



# LINCOLN COUNTY MONTANA

319465 BOOK: PF PERM/FILES PAGE: 15528 Pages: 7

STATE OF MONTANA LINCOLN COUNTY

RECORDED: 02/02/2026 3:53 KOI: RESOLUTION

CORRINA BROWN CLERK AND RECORDER

Fee: \$0.00 BY: *Detisha Starkman, Deputy*

FOR: LINCOLN COUNTY BOARD OF COMMISSIONERS 512 CALIFORNIA AVE,

## RESOLUTION 2026-04

### A Resolution Superseding Resolution 2024-36 and Authorizing Conveyance of a County-Owned Fee Strip of Land to the United States Forest Service, Including Properties Within Government Lots 1, 7 and 8 and Incorporating Exhibit A

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

**WHEREAS**, on January 7, 2026, the Board of County Commissioners conducted a public hearing to receive comment regarding the conveyance of a county-owned fee strip of land located in Section 9, Township 30 North, Range 30 West, Principal Meridian Montana, and adjoining private parcels; and

**WHEREAS**, the Lincoln County Board of Commissioners previously adopted **Resolution 2024-36**, which authorized conveyance of a county-owned fee strip of land to the United States Forest Service, but which contained an incomplete legal description of the affected property; and

**WHEREAS**, the United States Forest Service, Kootenai National Forest, submitted a revised formal request for conveyance of this fee strip; and

**WHEREAS**, upon review by the Lincoln County Land Specialist, it has been confirmed that the fee strip extends across Government Lots 1, 7 and 8 of Section 9, and that correction of the legal description is necessary to accurately reflect the historical intent of the parcel's conveyance; and

**WHEREAS**, the portion of the fee strip located within Government Lot 1 is more particularly described in Lincoln County Records, Book 6, Page 310, dated February 15, 1927; and

**WHEREAS**, the portions of the fee strip located within Government Lots 7 and 8 are more particularly described in Lincoln County Records, Book 7, Page 283, dated February 15, 1927; and

**WHEREAS**, the Board finds that conveyance of this parcel to the United States Forest Service will not adversely affect public access, does not create encumbrances for adjoining property owners and serves the public interest; and

**WHEREAS**, the Board further finds it appropriate to incorporate by reference the map included on page 3, and formally designate it as Exhibit A to this Resolution; and

**WHEREAS**, the Board desires to rescind and replace Resolution 2024-36 to provide a complete, accurate, and consolidated resolution reflecting the full legal description and applicable supporting materials.

The attached letter from the U.S. Forest Service is made part of Resolution 2026-04 and confirms there is no intention to close FS Road #14433 (Nixon Road), satisfying the condition of commissioner approval and ensuring perpetual access.



# LINCOLN COUNTY MONTANA

## NOW, THEREFORE, BE IT RESOLVED:

1. **Resolution 2024-36 is hereby repealed and replaced in its entirety** by this Resolution.
2. The Board of County Commissioners hereby approves and authorizes conveyance of the following described county-owned fee strip of land to the United States Forest Service, and incorporates by reference the map depicting the parcel, which is designated as Exhibit A to this Resolution:

*A 60-foot-wide parcel (30 feet on each side of a specified line) located within Government Lots 1, 7, and 8 of Section 9, Township 30 North, Range 30 West, Principal Meridian Montana.*

*The portion of the fee strip located within **Government Lot 1** is more particularly described in Lincoln County Records, Book 6, Page 310, dated February 15, 1927.*

*The portions of the fee strip located within **Government Lots 7 and 8** are more particularly described in Lincoln County Records, Book 7, Page 283, dated February 15, 1927.*

3. Lincoln County officials, including the Board Chair and the Clerk and Recorder, are authorized to execute all deeds, conveyances and supporting documents necessary to complete transfer of the parcels to the United States Forest Service.

## 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:

A handwritten signature in blue ink, appearing to read "M. Boris".

Marcia Boris, County Attorney

Date presented to the Board January 7, 2026 Approved  Disapproved [ ] Amended [ ]

Adopted this 2<sup>nd</sup> day of February, 2026.



