

RESOLUTION 2014- 5

A RESOLUTION ABANDONING A PORTION OF A COUNTY ROAD EASEMENT
KNOWN AS KING POST LOOP IN SECTION 18, TOWNSHIP 11N, RANGE 3W, WITHIN
THE TIMBERWORKS ESTATES SUBDIVISION

WHEREAS, the Lewis and Clark County Board of County Commissioners (Board) may abandon or vacate any part of a County Road Easement pursuant to MCA §7-14-2615(1)(c); and

WHEREAS, a County Road Easement was dedicated through Certificate of Survey #3211292 on October 18, 2011 through Phase I of the Timberworks Estates Subdivision; and

WHEREAS, the County Road Easement known as Kingpost Loop located within Lot 1, Phase 1 of the aforementioned survey is 40 feet in width and 297.52 feet in length; and

WHEREAS, the owner of Lot 1, Phase 1 of the Timberworks Estates Subdivision, Big Sky Storage LLC petitioned the County to abandon the northerly 5 foot wide by 297.52 foot length of the County Road Easement in April 2012; and

WHEREAS, notice of the proposed abandonment was mailed to adjacent property owners, posted in three locations and published in a local newspaper prior to the public hearing on May 31, 2012; and

WHEREAS, the Board determined that the abandonment or vacation of the County Road Easement can be done without restricting legal access to public land, public waters pursuant to MCA §7-14-2615(3); and

WHEREAS, the Board determined that the abandonment or vacation of the County Road Easement can be done without restricting access to private property owners pursuant to MCA §7-14-2615(4); and

WHEREAS, the remaining County Road Easement located within Lot 1, Phase 1 of the Timberworks Estates Subdivision shall be 35 feet in width and 297.52 feet in length.

WHEREAS, the Board approved the abandonment on May 31, 2012 with the following requirements:

1. The Applicants (petitioners) shall provide a retracement survey, prepared in accordance with the applicable State survey requirements; in addition, the survey shall graphically show and describe the following:
 - a. The Applicants shall demonstrate an abandonment of the (5) five foot-wide County Road Easement;
 - b. The Resolution identification reference to the abandonment shall appear on the face of the survey;
 - c. Unless filed in conjunction with an amendment to the Subdivision that does not require a public access and utility easement for fire protection on Lot 1, the



retracement survey shall assure that the 30' public access and utility easement for fire protection remains adjacent to the County Road Easement.

2. Prior to filing of the retracement survey, the Applicant shall:
 - a. Provide current documentation (Certificate of Title) showing that the Applicants are the lawful owners of the property, and showing the names of lien holders of claimants of record.
3. This preliminary approval shall be effective for not more than two (2) calendar years (May 31, 2014).


WHEREAS, the Applicants (petitioners) have sufficiently fulfilled all of the requirements set forth by the conditional approval.

NOW, THEREFORE BE IT RESOLVED that the Lewis and Clark County Board of County Commissioners declare the northerly 5 feet wide by 297.52 feet long section of the County Road Easement within Lot 1, Phase 1 of the Timberworks Estates Subdivision, located in Section 18, Township 11N, Range 3W, is hereby closed and abandoned.

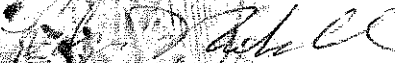
BE IT FURTHER RESOLVED that the above-described road will be discontinued as a County Road Easement and is not a maintenance obligation to the County.

DATED this 7 day of January, 2014.

BOARD OF COUNTY COMMISSIONERS
LEWIS AND CLARK COUNTY


Susan Good Geise, Chair

ATTEST:


Paulette J. DeHaft, Clerk of the Board

