

2004282 08180

8-11-2004



1 AMENDED RESOLUTION

2 DESIGNATION OF CONTROLLED ACCESS HIGHWAY AND FACILITY

3 PROJECT NO. NH 5-3(60)109

CN 2038-060-000

4 KALISPELL BYPASS

5 FLATHEAD COUNTY, MONTANA.

6 The State of Montana Transportation Commission, in regular meeting assembled, does
7 hereby concur in the following findings and Resolution:

8 THAT a state highway known as Montana Department of Transportation Highway
9 Project No. NH 5-3(60)109 has been approved for construction by the Federal Highway
10 Administration of the United States Department of Transportation, and federal funds will be
11 expended to aid the State of Montana in the construction of said highway;

12 THAT in order to facilitate the flow of traffic; preserve the public peace, health, and
13 safety; for the promotion of the general welfare and efficient travel; and to otherwise facilitate
14 implementation of the purposes and intents set forth in Mont. Code Ann. §§ 60-1-101 and 60-1-
15 102, the Montana Department of Transportation has recommended that any and all rights and/or
16 easements of access claimed by the owners or occupants of land abutting said state highway
17 should be controlled and/or limited by the State by exercise of its police power, or if it be
18 determined that the police power does not apply to any parcel involved in this project, then the
19 same should be acquired by eminent domain;

20 THAT the purpose of controlling access for said Highway Project No. NH 5-3(60)109 is
21 to improve safety and efficiency by reducing vehicular conflicts;

22 THAT vehicular conflicts will be reduced by controlling and limiting the type and
23 location of access points within the limits of said Highway Project No. NH 5-3(60)109;



1 THAT this Commission has found and determined and does hereby find and determine
2 that said Highway No. NH 5-3(60)109, generally described as located in Flathead County,
3 Montana, as shown on the right-of-way plans for said project No NH 5-3(60)109 and more
4 specifically described on the "Description of Route" attached hereto and hereby made a part
5 hereof, shall be designated as a "Controlled Access Highway and Facility";

6 THAT, pursuant to Mont. Code Ann. § 60-5-103, this Commission has found and
7 determined and does hereby find and determine that it is necessary and desirable that the owners
8 or occupants of abutting land or other persons shall have no easement of access or only a limited
9 easement of access, light, air, or view so as to prevent such portion of highway from becoming
10 unsafe for or impeded by unrestricted access of traffic from intersection streets, alleys, public or
11 private roads, or ways of passage. In the event it is hereafter determined that the project shall
12 leave any abutting landowner without reasonable access, then such rights of or easements to
13 access, light, air, or view shall be acquired by the state; and

14 THAT there shall be no direct access to, from, or across the limits of said Controlled
15 Access Highway and Facility, except as follows:

- 16 1. Public Road Approaches – **Public road approaches will be allowed at the following**
17 **locations: Airport Road, Valley View/Sunny Side Drive, Foys Lake Road, US**
18 **Highway 2, Three Mile Drive, Four Mile Drive, Section 36 Intersection/Connector**
19 **Road, and Garden Drive. These public road approaches may be limited in**
20 **movements onto and off of the Bypass.**
- 21 2. Private Road Approaches – **No private approaches will be allowed onto the subject**
22 **roadway.**

23 Public road approaches at these locations may be constructed now or in the future. Those
24 approaches added at a later date will require the approval of the local planning agency having
25 jurisdiction over the area, the Board of County Commissioners, and the Department of
Transportation.

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1 3. Field Approaches – No private field approaches shall be allowed, as their operation is
2 inconsistent with the intent of the bypass.
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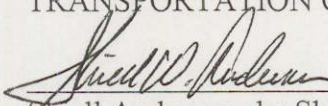
WE, the undersigned, do hereby certify that the above Resolution was passed, adopted, and executed upon the favorable vote of at least three members of the State of Montana Transportation Commission at a meeting of said commission, held on the 11th day of AUGUST, 2004.

