

**RESOLUTION 2014 - 62**

**A RESOLUTION APPROVING FUNDING OF OPEN LANDS PROJECT  
("York Gulch Land Acquisition")**

WHEREAS, pursuant to Resolution 2008-97, in November 2008, voters in Lewis and Clark County, Montana, approved the Land, Water and Wildlife bond measure, a \$10 million general obligation bond measure for protecting drinking water sources and ground water quality; protecting water quality in and along rivers and streams; conserving working farm, ranch and forest lands; protecting wildlife areas; preserving open lands and natural areas; providing for recreation; and managing growth and development; and

WHEREAS, the primary purpose of the Program is to conserve resources on private lands in Lewis and Clark County that fulfill the objectives of the bond measure; and

WHEREAS, funds generated by sales of these bonds are distributed through the County's Open Lands Program; and

WHEREAS, the County's Open Lands Program has received and processed an application for Open Lands funding from the Prickly Pear Land Trust, on behalf of landowner, Montana's Outdoor Legacy Foundation (formerly Montana Fish, Wildlife and Parks Foundation), to assist with the purchase and sale of private property to the United States Department of Agriculture (U.S.D.A.) Forest Service Northern Region; and

WHEREAS, in this project, referred to as the York Gulch Land Acquisition, Prickly Pear Land Trust proposes to acquire and then transfer 14 contiguous mining claims (286.47 total acres) to the U.S.D.A., which will consolidate this private in-holding into the Helena National Forest lands; and

WHEREAS, federal ownership and management of this land as part of the Helena National Forest will allow this land to be part of the National Forest System, the definition of which says it is "dedicated to the long-term benefit for present and future generations"; and

WHEREAS, this property contains numerous conservation values and the acquisition of this property by the U.S.D.A. as part of the Helena National Forest lands will achieve several of the purposes of the 2008 Open-Space Lands bond measure, including 1) conserving forest lands, 2) protecting wildlife areas, 3) preserving open land and natural areas, 4) providing for recreation, and 5) managing growth and development; and

WHEREAS, the Citizen's Advisory Committee on Open Lands (CAC) held a public hearing on this proposal on July 2, 2013, and voted 8-1-1 to recommend that the Board of County Commissioners (Commission) approve the project to enter the due diligence phase; and

WHEREAS, the Commission held a public hearing on the proposal on July 16<sup>th</sup>, 2013, at which a 30-day public comment period was opened, and on August 27<sup>th</sup>, 2013, the Commission voted 2-1 to adopt the recommendation of the CAC and approve the project to move to the due diligence phase;

WHEREAS, County staff conducted due diligence of the project, provided a summary of that research to the CAC and the Commission, and recommended approval of this project for Open Lands funding; and

WHEREAS, upon the completion of the due diligence requirements by the Applicant, Landowner and representatives of the U.S.F.S., the CAC voted unanimously to recommend that the Commission approve funding this project for the requested amount (\$205,000) on two conditions: (1) that the U.S.F.S. provide a report on the water rights for Phase II of the project; and (2) that the Commission officially select the appraiser, Ted Thayer, as qualified and as a disinterested certified general real estate appraiser, pursuant to § 7-8-2202, MCA; and



WHEREAS, the Commission considered that recommendation at a regularly scheduled public meeting on June 12, 2014; and

WHEREAS, the Commission determined that this project meets multiple purposes of the bond, substantially complies with the legal requirements, and may not be achieved without the involvement of the County and its partnership with other agencies; and

WHEREAS, this project was considered at several public meetings where the public had an opportunity to comment and participate, including:

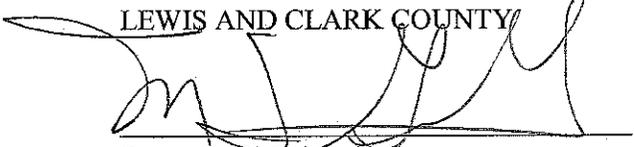
Tuesday, June 18, 2013, public meeting of the CAC in Rm. 326 of the City-County Bldg.;  
Tuesday, July 2, 2013, public hearing before the CAC in Rm. 309 of the City-County Bldg.;  
Wednesday, July 16, 2013, public hearing before the Commission in Rm. 309 of the City-County Bldg.;  
Tuesday, August 27, 2013, public meeting of the Commission in Rm. 309 of the City-County Bldg.;  
Tuesday, June 3, 2014, public meeting of the CAC to consider the Due Diligence findings and in which the CAC voted 10-0 to recommend funding the project to the Commission; and June 12, 2014, Commission's vote and public meeting decision.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners

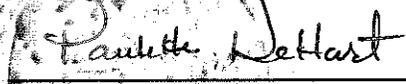
- Accept the recommendation of the Citizens Advisory Committee on Open Lands; and
- Approve funding the York Gulch Land Acquisition in the amount of \$205,000 on two conditions:
  1. that the U.S.F.S. provide a report on the water rights for Phase II of the project; and
  2. that the Commission officially select the appraiser, Ted Thayer, as qualified and as a disinterested certified general real estate appraiser, pursuant to § 7-8-2202, MCA; and
- Authorize staff to proceed with closing.

DATED this 12 day of June, 2014.

BOARD OF COUNTY COMMISSIONERS  
LEWIS AND CLARK COUNTY

  
Susan Good Geise, Chair

ATTEST:

  
Paulette DeHart, Clerk of the Board

File: Final Resolution -- Open Lands Program