



InteResources Planning, Inc.

Cultural & Natural Resources Planning ▫ Research ▫ Project Coordination

December 5, 2013

Elijah Allen
Executive Director
Montana Heritage Commission
300 Wallace St.
Virginia City, MT59755

Reference: Field Work Summary Report
Limited Archaeological Test Excavations and Evaluation in Support of
Planned Land Exchange for County Parking Lot
Lot 156, Blocks 1-4, southwest corner of Broadway and Cover Streets
Virginia City, Madison County, Montana

This document will serve as a preliminary field work summary report for the referenced project. Field work was carried out by staff of *InteResources Planning, Inc.*, from October 28 through November 26, 2013. A total of 12 person days was spent on the field work. An additional 4.5 person days was devoted to background historical research for the property and project administration.

This report briefly summarizes the scope of the field work and initial interpretation of findings. A detailed project summary report will be completed after all artifacts are processed and analyzed, and all data is reviewed and assembled.

The goal of the field work was to perform a limited sub-surface examination of the subject property to determine the potential for encountering significant archaeological remains such as intact artifact concentrations, cultural or structural features, and similar information. The project was planned in consultation with the Montana State Archaeologist. The goal was not intended to be an exhaustive data recovery, but an indicator of what expectations there are of finding any cultural deposits that can add to the knowledge of Virginia City history.

The property is located at the southwest corner of the intersection formed by Broadway and Cover Streets. At present, the site is a vacant lot with grasses located north of the alley that bisects Lot 156. Today, Daylight Creek flows in a westerly direction along the north side of Lots 1-4, along the south edge of Cover Street. Early historical maps show the creek was located along the south edge of Lots 1-4, prior to 1907. This information indicates that there is a high potential of prior ground disturbance to Lots 1-4, as the creek was diverted to its present location.

Historical research of deeds, maps, and other records indicates that the general area of Lots 1-4 in Block 156 had a one story log dwelling structure near the corner of Cover and Broadway Streets sometime prior to 1871. A structure in the correct location of the intersection appears on the 1871 Birds Eye Map of Virginia. The structure appears as "vacant" on the Sanborn Fire Insurance Maps of December 1884, August 1890, and January 1904. The Sanborn Map of October 1907 shows the same structure in the same location but without the label of "vacant," and the location of Daylight Creek is shown in its present location along the south edge of Cover Street. The final Sanborn Map for Virginia City (1922) shows no structure of any kind on Lots 1-4 of Block 156.

Preliminary research of property deeds indicates that Lots 1-4 were originally owned by Samuel Russell, with an original purchase date sometime about 1868. Mr. Russell was officially granted the platted land for the property by the newly created City of Virginia in 1868, after filing of the original U.S. Land Grant on behalf of the city. County deed records show that Russell sold Lots 1-4 of Block 156 to Livinus Daems on September, 1870. The estate of Mrs. Marie Daems transferred the property to her heirs in October of 1909. No records or other information have been found yet to confirm the original construction date of the log structure that appears on the 1871 map.

From this information, archaeological excavations targeted the question of potentially finding structural or Artifactual remains indicating the original location, date of construction, and use of the historic log dwelling structure depicted on historic maps. Initial surface inspection of the site indicated no artifacts or obvious soil changes, largely due to the heavy matt of grasses. Some large boulders were found on the surface in an alignment perpendicular to the south bank of Daylight Creek, near the west edge of Broadway. The stones are interpreted to be related to stabilization of the creek bed and a possible ditch that once was located along the west side of Broadway.

Field work included the controlled hand-excavation of two test units, one measuring 2-by-2 feet, and the other 3-by-3 feet in the northeast corners of the lots. Both excavation units revealed a light concentration of mixed historic artifact fragments and butchered bones. The size and fragmentation of the artifacts indicates the strong possibility that the artifacts have been moved from their original location of use and deposition, resulting in breakage. Artifact deposits were found to extend only about 20-24" below the surface, the layer being situated on a dense water-logged clay layer void of any cultural material. The water table exists at approximately 3' below surface, corresponding to the approximate water level of Daylight Creek.

Due to the high density clay layer, hand auguring of the site was found to be not feasible. When excavations showed low concentrations and not structural features, a mechanical backhoe with 24" wide bucket was used to excavate two intersecting trenches across the site. The north-south trench measured approximately 45 yards in length and was placed to capture the possible location of the former log structure as well as any possible indications of the original location of Daylight Creek. The east-west trench measured approximately 60 yards in length and was placed to optimize the possibility of finding any structural remains, foundations, logs, or artifact deposits indicating the location of the cabin.

Only isolated areas of random mixtures of historic artifacts were found. Low quantities of artifact concentrations suggest the possibility of random dumping on the surface of the empty lot after about 1920. The close vertical proximity of the water table and dense sub-layer of clay suggests that any log structure would have once been placed on the then ground surface. Backhoe trenching near the alley of Block 156 showed highly mixed soils with no clear indication of the original cross-section of Daylight Creek in that area. All of this information combines to suggest the high likelihood that the limited and shallow artifact remains we see at the site are the result of post-1920 secondary dumping.

In summary, our limited inspection of the site suggests that there are no significant intact archaeological deposits to be encountered on the property. There is also a very low potential for buried human remains to exist on the property. I recommend that the planned land transfer not be hampered by any cultural resource issues. However, if any cultural material or buried human remains are encountered during construction or maintenance of the parking lot, work should be halted immediately to allow for contact with the Montana State Archaeologist.

