

Land owners notified
May 16th to appear before
the Board June 6th at 2:00
o'clock P.M. 1900.

Aug 16
No. of ~~Case~~ Road 158

GALLATIN COUNTY,
DISTRICT COURT,
NINTH JUDICIAL DISTRICT,
STATE OF MONTANA.

The M.M. White Road
From Dave McLeod Road
To the Virginia City Road.
Notices to post sent Mar 16, 1900
Plaintiff

vs

the consenting land owners
to appear before board June
6th at 2 o'clock P.M.
By order of Board
J.P. Patterson
Chairman
Defendant

Action for Laid over till Row
full meeting by order of Board
June 6-1900 J.P. Patterson
Chairman

Attorney for Plaintiff

Attorney for Defendant

Standard Publishing Co., Anaconda, Mont.

REVERSIBLE DOCUMENT ENVELOPE, No. 20,
Manufactured by Cincinnati Paper Novelty Company,
106 Walnut Street, Cincinnati, O.
Patented August 1, 1899.
6838

PETITION FOR ROAD.

To the County Surveyor of Gallatin County, Montana:

The Undersigned, your petitioners, citizens of the United States, respectfully show and represent that they are residents of Road District No. 472, in the County of Gallatin, State of Montana, where the road hereafter petitioned for, is to be located, laid out and established, if this petition be granted. That the proposed road will be a public convenience, and, we think, the public good requires it.

Your petitioners do respectfully ask and petition that a County road, sixty feet in width, to be a public highway, be laid out, located and established, and show:— (a) The general route of the proposed road; (b) over what lands it is proposed to be established; (c) who are the owners thereof; (d) whether such of them as can be found, consent thereto; (e) who of them do not consent; (f) the probable cost of the right-of-way where such consent is not had; (g) the necessity for and the advantages of the proposed road as follows, to-wit:

a. Beginning forty rods west of the Southwest corner of Section 28 Township 2 South Range 4 East, thence running north three fourth of a mile, thence in a northwesterly direction about forty rods, thence in a northeasterly direction, forty rods, thence in a northeasterly direction about eighty rods to the section line, thence three fourth of a mile north to the southwest corner of section 16 same township and range, thence in a northeasterly direction to the northeast corner of section 16, joining the Virginia City road at the latter named point X

(c) Jesse Todd, David McLeod, State land leased by Rob. Todd, Mark M. White, and section 16 is school land, leased by E. Brocx Martin.

The object of said road is to give an outlet for settlers.

NAMES:		NAMES:	
1	M. M. White 4	6	David Severns -
2	C. W. Blankenship 4	7	Charles H. Evans 4
3	J. W. Blankenship 4	8	John H. Van Ken Hook 2
4	W. H. Hoff 4	9	M. M. White 2
5	John C. Carver 4	10	E. R. Hall -
			C. L. Davis 4

	R. F. Shunt 2		J. S. Miller 2
	James S. Whiteaker 4		J. H. Chandler 4
	J. W. Jones 2		John E. Smith 2
	A. W. Walton -		
	J. M. Smart 2		
	J. D. Jones -		
	Ed. Ray 2		
	J. C. Hoff -		
	J. W. C. Walters -		

Report of
County Surveyor,
for
Mark White Road

FILED

June 6, 1907
C. H. Barkunshik
County Clerk

THE WITHIN Report IS
EXAMINED, FOUND CORRECT AND IS HERE-
BY APPROVED and ordered
filed
BY ORDER OF THE BOARD, THIS 6
DAY OF June A. D., 1907
ATTEST: J. Hallerson CHAIRMAN,
COUNTY CLERK.

ROSEMARY W. O'NEIL

June 6, 1907

Civil Engineer & Surveyor
Office: City Hall
67 S. W. Chicago

[Faint handwritten notes and signatures on the right side of the page, including a signature that appears to be "C. H. Barkunshik"]

COUNTY SURVEYOR,
U. S. DEPUTY MINERAL SURVEYOR.

BOZEMAN, MONT., June 6 1901

To the Honorable Board of County
Commissioners, of Gallatin County Mont.
Gentlemen:

As instructed I have surveyed and
marked out the "Mark Whik Road," running South
from the Virginia City Road a distance of
1 1/2 miles. The line of the road is marked by
iron monuments at all angle points, and at
U.S. Gov. corners. All land owners along the
Road will have fences to move. I will make the map later.

