

RESOLUTION 2018-108

**RESOLUTION DISCONTINUING TWO ALLEY SEGMENTS
IN BLOCKS 196 AND 202 OF THE AMES ADDITION TO HELENA**

WHEREAS, the Lewis and Clark County Board of Commissioners (Commission) may discontinue a street or alley or any part of a street or alley in an unincorporated town or townsite upon petition, pursuant to Section 7-14-2616, MCA; and

WHEREAS, on September 4, 1889, the "Map of The Ames Addition to Helena Montana" was recorded, dedicating the streets and alleys therein to the public use and benefit forever; and

WHEREAS, Jeffrey Tichenor (Applicant) and all adjacent property owners have petitioned to discontinue two segments of unconstructed alleys, located within the Ames Addition of Helena in Section 23, Township IO N, Range 04 W, P.M.M., Lewis and Clark County, Montana; and

WHEREAS, details of the two segments are as follows.

1. The alley north of lots 17 through 23, Block 196 and south of lots 13 through 16, Block 202, of the Ames Addition to Helena. This segment is approximately 175 feet in length and 14 feet in width.
2. The alley east of lot 17, Block 202, and west of lot 34, Block 196, of the Ames Addition to Helena. This segment is approximately 127 feet in length and 10 feet in width.

WHEREAS, in February, 2018, Commissioner Hunthausen and Road and Bridge Supervisor, Doug Nisbet, viewed the site to investigate the feasibility and desirability of granting the proposed alley discontinuances; and

WHEREAS, on April 24, 2018, the Commission held a public hearing regarding the petition to discontinue the alley segments in the Ames Addition to Helena to determine whether discontinuances could be done without detriment to the public interest; and

WHEREAS, after the public hearing, the Commission granted preliminary conditional approval to discontinue the alley segments in the Ames Addition to Helena, subject to two conditions of approval:

1. The Applicant shall provide a Certificate of Survey that shows and includes:
 - a. The discontinued alley segments adjacent to the north boundaries of Lots 17-23 and adjacent to the east boundary of Lot 17;
 - b. The retention of a public utility easement in the discontinued alley segments adjacent to the north boundaries of Lots 17-23 and adjacent to the east boundary of Lot 17.
 - c. Boundary line relocations, if adjacent property owners choose to pursue ownership of any portion of the discontinued alleys.
 - d. A reference to the resolution that officially documents the right-of-way abandonment/vacations.



2. The Applicant, his successors and assigns, at no expense to the County shall cause to be prepared new deeds and realty transfer certificates to be recorded with the above noted Certificate of Survey.
3. Property owners with structures or any other improvements built within any portion of the utility easement to be retained through Condition of Approval No. 1 shall apply, at no expense to the County for an encroachment agreement with the County.

WHEREAS, the Commission has determined that all conditions of the preliminary approval are met; and

WHEREAS, the Commission has determined that the discontinuance of the alley segments in the Ames Addition to Helena would not affect or impair the access of private landowners accessing the easements; and

WHEREAS, the Commission has determined that the discontinuance of the alley segments in the Ames Addition to Helena would not affect the public's access to public lands or waters; and

WHEREAS, the Commission has determined that the discontinuance of the alley segments in the Ames Addition to Helena can be done without detriment to the public interest.

NOW, THEREFORE, BE IT RESOLVED that the alley segments, located within Blocks 196 and 202 of the Ames Addition of Helena in Section 23, T 10N, R04W, P.M.M., Lewis and Clark County, Montana as shown on attached Exhibit "A," are hereby discontinued.

DATED this 29 Day of November, 2018.



Paulette DeHart
Paulette DeHart, Clerk of the Board

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

Andy Munthausen
Andy Munthausen, Chair

Attachment, Exhibit A

CERTIFICATE OF SURVEY / AMENDED PLAT

AMENDING LOTS 17, 18, 19 AND 20 IN BLOCK 202 OF THE AMES ADDITION TO THE CITY OF HELENA, MONTANA.

PURPOSE: BOUNDARY RELOCATION/AGGREGATION PER. ABANDONMENT AND VACATION OF ALLEYS—RESOLUTION # _____
FOR: JEFFREY L. TICHENOR