Scott L. Carpenter
President
Archaeologist/Cultural Resources Planner



*Historic Preservation
Museum
Outreach & Interpretation
Publications
Research Center*

December 9, 2013

ELIJAH ALLEN, Ph.D.
MONTANA HERITAGE COMMISSION
300 WALLACE ST
VIRGINIA CITY MT 59755

RE: Proposed Sale of Virginia City Parcels 1-12, Block 156

Dr. Allen:

Thank you for requesting our review of InteResource's Summary Report regarding potential adverse effects to any archaeological values in the proposed sale of lots 1-12, Block 156. We look forward to the complete and final report as important documentation of consideration made under the State Antiquities Act. The findings are potentially useful in future assessments of work along Daylight Creek.

Based on our review of the summary report we agree with the techniques, methods and findings as stated in your cover letter. Thank you, also for requesting our concurrence in the proposed No Adverse Effect. We **concur**. We do not believe the proposed sale would result in adverse effects.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stan", written in dark ink.

Stan Wilmoth, Ph.D.
State Archaeologist/Deputy SHPO

225 North Roberts Street
P.O. Box 201201
Helena, MT 59620-1201
(406) 444-2694
(406) 444-2696 FAX
montanahistoricalociety.org



Cover Sheet

This commitment was prepared for you by:

First American Title Company

122 South First Street/P.O. Box 899, Ennis, MT 59729

Phone (406)682-5337 - Fax (406)682-5335

Escrow Officer: Cindy Sullivan - csullivan@gofirstam.com

Title Officer: Abby Thomas - athomas@gofirstam.com

To: **Montana Heritage Commission**
PO Box 338
Virginia City, MT 59755

Order No.: **491519-MA**

Attention: **Elijah Allen**

Your Reference:

ENCLOSED please find the following:

- Title Commitment
-

Should you have any questions or need further assistance, please contact the undersigned. We appreciate the opportunity to serve you.

Sincerely,

Abby Thomas

enc.



Commitment for Title Insurance

ALTA PLAIN LANGUAGE COMMITMENT

AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of the Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six (6) months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the policy is issued and then our obligation to you will be under the policy.

Our obligation under this Commitment is limited by the following:

The Provisions in Schedule A.

The Requirements in Schedule B-I.

The Exceptions in Schedule B-II.

The Conditions.

This Commitment is not valid without SCHEDULE A and Sections I and II of SCHEDULE B.

CONDITIONS

1. DEFINITIONS

(a) "Mortgage" means mortgage, deed of trust or other security instrument. (b) "Public Records" means title records that give constructive notice of matters affecting your title according to the state statutes where your land is located.

2. LATER DEFECTS

The Exceptions in Schedule B - Section II may be amended to show any defects, liens or encumbrances that appear for the first time in the Public Records or are created or attach between the Commitment Date and the date on which all of the Requirements (a) and (c) of Schedule B - Section I are met. We shall have no liability to you because of this amendment.

3. EXISTING DEFECTS

If any defects, liens or encumbrances existing at Commitment Date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

4. LIMITATION OF OUR LIABILITY

Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its Requirements. If we have any liability to you for any loss you incur because of an error in this Commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

Comply with the Requirements shown in Schedule B - Section I or Eliminate with our written consent any Exceptions shown in Schedule B - Section II.

We shall not be liable for more than the Policy Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

5. CLAIMS MUST BE BASED ON THIS COMMITMENT

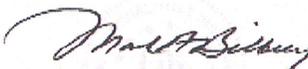
Any claim, whether or not based on negligence, which you may have against us concerning the title to the land must be based on this Commitment and is subject to its terms.

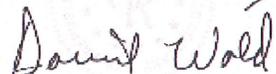
Issued through the Office of:

First American Title Company
122 South First Street/P.O. Box 899, Ennis, MT 59729

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

Authorized Signature

By  President

Attest  Secretary



Commitment for Title Insurance

ALTA PLAIN LANGUAGE COMMITMENT

INFORMATION

The Title Insurance Commitment is a legal contract between you and the Company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Policy contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or you as the exclusive remedy of the parties. You may review a copy of the arbitration rules at <http://www.alta.org/>.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT. YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

If you have any questions about the Commitment, contact First American Title Company (406)682-5337

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SCHEDULE B - II EXCEPTIONS	Insert

FILE NO.: 491519-MA

FIRST COMMITMENT

SCHEDULE A

1. Commitment Date : **January 15, 2014 at 7:30 A.M.**

2. Policy or Policies to be issued:

Policy Amount Premium Amount

Owner's Policy

Standard Owner's Policy (6/17/06) ORT Form 4309
(Premium amount reflects \$no available credit)

\$ 200,000.00 \$ 795.50

Proposed Insured:
Madison County

3. A fee simple interest in the land described in this Commitment is owned, at the Commitment Date, by:

Montana Historical Society, an agency and political subdivision of the State of Montana

4. The land referred to in this Commitment is described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Block 156 of the Original Townsite of Virginia City, the plat of which is on file and of record in the office of the Clerk and Recorder, records of Madison County, Montana.

FILE NO.: 491519-MA

SCHEDULE BI AND BII
SCHEDULE B-SECTION I
REQUIREMENTS

The following requirements must be met:

- (a) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
- (b) Pay us the premiums, fees and charges for the policy.
- (c) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- (d) You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- (e) Release(s) or Reconveyance(s) of items(s) **per instruction**.
- (f) If any document in the completion of this transaction is to be executed by an attorney-in-fact, the Power of Attorney must be submitted for review prior to closing.
- (g) You must give us the following information:
 - 1. Any off record leases, surveys, etc.
 - 2. Statement(s) of identity, all parties.
 - 3. Other.
- (h) We require a certified copy of the resolution authorizing the sale and directing the execution of the forthcoming deed.

FILE NO.: 491519-MA

SCHEDULE B -SECTION II

EXCEPTIONS

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company.