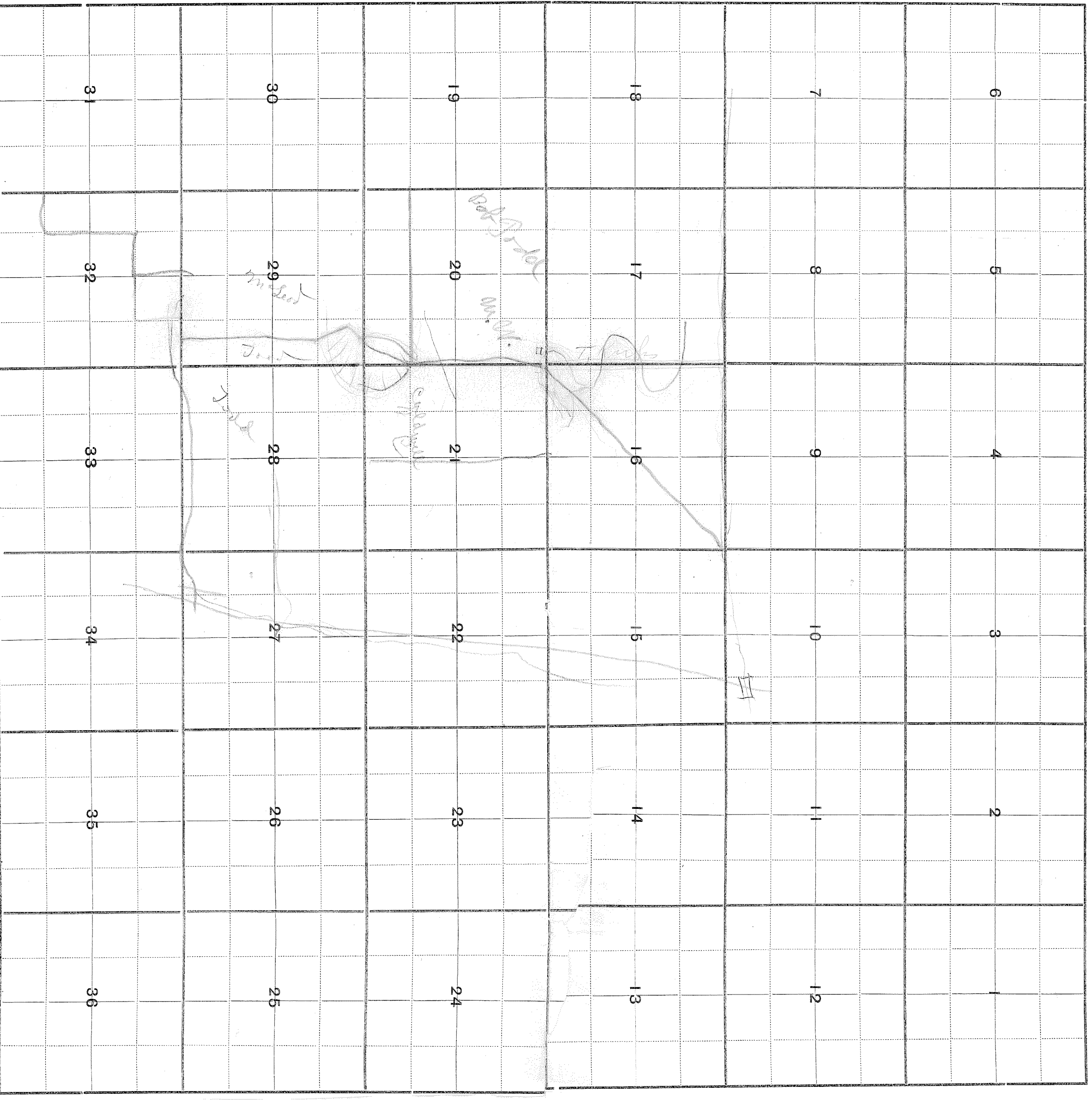
I also estimated the grading required as follows.

at Bridge in gulch near Whites.	406 Cub. yds.
at dry run in Smart's field at head in Creek 58 " "	" "
Total grading	464 Cub. Yds.

Respectfully,
C. M. Thorpe.

