



RESOLUTION 2014 - 118

**RESOLUTION DISCONTINUING A PORTION OF A PLATTED
SUBDIVISION EASEMENT IN THE EAGLE HEIGHTS ADDITION**

WHEREAS, the Lewis and Clark County Board of County Commissioners (Board) may discontinue any part of a street in an unincorporated town or townsite 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 7-14-2616, Mont. Code Ann.; and

WHEREAS, alleys in Block 17 and 18 and public access easements known as Eighth Avenue and a portion of Grand Aerie Boulevard were "granted and donated to the use of the public forever" in the "Plan of Eagle Heights Addition to Leslieton," on May 3, 1913, and recorded on Page 839 of the Plat Book in the Lewis and Clark County Clerk and Recorder's Office; and

WHEREAS, the alleys in Block 17 and 18 and public access easements known as Eighth Avenue and a portion of Grand Aerie Boulevard are located in the SE $\frac{1}{4}$ of Section 35, T11N, R2W, P.M.M., Lewis and Clark County; and

WHEREAS, Julie B. Aageson now desires to abandon, vacate, or discontinue an alley in Block 17, a portion of land 25 feet in width and approximately 220 feet in length, and does not contain a physical alley; and

WHEREAS, Julie B. Aageson now desires to abandon, vacate, or discontinue the alley in Block 18 of the Eagle Heights Addition, a portion of land 25 feet in width and approximately 200 feet in length, and does not contain a physical alley; and

WHEREAS, Julie B. Aageson now desires to abandon, vacate, or discontinue a public access easement known as Eighth Avenue of the Eagle Heights Addition, that is 60 feet in width and approximately 450 feet in length, and does not contain a physical road; and

WHEREAS, Julie B. Aageson now desires to abandon, vacate, or discontinue a public access easement known as a portion of Grand Aerie Boulevard that is located in Blocks 17 and 18 and the western half of Blocks 15 and 16, but not including the western half of the street, a portion of land that is 60 feet in width and approximately 330 feet in length.

WHEREAS, alleys in Block 17 and 18 and public access easements known as Eighth Avenue and a portion of Grand Aerie Boulevard are, for purposes of this request, in an unincorporated townsite, ie. Eagle Heights Addition; and

WHEREAS, Julie B. Aageson owns all the land in the portion of land to be discontinued; and

WHEREAS, Julie B. Aageson petitioned the Board to abandon the above named alley and road segment easements; and

WHEREAS, having received a petition in writing of all owners of lots underlying the easement, the Board, published notice of the hearing; and

WHEREAS, on October 7, 2014, Commissioner Susan Good Geise viewed the site to investigate the feasibility and desirability of granting the proposed abandonment, vacation, or discontinuance of the easements; and

WHEREAS, on October 7, 2014, October 9, 2014, October 16, 2014, and October 23 2014, the Board held public hearings 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 this abandonment, vacation, or discontinuance of easements does not affect or impair the access of private landowners to the east of Julie B. Aageson's property; and

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

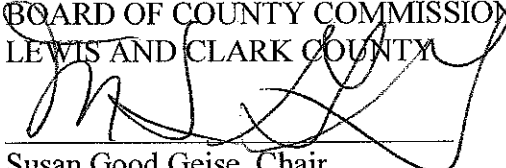
WHEREAS, the Board determined that the abandonment, vacation, or discontinuance of this public access easement can be done without detriment to the public interest.

NOW, THEREFORE, BE IT RESOLVED that the alleys in Block 17 and 18 and public access easements known as Eighth Avenue and a portion of Grand Aerie Boulevard, located in the SE ¼ of Section 35, T11N, R2W, P.M.M., Lewis and Clark County, are hereby declared abandoned, vacated, and discontinued; and

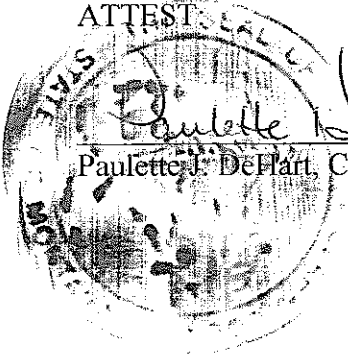
NOW, THEREFORE, BE IT FURTHER RESOLVED that this Resolution be referenced on the face of the Amended Plat of Blocks 17 and 18 and the western half of Blocks 15 and 16, Eagle Heights Addition.

DATED this 24 day of, October 2014.

BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY


Susan Good Geise, Chair

ATTEST



Paulette DeHart
Paulette DeHart, Clerk of Board