PART I:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any liens, or rights to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Any right, title or interest in any minerals, mineral rights or related matters, including but not limited to oil, gas, coal and other hydrocarbons, sand, gravel or other common variety materials, whether or not shown by the public records.
8. County road rights-of-way not recorded and indexed as a conveyance of record in the office of the Clerk and Recorder pursuant to Title 70, Chapter 21, M.C.A., including, but not limited to any right of the Public and the County of Madison to use and occupy those certain roads and trails as depicted on County Surveyor's maps on file in the office of the County Surveyor of Madison County.
9. 2013 taxes are exempt.

NOTE: The foregoing numbered exceptions (1-4 and 6) may be eliminated in an ALTA Extended or HOMEOWNER'S Coverage Policy.

INFORMATIONAL NOTES

- A. As an accommodation and not part of this commitment, no liability is assumed by noting the following conveyances describing all or a part of the subject property, which have been recorded within the last 24 months: None

- B. Other than as shown in Schedule B; we find no Judgment Liens, State Tax Liens, Federal Tax Liens or Child Support Liens of record which attach to the name(s) or interest of the vested owner and/or proposed insured owner/borrower.



**OLD REPUBLIC NATIONAL TITLE INSURANCE AGENCY
PRIVACY POLICY NOTICE**

PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of Old Republic National Title Insurance Company.

We may collect nonpublic information about you from the following sources:

- Information we received from you such as on applications or other forms.
- Information about your transactions we secure from our files, or from others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform services on our behalf or with whom we have joint market agreements:

- Financial services providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

We do not disclose any nonpublic personal information about you with anyone for any purpose that is not specifically permitted by law.

We restrict access to nonpublic information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION
NOTICE OF PUBLIC HEARING**

1. On **January 10th, 2014 at 1:00pm** the Montana Heritage Commission will hold a public hearing at the Rehearsal Hall, located at 316 W. Idaho Street Virginia City, Montana, to consider the historical or non-historical value of the 0.689 acre parcel identified as VIRGINIA CITY ORIG TOWNSITE, S22, T06 S, R03 W, BLOCK 156, Lot 1 – 12 (parcel).
2. The Montana Heritage Preservation and Development Commission will be accepting public comment on the proposed sale of the parcel.
3. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Montana Heritage Preservation and Development Commission, P.O. Box 338 Virginia City, MT 59755, or e-mail mhc@mt.gov, and must be received no later than 5:00 p.m., **January 9th, 2013**. (Needs to be the day before)
4. The Commission makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in a public hearing. Persons requiring accommodation need to contact the Commission concerning the nature of the accommodation. Please contact the Commission at 406-843-5247, mhc@mt.gov, or P.O. Box 338 Virginia City, Montana 59729.

A Public Meeting of the
MONTANA HERITAGE COMMISSION

January 10, 2014

Rehearsal Hall, Virginia City, MT

Commissioners Present

Marilyn Ross, Barbie Durham, Shera Konen

Staff Members Present

Elijah Allen, Business Development Manager; Dianne Carey, Administrative Assistant

Interested Persons

Dave Schultz, Madison County Commissioner; John Ellingsen, private citizen; John Benedict, private citizen; Ray Shaw, local representative

Meeting on the Proposed Land Sale of Virginia City Orig Townsite, S22, T06 S, R03 W, Block 156, Lots 1-12

The meeting was called to order by Marilyn Ross at 1:00 PM. The purpose of this meeting is to take public comments on the offering of the lots (noted above) identified in the December 26, 2013 and January 2, 2014 public meeting advertisement in The Madisonian newspaper. Copies of the archaeological report of December 5, 2013 performed by InteResources Planning, Inc. of Bozeman, MT are available to attendees. It was found that there was no compelling historical value or cultural resource issues to hamper the sale of these lots.

Public Comment

John Ellingsen commented he feels the property sale would be very beneficial to Virginia City, Madison County and the Montana Heritage Commission (MHC). He noted that in his extensive research on the history of this property, he found this land had no known historical significance that would preclude the sale and that he supports it.

John Benedict supports the sale of these lots and also feels it would be a benefit to the community.

Dave Schultz said he feels the proceeds from this sale would be a benefit to the future of the Commission. He hopes that as this property is transacted, the process becomes an indicator as to how remaining MHC properties may be marketed in the future. As a county commissioner he notes the county is extremely interested in this property and wishes to see the sale move forward. The county has no objection to the sale of this property. The county is beginning the process of constructing a new courthouse which will be the largest project in Virginia City; and wants it to blend with the environment when it comes to the sale and development of this property.

Ray Shaw gave his support of the property sale. He noted there are many challenges ahead and this is a first step. This will be a benefit to the county and city as parking for summer tourism. He encourages the sale and looks forward to assisting.

No members of the public expressed opposition to the sale of the properties. MHC has received no emails, letters or other contact opposing the sale. It was advertised and made known that this hearing was to be held this date.

Meeting adjourned at 1:30 PM.

The Madisonian.

THE LOCAL NEWS OF THE MADISON VALLEY, RUBY VALLEY AND SURROUNDING AREAS

Montana's Oldest Publishing Weekly Newspaper. Established 1873

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www.madisoniannews.com

Thursday, January 2, 2014

Commissioners pass resolution for 2014 open burning season

Faith Moldau
THE MADISONIAN
news@madisoniannews.com

Just a few months removed from the summer wildfire season, the Board of Madison County Commissioners passed a resolution setting the dates for the 2014 open burning season at its Dec. 17 meeting, officially

marking the start of the burning season two months away. Chris Mumme, director of emergency management, said the burning season is set the same way each year. "There is no formula. March 1 through Nov. 30 is the open burning season," he said. "No changes—it is just required to have a resolution stating the

burn season." Section 7-31-2205, Montana Code Annotated, states that the county governing body may establish the fire season annually. During that time, no person may ignite or set a fire, slash-burn fire, hand-clearing fire, debris-burning fire or open fire within the county protection areas on any forest, range or croplands,

without having obtained an official permit to ignite or set such fire.

