

COMMISSIONERS' AGENDA
Monday, October 23, 2017
10:00 A.M.

PRESENT: Deb Brandon, Joe Pehan, Mary Ann Harwood and Treva Nelson

Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.

Approval of October 16, 2017 Minutes: Mary Ann motioned to approve. Joe seconded the motion and the motion carried.

1. Consider approval of Resolution 14-2017, a resolution to abandon the right-of-way for the “old U.S. Highway 2”, commencing at the west boundary of the northeast corner of Section 11, Township 31 North, Range 2 East in Toole County following FAP62A through to the SW¼SW¼ of Section 2, Township 31 North, Range 3 East. **A public hearing was held on October 16, 2017. No one appeared in opposition. A notice for the public hearing was published in the Shelby Promoter October 4th and 11th. Joe motioned to approve Resolution 14-2017. Mary Ann seconded the motion and the motion carried.**
2. Consider approval of Change Order #1, an increase of \$900.00 for revision of electrical connections, for the City/County Airport water project. **Joe motioned to approve Change Order #1. Mary Ann seconded the motion and the motion carried.**
3. Consider approval of a FY2018 agreement between Montana State University Extension and Toole County. **A correction was made on the agreement to 1 part-time Administrative Assistant until 12/31/17. No Administrative Assistant starting January 2018. Mary Ann motioned to approve the agreement with the corrections. Joe seconded the motion and the motion carried.**

*Deb Brandon - Commission Chair
Joe Pehan - Commissioner
Mary Ann Harwood - Commissioner
Merle Raph - County Attorney
Donna Whitt - Sheriff
Phyllis Robertson- Public Admin.*



*Dan B. Whitted - Coroner
Debra Munson - Clerk of Court
Trevia Nelson - Clerk and Recorder
Joe Rapkoch - Justice of the Peace
Boyd Jackson - Treasurer/Assessor/
Superintendent of Schools*

RESOLUTION #14-2017

A RESOLUTION TO ABANDON ‘OLD HIGHWAY 2’ RIGHT-OF-WAY

WHEREAS, Gerald M. Smith has petitioned the Toole County Board of Commissioners to abandon the right-of-way for the “old U.S. Highway 2” crossing his land; and

WHEREAS, the State Highway Commission of Montana, on August 30, 1961 formally took action and abandoned, “...that portion of old Project FAP 61-A between Survey Stations 1034+95 and 1310+20, a distance of 5.172 miles. The right-of-way affected lies in portions of Sections 11, 12, and 1, Township 31 North, Range 2 East and in portions of Sections 6, 5, 4, and 3, Township 31 North, Range 3 East”; and

WHEREAS, State Highway Commission of Montana, Administrative Memorandum No. 69, dated September 15, 1961, included the procedure for the State of Montana to abandon its right-of-way which included a letter of notice of abandonment to the Toole County Board of County Commissioners; and

WHEREAS, a letter from the State Highway Commission, dated September 15, 1961, to the Toole County Board of Commissioners, notified Toole County that it was abandoning the State of Montana right-of-way crossing land now owned by Gerald M. Smith; and

WHEREAS, the records held by the Toole County Clerk and Recorder, indicate that a portion of the real property estate held by the State of Montana was right-of-way, see Book of Deeds 33, p.23, while the records indicate that another portion held by the State of Montana may be held in fee, see Book of Deeds 33, p.164 and therefore the nature of any interest, right-of-way, easement or fee held by Toole County is unknown; and

WHEREAS, notice was given pursuant to Montana Code Annotated §7-1-2121(2015) by publishing it in the Shelby Promoter on October 4, 2017 and October 11, 2017; and

WHEREAS, a public hearing was held the 16th day of October, 2017 at 10:00 o'clock a.m. at the Toole County Courthouse, Board of Commissioners Office, and no one appeared in opposition of the Petition; and

WHEREAS, any interest held by Toole County is not a road or right-of-way used to provide existing legal access to public lands or waters, or for public recreation; and

NOW, THEREFORE BE IT RESOLVED by the Toole County Board of Commissioners pursuant to Montana Code Annotated §7-14-2615(1)(a)(2015) that Toole County hereby abandons any interest it may hold regarding the abandoned old U.S. Highway 2, commencing at the west boundary of the northeast corner of Section 11, Township 31 North, Range 2 East in Toole County following FAP62A through to the SW¹/₄SW¹/₄ of Section 2, Township 31 North, Range 3 East.

BOARD OF TOOLE COUNTY COMMISSIONERS, dated October 23, 2017



Deb Brandon
Commission Chair



Joe Pehan
Commissioner



Mary Ann Harwood
Commissioner

Attest:



Treva Nelson, Clerk & Recorder

Toole County Courthouse - 226 1st Street South - Shelby, MT 59474

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