

RESOLUTION 2024 - 9

A RESOLUTION TO ABANDON WEST VIEW 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 West View Avenue, a County Road, on May 25, 2021, Resolution 2021-34; and

WHEREAS, Sussex Development desires to abandon the County Road known as West View Avenue, abutting Blocks 5 and 6 in the Highland Park subdivision, that is 60 feet wide and approximately 300 feet in length; and

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

WHEREAS, the County received a petition to abandon West View 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, vacation and discontinuance 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 landowners; and

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

WHEREAS, the Board determined that the abandonment, vacation or discontinuance of this County road can be done without detriment to the public interest.

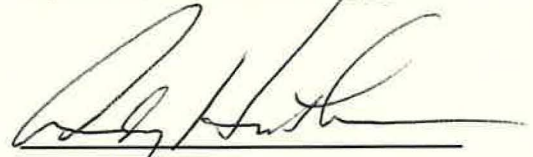


NOW, THEREFORE, BE IT RESOLVED that the County road, known as West View Avenue, located in the NW ¼ of Section 26, Township 10 North, Range 4 West, P.M.M., Lewis and Clark County, is hereby declared abandoned, vacated, and discontinued; and

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

