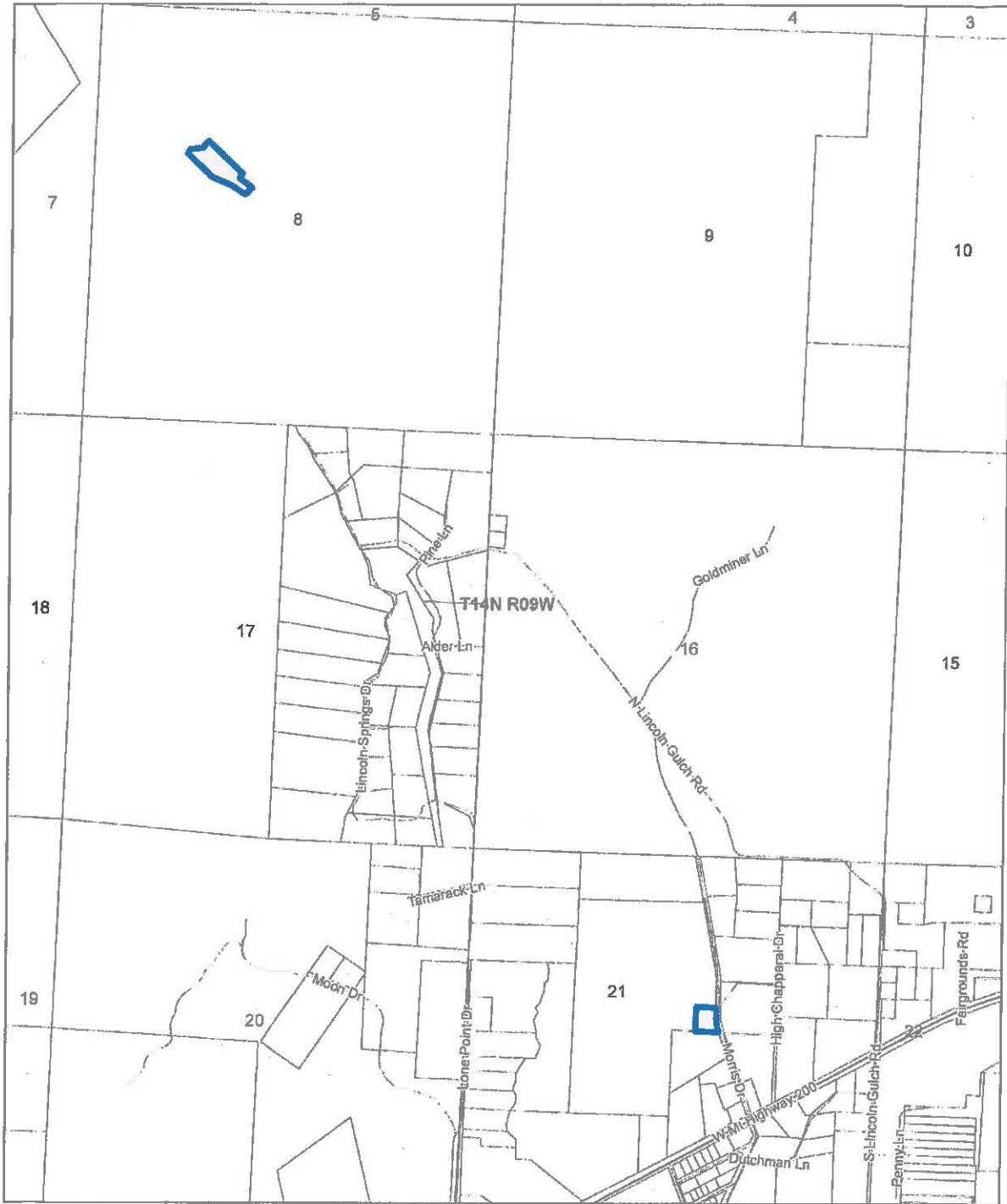
Paulette J. Dehart, Clerk of the Board

Attachments:

- Exhibit "A" to the Resolution: Map of Proposed Cemetery District
- Exhibit "B" to the Resolution: Property Owners within the Proposed Cemetery District
- Exhibit "C" to the Resolution: Estimated Improvement, Maintenance and Program Cost Spreadsheet

EXHIBIT A

Map of Proposed Cemetery District



Proposed Lincoln Cemetery District

- Proposed Lincoln Cemetery
- Paved
- MT Parcels w Condos
- Unpaved



0 875 1,750 3,500 Feet

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EXHIBIT B

Property Owners within the Proposed Cemetery District

1. Lewis and Clark County

EXHIBIT C

Estimated Improvement, Maintenance and Program Cost Spreadsheet

EXHIBIT C: Lincoln Cemetery District Estimated Improvement, Maintenance & Program Cost:	
Repair or rebuild 2 grave fences to historic standards, labor & materials	2,400
jack leg fence materials (103 feet)	500
jack leg fence labor	1,500
picket fence materials (170 feet; includes labor & mileage)	8,000
Annual volunteer cleanup time	50
per diem, salary, mileage, expenses for 6 trustees (including non-voting trustee)	
*mileage: 4 trips (1 per quarter) at 5.50/mile, 112 miles roundtrip	490
*per diem lunch (www.gsa.gov), \$17 ea., 6 trustees	102
*miscellaneous: \$5 ea., 6 trustees	30
TOTAL	12,972