



LINCOLN COUNTY MONTANA

311401 BOOK: PF PERM/FILES PAGE: 15210 Pages: 3
STATE OF MONTANA LINCOLN COUNTY
RECORDED: 07/17/2024 2:00 KOI: RESOLUTION
CORRINA BROWN CLERK AND RECORDER
FEE: \$0.00 BY: *Deleisha Storkson deputy*
FOR: LINCOLN COUNTY BOARD OF COMMISSIONERS 512 CALIFORNIA AVE,

RESOLUTION 2024-18

A Resolution To Abandon A Portion Of A County Road Between Lots 15-16 And 23-22 In Westgate Business Addition

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

1. The Board of County Commissioners has the authority to abandon a county road, pursuant to MCA §7-14-2103(3); and
2. Per MCA §7-14-2601 a petition was filed with the Clerk and Recorder on May 23, 2024, to abandon a portion of a county road, said property as being shown on attached Exhibit "A"; and
3. Pursuant to MCA §7-14-2603 at the May 29, 2024, commissioner meeting the Board of County Commissioners noted viewers were appointed to investigate the request; and
4. Per MCA §7-1-2121 a notice of public hearing on the proposed road abandonment was published on June 18, 2024, and July 5, 2024, in the Western News & posted on the county bulletin boards and website; and
5. A public hearing was held on July 10, 2024, in the Commissioner's Meeting Room for the purpose of hearing comments for or against the proposed road abandonment; and
6. Per Title 7, Chapter 14, Part 26 of the MCA the Board of County Commissioners determined the public interest will be more adequately served by the herein requested abandonment.

THE BOARD RESOLVES:

As of July 10, 2024, the portion of road described herein is abandoned and reverts to the adjoining landowner and is not an obligation of Lincoln County per MCA §7-14-2615.



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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, County Attorney

Date presented to the Board 7/17/24

Approved Disapproved [] Amended []

Adopted this 17th day of July, 2024.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Josh Letcher, Chair

ATTEST:

Corrina Brown, Clerk of the Board

LINCOLN COUNTY, MONTANA.

AMENDED PLAT OF

WESTGATE BUSINESS ADDITION

A SUBDIVISION NEAR THE CENTER OF SECTION 32 TWP 31 N., R. 31 W., P.M.M.

AMENDING LOT 21 TO CORRECT A ROAD CONSTRUCTION ERROR

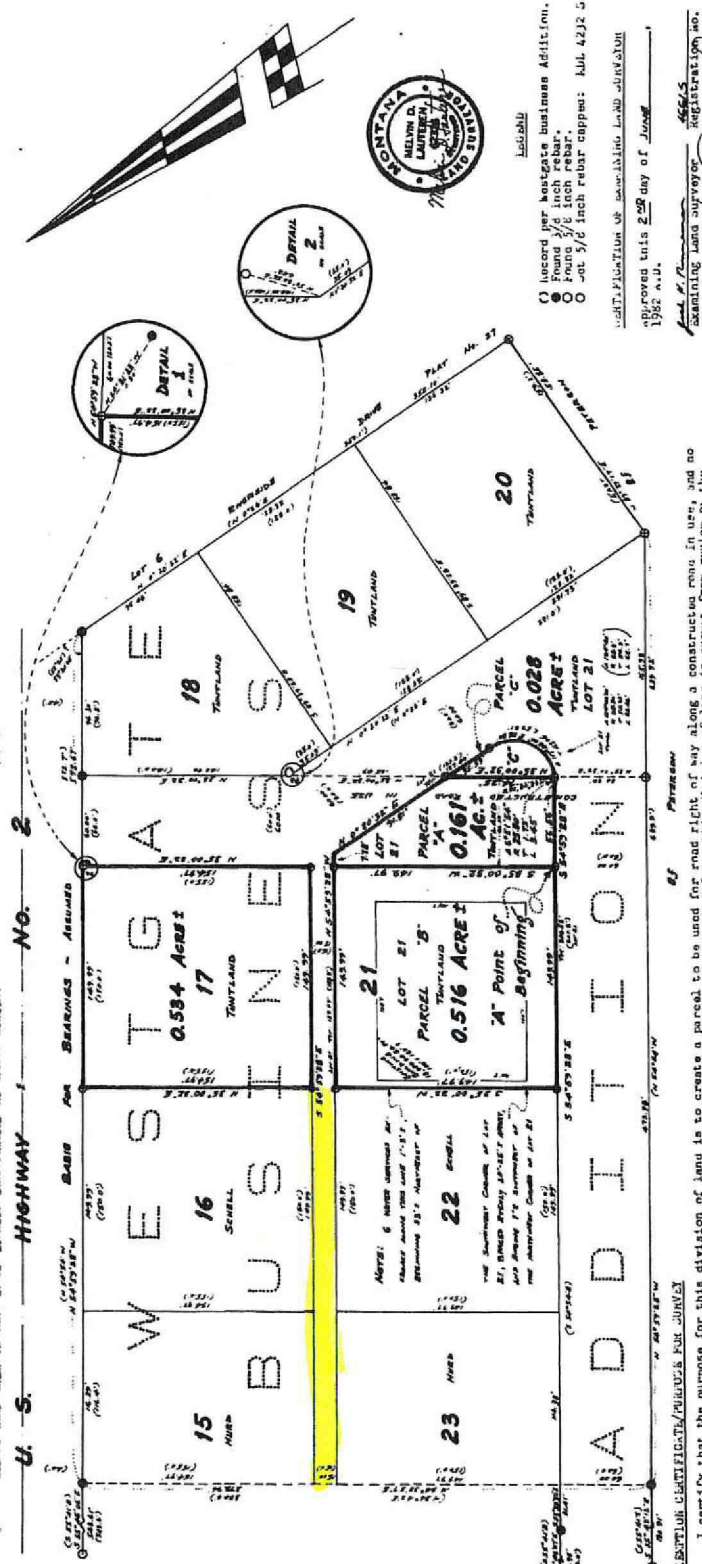
FOR: BARNEY'S SHOOPER, INC. MAY, 1982.