DATED this 11th day of AUGUST, 2004.

STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION


David A. Galt, Director

STATE OF MONTANA
TRANSPORTATION COMMISSION


Shiell Anderson aka Shiell W. Anderson,
Chairperson




Lorelle Demont, Secretary



LORELLE M. DEMONT
STATE OF MONTANA)
) :ss
LEWIS & CLARK COUNTY)

The instrument was acknowledged before me on the 11th day of AUGUST, 2004, by David A. Galt as Director of The Montana Department of Transportation.

LORELLE M. DEMONT
Notary Public FOR THE STATE OF MONTANA
Residing at HELENA, MT
My Commission Expires: APRIL 5, 2008



LORELLE M. DEMONT
STATE OF MONTANA)
) :ss
LEWIS & CLARK COUNTY)

2004282 08180

This instrument was acknowledged before me on the 11th day of ~~January~~ ^{August}, 2004, by MD



Shiell Anderson aka Shiell W. Anderson as Chairperson of The Montana Transportation Commission.

Lorelle M. Demont
_____, Notary Public *for the State of Montana*
Residing at Helena, MT
My Commission Expires: April 5, 2008



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2004282 08180
DESCRIPTION OF ROUTE FOR



PROJECT NO. NH 5-3(60)109

KALISPELL BYPASS

FLATHEAD COUNTY, MONTANA.

A CONTROLLED ACCESS HIGHWAY AND FACILITY

1 The route for State of Montana, Department of Transportation Division of Highways Project NH
2 5-3(60)109 is described as follows: This project begins on U.S. 93 approximately 2.307 km
3 (1.43 miles) south of Kalispell's south city limits and is a totally new alignment; said point-of-
4 beginning is situated in the SE¼SE¼ of Section 29, Township 28 North, Range 21 West,
5 P.M.,M., Flathead County, Montana approximately 0.950 km (0.59 miles) north of the U.S. 93
6 bridge over Ashley Creek; thence, said route extends westerly over and across said Section 29
7 approximately 0.900 km (0.56 miles) to an intersection with the Burlington Northern Railroad -
8 Kalispell-Somers Spur Line. Said route continues thence in a northerly and westerly direction
9 along said B.N. spur line a distance of approximately 4.257 km (2.65 miles) over and across said
10 Section 29, Sections 30, 19 and 18, Township 28 North, Range 21 West; and Section 13,
11 Township 28 North, Range 22 West to a point approximately 300 meters (984 feet) South of the
12 intersection of said B.N. spur line with Foys Lake Road; said route continues thence in a
13 northerly and westerly direction, leaving said B.N. spur line a distance of approximately 5.411
14 km (3.362 miles) over and across said Section 13, Sections 12 and 1, Township 28 North, Range
15 22 West; and Section 36, Township 29 North, Range 22 West; (This portion of said Route
16 intersects U.S. 2 (FAP Route 1) approximately 35 meters (115 feet) west of Corporate Avenue);
17 thence, said route continues in a northerly and easterly direction within said Section 36
18 approximately 1.899 km (1.18 miles) to a point of ending on the north line of said Section 36 at
19 the intersection of Reserve Drive with said U.S. 93 as the route for said Project NH 5-3(60)109
20 has been located, surveyed, planned and designed by the Department of Transportation.
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STATE OF MONTANA

County of Flathead

RECORDED AT THE REQUEST OF MDOT
THIS 8 DAY OF October, 2004 AT 8:18 O'CLOCK AND
RECORDED IN THE RECORDS OF FLATHEAD COUNTY, STATE OF MONTANA.

FEE \$ 36⁰⁰ PD.

Paula Robbins
(Flathead County Clerk and Recorder)

RECEPTION NO. 200428208180

Kimberly Moore
(Deputy Clerk)

RETURN TO MDOT R/W Bureau
PO BOX 201001 Helena MT 59620