



**RESOLUTION 2014 - 143**

**RESOLUTION ABANDONING A PORTION OF A COUNTY ROAD LOCATED ALONG  
THE EAST PROPERTY LINE OF LOT 23 OF BRIDGE CREEK ESTATES SUBDIVISION**

WHEREAS, the Lewis and Clark County Board of County Commissioners (Board) has the authority to abandon any part of a county road upon the petition in writing of all owners of lots on the street if it can be done without detriment to the public interest, pursuant to Section 7-14-2103(3), MCA; and

WHEREAS, a public access easement was established by the Amended Plat of Bridge Creek Estates Subdivision to "dedicate and donate the county road easement as shown and described on this plat to the use of the public forever"; said access easement was recorded on Document No. 3248734, Lewis and Clark County Clerk and Recorder; this document is attached as Exhibit "A"; and

WHEREAS, said access easement is located in the NE 1/4 of Section 17, T11N, R3W, P.M.M., Lewis and Clark County; a portion of the plat showing the location of the road is attached as Exhibit "B"; and

WHEREAS, the location of the proposed easement abandonment begins at the north boundary of the Ropers Loop right-of-way and extends northwest approximately 195 feet to the south property line of Lot 2 of the Wirth-Brown Subdivision; a plat showing the location of the road is attached as Exhibit "B"; and

WHEREAS, said easement is approximately 195 feet in length and 60 feet in width, and

WHEREAS, landowners petitioned the Lewis and Clark County Board of Commissioners to abandon said easement; and

WHEREAS, the Board of County Commissioners has, by approving the final plat for the Amended Plat of Bridge Creek Estates Subdivision, adopted said easement as a County Road; and

WHEREAS, this county road has never been constructed; and,

WHEREAS, this county road does not provide access for Lot 2 of Wirth-Brown Subdivision, and

WHEREAS, a dwelling was constructed within the county road easement, and the removal of the easement is necessary to remedy an encroachment that affects the landowner's financing, and

WHEREAS, the abandonment of this county road will not affect access for any residents; and

WHEREAS, having received a petition in writing of the owner of the lot underlying the easement, the Board held a public hearing, published notice of the hearing, and considered at that hearing whether the abandonment, vacation or discontinuance of part of the public access easement could be done without detriment to the public interest; and

WHEREAS, the Board determined that the abandonment, vacation or discontinuance of this public

access easement can be done without detriment to the public interest; and

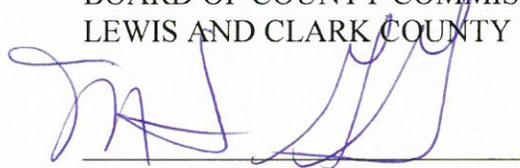
NOW, THEREFORE, BE IT RESOLVED that the unnamed road easement, located on the east property line of Lot 23 of Bridge Creek Estates Subdivision, in the NE1/4 of Section 17, T11N, R3W, P.M.M., Lewis and Clark County, is hereby declared abandoned, vacated and discontinued, as shown on attached Exhibit "B".

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above-described road will be discontinued as a county road and is not a maintenance obligation to the County.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this Resolution be referenced on the face of the Amended Plat of Lots 1 and 2 of Wirth-Brown Subdivision and Lot 23A of the Bridge Creek Estates Subdivision.

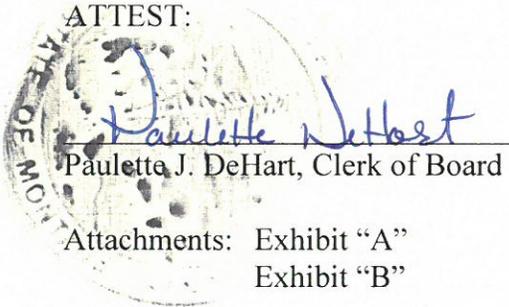
DATED this 16 day of, December 2014.

BOARD OF COUNTY COMMISSIONERS  
LEWIS AND CLARK COUNTY



Susan Good Geise, Chair

ATTEST:



Pauletta J. DeHart, Clerk of Board

Attachments: Exhibit "A"  
Exhibit "B"