Mumme added that snowpack and rainfall along with other weather and environmental factors dictate to the county's fire chiefs when they may want to close the season. The online burn permit system helps them manage the burn season. Mumme

said the system allows the fire chiefs to close their district anytime they deem necessary without having to close other districts in the county.

"Before, you had to shut down the entire county," Harrison Fire Chief Joe Husar said. He added that it is not just weather during the summer that dictates how the burning season will go

and any restrictions that might be set. "We need snow and moisture, and not just in the mountains, but in the valleys too," he said. "We need a high moisture content that will soak in the ground and stay if there is not cool weather later."

"Say it is June 26 and, due to low humidity and high winds, Turn to BURNING on pg. 2

Resolution passes to form county mental health advisory council

Faith Moldau
THE MADISONIAN
news@madisoniannews.com

The Board of Madison County Commissioners officially established a new committee at its Dec. 24 meeting. Resolution 48-2013 passed the board unanimously and created the Mental Health Local Advisory Council (MHLAC) for Madison County. The MHLAC will consist of no more than 15 voting members from various professions and areas of the county who are in some way connected to the mental health needs of county residents, the resolution states. Marilyn Ross, the county's representative on the Western Montana Mental Health Board, told the commissioners she hoped law enforcement officers, school

staff, medical professionals and others would join the council. Positions on the MHLAC will be advertised and posted for the public.

Ross said she felt there was a need for the council because of the serious mental health problems occurring in Madison County and other rural counties like it. She said neighboring Benewah County has moved ahead with forming a local advisory council as well and the two are looking to possibly form a regional group in order to better provide services and secure funding.

"Our problems are similar and we need to work together," Ross said, adding that suicide prevention and community out-

Turn to MHLAC on pg. 2

MVRFD approves resolution to build new fire station in Varney area

Abigail Dennis
THE MADISONIAN
adennis@madisoniannews.com

The Madison Valley Rural Fire Department (MVRFD) board approved a resolution to enter into a construction contract to build a new fire station in the Shining Mountains Subdivision at a special meeting on Dec. 31.

The MVRFD currently serves Ennis and the Madison Valley from two fire stations—located in Ennis and south of Cameron—covering 1,287 square miles from the Idaho border to the Norris Hill.

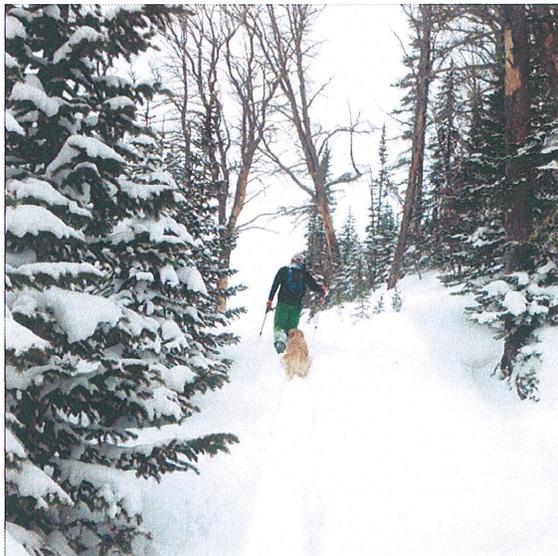
According to Ted Liss, MVRFD board chairperson, the plan for a new station was first developed a few years ago. "We started some time ago

with putting together a strategic plan to learn how to get the new station and learn where it would need to be," Liss said. "In March [2013], we put the plan to a public vote—voters approved a \$985,000 obligation bond to build a fire station and purchase a fire truck."

The application for the bond was approved in late June, according to Liss. At least \$50,000 of the \$985,000 bond had to be obligated by Jan. 1, 2014. The board spent some of that money on preparations for building the station and at the Dec. 31 meeting, the board entered into a contract with G & G Housing Inc. out of Whitehall for \$549,200, after cutting costs from the pro-

Turn to MVRFD on pg. 2

SNOWPACK SAVVY



Jason Racine and his dog, Harley, hiked into the backcountry last weekend to check the snowpack.

Photo by Sara Racine

Avalanche danger prevalent in backcountry

Abigail Dennis
THE MADISONIAN
adennis@madisoniannews.com

The Gallatin National Forest Avalanche Center (GNFAC) listed the avalanche threat level as "considerable" for the Madison and Gallatin ranges.

"Considerable" danger

means human triggered avalanches are likely," Mark Staples, avalanche specialist with the GNFAC said. "There has already been a lot of avalanche activity this season, which is the clearest signal that the snowpack in the area is unstable."

Though the GNFAC pri-

marily serves Gallatin County, Madison County backcountry enthusiasts still use the center's information about snowpack and avalanche conditions when planning excursions into the Tobacco Root Mountains.

According to Staples, the Tobacco Root range is not known for better stability than

the more-monitored Madison and Gallatin ranges, especially this year since the reason for the weak snowpack can be traced to the extended period of below zero temperatures in early December across Southwest Montana.

"That extreme cold weather Turn to AVALANCHE on pg. 2

Ennis chosen as pilot community for tourism planning program

Faith Moldau
THE MADISONIAN
news@madisoniannews.com

The Montana Tourism Assessment and Planning Program (MTAPP) is coming to Ennis. The town was named the pilot community for the program last month.

"This program is a free study about one of our most important industries—tourism,"

Ennis' mayor-elect Becky Vujovich said.

A partnership with the Montana Main Street Program and MSU Extension's Community Development Program, MTAPP was developed to help communities explore their potential for strengthening tourism as an economic and community development tool, according to Victor Bjornberg of the Montana Office of Tourism. He said that as

the pilot community, Ennis will be home to a series of presentations, discussions and research assignments for residents. The first meeting is scheduled to begin at 5:30 p.m. on Jan. 9 at the Madison Valley Public Library. MTAPP also provides assistance locating technical and financial resources needed to accomplish resident-identified, tourism-related projects, Bjornberg said. Vujovich said she believes

this is the right time for the community to have a program like MTAPP, as there are a number of groups working on various tourism and economic projects that could benefit from the tools and resources MTAPP supplies.

