

Road Petition 679

To abandon one
road & open second
section 36 T3S R4E

action taken

Oct 11, 1977

Book 39

Page 196



41026

State of Mont., County of Gallatin, ss Filed for record Sept. 23, 1977
 at 9:05 A M., and recorded in Book 39 of MISCELLANEOUS page 1620
Carl L. Stucky Recorder. By Luella D. Bridges Deputy

PETITION FOR ABANDONMENT AND ESTABLISHMENT
 OF COUNTY ROAD

COMES NOW RICHARD BRENNER and GEORGIE BADGLEY, Co-Trustees under that certain Trust Agreement dated February 12, 1973, wherein G. R. BRENNER, also known as, and being one and the same person as GEORGE R. BRENNER, is the named Trustor, as Trustees, and RICHARD BRENNER and JUDITH BRENNER, husband and wife, individually, pursuant to the provisions of Chapter 40 of Title 32 of the Revised Codes of Montana, 1947, as amended, and respectfully petition the County Commissioners of Gallatin County, Montana, to abandon and establish County Roads as hereinafter set forth, alleging and petitioning as follows:

1. The particular road to be discontinued and abandoned is described as follows, which description contains the general route thereof, to wit:

That certain tract of land heretofore deeded to Gallatin County, Montana, forty (40) feet wide, the center line of which is described as follows: Beginning at a point in the East line of the Northeast Quarter (NE 1/4) of Section numbered Thirty-six (36), Township numbered Three (3) South of Range numbered Four (4) East of the Montana Meridian, that point being 325.4 feet South of the Northeast corner thereof; thence North 82°35' West 219 feet; thence South 81°20' West 200 feet; thence North 79°40' West 300 feet; thence North 70°25' West 938 feet; thence North 6° East 400 feet; thence North 35°30' West 250 feet; thence North 1°15' East 200 feet, more or less to the North line of the South Half of the Southeast Quarter (S 1/2 SE 1/4) of Section numbered Twenty-five (25) Township numbered Three (3) South of Range numbered Four (4) East of the Montana Meridian.

2. The particular road to be opened and established together with the particular description and route thereof is as follows:

A forty (40) foot wide tract for county road purposes in the Northeast one-quarter (NE 1/4)

of Section Thirty-six (36) and the Southeast one-quarter (SE 1/4) of Section Twenty-five (25), Township Three (3) South, Range Four (4) East, Montana Principal Meridian, Gallatin County, Montana, and being twenty (20) feet each side of the following described centerline: Beginning at a point on the East line of Section Thirty-six (36) which bears South 00°20'17" East a distance of 299.47 feet from the Northeast corner of said Section Thirty-six (36). Thence South 89°21'25" West a distance of 244.59 feet. Thence South 81°29'18" West a distance of 168.24 feet. Thence North 85°14'45" West a distance of 219.16 feet. Thence along a 125.00 foot radius curve to the right, thru a central angle of 80°51'22" for an arc length of 176.40 feet. Thence North 04°23'23" West a distance of 102.02 feet. Thence North 08°24'14" West a distance of 1384.07 feet. Thence North 00°59'18" West a length of 37.11 feet to the Southeast corner of said tract recorded of Film 31, page 1205.

3. The lands affected by the abandonment and establishment herein petitioned are the South one-half of the Southeast one-quarter (S 1/2 SE 1/4), and the South one-half of the Southwest one-quarter (S 1/4 SW 1/4), of Section Twenty-five (25), and the Northeast one-quarter (NE 1/4) of Section Thirty-six (36), Township Three (3) South, Range Four (4) East, M.P.M., and the undersigned, your Petitioners, are the owners of said lands, and all lands affected by such establishment and abandonment.

4. That the undersigned are all of the owners affected by said establishment and abandonment herein petitioned for, and they and each of them consent thereto, and they and each of them waive any notice required by statute or otherwise, in the establishment and abandonment.

5. The necessity for, and the advantage of the petitioned action is as follows:

The road and right-of-way requested to be abandoned has never been used as a road or right-of-way, due to the fact that the easement described above in connection therewith was deeded many years ago, and contained an erroneous survey and description, which said easement as deeded places the same on untraversable lands, with-

out access to the point of beginning, or the point of termination, said forty (40) foot tract described being totally isolated from access by the public by reason of said mistake in said survey, the same never having been used by the public or any other person as a right-of-way, and being incapable of use as such.

6. The roadway herein petitioned to be opened and established and described above is an accurate description and survey of the road apparently attempted and intended to be established by said inaccurate survey above referred to. That the plat of said roadway and the lands surrounding the same appears in Certificate of Survey No. 425, records of the County Clerk and Recorder, Gallatin County, Montana.

