

RESOLUTION NO. 37-2020

**A RESOLUTION DECLARING THE EXISTENCE OF EVERSON ROAD, A
COUNTY ROAD; SUCH ROAD BEING SPECIFICALLY DESCRIBED BELOW:**

WHEREAS the statutes of the State of Montana vest the Board of Commissioners with the authority and responsibility regarding roads and bridges, and such Statutes are generally found in Title 7, Chapter 14, Montana Code Annotated; and

WHEREAS the board is aware that a road exists in Fergus County, known as the **Everson Road** which is more specifically described as follows:

Starting at the junction with Alton Road in Section 30, Township 19 North, Range 15 East and running to the north for about 9,646 feet, then veering to the northwest for about 2,532 feet, then running to the north again for about 3,348 feet. The road then turns to the east and runs along the section line between Sections 7 & 11 for about 2,581 feet; then heading north again for approximately 4,446 feet and turning to the northeast for about 3,133 feet in Section 5. The road runs north again for 5,305 feet into Section 32, Township 20 North, Range 15 East and veering to the northeast for about 635 feet. Everson Road continues on north for about 1,022 feet and heads to the northeast for approximately 2,677 feet; then to the north for 2,453 feet and turning to the east for 5,120 feet across Section 28. The road then turns north for about 1,821 feet and then heads northeast for approximately 9,631 feet into Section 15, Township 20 North, Range 15 East; then running north for about 1,681 feet before turning to the east for 1,654 feet. The road then runs to the northeast for about 2,899 feet before turning to the north in Township 21 North, Range 15 East and running 26,397 feet; then turning to the east for about 1,216 feet on the section line common to Sections 2 & 11 in Township 21 North, Range 15 East. Everson Road then turns to the north for approximately 1,191 feet and then to the east for 588 feet, then to the northeast for 2,682 ending at the cattle guard in Section 2, Township 21 North, Range 15 East for a total of 92,658 feet or approximately 17.54 miles.

WHEREAS, the Board is aware that on some portions of the foregoing described road, petitions may have been filed in the past, and as a consequence, these portions appear to have been declared as county roads.

However, some portions may appear not to have been previously the subject of road petitions; and

WHEREAS, the foregoing described road has been laid out, constructed and maintained with state or county funds, and it appears that persons using such road have long been under the belief that the entire length of such road is a county road; and

WHEREAS, in 2011 there was a need to reroute Everson Road due to flooding issues and sloughing at the corner located on Schafer's property as shown in attached Exhibit A; and

WHEREAS, the 1999 Montana Legislature enacted sub-sections 7-14-2101 (2) (b) and (c), which allows local governments to address roads such as that described above; and such statute requires a public hearing, after which the Board has discretion to declare such to be a county road; and

WHEREAS, the Board of Commissioners, after due notice, held a public hearing on December 10, 2020, to solicit public input as to the advisability of declaring the foregoing described road to be a county road; and after receiving such input, the Board believes that to declare such to be a county road would be in the public interest;

NOW THEREFORE BE IT RESOLVED, that pursuant to Section 2-14-2101, Montana Code Annotated, and the foregoing described road is hereby declared to be a public road and shall hereby continue to be used by the public.

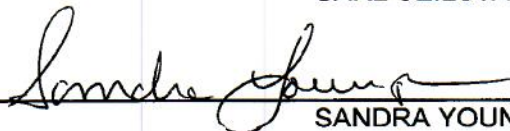
BE IT FURTHER RESOLVED, that the County abandons the pre-2011 Everson Road right of way on Schafer's property in Sections 28, 29 & 30, Township 20 North, Range 15 East as shown in attached Exhibit A.

PASSED AND APPROVED this 24th day of December, 2020.

BOARD OF COMMISSIONERS:

ABSENT

CARL SEILSTAD



SANDRA YOUNGBAUER


ROSS BUTCHER

ATTEST:

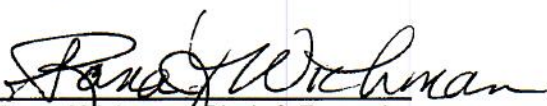

Rana Wichman, Clerk & Recorder



EXHIBIT A