Petition for a Road

Township No. 2 S N. Range No. 4 E Mer. 30



STATE PUBLISHING CO., STATE PRINTERS AND BINDERS, HELSINKI

Beginning 40 rods west of SW corner of ^{Sec.} 28 Run N $3\frac{1}{4}$ mi N.W. corner
 about 40 rods N.E. corner 40 rods. then run N.E. about 60 rods. to sec., line through
 a mi N. then a N.E. corner to N.E. corner of sec 16. same 9/16. joining
 the original city road at the foot named point.

REPORT OF ROAD VIEWERS.

ROAD NO. 158

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY, MONTANA:

We, the undersigned Road Viewers, consisting of John T. Carlin, Charles B. Caspary and C. M. Hoops, who were appointed by J. L. Patterson chairman of the Board of County Commissioners of said County

appointed to view a proposed road running from a point in the Saw McLeod road 40 rods west of the S.W. corner of Sec. 28 T. 2 S. R. 4 E. to a point in the Virginia City Road near the N.E. corner of Section 16 T. 2 S. R. 4 E. as described in the annexed petition, say, That on the 25th day of April A. D., 1900 we assembled at the place designated in the petition, as the starting point of such proposed road and proceeded to view the same, and submit the following report:

1. The width of the proposed road, the description of the center line of the same, the length, how defined, the marks and sources, grades, character of ground, description of the land and owners of the same, over which the proposed road passes, and probable cost of constructing the said road, as follows:

The width of the proposed road to be 60 feet.

The description of the center line of the proposed road is as follows to wit: Beginning at a point in the Saw McLeod Road said point being in the N.E. 1/4 of Sec. 32 T. 2 S. R. 4 E. 40 rods west of the S.W. corner of Sec. 28 said township & range, thence north along or near the line 40 rods west of the line between sections 28 & 29 T. 2 S. R. 4 E. about 3/4

of a mile, thence in a northwesterly direction about 40 rods, thence N. easterly to the line 40 rods west of the line between sections 28 & 29, thence N. easterly running near the N.E. corner of Sec. 29 around the east end of the bluff, and N. westerly to a point on the line between sections 20 & 21 said T. & R. a short distance south of the N.E. cor. of the S.E. 1/4 of S.E. 1/4 of said Sec. 20, thence north along the line between said sections 20 & 21 to a point near the N.E. corner of said section 20 thence North easterly, along the south side of the West Gallatin Dr. West Canal to the west end of the dip cut on said canal on Sec. 16 said T. & R., thence crossing said canal and running down the ridge ^{N. easterly} and terminating at the Virginia City Road, near the N.E. corner of said section 16 T. 2 S. R. 4 E. The length is nearly 4 miles. We marked out the road by setting stakes and blazing four feet. The steepest grade would be about 17%. Most of the grades could be made 8% to 12%.

The character of the ground over which the proposed road passes is suitable for road building except that there are very heavy grades, and a portion of the route is rocky.

The probable cost of constructing the proposed road is as follows. For bridges \$200.00 for grading \$525.00 For damages \$725.00 total \$1450.00

The parties to be benefited by the proposed road are informed have filed with the Co. Clerk an agreement by which they agree to do all the work on said road provided the county furnish bridge lumber, which would reduce the expense on the part of the county to \$845.00

2. The names of the land owners who consent to give the right of way, and we hereto attach their written consent, as follows:

M. M. White who owns N.E. 1/4 + N.W. 1/4 of S.E. 1/4 of Sec.
20 T.2 S., R. 4 E.

BOZEMAN, MONTANA, May 15th, 1900.

Messrs David M. Blood, Jesse Todd, & Broox Martin,
Bozeman, Mont., W.A. Caldwell, & M.M. White.

Dear Sir:-The road as petitioned for by M.M. White and others, to be laid out and ~~set~~ established running North through Sec. 28 Township 2 South Range 4 East, the same said to be affecting land owned by yourself, was presented to the Hon. Board of County Commissioners on Tuesday the first day of May, whereupon an order was made as follows, to-wit:-That the non-consenting land owners be given notice to appear before the Board of County Commissioners at 2.00 O'Clock P.M. June the 6th A.D. 1900.

The petition for the road as above mentioned will be under consideration by the Board of County Commissioners at the time specified and if you have any views to present, Pro or Con, you are hereby notified to appear and make known the same.