7. That the establishment of said road as petitioned will result in a deeded and accurate easement for a roadway, and is necessary and to the advantage of Gallatin County, Montana, and the public in general.

8. That as aforesaid, your Petitioners, are all of the owners of the lands affected consent to the said discontinuance and abandonment, and the establishment and creation of a new road as herein petitioned, and consequently, there will be no cost of right-of-way survey, or otherwise.

9. That your Petitioners are a majority and all of the freeholders of the lands affected by said establishment and abandonment, and they and each of them waive any notice and request and consent to the Board of County Commissioners of Gallatin County, acting upon said Petition instanter.

DONE AND DATED as of this September 20, 1977.

Richard Brenner

 RICHARD BRENNER, Individually

Adith Brenner

 ADITH BRENNER, Individually

Richard Brenner

 RICHARD BRENNER, Trustee

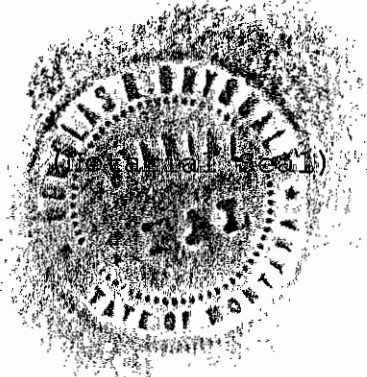
Georgie Badgley

 GEORGIE BADGLEY, Trustee

STATE OF MONTANA)
 : ss.
County of Gallatin)

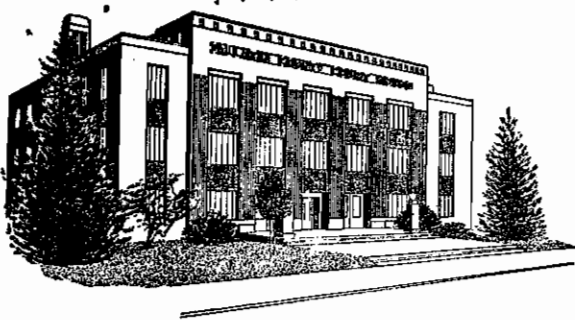
On this 20th day of September, 1977, before me, a Notary Public in and for said State, personally appeared RICHARD BRENNER and JUDITH BRENNER, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same; and, RICHARD BRENNER and GEORGIE BADGLEY, Co-Trustees under that certain Trust Agreement dated February 12, 1973, wherein G. R. Brenner, also known as, and being one and the same person as George R. Brenner, is the named Trustor; known to me to be the persons whose names are subscribed to the within and foregoing instrument as Co-Trustees, and acknowledged to me that they executed the same as such Co-Trustees.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.



Donna D. Dwyer

Notary Public for the State of Montana
Residing at Bozeman, Montana
My Commission expires June 30, 1979

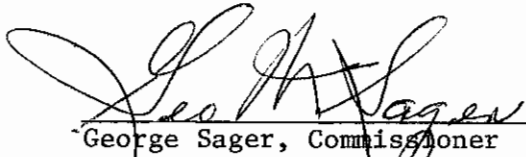


State of Montana
COUNTY OF GALLATIN
◆
Bozeman

September 30, 1977

PETITION 679

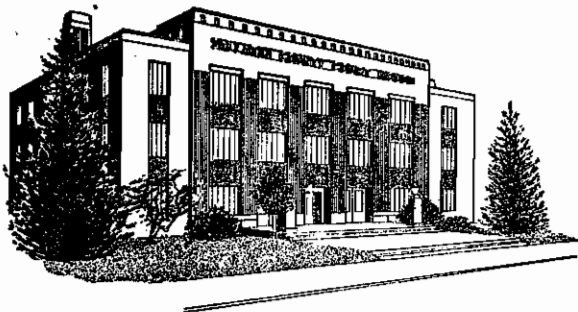
We, the undersigned, acting as the Board of Viewers for the County of Gallatin, made inspection of the roads as described in Petition No. 679 on September 28, 1977, and the Board of Viewers do hereby recommend that one road be abandoned and the second road declared a County Road.



George Sager, Commissioner



Earl R. Best, Surveyor



State of Montana
COUNTY OF GALLATIN

◆
Bozeman

September 30, 1977

NOTICE TO PETITIONERS & ADJOINING LANDOWNERS

This is to notify you that the Board of County Commissioners have accepted the report of the Board of Viewers, Mr. Earl R. Best, County Surveyor, and George Sager, Commissioner on Road Petition No. 679. This petition is to abandon and establish County Roads as hereinafter set forth.

