



# LINCOLN COUNTY MONTANA

## Resolution 2019-13

### A RESOLUTION TO ESTABLISH AS A COUNTY ROAD A PORTION OF 5<sup>TH</sup> STREET EXT. AND TO ALTER SAID ROAD FOR RELOCATION PURPOSES

THE BOARD OF COUNTY COMMISSIONERS FOR LINCOLN COUNTY,  
MONTANA FINDS:

1. The Board of Commissioners has the authority to establish, alter, or abandon county roads, pursuant to Section 7-14-2103, MCA; and
2. A petition was filed with the Board of Commissioners on August 21, 2019 to establish and alter a portion of 5<sup>th</sup> Street Ext. located within S2, T30N, R31W and S35, T31N, R31W near Libby, Montana. A more precise legal description pending final survey; and
3. A public notice of a hearing on the proposed road establishment and alteration was published on September 3 and September 10, 2019 in the Western News; and
4. A public hearing was held on September 18, 2019 at 11:00 AM in the Commissioner's Office for the purpose of hearing comments for or against proposed establishment and alteration of the aforementioned road; and
5. The Board of Commissioners determined the public interest will be more adequately served by the above-requested establishment and alteration of 5<sup>th</sup> Street Ext.; and

### THE BOARD RESOLVES:

#### 1. ESTABLISHMENT OF COUNTY ROAD

That on September 18, 2019, the Board of Commissioners approved the establishment of the portion of 5<sup>th</sup> Street Ext., more particularly described in Exhibit A as a county road.

#### 2. ALTERATION OF COUNTY ROAD

That on September 18, 2019, the Board of Commissioners approved the alteration of the portion of 5<sup>th</sup> Street Ext., more particularly described in Exhibit A to relocate a portion of said road.

281792 BOOK: PF PERM/FILES PAGE: 14524 Pages: 3  
 STATE OF MONTANA LINCOLN COUNTY  
 RECORDED: 09/19/2019 10:26 KOI: RESOLUTION  
 ROBIN A. BENSON CLERK AND RECORDER  
 FEE: \$0.00 BY: *[Signature]*  
 FOR: LINCOLN COUNTY BOARD OF COMMISSIONERS



**LINCOLN COUNTY  
MONTANA**

**THE BOARD FURTHER RESOLVES:**

1. If a provision of this resolution conflicts with a provision of a previously adopted resolution, this resolution will prevail.
2. This resolution and its various sections, clauses and paragraphs are severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the resolution will not be affected.
3. This resolution will be effective immediately upon adoption, in accordance with § 7-5-123, MCA.
4. This Board directs that this resolution be entered into the minutes and signed by the Chair of the Board in accordance with § 7-5-121, MCA.

END OF RESOLUTION

Approved as to Form:

Marcia Boris  
Marcia Boris, County Attorney

Date presented to the Board 09/18/2019 Approved  Disapproved ( ) Amended ( )

Adopted this 18<sup>th</sup> day of September, 2019.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Mark Peck  
Mark Peck, Chair

ATTEST:

Robin A. Benson  
Robin Benson, Clerk of the Board



# Exhibit A

## PETITION TO ESTABLISH AND ALTER A COUNTY ROAD

### SECTION A

Legal description of the petitioned roadway (attach additional sheets if needed)

That portion of 5th Street, a public road, approximately as shown on the exhibit below, located between the overlaid circles. Beginning at a point approximately 420' southwest of the current Railroad Crossing of 5th Street, which is the northeast corner of Lot 1 of 5th Street Subdivision, and continuing northeasterly to the intersection with the County Road Easement as shown. More precise legal is pending final survey.

