

RESOLUTION 2019-75

A RESOLUTION TO CREATE AN ADMINISTRATIVE BOARD FOR THE LINCOLN CEMETERY DISTRICT

WHEREAS, the Lewis and Clark County Board of Commissioners (BoCC) passed and approved Resolution 2019-30, 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, the BoCC, in accordance with MCA §7-11-1003, passed and approved Resolution 2019-65, A Resolution to Create a Special District to be Known as the Lincoln Cemetery District at a public hearing held on July 18, 2019, said resolution which was recorded on July 18, 2019 with the Clerk and Recorder in Book M55, Page 7463; and

WHEREAS, the BoCC is authorized by MCA §7-1-201 to establish, by resolution, an administrative board of trustees for the Lincoln Cemetery District, that shall administer and oversee the daily operation, maintenance and historic preservation of 1) the property also known as Old Lincoln Cemetery and/or Cemetery Hill, as well as oversight of burials in the contemporary portion of the Old Lincoln Cemetery; and 2) the property known as Memorial Meadows Cemetery (also known as the Lower Cemetery), said properties which are legally described in **Exhibit A** and shown in **Exhibit B**, both attached hereto and incorporated herein (collectively, the "Property"); and

WHEREAS, pursuant to MCA §7-1-201, the BoCC intends that the administrative board shall be as described below:

- (a) The board trustees shall be comprised of five voting members and one non-voting ex officio member; and
- (b) The five trustees initially appointed shall hold staggered terms of office until their successors are appointed by the BoCC; and
- (c) The initial trustees' terms of office shall be drawn by lot and include: 1) a three year term for one trustee; 2) two year terms for two trustees; and 3) one year term for two trustees; upon expiration of these initial terms, each subsequent trustee shall serve a 3 year term of office; and
- (d) Trustees shall be entitled to mileage, per diem, and expenses; and
- (e) The trustees are hereby granted all powers necessary and proper to the establishment, operation, improvement, maintenance and administration of the Lincoln Cemetery District; and
- (f) The trustees shall administer the operation, management, maintenance and historic preservation of the Property, as well as oversee contemporary burials in the newer portion of Old Lincoln Cemetery/Cemetery Hill and in the Memorial Meadows Cemetery/Lower Cemetery, and may establish policy and adopt administrative and procedural rules for the Lincoln Cemetery District; and
- (g) The trustees may employ personnel to assist in its functions in the



Lincoln Cemetery District; and

(h) The initial estimated cost of the proposed program and improvements is \$12,972, as more particularly described in **Exhibit "C"** attached hereto and incorporated herein; and

(i) The trustees shall follow any budgeting and accounting requirements for which the administrative board is accountable to the BoCC, as applicable by law; and

WHEREAS, the trustees 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 as well as in the contemporary portion of the Old Lincoln Cemetery; 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

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

That the Board of County Commissioners hereby establishes the Board of Trustees for the Lincoln Cemetery District and appoints the following Lincoln residents as 1) voting trustees: Lonny Cox, Richard Foreman, Susan Murphy, Myrna Orr, and Bonnie Shown; 2) non-voting ex officio trustee: Eugene Morris; and 3) authorizes said board to administer the Lincoln Cemetery District under such terms as described in this Resolution 2019-75.

INTRODUCED at a regular meeting of the Board of County Commissioners on this 20 day of August, 2019 by Commission Member Jim McCormick.


**PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS on this 20th
day of August, 2019.**



**LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS**


Jim McCormick, Chair

Attest:


Paulette DeHart, Clerk to the Board

Attachments:

