

**RESOLUTION 2019-65**

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

**WHEREAS**, the Lewis and Clark County Board of Commissioners (Commission) is authorized by MCA §7-11-1003 to create by resolution the Special District that shall hereinafter be known as the "Lincoln Cemetery District"; and

**WHEREAS**, the Commission passed and approved a Resolution of Intention to Create a Special District to be Known as the Lincoln Cemetery District at a public hearing held on April 5, 2019, said resolution which was recorded on April 9, 2019 with the Lewis and Clark County Clerk and Recorder ("Clerk and Recorder") in Book M55, Page 3560; and

**WHEREAS**, one (1) protest form in support of the creation of the Special District to be Known as the Lincoln Cemetery District ("Lincoln Cemetery District"), constituting 100% of the property within the Lincoln Cemetery District, was received by Lewis and Clark County, and it was determined that there was not sufficient protest to bar proceedings as per MCA §7-11-1008; and

**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 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 Commission 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 Commission concludes that a Special District herein 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 Commission has further concluded that the Special District herein 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 Commission hereby creates 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/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 [NOT?] 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**, should assessments be required for the district, the percentage of the program or improvements would be assessed equally to each lot; and

**WHEREAS**, the program costs shall 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 Commission and/or the Lincoln Cemetery District Board may deem acceptable from time to time; and

**WHEREAS**, this district shall be administered by an appointed board, which shall be immediately established by resolution of the Commission following the creation of the Lincoln Cemetery District; and

**WHEREAS**, that a Public Hearing shall be held on July 18, 2019 at 9:00 a.m. in the Chambers of the Board of County Commissioners, at the City-County Building, Helena, Montana, for the purpose of gathering and receiving testimony, input and comments from all interested and or affected users, citizens, persons, associations, corporations, and/or companies; and

**WHEREAS**, notice of the Public Hearing shall be published in the Independent Record and the Blackfoot Valley Dispatch, two times with at least six days separating each publication.

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

That the Board of County Commissioners hereby creates 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:

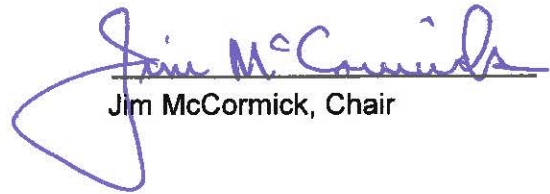
- 1) the preservation of and protection of the historic portion of the Old Lincoln Cemetery in accordance with the National Historical Preservation Act and its implementing regulations; 2) the restriction of additional modern burials in the pioneer portion of the Old Lincoln Cemetery by installing a 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.

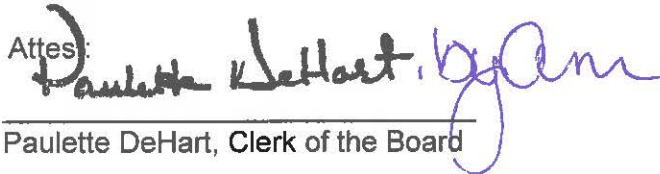
**INTRODUCED** at a Regular meeting of the Board of County Commissioners on July 18, 2019 by Commissioner McCormick

**PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS** on this 18 day of July, 2019.



LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

  
Jim McCormick, Chair

Attest:  
  
Paulette DeHart, Clerk of the Board

**Attachments:**

- Exhibit-A: Legal Descriptions for the Lincoln Cemetery District Boundary
- Exhibit-B: Map of the Lincoln Cemetery District
- Exhibit-C: Estimated Maintenance Cost Spreadsheet

EXHIBIT-A

Old Lincoln Cemetery: T. 14 N., R. 9 W, Section 8, Parcel A as depicted on Certificate of Survey No. 3292192, in the office of Lewis and Clark County Clerk and Recorder. The area described contains 4.77 acres, more or less.

Memorial Meadows Cemetery, also known as Lower Cemetery: A certain parcel of land situate, lying and being in Lincoln, in the County of Lewis and Clark, State of Montana, particularly described as follows, to wit: A tract of land in the West Half (W1/2) of the East Half (E1/2) of Section Twenty-one (21), Township Fourteen (14) North, Range Nine (9) West, M.P.M., more particularly described as follows: Commencing at the north one-quarter corner of said Section 21, thence S 0° 08' E, along the mid-section of said section, a distance of 2,249.0° ft., to a point; thence S 89° 57' E. a distance of 611.3 ft. to a point on the West line of a County Road, said point being the true point of beginning of the property being described; thence N 89° 57' W. a distance of 335.0 ft. to a point; thence N 0° 08' W. a distance of 300.0 ft. to a point; thence S 89° 57' E. a distance of 277.1 ft. to a point on the west line of a County Road; thence S 2° 55' E. along said West line a distance of 167.1 ft. to a point; thence continuing along said West line S 20° 37' E. a distance of 142.3 ft. to the true point of beginning, containing in all 2.02 acres, more or less.

EXHIBIT-B



Proposed Lincoln Cemetery District

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



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EXHIBIT-C

Exhibit C - Lincoln Cemetery District Estimated Improvement, Maintenance & Program Cost	
equipment to load & cover green trees to restore standards (labor & materials)	2,500
purchase fence materials (200 feet)	500
watering equipment	1,500
fill dirt for a road (1,200 line) (labor & materials)	8,000
landscaping materials (labor & materials)	150
directional signs, mileage expenses for 6 routes (including non-victim routes)	
fuel for 8 hrs (1 day) (average) at \$ 58/mile= 472 miles round trip	490
fuel for 6 hrs (1 day) (average) at \$ 58/mile= 348 miles round trip	402
incident expenses: 55 hrs. of labor	30
	TOTAL 12,972