By order of the Hon. Board of County Commissioners

Very Respectfully

E. H. Blankenship
Clerk.

3. The names of the land owners who do not consent, and the amount of damages claimed by each, as follows:

Sawer McLeod who owns ~~the E. 1/4~~ Sec. 32 and all of Sec 29 except 40 rods in width off the East side claims \$1,750.00 damages.
Jesse Todd who owns E. 40 rods off E. side of said Sec. 29 claimed \$150. when the road was viewed in 1899 we were unable to see him
E. Brook Martin lessee of sec 16

4. The estimate of damages in excess of benefits to the owner of any land over which it is proposed to run the highway, as follows:

to Sawer McLeod \$175.00 to Jesse Todd \$150.00
to E. Brook Martin who has sec. 16 T2S. R4E. land \$400.00 for fence alone

5. The following facts, bearing upon the subject, which may be of importance to the Board:

We are reluctant in reporting in favor of this petition. However we feel that it will be somewhat of a benefit to the settlers in this vicinity and in particular to M. M. White as he has no outlet.

John S. Carlin and Chas. Rundenhook.

We believe said road _____ to be practical and _____ of public utility and necessity and do _____ recommend the establishment of the same.

Dated Apr. 26th A. D., 1890

John S. Carlin }
Chas. Rundenhook. } Road Viewers.

As I have previously reported ^{against} about the same proposition (see report on the G. S. Kirk petition) viewed May 22 1899 I see no reason to change my report. I do not think the benefits to be derived will justify the expense, as the road will have to stick grades to do hauling over.
E. M. Thorpe viewer.

Notice is hereby given that eleven residents of Road District No.4 and ten residents of Road District No.2 and two non-residents have filed a petition in writing with the County Commissioners of the County of Gallatin, State of Montana. Said petition praying that a new road be established. A description of the route of the road which it is proposed to lay out and establish is as follows, to-wit:-

Beginning forty rods west of the Southwest corner of Section 28 Town -ship 2 South of Range, 4 East, thence running North three fourths of a mile, thence in a North Westerly direction about forty rods, thence in a North Easterly direction forty rods (to the section line running East and West between Sections 20 & 29) thence in a North Easterly direction about eighty rods to the section line (between sections 20 & 21) thence three fourths of a mile North to the South West corner of Section 16 same Township and Range, thence in a North Easterly direction to the North East corner of Section 16, joining the Virginia City Road at the latter named point.

Said proposed road will be viewed, by viewers appointed by the Chairman of the Board of County Commissioners, according to law, who will commence said view at the place of beginning of said road so proposed to be established, on ~~the~~ Wednesday the 25 th day of April A.D. 1900 said viewing to commence at One (1) O'Clock P.M. of said day

E. V. Blankenship
.....
County Clerk and Recorder of
Gallatin, County, State of Montana.

STATE OF MONTANA, }
County of Gallatin. } ss.

E. V. Blankenship being first duly sworn deposes and says, that ~~as the~~ he received from the County Clerk of said County, on the _____ day of _____ A. D., ~~1900~~ *16th* day of *March* ~~1900~~ he posted a copy of said notice at each of the following points, on the line of road described in said notice, to-wit: One at *the front door of the county clerk's office*

and further deponeth sayeth not.

Subscribed and sworn to before me this *29* day of *March* A. D., 1*900*

E. V. Blankenship
C. M. Thorpe
C. Surveyor.

TO WHOM IT MAY CONCERN, IN GENERAL, and ESPECIALLY TO THE
HONORABLE BOARD OF COUNTY COMMISSIONERS OF GALLATIN
COUNTY, MONTANA.

WE-The undersigned interested parties hereby agree to do all of
the grading (without expense to the County) on a certain road
petitioned for by Mark White Et Al-Said road beginning 40 rods
west of the south east corner of section 29 T, 2.S, R.4, E. thence
running north to the Virginia City Road, according to the petition.

E. V. Blankenship
W. M. White
W. C. Walters
J. E. Koff
Paul Glencoe

Office of County Clerk and Recorder, Gallatin County, Montana.

Hon. J. L. Patterson, Chairman of the Board of County Commissioners, Gallatin County, Montana.