1. The particular road to be discontinued and abandoned is described as follows:

Beginning at a point in the East line of the Northeast Quarter (NE 1/4) of Section numbered thirty-six (36), Township numbered Three (3) South of Range numbered Four (4) East of the Montana Meridian, that point being; 325.4 feet South of the Northeast corner thereof; thence North 82° 35' West 219 feet; thence South 81° 20' West 200 feet; thence North 79° 40' West 300 feet; thence North 70°25' West 938 feet; thence North 6° East 400 feet; thence North 35° 30' West 250 feet; thence North 1°15' East 200 feet, more or less to the North line of the South Half of the Southeast Quarter (S 1/2 SE 1/4) of Section numbered Twenty-five (25) Township numbered Three (3) South of Range numbered Four (4) East of the Montana Meridian.

2. The particular road to be opened and established is described as follows:

A forty (40) foot wide tract for county road purposes in the Northeast one-quarter (NE 1/4) of Section thirty-six (36) and the Southeast one-quarter (SE 1/4) of Section twenty-five (25), Township Three (3) South, Range Four (4) East, Montana Principal Meridian, Gallatin County, Montana, and being twenty (20) feet each side of the following described centerline: Beginning at a point on the East line of Section Thirty-six (36) which bears South 00° 20'17" East a distance of 299.47 feet from the Northeast corner of said Section Thirty-six (36) thence South 89°21'25" West a distance of 244.59 feet. Thence South 81°29'18" West a distance of 168.24 feet. Thence North 85°14'45" West a distance of 219.16 feet. Thence along a 125.00 foot radius curve to the right, thru a central angle of 80°51'22" for an arc length of 176.40 feet; thence North 04°23'23" West a distance of 102.02 feet.


Thence North 08°24'14" West a distance of 1384.07 feet;
thence North 00°59'18" West a length of 37.11 feet to
the Southeast corner of said tract recorded of Film 31,
page 1205.

A hearing on the above matter has been set by the Board of
County Commissioners for Tuesday, the 11th day of October, A.D.,
1977 at 2:00 P.M. in the Commissioners office in Bozeman, Montana
at which time the Commissioners will make final determination of
the merits of said matter, and at which time all persons interested
may make objections or offer suggestions relative to the proposals
in the Road Petition.

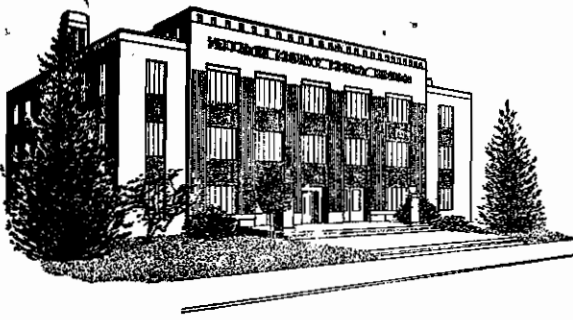
Unless a landowner or taxpayer wants to protest this petition
you are not required to attend.

Dated this 30th day of September, A.D., 1977 at Bozeman, Montana

Yours truly,


Road Office Supervisor

Bozeman, Montana



State of Montana
COUNTY OF GALLATIN

◆
Bozeman
October 13, 1977

NOTICE TO PETITIONERS & ADJOINING LANDOWNERS

This is to notify you that the Board of County Commissioners held a hearing on Road Petition Number 679.

There being no objections it was unanimously carried by the Board of County Commissioners that the roads describe in the petition be opened and closed.

Sincerely,

Gale Thompson
Road Office Supervisor

P. O. Box 1905

Registered Letters for Petition 679

Georgie R. Badgley
Star Rte, South Box 39
Gallatin Gateway, Montana

Richard & Judith Brenner
Gallatin Gateway, Montana 59730

INDEXED
PLATTED

STATE OF MONTANA

ss. 41027

FILM 39 PAGE 1624

County of Gallatin

Filed for record this 23 day of Sept. 1977 at 9:10 o'clock A.M. and

Recorded in Book 39 of Deeds on Page 1624 of the Records of County of Gallatin

State of Montana Carl L. Stucky, Clerk and Recorder By Judith A. Bridges

No. 14 - QUIT CLAIM DEED.

STATE PUBLISHING CO., HELENA, MONT.