LEGAL DESCRIPTION: LOT 20A

A TRACT OF LAND BEING ALL OF LOTS 17, 18, 19 AND 20 AND A PORTION OF ALLEYS IN BLOCK 202 OF THE AMES ADDITION TO THE CITY OF HELENA, MONTANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 20; THENCE N 25°11'16"E, 127.00 FEET ALONG THE WESTERLY LINE LOT 20 TO THE NORTH WEST CORNER OF LOT 20; THENCE N 64°48'44"W, 78.30 FEET ALONG THE SOUTH LINE OF 14 FOOT ALLEY TO SOUTH RIGHT-OF-WAY LIMIT OF U.S. HWY 12; THENCE S 75°23'07"E, 78.30 FEET ALONG SAID RIGHT-OF-WAY TO THE SOUTHWESTERLY CORNER LOT 13; THENCE S 64°48'44"E, 100.00 FEET ALONG THE NORTHERLY LINE 14 FOOT ALLEY TO SOUTHEAST CORNER OF LOT 18; THENCE S 25°11'16"W, 14.00 FEET TO THE NORTHEAST CORNER OF LOT 17; THENCE S 64°48'44"E, 10.00 FEET TO THE NORTHWEST CORNER LOT 34 BLOCK 186 SYNDICATE ADDITION; THENCE S 25°11'17"W, 127.00 FEET ALONG WESTERLY LINE OF SAID LOT 34 TO THE SOUTHWESTERLY CORNER LOT 34; THENCE N 64°48'44"W, 110.00 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LIMIT OF CANNON STREET TO THE POINT OF BEGINNING. THE TRACT OF LAND CONTAINS 15,894.9 SQUARE FEET MORE OR LESS AND IS SUBJECT TO ALL EXISTING EASEMENTS, EASEMENTS SHOWN ON THIS CERTIFICATE OF SURVEY AND DOCUMENTS OF RECORD.

CERTIFICATE OF SUBDIVISION EXEMPTION (LOTS 20A)

I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT THE DIVISION OF LAND SHOWN ON THIS AMENDED PLAT/CERTIFICATE OF SURVEY IS EXEMPT FROM REVIEW AS A SUBDIVISION IN ACCORDANCE WITH THE PROVISIONS OF SECTION 76-3-207(1)(2) AND (7) OF MCA, BECAUSE THIS IS A DIVISION MADE OUTSIDE OF PLATTED SUBDIVISIONS FOR THE PURPOSE OF REDUCING COMMON BOUNDARY LINES BETWEEN ADJOINING PROPERTIES & BECAUSE THIS IS AN AGGREGATION OF PARCELS OR LOTS WHEN A CERTIFICATE OF SURVEY OR SUBDIVISION PLAT SHOWS THAT THE BOUNDARIES OF THE ORIGINAL PARCELS HAVE BEEN ESTABLISHED AND THE BOUNDARIES OF THE LARGER AGGREGATE PARCELS ARE ESTABLISHED. A RESTRICTION OR REQUIREMENT ON THE ORIGINAL PLATTED LOT OR ORIGINAL UNPLATTED PARCELS CONTINUES TO APPLY TO THESE AREAS.

CERTIFICATE OF DEQ EXEMPTION (LOTS 20A)

I/WE, THE UNDERSIGNED, HEREBY CERTIFY THAT THE NEWLY CREATED PARCELS HAVE NO EXISTING FACILITIES FOR WATER SUPPLY, WASTEWATER DISPOSAL, OR SOLID WASTE DISPOSAL, OTHER THAN TRACTS THAT WERE PREVIOUSLY APPROVED BY THE REVENUE AUTHORITY (DEQ/CITY OF HELENA) UNDER TITLE 75, CHAPTER 4, PART 1, MCA, OR THAT WERE EXEMPT FROM SUCH REVIEW. IF THE DIVISION OF LANDS WILL NOT CAUSE APPROVED FACILITIES TO VIOLATE ANY CONDITIONS OF APPROVAL, AND WILL NOT CAUSE EXEMPT FACILITIES TO VIOLATE ANY CONDITIONS OF EXEMPTION, ALL IN ACCORDANCE WITH SUB. CHAPTER 17.36.805, (3) ARM.

OWNER: JEFFREY L. TICHENOR

STATE OF _____

COUNTY OF _____

THIS INSTRUMENT WAS SIGNED OR ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20____, BY JEFFREY L. TICHENOR.

WITNESSE PUBLIC FOR THE STATE OF _____

DWNER BK. M48, PG. 803E: SUSAN H. HANSEN

OWNER BK. M48, PG. 803E: KEVIN R. HANSEN

STATE OF _____

COUNTY OF _____

THIS INSTRUMENT WAS SIGNED OR ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20____, BY KEVIN R. HANSEN & SUSAN H. HANSEN

WITNESSE PUBLIC FOR THE STATE OF _____

OWNER BK. M38 PG. 1632: DOROTHY DEBUS

STATE OF _____

COUNTY OF _____

THIS INSTRUMENT WAS SIGNED OR ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 20____, BY DOROTHY DEBUS

WITNESSE PUBLIC FOR THE STATE OF _____

CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY, PURSUANT TO SECTION 76-3-207 (2)(D) OF MCA, THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS RECORDED AND DUES ON THE LAND DESCRIBED ON THIS PLAT AND DISCLOSED BY THE PROPOSED SECONDARY SUBDIVISION/AGGREGATION HAVE BEEN PAID.