"We want to unite the groups and move forward in the same direction," Vujovich said. She added that there would be a second meeting in January, which has yet to be scheduled.

"Anytime you get good information to a large group of motivated citizens, amazing things can happen," Vujovich said.

At no cost to the town, professionals provided by MTAPP will facilitate the meetings with an end goal of community members having a better understanding of the quantity and quality of visitor attractions and services offered by their community and area, Bjornberg said. He added

that community members should also more clearly know who the town's current visitors are, what attracts them, what they do and how they get their information before and during their visits.

Members of the Ennis planning board helped Vujovich with the MTAPP application, in which the Town of Ennis was named the sponsoring agent. She said Turn to TOURISM on pg. 2

<p>RUBY VALLEY NATIONAL BANK Member FDIC P.O. Box 417 • Twin Bridges, MT 59744 (406) 694-5070 P.O. Box 587 • Sheridan, MT 59743 (406) 842-5411</p>	<p>Banking YOUR Way - When YOU Want it</p> <p>BillPay @ www.rubyvalleybank.com WebStatements Visa® Check Card 24 Hour Better Banking @ 888-842-5121</p>	<p>TABLE OF CONTENTS</p> <p>Local News A3 Sports B3 Opinions A4 Columns B6 Comics/Games A5 Public Notices/ B7-B8 Year in review B1-B3 Classifieds B9-B10 Health & Wellness B4 Calendar</p> <p>Visit us online at www.madisoniannews.com</p>

Montana Heritage Commission

Real Property Sales Committee Recommendation for the Sale of Virginia City Lots

Montana Department of Commerce

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Introduction: Formal Request to Sell Real Property

At the meeting of the Heritage Commission in Virginia City on June 15, 2013, Madison County requested the Montana Heritage Commission to sell lots 1-12 in Virginia City Montana to the County for the purpose of constructing a parking lot adjacent to the Courthouse. Representatives of Madison County including Commissioner Dave Schulz and Commissioner Jim Hart made a presentation to the Commission. That presentation included showing the preliminary architectural plans for the proposed Madison County Courthouse Annex. The Commissioners indicated that the current courthouse building is not ADA accessible and that additional space is needed for the effective operation of the County's business.

Sale of Land to Public Entity

Montana Statute allows the State of Montana to sell or transfer public property to a public entity without a formal bid process. The applicable statute reads as follows;

77-2-351. Sale to or exchange of property with public entity. Notwithstanding any other section in this chapter, any lands may be sold to or exchanged for other land or for other consideration with another public entity on terms and in a manner that the board, after consultation with the appropriate legislative committee, may determine to be in the state's best interest, subject to The Enabling Act and constitutional restrictions. In the case of land that is not granted to or held by the state in trust for the support of the common schools, for a state institution, or for another specific purpose, the board may accept as partial or total consideration for the transfer of the land a binding commitment by the transferee to use the property to provide a community service or a benefit that fulfills a public purpose. The sale or exchange of the property may not be finally concluded until 60 days' public notice of the terms of the proposed sale or exchange has been given. As used in this section, "public entity" means any county, city, municipal corporation, school district, regional water authority provided for in Title 75, chapter 6, part 3, or special improvement or taxing district.

Appointment of Sales Committee

As required in Administrative Rule 8.112.206, the Chair of the Heritage Commission, Marilyn Ross, appointed Barbie Durham, Philip Maechling, Andy Poole, Bill Howell, Elijah Allen, and Ellen Baumler (representing Bruce Whittenberg, a member of the Heritage Commission and also a representative of the Montana Historical Society) to the Sales Committee for the purpose of evaluating the proposed sale. These appointments were made on June 15, 2013 during the Commission meeting in Virginia City, Montana.

Subject Property Inspection

Following the adjournment of the of the Commission meeting on June 15, 2013, the members of the Sales Committee toured and inspected the vacant lots that were requested to be purchased by Madison County. During that inspection it was noted that several of the end lots (lots 9-12) showed evidence of high groundwater - apparently due to the proximity of an adjoining seasonal stream.

Initial Public Hearing

The Sales Committee held a public hearing on August 29, 2013 in Virginia City, Montana for the purpose of allowing the public to comment on the potential sale of 12 lots (approximately .689 acres) owned by the State of Montana adjacent to the Madison County Courthouse. The purpose of the hearing was to allow the public to comment on the historic nature of the lots in question.

Ellen Baumler noted that there were a few historic structures on those lots early on and shared with those present photos of the properties in question. John Ellingson showed those at the hearing Sanborn maps showing three buildings on those lots in 1884. Mr. Ellingson also showed a photo of the lots as they appeared in 1900. The structures appeared to be barns and or stables used for sheltering animals. Later photos that Mr. Ellingson produced showed that the building were no longer there in 1934?. Elijah Allen indicated that an archeological survey was done many years ago and that the

Commission had contracted to have archeologists review the site again noting that the survey should be done in a couple of weeks.

Mr. Ellingson, a noted local historian who worked for Charlie Bovey for many years and a previous curator for the Heritage Commission expressed his opinion that the lots are not of any historic significance that would preclude them from being used by Madison County for a parking lot.

Ellen Baumler stated that she did not see any historic evidence that the lots under review were of such an historic nature that they should be preserved as is.

Janet Allested stated that she would like to see an archeological study performed and that she is in favor of the Commission selling the lots to the County.

No further comments were received at the meeting and the Chair of the Commission adjourned the public hearing.