DESCRIPTION PARCEL "A"

A tract of land near Libby in Lincoln County, Montana, being a part of Lot 21 of the Westgate Business Addition (a recorded subdivision in Lincoln County, Montana), near the center of Section 32 Twp. 31 N., R. 31 W., P.M.M., containing 0.161 acre, more or less, and more particularly described as follows:

Beginning at a 5/8 inch rebar capped: M.L. 4232 S on the Southeastery line of Lot 21 of said Westgate Business Addition, at a distance of 149.99 feet S54°09'28"E from a 5/8 inch rebar capped: M.L. 4232 S marking the Southeastery corner of said Lot 21; thence, from said point of beginning, continuing along the Southeastery line of said Lot 21, a distance of 24.80 feet through the center of a 5/8 inch rebar capped: M.L. 4232 S marking the Southeastery corner of said Lot 21, on an extended 60.00 foot right of way line; thence, along said extended right of way line, S35°00'13"W 74.25 feet to a 5/8 inch rebar capped: M.L. 4232 S on the Easterly line of said Lot 21; thence, along said Easterly line, S02°01'24"E 24.80 feet to the Northeastery corner of said Lot 21; thence, along the Northeastery line of said Lot 21, N54°05'17"W 31.61 feet to a 5/8 inch rebar capped: M.L. 4232 S marking the Northeastery corner of said Lot 21; thence, along said extended right of way line, S55°00'13"W 149.97 feet to the point of beginning.

NOTE: Parcel "A" of Lot 21 was constructed with Lot 19 and is a portion of the Westgate Business Addition. Parcel "B" of Lot 21 was constructed with Lot 20 and is a portion of the Westgate Business Addition.



I certify that this division of land is to be used for a road right of way along a construction runs in use, and no other purpose, and that the same is exempt from review by the structures of Health and Environmental Sciences pursuant to MCA 10-10-31, 10-31-300 sub-section 6 sections 10-10-303(2)(c). Any change in land use purposes this division of land to review under the provisions of the Sanitation and Subdivision Act. This parcel is also exempt from review under a subdivision.

Date of 6-8-82

County of Lincoln, 1982 A.D., before me, a Notary Public in and for the State of Montana, personally appeared Barney's Shooper, Inc., known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Barney's Shooper, Inc.
Notary Public

KOOTENAI ENGINEERING
CIVIL ENGINEERING & LAND SURVEYING
LIBBY, MONTANA
406-293-1721

Scale -

RF No. 3933



- Record per Westgate Business Addition.
- Found 5/8 inch rebar.
- Found 5/8 inch rebar capped: M.L. 4232 S.
- Found 5/8 inch rebar capped: M.L. 4232 S.

APPROVED THIS 25th DAY OF JUNE 1982 A.D.

Notary Public
Approved this 25th day of June 1982 A.D. at Libby, Montana.
Chairman, Lincoln County, Montana Commissioners

STATE OF MONTANA
County of Lincoln
I, Sharon L. Hoopes, County Clerk and Register
do hereby certify that the within instrument was duly recorded on this 25th day of June 1982 A.D. at Libby, Montana.