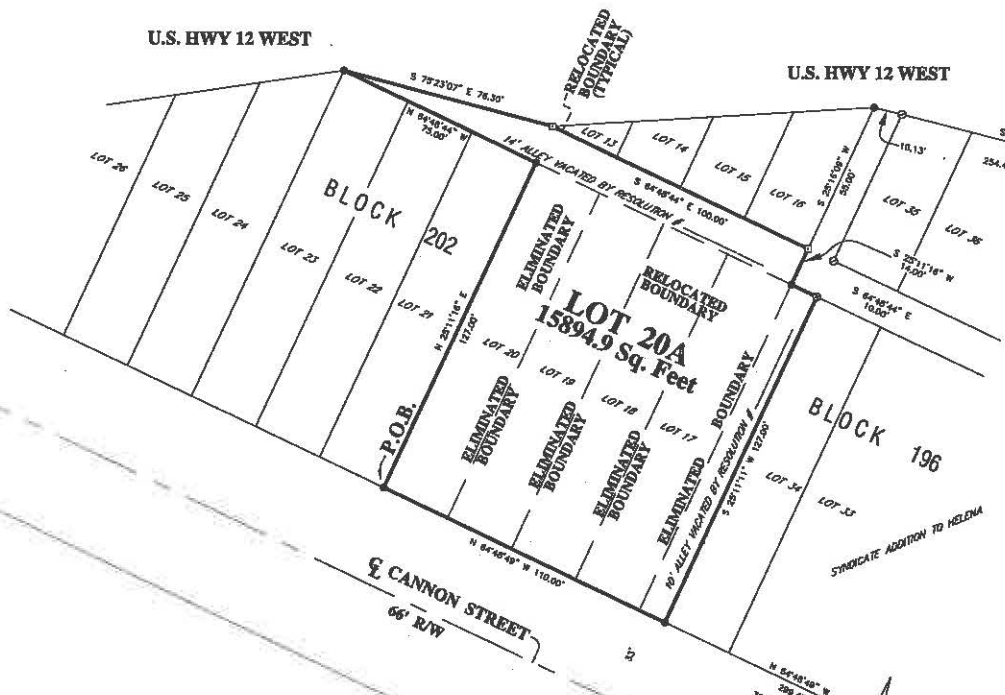
ASSESSMENT CODE: 0738;

DATED THIS _____ DAY OF _____, 20____.

TREASURER, LEWIS AND CLARK COUNTY, MONTANA

1/4	SEC.	T.	R.
23	102A	4W	

2nd MONTANA LEWIS AND CLARK COUNTY



- LEGEND**
- SET 6/8" REBAR W/RED PLASTIC CAP (RIES & ASSOC.);
 - FOUND 6/8" REBAR W/YELLOW PLASTIC CAP (STANGLER DOBASLES);
 - FOUND 6/8" REBAR;
 - ⊙ FOUND 6/8" REBAR W/YELLOW PLASTIC CAP(LC HANSON 26628E)
 - CALCULATED POINT, NOTHING SET.
- P.O.B. POINT OF BEGINNING;

BASIS OF BEARINGS:
G.P.S. CONTROL SURVEY, ROTATED TO GEODETIC NORTH.



CERTIFICATE OF SURVEYOR



WILLIAM J. RIES (14018LS)
PROFESSIONAL LAND SURVEYOR

DATE:

CERTIFICATE OF EXAMINING LAND SURVEYOR

REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING _____ DAY OF _____, 20____, PURSUANT TO SECTION 76-3-611(2)(c), MCA.

EXAMINING LAND SURVEYOR

LICENSE NO. _____

DATE: NOV. 20, 2019
JOB NO.: 18188
FIELD BY: RJS, JA
DRAFTED BY: RJS



PREPARED BY:
RIES & ASSOCIATES PC.
6850 GREEN MEADOW DR.
HELENA, MONTANA 59602

NOTE:
THE AREA THAT IS BEING REMOVED FROM ONE TRACT OF RECORD AND JOINED WITH ANOTHER TRACT OF RECORD IS NOT ITSELF A TRACT OF RECORD. SAID AREA SHALL NOT BE AVAILABLE AS A REFERENCE LEGAL DESCRIPTION IN ANY SUBSEQUENT REAL PROPERTY TRANSFER AFTER THE INITIAL TRANSFER ASSOCIATED WITH THE CERTIFICATE OF SURVEY ON WHICH SAID AREA IS DESCRIBED, UNLESS SAID AREA IS INCLUDED WITH OR EXCLUDED FROM ADJOINING TRACTS OF RECORD.