

**RESOLUTION 2024 - 8**

**A RESOLUTION TO ABANDON TOBOGGAN AVENUE, A COUNTY ROAD**

**WHEREAS**, the Board of County Commissions has the authority to abandon a County Road, upon the petition in writing, if it can be done without detriment to the public interest, pursuant to Section 7-14-2601, Mont. Code Ann.; and

**WHEREAS**, Highland Park, Helena, Montana was filed on June 24, 1889, and "granted and donated to the public use and benefit forever" all of the streets, avenues, alleys and parks shown on Plat Number 789, located in the NW ¼ of Section 26, Township 10 North, Range 4 West; and

**WHEREAS**, the County declared Toboggan Avenue, a County Road, on May 25, 2021, Resolution 2021-32; and

**WHEREAS**, Sussex Development desires to abandon the County Road known as Toboggan Avenue, abutting Blocks 4 and 9 in the Highland Park subdivision, that is 60 feet wide and approximately 500 feet in length; and

**WHEREAS**, Sussex Development owns all of the land abutting that portion County road to be discontinued; and

**WHEREAS**, the County received a petition to abandon Toboggan Avenue, as described above; and

**WHEREAS**, on February 9, 2021, The Board ordered an investigation pursuant to 7-14-2603, MCA; and

**WHEREAS**, County Commissioner Jim McCormick, Road Superintendent Kevin Horne, and Development Services Supervisor Christal Ness viewed the site to investigate the feasibility and desirability of granting the proposed abandonment of the County road; and

**WHEREAS**, on June 22, 2021, the Board held a public hearing and considered whether the abandonment of the County road could be done without detriment to the public interest; and

**WHEREAS**, the Board determined the abandonment of the County road does not affect or impair the access of private land owners; and

**WHEREAS**, the Board determined the abandonment of the County road does not affect the public's access to public lands or waters.

**WHEREAS**, the Board determined that the abandonment of the County road can be done without detriment to the public interest.

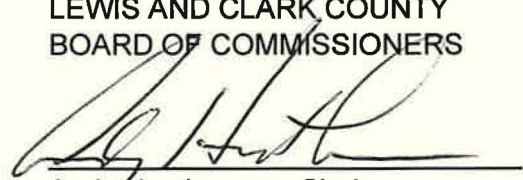
**NOW, THEREFORE, BE IT RESOLVED** that the County road, known as Toboggan Avenue, located in the NW ¼ of Section 26, Township 10 North, Range 4 West, P.M.M., Lewis and Clark County, is hereby declared abandoned; and



**NOW, THEREFORE, BE IT FURTHER RESOLVED** that this Resolution be referenced on the face of the Amended Plat of Highland Park.

DATED this 30 day of January, 2024.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS



Andy Hunthausen, Chair

Attest: *Amy Reeves*  
by *MA*

Amy Reeves, Clerk of the Board