# LINCOLN COUNTY MONTANA

## LINCOLN COUNTY BOARD OF COMMISSIONERS

Brent Teske

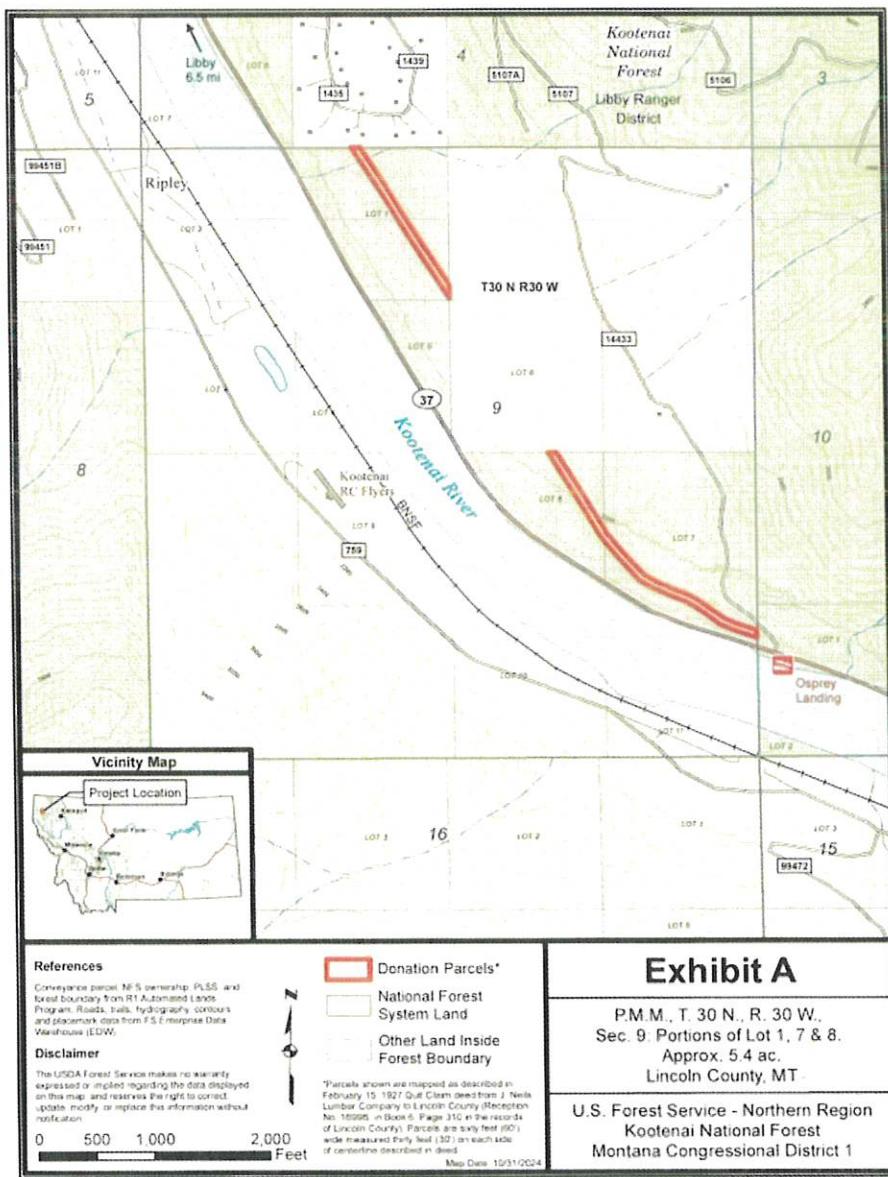
, Chair

ATTEST:

Corrina Brown

Corrina Brown, Clerk of the Board

## Exhibit A



The attached letter from the U.S. Forest Service is made part of Resolution 2026-04 and confirms there is no intention to close FS Road #14433 (Nixon Road), satisfying the condition of commissioner approval and ensuring perpetual access.

319467 BOOK: 413 RECORDS PAGE: 627 Pages: 4  
STATE OF MONTANA LINCOLN COUNTY  
RECORDED: 02/02/2026 4:01 KOI: AGREEMENT  
CORRINA BROWN CLERK AND RECORDER  
FEE: \$0.00 BY: *Detisha Shurtliff, Deputy*  
FOR: LINCOLN COUNTY BOARD OF COMMISSIONERS 512 CALIFORNIA AVE,

## AGREEMENT TO CONVEY LAND

Lincoln County Montana  
To  
USDA Forest Service  
Kootenai National Forest

This AGREEMENT TO CONVEY LAND is entered into this 2 day of February, 2026 by and between Lincoln County Montana, a corporation (Lincoln County) and the United States acting by and through USDA Forest Service (Forest Service).

