

Glenda Wiles

From: Jill Johnson <jjohnson@dmlaw.com>
Sent: Thursday, April 5, 2018 11:24 AM
To: Glenda Wiles
Cc: Bill VanCanagan; Kayli Maffei; JR Casillas; Amanda Reiber
Subject: Orchard Tract Right-of-Way Ordinance
Attachments: 20180405 Ltr to RC Commissioners.pdf

Good morning,

Attached is a letter from attorney, William K. VanCanagan, Esq. regarding the above referenced matter. A copy has also been faxed to your office.

Please feel free to contact our office if you have any questions or desire additional information.

Thank you,
Jill

Jill Johnson, Legal Assistant

DM&L

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April 5, 2018

VIA FAX: 406-375-6507

AND EMAIL: gwiles@rc.mt.gov

Ravalli County Commissioners
c/o Ms. Glenda Wiles, Administrative Assistant
215 S. 4th Street, Suite A
Hamilton, Montana 59840

Re: Our Client: Bitterroot Valley Board of Realtors
Orchard Tract Right-of-Way Ordinance

Dear Commissioners:

Please be advised that this law firm represents the Bitterroot Valley Board of Realtors in connection with the above-referenced matter. I understand that there is a meeting scheduled today at 1:30 p.m. to decide whether to move forward with a process for adopting an orchard tract right-of-way ordinance in Ravalli County. Due to the short notice and irreconcilable conflicts in my schedule I am unable to attend today's meeting in person. However, the purpose of this correspondence is to briefly summarize some of my client's concerns and the negative consequences associated with the proposed ordinance.

A threshold question is whether the County has legal authority to effectively rewrite plat dedications via an ordinance thereby denying property owners lawful access to their parcels. Adopting an ordinance that requires landowners to bear the substantial cost associated with bringing the orchard tract rights-of-ways up to County or some similar standard will substantially devalue the adjacent properties. In many instances, landowners could be on the hook for upwards of \$80,000.00 for improvements associated with obtaining access to a parcel worth only \$100,000.00. Moreover, the proposed ordinance has great potential to create legal exposure with respect to past transactions. Realtors sold, title companies processed, and bona fide purchasers

Datsopoulos, MacDonald & Lind, P.C.

Ravalli County Commissioners

April 5, 2018

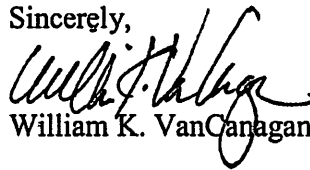
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for value paid to acquire adjacent properties with guaranteed access. All of them reasonably relied upon the public record and none of them foresaw a requirement that the purchasers come out of pocket significant sums of money to acquire access that they believed they already had. I am sure you can appreciate the problems and legal claims that such a situation gives rise to.

My client and I respectfully urge you to refrain from moving forward with the ordinance process at this time. I would suggest that when the time is right, another meeting is scheduled to identify and discuss the legal issues and everyone's general concerns in more detail. I believe that such a discussion may help facilitate an amicable resolution designed to avoid unnecessary and time-consuming litigation. Representatives of my client will be present at the meeting to further expand on their concerns. They have been closely monitoring this matter and they will continue to voice their concerns in the unfortunate event that the matter moves forward.

Thank you for your time and careful consideration of my client's position.

Sincerely,



William K. VanCanagan

C: Mr. Ray Hawk (via email: rhawk@rc.mt.gov)

Mr. Greg Chilcott (via email: gchilcott@rc.mt.gov)

Mr. Chris Hoffman (via email: cahoffman@rc.mt.gov)

Mr. Jeff Burrows (via email: jburrows@rc.mt.gov)

Mr. Doug Schallenberger (via email: dschallenberger@rc.mt.gov)

Mr. Dan Browder (via email: dbrowder@rc.mt.gov)

Bitterroot Valley Board of Realtors (via email: teri@byowner-mt.com)