Dear Sir:- You are hereby notified that a petition for a county road has been received in this Office, signed by M. M. White and 22 residents of road Districts No. 2 and 4

The petition above referred to petitions that a road be established, commencing forty rods west of the S.W. corner of Sec. 28 T. 2, S. 2, R. 4 E. the road running north to the Virginia City Road
The Route of the proposed Road being more particularly described in the petition

You are hereby notified to appoint three viewers to view the above proposed road

Yours Very Respectfully

E. V. Blankenship
County Clerk and Recorder.

Dated at Bozeman Montana, this 5th day of April A.D. 1900.

Office of the Board of County Commissioners, Gallatin Co., Mont.

Mr. E. V. Blankenship, County Clerk, Gallatin Co., Mont.,

Dear Sir:- In pursuance of the above notice, I hereby appoint

W. M. Thospe
John T. Barlin
Charlie Vandus Hook

to act in behalf of the Board of County Commissioners, as viewers of the above petitioned for road

Yours Very Respectfully

J. L. Patterson
Chairman of the Board of County Commissioners,
Gallatin County, Montana.

Dated at Bozeman, Montana, this 5 day of April 1900.

City Officials.

W. M. ALWARD, Mayor.
GEO. D. PEASE, Clerk and Attorney.
JOHN MAXEY, Treasurer.
W. Y. SMITH, Police Judge.
W. L. LANSING, Chief of Police and
Street Commissioner.
W. G. ALEXANDER, Chief of Fire Dept.

Aldermen.

F. G. DAVIDSON, First Ward.
JOHN MITCHELL, First Ward.
F. H. HARRIS, Second Ward.
W. M. NEVITT, Second Ward.
E. B. LAMME, Third Ward.
B. T. STANTON, Third Ward.
L. S. HOLLIER, Fourth Ward.
PETER KOCH, Fourth Ward.

Chairmen of Committees.

WATER—B. T. STANTON.
FINANCE—PETER KOCH.
STREET—W. M. NEVITT.
FIRE—L. S. HOLLIER.
PERMIT—JOHN MITCHELL.
PUBLIC BUILDINGS AND GROUNDS—E.
B. LAMME.
PUBLIC ORDER AND HEALTH—PETER
KOCH.
PRINTING—F. H. HARRIS.
LIBRARY—F. G. DAVIDSON.

THE CITY OF BOZEMAN.



BOZEMAN, MONTANA, 4/30 1900

C M Thorpe
County Surveyor

Dear Sir

Replying to yours of the 28th
inst in regard to Damages to allow
a road to run corner wire across
Sec 16 will say. I shall want
Fifteen Hundred Dollars \$1500. to consent
to the proposed road. And in regard
to gates I will not make any such
agreement On the contrary I now
propose to assert My rights and
not allow the public, to use that
Sec - for roads Pasture etc,
any longer

Respectfully Yours

E Brook Martin

Copy of Warrants sent to Viewers
April 6th 1900.

WARRANT FOR ROAD VIEWERS. BOZEMAN CHRONICLE PRINT.

WARRANT FOR ROAD VIEWERS.

County ~~Surveyors~~ ^{Clerks} Office,
Gallatin, County, Montana.

Messrs C. M. Thorpe, John T. Carlin & Charles Audun Hook.

You are hereby notified that you were duly appointed Road Viewer by Mr. J. L. Patterson
Chairman of the Board of Co. Commissioners of Gallatin County, Montana, on the
5th day of April 1900, to view and lay out a proposed road, as prayed

for in the petition of W. M. White and others, described as follows, to-wit:

Beginning forty rods west of the southwest corner of Section 28, Township 2 South, Range 4 East, thence running North $\frac{3}{4}$ of a mile, thence in a Northwesterly direction about forty rods, thence in a Northerly direction forty rods (to sec. line) thence in a Northwesterly direction about eighty rods to the Sec. line thence $\frac{3}{4}$ of a mile North, to the South-west corner of Sec. 16, Same Township and Range, thence in a North-easterly direction to the Northeast corner of Section 16, joining the Virginia City road at the latter named point.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with (viewers Separately given), who ~~was~~ ^{were} duly appointed as Viewers on said road by the Chairman of foresaid and by the County Surveyor, who is Chairman of said Board of Viewers, on the 25th day of April A.D. 1900, commencing at the place designated in said petition as the starting point of the road sought to be at one o'clock P.M. and proceed to view and

lay out the same by setting stakes, blazing trees, turning furrows, or other appropriate monuments to the terminus named in said petition, by the most practical route that you in your judgment can find.