Sale Criteria Evaluation

Following the public hearing, the Sales Committee evaluated the properties under the criteria outlined in ARM 8.112.202. That criteria and the evaluation of the Sales Committee pursuant to it is as follows;

- a) Whether the property represents the state's culture and history.
 - The property is located in Virginia City across Wallace Street from the Madison County Courthouse. The property is located behind lots owned by the County upon which they hope to build the Courthouse Annex. The subject property would be used to construct a parking lot to serve the new annex. There are no structures on the lots proposed for sale and archeological evaluation does not indicate that the lots are of historical significance. Therefore the Sales Committee finds that these specific properties do not represent the state's culture and history in any significant way that would indicate that they should be preserved in their current state.
- b) Whether the property can become self-supporting.
 - The property is located in Virginia City across Wallace Street from the Madison County Courthouse. The property is located behind lots owned by the County in a low lying area. It is the opinion of the Sales Committee that the location of the subject property and the fact that it does not have any historic structures on it leads to the conclusion that the property cannot be self-supporting. The State of Montana would benefit most by

using the proceeds of the sale to the County to preserve and protect other historic properties in Virginia City and Nevada City.

- c) Whether the property can contribute to the economic and social enrichment of the state.
 - As it currently exists, the property does not contribute to the economic and social enrichment of the state. If sold to Madison County to support the construction of the County Courthouse Annex parking lot, it will provide significant benefit to Madison County by allowing them to proceed with their expansion plans to better serve the counties residents. In addition, proceeds from the sale will allow the Commission to help preserve and protect the other properties in Virginia City and Nevada City.
- d) Whether the property lends itself to programs to interpret Montana history.
 - The subject property is vacant and is on a low lying area that is not conducive to the mission of the Commission to preserve historic properties and artifacts or to become economically self-sufficient. The Sales Committee feels that there is no interpretive historic value to the subject property.
- e) Whether the sale will create significant social and economic impacts to affected local governments and the state.
 - It is the feeling of the Sales Committee that the sale of the subject property will create positive social and economic impacts for Madison County and Virginia City.
- f) Whether the sale is supported by the Director of the Montana Historical Society.
 - The Director of the Montana Historical Society supports the proposed sale as evidenced by the attached letter of support. (*Bruce – if you do support the sale of the properties we will need to get a letter from you. I'm not supposing this is a fact and am asking for your position on this sale.*)
- g) Whether the commission should include any preservation covenants in a proposed sale agreement for real property.
 - The Sales Committee does not propose any preservation covenants for the subject property.
- h) Whether the commission should incorporate any design review ordinances established by Virginia City into a proposed sale agreement for real property.
 - The Sales Committee proposes that the subject property is subject to Virginia City design review ordinances.
- i) A summary analysis of the costs and benefits of retaining or selling the property. Cost of retaining the property should include maintenance, upkeep, and other long-term or ongoing costs to the commission. Costs of selling the property should include advertising, appraisals, legal fees, and title searches.
 - The cost of retaining the property is essentially zero

- The cost of selling the property is detailed as follows;
 - i. Archeological evaluation \$....
 - ii. Advertising/public notice \$....
 - iii. Appraisal \$....
 - iv. Legal Fees \$....
 - v. Closing costs \$....
 - Costs associated with selling the property as noted above will be paid for by the purchaser at the time of purchase.
 - The benefit for the State of Montana and the Heritage Commission in selling the property is that it serves no useful purpose to the Commission or the State at this point in time or for the foreseeable future. By selling the property, the proceeds of the sale can be used to preserve and protect valuable historic properties in Virginia City and Nevada City and the sale helps the Commission to meet its legislative purpose of demonstrating the ability to become economically self-supporting.
- j) Compliance with the Montana Antiquities Act.
- *what is necessary for “compliance with the Montana Antiquities Act,” and is still lacking, is for MHC to consult in writing with that office. I think either now (or after the Executive Committee approves the proposal to go forward to the next level of review), MHC needs to write a cover letter to SHPO that includes the sales report (or summarizing the information it contains), a location map, and a copy of the archaeological survey report/recommendations, all indicating MHC conclusion that the sale can go forward as proposed with no adverse effect to historic or archaeological properties. The purpose of the letter would be to request SHPO comment or concurrence. This way, we totally cover ourselves. When SHPO receives the request and info from MHC, SHPO would provide, according to 8.112.206(2)(a)(ix), the necessary response letter indicating that it would either support or not support the proposed sale. SHPO would also provide a summary of the rationale for that decision. Basically, you can’t be in compliance with the Montana Antiquities Act unless you have consulted with SHPO and given them an opportunity to comment. The full rules for consultation with SHPO (if interested) are at 10-121-901 to 916.*
- k) Other matters that the commission considers necessary or appropriate.
- The Sales Committee has considered and does not believe there are any other matters that need to be considered as necessary or appropriate as they relate to the potential sale of this property.

Recommendation of the Real Property Sales Committee

The Real Property Sales Committee recommends to the Executive Committee of the Heritage Commission that lots 1 to 12 be sold based upon the review detailed above in this document.

DRAFT

Appendix A: Formal Request from Madison County

MADISON COUNTY BOARD OF COMMISSIONERS

P.O. BOX 278

VIRGINIA CITY, MT 59755

Commissioners

David Schulz
Das Happel
James P. Hart

e-mail: madcp@madison.mt.gov
www.madison.mt.gov

Phone: (406)843-4277
Fax: (406) 843-5517

November 26, 2012

Marilyn Ross, Chair
Montana Heritage Commission
P.O. Box 338
Virginia City, MT 59755

Marilyn and Commission Members,

The Madison County Commission has met with Montana Heritage Commission on several occasions in recent years regarding office space for county departments in Virginia City. At one time, we considered a full law and justice facility to be placed on county property north of the court house. You will remember that the bond issue to fund this option was not successful.

