

NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to seek public input on a settlement agreement recently reached in the case of Kleinhans Farms Estates, LLC v. Flathead County, No., DV-08-614 (B), Eleventh Judicial District. The civil action is an appeal of the denial of a proposed subdivision by the Board of Commissioners, which also seeks declaratory and injunctive relief, compensatory damages, and attorney's fees.

The proposed settlement agreement provides for the approval of a modified subdivision plat under which the footprint of development originally proposed is reduced and open space is increased. The public will have an easement for access to the open space of approximately 150 acres for purposes of hiking, bird-watching and activities consistent with the purposes of the nearby Flathead Waterfowl Production Area along the North shore of Flathead Lake. The proposed settlement agreement provides for payment by the County to Plaintiffs of \$1,000,000 in three installments, including a \$500,000 payment upon court approval of the Consent Decree, and payments of \$250,000 due February 1, 2011 and February 1, 2012, and for the building of a portion of the subdivision's roads by the County. \$600,000 of that amount is to purchase the public easement and is refundable in the event that the easement for access to the open space is extinguished by sale of the property. The entire agreement is available on line at www.flathead.mt.gov/commissioner or may be viewed at the Office of the County Commissioners, 800 South Main, Kalispell, during regular business hours.

The public hearing will be held on the **1st day of March, 2010, at 9:00 o'clock a.m.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed settlement agreement in Kleinhans Farms Estates, LLC v. Flathead County.

DATED this 11th day of February, 2010.

BOARD OF COUNTY COMMISSIONERS
Flathead County, Montana

By/s/Joseph D. Brenneman
Joseph D. Brenneman, Chairman

ATTEST:
Paula Robinson, Clerk

By/s/Diana Kile
Diana Kile, Deputy

Publish on February 16 and February 23, 2010.