You shall notify the resident owner or agent of land over which it passes, of the proposed route; ascertain whether such owner consents thereto and the amount of damages, if any, claimed or demanded for the right of way over the same. You shall estimate the actual damage to any land over which the proposed road passes and the cost of any bridges or grading necessary. You shall report the necessity for and the public convenience to be subserved by the highway, if opened, and whether the opening thereof or the change therein proposed should be made, and make and sign a report of your proceedings, as required by law.

Roads shall, in all cases, when practical, be laid out on subdivisional or section lines.

In witness whereof I hereunto set my hand, at my office this 6th day of April 1900

E. J. Blankenship
County ~~Surveyor~~

By _____ Deputy.

OATH OF ROAD VIEWERS.

STATE OF MONTANA, }
County of Gallatin. } ss.

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the Board of County Commissioners.

Shut Carlin

Subscribed and sworn to before me this 25 day

of April

1900

E. M. Thorpe

Co. Surveyor

This must be returned to the County Clerk after execution.

OATH OF ROAD VIEWERS.

STATE OF MONTANA, }
County of Gallatin. } ss.

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the Board of County Commissioners.

Shut Carlin

Subscribed and sworn to before me this 25th day

of April

1900

E. M. Thorpe

Co. Surveyor

This must be returned to the County Clerk after execution.

OATH OF ROAD VIEWERS.

STATE OF MONTANA, }
County of Gallatin. } ss.

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the Board of County Commissioners.

E. M. Thorspe

Subscribed and sworn to before me this 21st day

of April 1909

E. V. Blankenship
County Clerk,

Gallatin, County
Montana.

This must be returned to the County Clerk after execution.

Form 1548.
REGISTRY RETURN RECEIPT, sent April 7 1909, 189

Reg. No. 70 from Post Office at Bozeman, Mont.

*Reg. Letter / Addressed to Charles Vanderhook
Reg. Parcel / Bozeman, Mont.

After obtaining receipt below, the Postmaster will mail this Card, without cover and without postage, to address on the other side.

RECEIVED THE ABOVE DESCRIBED REGISTERED LETTER. PARCEL.

(Sender's name on other side.)
SIGN ON DOTTED LINES TO THE RIGHT. Charles Vanderhook

When delivery is made to other than addressee, the name of both addressee and recipient must appear.

* Erase letter or parcel according to which is sent.

To the County of Gallatin, State of Montana:

We hereby Agree, and consent to give 30 feet for a Right of Way, for a County

Road, through or along the N. side of N.W. 1/4 of Sec. 21, T. 2 S. R. 4 E., and a 60 foot right of way along the south side of the canal across the N.W. corner of said N.W. 1/4 at mark white. as viewed and surveyed by C.M. Thorpe, John F. Carlin + Chas Munderbach

on the 25th day of April, 1890. And hereby agree to place my fences on said lines without charge to the County. West Gallatin Irrigation Co.

Signed: by E. Kinney Genl Manager

Dated at Boyeman this 30th day of April 1890

To the County of Gallatin, State of Montana:

I hereby Agree, and consent to give 30 feet for a Right of Way, for a County

Road, through or along the East side of the N.E. 1/4 and N.W. 1/4 of Sec. 20, T. 2 S. R. 4 E., as viewed and surveyed by J. D. Carlin, Chas Munderbach + C.M. Thorpe

on the 25th day of April, 1890. And hereby agree to place my fences on said lines without charge to the County.

Signed: J. M. White

Dated at this 25 day of April 1890

COPY
ORIGINAL

RESOLUTION NO. 1999-24

ORIGINAL

**DECISION CONCERNING PETITION TO ABANDON A PORTION
OF PINE BUTTE ROAD**

WHEREAS, on January 12, 1999, the Gallatin County Clerk and Recorder presented to the Gallatin County Commission a Petition to Abandon that portion of Pine Butte Road, Petition 158, described as follows:

An easement sixty feet in width located in the Northeast One-Quarter of Section 20 and the Northwest One-Quarter of Section 21, Township 2 South, Range 4 East, P.M.M., being thirty feet in width on each side of the following described centerline:

