

## **RESOLUTION 30-2016**

### **AN ORDER ABANDONING A COUNTY STREET IN MONTANA CITY**

A petition was filed with the Board of County Commissioners of Jefferson County, Montana (hereinafter, the “Board”), by Ryan Werner, Marie Murphy, Edgar Hulett, and Vicki Barry-Dion on the 8<sup>th</sup> day of August, 2016. This petition requested the abandonment of a certain Jefferson County street in an unincorporated town or townsite within Jefferson County, Montana, and being a portion of a street within the townsite of Montana City, Jefferson County, Montana. The description of the subject County street is set forth as follows:

The southerly 50' of Henry Street adjacent to previously abandoned portion of Main Street located in Montana City as described in Book 49 of Misc. Page 64.

Pursuant to Title 7, Chapter 14, Part 26, MCA, the Board made a preliminary review of the subject petition. The Board found that the petition was submitted by all of the landowners affected by the street petitioned to be closed within Jefferson County and found that said petition described the particular street or portions thereof to be abandoned, the general route thereof, and the lands and owners affected by the proposed abandonment.

The Board further determined that the consent of the owners of the affected lands was endorsed upon the Petition by their execution of the same and that the Petition set forth the necessity for and advantage of the petitioned action.

Therefore, the Board ordered that the feasibility, desirability, and cost of granting the prayer of the Petition, and the merits or demerits of the proposed abandonment be investigated. On September 13, 2016, Commissioner Bob Mullen reported that he investigated the merits of the petition and recommended that the petition be granted.

The Board considered the Petition and the findings of Commissioner Mullen’s investigation. The Commission approved the closure of said street; hereinafter described:

The southerly 50' of Henry Street adjacent to previously abandoned portion of Main Street located in Montana City as described in Book 49 of Misc. Page 64.

The Board found that the granting of the relief sought in the Petition was in the best interest of the County, was both feasible and desirable for the use and benefit of the public,

would not cause any increase in costs to the public, and could be done without detriment to the public interest.

Upon such basis, the Board determined that the Petition should be granted and that an appropriate Order should be entered.

Therefore, **IT IS HEREBY ORDERED** as follows:

1. That the Petition of Ryan Werner, Marie Murphy, Edgar Hulett, and Vicki Barry-Dion is hereby granted subject to the following conditions:
  - a.) that the Petitioners recognize that no owners shall ever claim or attempt to claim that any portion of said street constitutes a “lot” or “parcel”, distinct from the owners adjoining lot or property, upon which the separate residence or structure requiring water and sewer facilities can be constructed, and;
  - b.) that any utility easements now existing on the right-of-way will be continued unaltered and that access by utility company employees for the maintenance of the equipment shall be allowed, and;
  - c.) that Jefferson County shall retain full utility rights, if any.
2. That the portion of said Jefferson County street which is abandoned by this Order is more particularly described as:

The southerly 50' of Henry Street adjacent to previously abandoned portion of Main Street located in Montana City as described in Book 49 of Misc. Page 64.

**DATED** this 27<sup>th</sup> day of September, 2016.

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**BOB MULLEN, CHAIR**

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**LEONARD WORTMAN, COMMISSIONER**

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**CORY KIRSCH, COMMISSIONER**