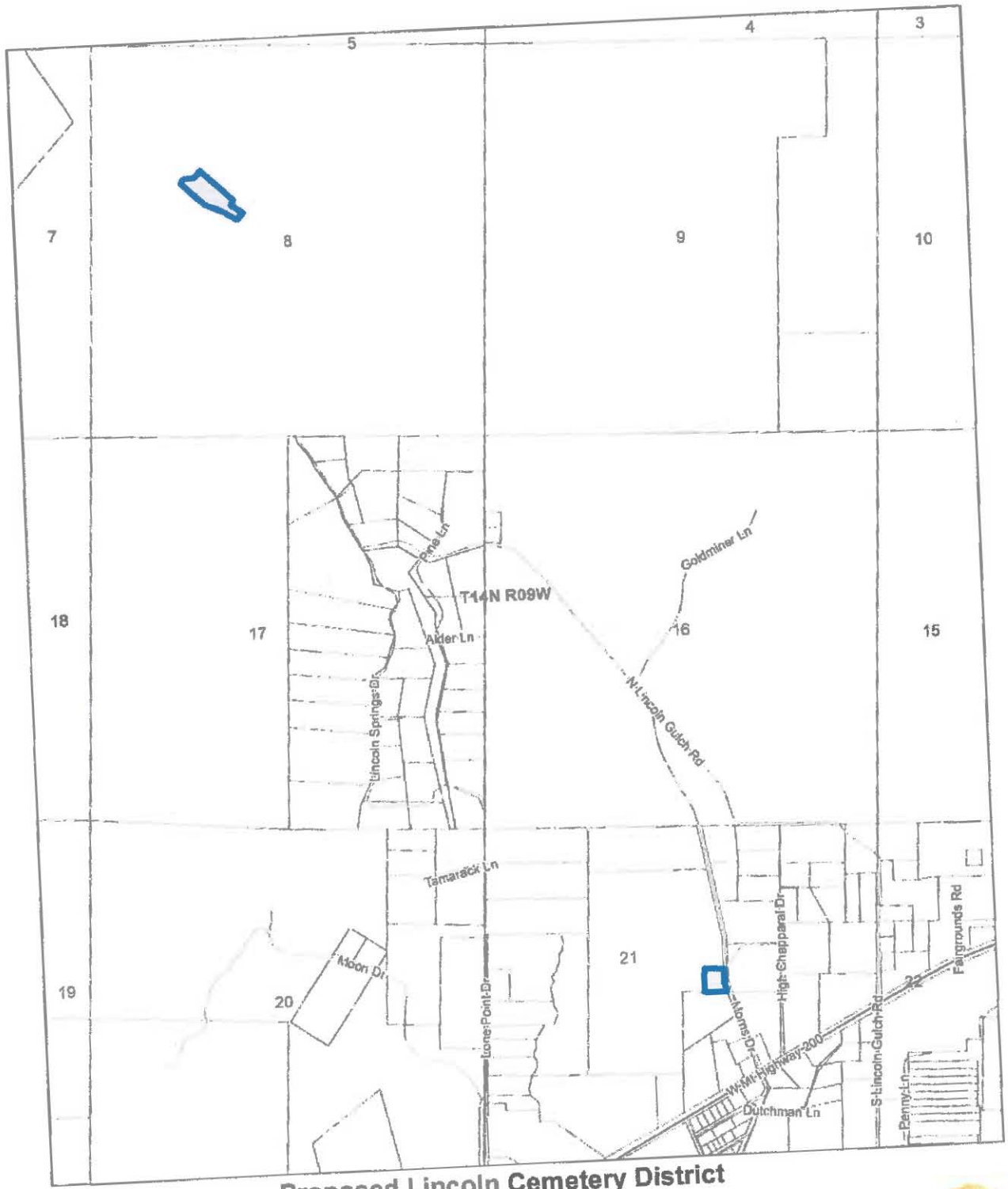
- Exhibit-A to Resolution 2019-75: Legal Descriptions for the Lincoln Cemetery District Boundary
- Exhibit-B to Resolution 2019-75: Map of the Lincoln Cemetery District
- Exhibit-C to Resolution 2019-75: Estimated Maintenance Cost Spreadsheet

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 County District Estimated Improvement, Maintenance & Program Cost	
replace all 14000 1/2" x 1/4" nails to historic standards, labor & materials	2,800
add 100 lbs. zinc nails to 14000 nails	500
add 100 lbs. zinc	1,500
protect brace materials (200 lbs. zinc) labor & mileage	2,000
finish of lumber on end of pier	50
provide survey, re-locate, engrave for 6 trustees (including non-voting trustee)	
fuel for 1 1/2 hour flight (aircraft at \$50/hr., 112 miles roundtrip)	350
spec. for bench lower gas price, 547 gal. @ 1.80/gal.	1000
miscellaneous expenses, 55 gal. @ 1.80/gal.	100
	Total
	12,972