Today, with the need for additional offices and space still at a priority, the Madison County Commissioners are working with an architect to address many of these related concerns. Our plan to build an administrative office on the 5 lots that are owned by Madison County north and across the highway from the court house is moving forward. This structure would house most of the non-court related county offices. In that overall plan, we also would install an elevator in the current court house as well as do some minimal alterations, most aimed at meeting today's court room and related area safety requirements. In this schedule/plan we do not address law enforcement/jail changes as these need to be dealt with at a later time because of cost, extent of need, siting and public sentiment related to this part of the project.

One of the important factors of using the property north of the highway is that it remains close to the current court house to accommodate public as well as staff interaction to offices in both structures. Further, moving some part of the offices away from the court house allows better parking and access for the public users to that court house facility.

This brings up the reason for this letter. Madison County is planning the administrative building to be constructed on lots 20 - 24 of Virginia City Block 156. The Montana Heritage Commission owns the north half of Block 156 which includes lots 1 - 12. As part of our overall plan requirement, availability of parking near the new structure, preferably on lots 1 - 7, Virginia City Block 156, would be advantageous. Therefore, the Madison County Commission is requesting the MHC and the state consider selling lots 1 - 7 to Madison County. We understand the MHC has evaluated marketing the north half of V. C. Block 156 because it has limited value to the MHC development plan. We would be open to purchasing all of this north half being lots 1 - 12. We recognize that surveying and appraisal costs might be born by Madison County and deducted from the end cost to save financial obligation to the MHC.

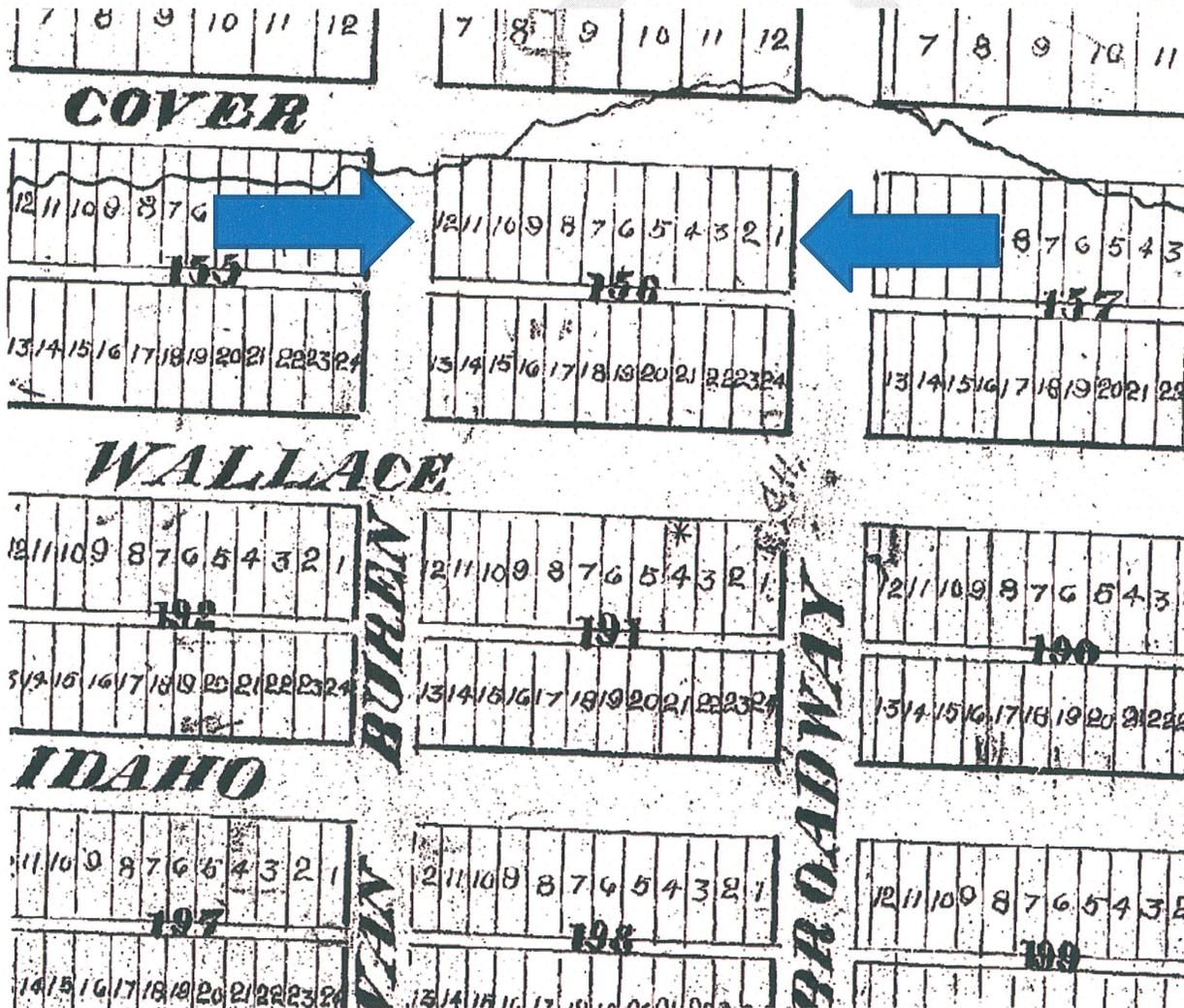
Your consideration of this request in a timely manner is appreciated.