WHEREAS, J. Neils Lumber Company on February 15, 1927, donated to Lincoln County by quit claim deed recorded February 18, 1927, as Reception No. 16996, in Book 6, Page 310 in the records of Lincoln County, more particularly described as follows and as shown on the map attached as Exhibit A;

*That portion, piece or parcel of ground lying in Lot 1 of Section 9, T. 30 N., R. 30 W., PMM, a strip of land sixty feet (60') wide measured thirty feet (30') on each side of the line hereinafter described...*

WHEREAS, J. Neils Lumber Company on February 15, 1927, donated to Lincoln County by quit claim deed recorded February 18, 1927, as Reception No. 16995, in Book 7, Page 283 in the records of Lincoln County, more particularly described as follows and as shown on the map attached as Exhibit A;

*That portion, piece or parcel of ground in Lots 7 and 8 of said Section 9, T. 30 N., R. 30 W., PMM, a strip of land sixty (60') feet wide thirty feet (30') on each side of the line hereinafter described...*

WHEREAS, the sixty feet (60') wide strips of land were conveyed to Lincoln County for construction of a road or travel way; and

WHEREAS, Lincoln County did not and will not construct a road or travel way on the strips of land and has no further need for the strips of land; and

WHEREAS, the United States, acting by the through the Forest Service owns and administers the land on all sides surrounding the strips of land; and

WHEREAS, this Agreement between Lincoln County and the Forest Service, the Parties, documents the mutual understanding and agreement by the Parties.

NOW THEREFORE, it is mutually understood and agreed to as follows:

The Forest Service:

1. Will obtain and pay for a title report, title insurance, closing costs and recordation fees and perform other due diligence associated with the transaction.
2. Will assist Lincoln County by preparing and recording curative documents, if necessary.
3. Will conduct necessary inspections to acquire the land, including an environmental site assessment (hazmat).
4. Will complete the environmental analysis as required under the National Environmental Policy Act and other relevant laws and regulations.
5. Will prepare Exhibit A.
6. Will assist Lincoln County in preparing the Warranty Deed.
7. Will accept the land donation.

Lincoln County:

1. Grants permission to the Forest Service, its employees, contractors, or duly authorized representatives to enter onto the property for the purposes of conducting site inspections, environmental assessments, and other such studies as may be required to complete due diligence in the acquisition of the land.
2. Offers the land described herein to the United States. Lincoln County hereby voluntarily declines any consideration and will not demand and hereby waives and relinquishes any and all rights of consideration from the United States for the conveyance of the land.
3. Releases the Forest Service from the obligation of appraising the land, as provided for in Title 49 CFR 24.102 (c)(2).
4. Will provide any available information regarding hazmat conditions on the property.
5. Agrees to convey the land to the United States by general warranty deed and will convey the land free and clear from all liens and encumbrances, subject to outstanding third-party rights.
6. Agrees to satisfy any taxes, assessments, and other encumbrances which are a lien against the property and agrees to assist the Forest Service and the title company with any title clearing actions.

This Agreement is non-binding and represents the Parties' good faith efforts in the conveyance of the land subject to the acceptance of the due diligence requirements. Prior to the conveyance of

the land, Lincoln County will not take action to create or establish any contractual, lease agreement or other obligations against the property.

Modifications to this Agreement may be made by mutual consent of the Parties through written modification signed by both Parties prior to any changes being performed.

This Agreement may be terminated upon written notification to the other Party. In the event this Agreement is terminated prior to the completion of all items included in this Agreement, each Party shall bear any and all costs they have incurred, and the other Party shall not be liable for any such costs.

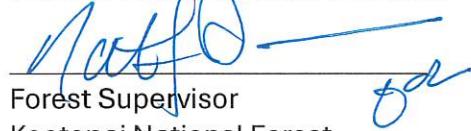
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IN WITNESS WHEREOF, the Parties have executed this Agreement by its authorized officers and is effective upon the date entered above.

LANDOWNER, LINCOLN COUNTY



Title Commissioner

UNITED STATES FOREST SERVICE

  
Forest Supervisor   
Kootenai National Forest  
Northern Region



United States  
Department of  
Agriculture

Forest  
Service

Kootenai National Forest  
Libby Ranger District  
(406) 293-7773

Canoe Gulch Ranger Station  
12557 Hwy 37  
Libby, MT 59923

File Code: 2800  
Date: February 2, 2026

**Noah Pyle**  
Lincoln County Land Specialist  
512 California Ave  
Libby MT 59923

Dear Noah:

This is a follow up notice to Resolution 2026-04 Superseding Resolution 2024-36 Conveyance of County-Owned Fee Strip to FS.

National Forest System Road #14433 is open year long to the public. There is no permit necessary for its use. Conditions and maintenance standards for National Forest System roads may not meet the needs of private landowners. Private entities that are interested in maintaining a forest road to a higher standard may request authorization to do so at their own expense. In some situations, this maintenance may be authorized by a road use permit.

Please let me know if you are in need of any additional information.

Sincerely,

NATHAN GASSMAN  
District Ranger



Caring for the Land and Serving People

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