

August 28, 2018

Resolution 18-08A

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM	Resolution 18-08A - A Resolution to Amend Resolution 18-08 Abandoning a County Road
INITIATED BY	Michael Potter
PRESENTED BY	Sandor Hopkins Public Works Planning Division
ACTION REQUESTED	Extension Request

BACKGROUND:

On February 6, 2018 the Cascade County Commission voted to conditionally approved a Petition to Discontinue a County Street and Alley initiated by Michael Potter. Resolution 18-08 approved the discontinuance of a portion of the county streets and alleys known as the eastern 30 feet of right-of-way of 7th St South and all 60 feet of right-of-way of 8th St South from 31st Ave South to 33rd Ave South, and the alleys of Block 21 and Block 22 of the Park View Addition Subdivision. The motion approved by the Commission conditionally approved the discontinuation on filing an Amended Plat delineating the boundaries of the affected property within six (6) months of the date of the resolution.

The petitioner has completed the survey, however the amended plat requires the signatures of all applicable owners and the lending institutions affiliated with the affected properties. Since all of these lenders are outside of Great Falls, the plat cannot feasibly be filed before the expiration of the six month deadline. As such, the petitioner has requested a two month extension of the filing period, to October 6, 2018, to obtain all necessary signatures. There are no state or local regulations that set a maximum time to file a survey in this situation.

RECOMMENDATION: Cascade County Staff, after reviewing the extension request, and working with the petitioner and surveyor in good faith, recommend the Cascade County Commission APPROVE the extension request of the petition associated with Resolution 18-08 and approve Resolution 18-08A.

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TWO MOTIONS PROVIDED FOR CONSIDERATION

MOTION TO APPROVE:

Madam Chair, I move that the Commissioners **APPROVE** Resolution 18-08A, a resolution to Amended Resolution 18-08 Abandoning a County Road by extending the deadline for the petitioner to file the completed survey no later than Monday, October 8, 2018.

MOTION TO DISAPPROVE:

Madam Chair, I move that the Commissioners **DISAPPROVE** Resolution 18-08A, a Resolution to Amended Resolution 18-08 Abandoning a County Road by extending the deadline for the petitioner to file the completed survey no later than Monday, October 8, 2018.

ATTACHMENTS:

Resolution #18-08A

Resolution #18-08

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
CASCADE COUNTY, MONTANA**

RESOLUTION 18-08A

RESOLUTION TO AMEND RESOLUTION 18-08 – A RESOLUTION IN THE MATTER TO ABANDON THAT PORTION OF COUNTY STREETS AND ALLEYS KNOWN AS THE EASTERN 30 FEET OF RIGHT-OF-WAY-OF 7TH ST SOUTH AND ALL 60 FEET OF RIGHT-OF-WAY OF 8TH ST SOUTH FROM 31ST AVE SOUTH TO 33RD AVE SOUTH, AND THE ALLEYS OF BLOCK 21 AND BLOCK 22 OF THE PARK VIEW ADDITION, SECTION 24, TOWNSHIP 20 NORTH, AND RANGE 03 EAST P.M.M., CASCADE COUNTY, MONTANA

WHEREAS, pursuant to MCA § 7-14-2616(1), the Board of Cascade County Commissioners may discontinue a street or alley or any part of a street or alley in an unincorporated town or town site upon the petition in writing of all owners of lots on the street or alley if it can be done without detriment to the public interest; and

WHEREAS, pursuant to MCA § 7-14-2601 through MCA § 7-14-2622, a legal petition was signed and submitted by all owners of lots adjacent to the proposed discontinuation; and

WHEREAS, review of the petition confirmed that the said streets and alleys did not provide exclusive access to either private or state lands; and

WHEREAS, review of the petition confirmed that the discontinuation of said streets and alleys would not affect the right of any public utility to continue to maintain its plant and equipment; and

WHEREAS, upon receipt of the petition, the County did cause to be published a legal notice of a Public Hearing in the Great Falls Tribune pursuant to the statutory requirements of MCA § 7-1-2121; and

WHEREAS, a public hearing was conducted according to statute on February 6, 2018, at which time no protests were received into the record; and

WHEREAS, the site was inspected by at least one County Commissioner prior to final action on February 6, 2018, approving Resolution 18-08, (R0351087) subject to the following conditions contained in the motion to approve Resolution 18-08:

1. The discontinued roads revert to the ownership of the adjacent property owners, with the concurrence of said property owners, and
2. The petitioner causes to be filed a Certificate of Survey delineating the boundaries of the affected property within six (6) months of the date of the resolution to discontinue said portion of road.
3. The owner of Lots 10 & 23, Block 21 be granted a 20-foot wide easement for an access/utility for water-line easement from 31st Ave S to their Lot inside the existing platted right-of-way for 8th St S.
4. A 20-foot easement be granted under the aerial cables as laid out in the Utility and Encroachment exhibit.