Beginning at the common corner of Section 16, 17, 20 and 21, thence South 00 degrees, 13 minutes, 58 seconds East 212.40 feet along the line between said Sections 20 and 21 to the intersection of the existing centerline of Pine Butte Road with said Section line at the true point of beginning, thence continuing southerly along said centerline and the line between said Sections 20 and 21, and along the lands of Noyes on the West and the lands of J Open A Ranch on the east, South 00 degrees, 13 minutes, 58 seconds East 576.74 feet to the point of intersection of the proposed relocation of the centerline of said Pine Butte Road, said point of being located North 00 degrees, 13 minutes, 58 seconds west 1858.58 feet from the Southwest corner of the Northwest One-Quarter of said Section 21 in Gallatin County, Montana; and

WHEREAS, on January 12, 1999, the Gallatin County Clerk and Recorder reported to the Gallatin County Commissioners that the petition contained sufficient signatures as required by Section 7-14-2601, MCA; and

WHEREAS, on January 12, 1999, the Gallatin County Commissioners appointed a viewing committee consisting of one county commissioner, the county surveyor and the road superintendent to investigate the feasibility and desirability of abandoning the road; and

WHEREAS, on May 18, 1999, the appointed viewing committee submitted their report to Gallatin County Commissioners. Thereafter the Gallatin County Commissioners conducted a public hearing, after notice, on the petition and the results of the investigation; and

WHEREAS, the Gallatin County Commission reviewed the history of Pine Butte Road as described in Petition 158. The Gallatin County Commission determined that Petition 158 petitioning the establishment of Pine Butte Road was submitted to the Gallatin County Commission in March of 1900. On June 6, 1900, the Gallatin County Commission conducted a hearing to accept public testimony regarding the creation of Pine Butte Road as petitioned for in Petition 158. On June 6, 1900, the Gallatin County Commission deferred action until some future date. A thorough search of the records of the Gallatin County Clerk

and Recorder and the Gallatin County Road Department revealed that the Gallatin County Commission never took any action regarding Petition 158 establishing Pine Butte Road; and

WHEREAS, on May 18, 1999, the Gallatin County Commission further determined that Pine Butte Road as described in Petition 158 was never established and voted unanimously to not establish Pine Butte as petitioned for in Petition 158; and

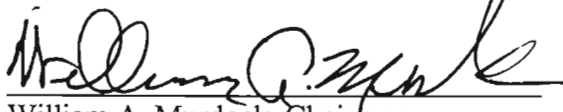
WHEREAS, the Gallatin County Commission having determined that Pine Butte Road was not established, determined that no further action of the Commission was necessary regarding the Petition to Abandon a Portion of Pine Butte Road.

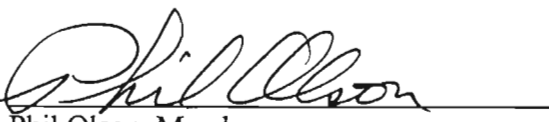
NOW, THEREFORE BE IT RESOLVED:

1. The Gallatin County Commission determines that Pine Butte Road as described in Petition 158 was not established prior to May 18, 1999.
2. On May 18, 1999, the Gallatin County Commission takes action on the June 6, 1900 order deferring action regarding the creation of Butte Road as described in Petition 158. The Gallatin County Commission denies the Petition 158, which sought to establish Pine Butte Road determining that establishment, is not in the best interests of the county.
3. The Gallatin County Commission, having determined that Pine Butte Road was not established, determined that no further action is necessary regarding the Petition to Abandon a Portion of Pine Butte Road as described above.
4. Within ten (10) days from the date a Resolution of Abandonment is adopted and the Clerk and Recorder shall send a copy of that resolution by certified mail to all owners of land abutting on the road. The owners shall be those listed on the last county assessment roll.
4. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of this resolution to the supervisor.

DATED this 25th day of May, 1999.

