

RESOLUTION No. 2024-__2__

A RESOLUTION APPROVING SECOND VARIANCE REQUEST OF LISA BOWLAND

WHEREAS, on July 11, 2016, a variance request was approved by the Town regarding certain real property owned by Lisa Bowland, commonly known as 3419 Hwy. 287, Sheridan, Montana (see: Ordinance No. 2016-5); and

WHEREAS, On February 12, 2024, a second variance request was filed with the Town by Lisa Bowland regarding said real property; and

WHEREAS, the Town's Ordinance No. 118, adopted and effective December 12, 2012, and amended and effective June 12, 2017, applicable to Bowland, provides at Section 9, paragraph 19, as follows:

Non-conforming properties that transfer ownership must connect to the Town water at their own expense at the time of the transfer.

and,

WHEREAS, Bowland was not notified of, and the previous owner failed to comply with, the afore-referenced requirement of Ordinance No. 118 when Bowland purchased the subject real property; and

WHEREAS, pursuant to Resolution No. 2016-5, Bowland agreed to perform, and has performed, the following conditions in accordance with the variance granted therein:

1. No threat to health, safety, or welfare of the Town water supply and/or users shall be created therefrom; and
2. Indemnification of the Town and holding the Town harmless from and against any claims of any nature whatsoever related to the use and/or consumption of the well water on Bowland's real property; and
3. Upon the Town providing a meter pit to the subject property, application of and compliance with Section 9, paragraph 19, of Ordinance No. 118, effective June 12, 2017, to said non-conforming property, such that upon transfer of ownership, the property must be connected to the Town's water system at the time of sale, at the owner's expense; and

WHEREAS, a meter pit has not been installed to provide water service to the subject property; and

WHEREAS, application of the requirements of Ordinance No. 118 as set forth herein would cause a unique and heavy financial burden to Bowland, due to the particular location of her real property; and

WHEREAS, Bowland and her heirs, successors and assigns have agreed to indemnify the Town and hold the Town harmless from and against any claims of any nature whatsoever related to the use and/or consumption of the well water on their property.

NOW, THEREFORE, the foregoing recitals are incorporated herein.

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Sheridan, Montana, that due to the unique nature of Bowland's claim and the unique situation of Bowland's real property, Bowland's second request for a variance is hereby granted. The subject real property located at 3419 Highway 287 Sheridan, Montana, may continue to be served by the domestic well currently onsite with Ground Water Certificate No. 41C-58455-00, until a meter pit is installed by the Town, to service the subject real property; subject to the following conditions:

1. No threat to health, safety, or welfare of the Town water supply and/or users shall be created therefrom; and
2. Indemnification of the Town and holding the Town harmless from and against any claims of any nature whatsoever related to the use and/or consumption of the well water on the Bowlands' real property; and
3. Upon the Town installing a meter pit to the subject property, application of and compliance with Section 9, paragraph 19, of Ordinance No. 118, effective July 12, 2017, to said non-conforming property shall be required, upon transfer of ownership, whereupon the property must be connected to the Town's water system at the time of sale, at the owner's expense.

APPROVED BY THE TOWN COUNCIL THIS 11th DAY OF March, 2024.

Judy Edwards

Affirmed by: JUDY EDWARDS, MAYOR

Date: March 11, 2024

Jennifer Meacham
Attest: TOWN CLERK

Date: March 11, 2024

SEAL