Sincerely,



David Schulz, Chair
Board of Commissioners
Madison County

Appendix B: Plat map and photo showing lots to be sold:

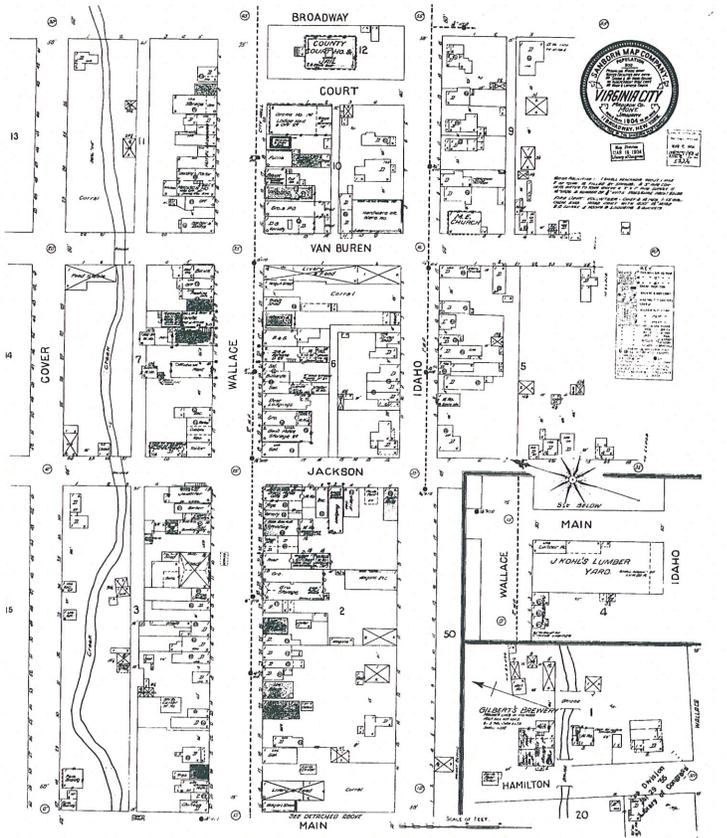


Appendix C: Topo Map Virginia City Montana.

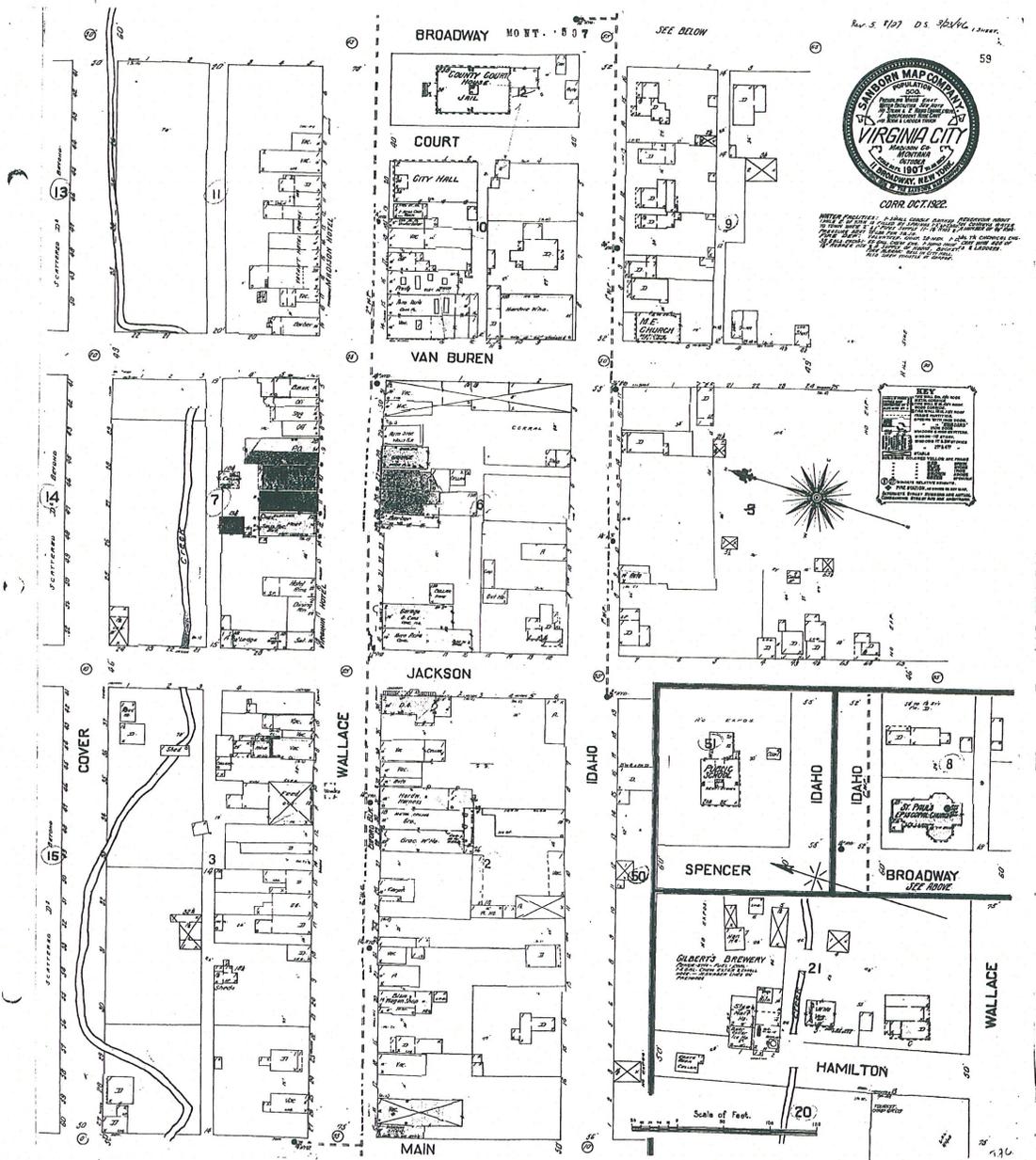
Lots proposed for sale are vacant lots next to the number 40 on the map:



Appendix D: 1904 Location of Daylight Creek'



Appendix D: 1907 Location of Daylight Creek



Appendix G: 1875 Rendering of Virginia City