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY


William A. Murdock, Chairman


Phil Olson, Member

Jennifer Smith Mitchell

Jennifer Smith Mitchell, Member

ATTEST:

Shelley Vance
Shelley Vance
Clerk and Recorder
Gallatin County



COPY
ORIGINAL

RESOLUTION NO. 1999- 25

ORIGINAL

**DECISION CONCERNING PETITION TO ESTABLISH A PORTION
OF PINE BUTTE ROAD**

WHEREAS, on January 12, 1999, the Gallatin County Clerk and Recorder presented to the Gallatin County Commission a Petition to Re-Establish that portion of Pine Butte Road described as follows:

An easement sixty feet in width located in the Northeast One-Quarter of Section 20 and the Northwest One-Quarter of Section 21, Township 2 South, Range 4 East, P.M.M., being thirty feet in width on each side of the following described centerline:

Beginning at the common corner of Section 16, 17, 20 and 21, thence along the line between said Sections 16 and 21 North 87 degrees, 59 minutes, 55 seconds East 265.73 feet to a point of the centerline of Pine Butte Road, and along said center line South 09 degrees, 18 minutes, 04 seconds West 74.45 feet to an angle in said centerline at the true point of beginning, thence through the lands of Noyes in part and in part through the lands of J Open A Ranch South 19 degrees, 03 minutes, 00 seconds West 766.95 feet to a point on the center line of the original location of Pine Butte Road, said point being on the line between said Sections 20 and 21, said point being at the southerly terminus of the proposed abandonment of a portion of said Pine Butte Road and said point being located North 22 degrees, 13 minutes, 58 seconds West 1858 feet from the Southwest corner of the Northwest One-Quarter of said Section 21 in Gallatin County, Montana; and

WHEREAS, on January 12, 1999, the Gallatin County Clerk and Recorder reported to the Gallatin County Commissioners that the petition contained sufficient signatures as required by Section 7-14-2601, MCA; and

WHEREAS, on January 12, 1999, the Gallatin County Commissioners appointed a viewing committee consisting of one county commissioner, the county surveyor and the road superintendent to investigate the feasibility and desirability of abandoning the road; and

WHEREAS, on May 18, 1999, the appointed viewing committee submitted their report to Gallatin County Commissioners. Thereafter the Gallatin County Commissioners conducted a public hearing, after notice, on the petition and the results of the investigation; and

WHEREAS, in the agenda item considered prior to this Petition for Re-Establishment [Creation], the Gallatin County Commission reviewed the history of Pine Butte Road as described in Petition 158. The Gallatin County Commission determined that Petition 158 petitioning the establishment of Pine Butte Road was submitted to the Gallatin County Commission in March of 1900. On June 6, 1900, the Gallatin County Commission

conducted a hearing to accept public testimony regarding the creation of Pine Butte Road as petitioned for in Petition 158. On June 6, 1900, the Gallatin County Commission deferred action until some future date. A thorough search of the records of the Gallatin County Clerk and Recorder and the Gallatin County Road Department revealed that the Gallatin County Commission never took any action regarding Petition 158 establishing Pine Butte Road; and

WHEREAS, on May 18, 1999, the Gallatin County Commission further determined that Pine Butte Road as described in Petition 158 was never established and voted unanimously to not establish Pine Butte as petitioned for in Petition 158; and

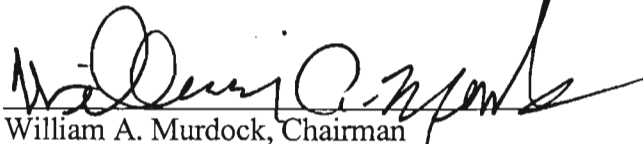
WHEREAS, the Gallatin County Commission having determined that Pine Butte Road as described in Petition 158 was not established, considering the viewing committee report and the location of the proposed road, determined that it was not in the best interest of the public to establish the portion of Pine Butte Road as describe in the Petition for Re-Establishment [Creation].

NOW, THEREFORE BE IT RESOLVED:

1. The Gallatin County Commission determines it is not in best interest of Gallatin County to establish Pine Butte Road as described in the Petition for Re-Establishment.
2. Within ten (10) days from the date a Resolution of Abandonment is adopted and the Clerk and Recorder shall send a copy of that resolution by certified mail to all owners of land abutting on the road. The owners shall be those listed on the last county assessment roll.
3. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of this resolution to the supervisor.

DATED this 25th day of May, 1999.

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY


William A. Murdock, Chairman


Phil Olson, Member

J Mitchell

Jennifer Smith Mitchell, Member

ATTEST:

Shelley Vance

Shelley Vance
Clerk and Recorder
Gallatin County