

**RESOLUTION 2021 - 23**

**A RESOLUTION TO REVOKE AN AGRICULTURAL COVENANT**

**WHEREAS**, Wade Marcus Wilkison is the landowner of a 14.09-acre parcel shown on Certificate of Survey No. 342358, located in Section 15, Township 09N, Range 03W, Lewis and Clark County, Montana; and

**WHEREAS**, on October 30, 1981, the 14.09-acre parcel was created, not through subdivision review, but pursuant to an agricultural exemption as allowed in Montana Code Annotated (MCA) §76-3-207(1)(c), and an agricultural covenant was placed on the parcel with Certificate of Survey No. 339087. On January 29, 1982, a corrective survey of this parcel (Certificate of Survey No. 342358) was filed with the County Clerk and Recorder correcting the name of an adjoining parcel; and

**WHEREAS**, the Board of County Commissioners (Board) may revoke an agricultural covenant pursuant to Resolution 1986-55; and

**WHEREAS**, on November 13, 2017, the landowner requested the Board to revoke the agricultural covenant; and

**WHEREAS**, public notice was published in the Independent Record on December 17 and 24, 2017 and adjacent property owners were noticed of a public meeting scheduled for January 4, 2018 in which the Board would consider the landowner's request to revoke the agricultural covenant; and

**WHEREAS**, after public meetings on January 4, 2018, January 11, 2018, and February 1, 2018, the Board approved the request to revoke the agricultural covenant subject to the landowner preparing a survey documenting the agricultural covenant revocation and requesting and receiving subdivision approval and completing all conditions of such approval prior to filing the survey formally removing the agricultural covenant from the parcel; and

**WHEREAS**, the landowner submitted an application for subdivision approval on September 7, 2018 and received preliminary conditional approval from the Board for this application on December 4, 2018 subject to fourteen (14) conditions of approval; and

**WHEREAS**, effective October 1, 2019, MCA §76-3-211(1), indicates that a change in use for anything other than agricultural purposes subjects a division of land that received an agricultural exemption under MCA §76-3-207(1)(c) to subdivision review; and

**WHEREAS**, the landowner has completed all fourteen (14) conditions of subdivision approval and has prepared a survey documenting the agriculture covenant revocation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners:

1. That the Board does hereby revoke the agricultural covenant placed on the parcel shown on Certificate of Survey No. 342358.

**PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS** on this 6th Day of April 2021.





LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

A handwritten signature in black ink, appearing to read "Andy Hunthausen", written over a horizontal line.

Andy Hunthausen, Chair

Attest:

A handwritten signature in blue ink, appearing to read "Amy Reeves", written over a horizontal line.

Amy Reeves, Clerk of the Board