THIS INDENTURE, Made the 22 day of September in the year of our Lord one thousand nine hundred and seventy-seven between RICHARD BRENNER and JUDITH BRENNER, husband and wife; and RICHARD BRENNER and GEORGIE BADGLEY, as Co-Trustees under that certain Trust Agreement dated February 12, 1973, created by G. R. Brenner, also known as and being one and the same person as George R. Brenner the parties of the first part and GALLATIN COUNTY, a body corporate and political subdivision of the State of Montana,

the party of the SECOND PART, WITNESSETH: That the said parties of the FIRST PART for and in consideration of the sum of ONE AND OTHER VALUABLE CONSIDERATION-----Dollars, (\$ 1.00 ovc.) to parties of the first part in hand paid by the said party of the SECOND PART, receipt of which is hereby acknowledged; do hereby convey, remise, release and forever quitclaim unto the said party of the second part, and to its heirs, and assigns, all right, title and interest in and to the following described real estate, situated in the

See Certificate of Survey No. 425 County of Gallatin and State of Montana, to-wit: A forty (40) foot wide tract for county road purposes in the NE 1/4 of Section 36 and the SE 1/4 of Section 25, Township 3 South, Range 4 East, M.P.M., Gallatin County, Montana, and being 30 feet on each side of the following describe centerline: Beginning at a point on the East line of Section 36 which bears South 00°20'17" East a distance of 299.47 feet from the NE corner of said Section 36. Thence South 89°21'25" West a distance of 244.59 feet. Thence South 81°29'18" West a distance of 168.24 feet. Thence North 85°14'45" West a distance of 219.16 feet. Thence along a 125.00 foot radius curve to the right, thru a central angle of 80°51'22" for an arc length of 176.40 feet. Thence North 04°23'23" West a distance of 102.02 feet. Thence North 08°24'14" West a distance of 1384.07 feet. Thence North 00°59'18" West a length of 37.11 feet to the SE corner of said tract recorded Film 31, p. 1205 together with all the tenements, hereditaments, and appurtenances thereto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest property, possession, claim and demand whatsoever as well in law as in equity, of the said party of the first part, of, in or to the said premises and every part and parcel thereof

TO HAVE AND TO HOLD, all and singular the said premises, with the appurtenances

unto the said party of the second part its heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Richard Brenner RICHARD BRENNER

Georgie Badgley (SEAL) GEORGIE BADGLEY, Trustee

Judith Brenner JUDITH BRENNER

Richard Brenner (SEAL) RICHARD BRENNER, Trustee

STATE OF MONTANA } ss. County of Gallatin

On this 22 day of September nineteen hundred and seventy-seven before me a Notary Public for the

State of Montana, personally appeared RICHARD BRENNER and JUDITH BRENNER, husband and wife; and GEORGIE BADGLEY and RICHARD BRENNER, Co-Trustees under that certain Trust Agreement dated February 12, 1973, known to me

(or proved to me on oath of) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

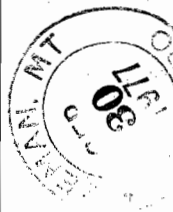
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this certificate first above written.

Douglas Drysdale Notary Public for the State of Montana.

R... HAL

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

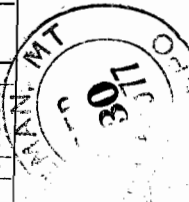
No. 774663
Road

SENT TO <i>Georgie R. Badgley</i>		POSTMARK OR DATE
STREET AND NO. <i>Star Rte South, Box 39</i>		
P.O., STATE AND ZIP CODE <i>Gallatin Gateway, Mt</i>		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN	1. Shows to whom and date delivered	15¢
RECEIPT	With delivery to addressee only	65¢
SERVICES	2. Shows to whom, date and where delivered ..	35¢
	With delivery to addressee only	85¢
DELIVER TO ADDRESSEE ONLY		50¢
SPECIAL DELIVERY (extra fee required)		

PS Form 3800 NO INSURANCE COVERAGE PROVIDED— (See other side)
Apr. 1971 NOT FOR INTERNATIONAL MAIL * GPO : 1972 O - 460-743

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

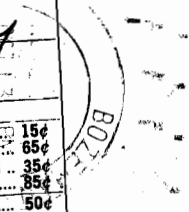
No. 774664
Road

SENT TO <i>Richard & Judith Brenner</i>		POSTMARK OR DATE
STREET AND NO. <i>Gallatin Gateway, Mt</i>		
P.O., STATE AND ZIP CODE		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN	1. Shows to whom and date delivered	15¢
RECEIPT	With delivery to addressee only	65¢
SERVICES	2. Shows to whom, date and where delivered ..	35¢
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DELIVER TO ADDRESSEE ONLY		50¢
SPECIAL DELIVERY (extra fee required)		

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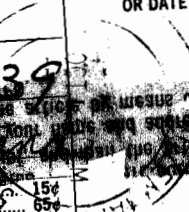
No. 774665

SENT TO <i>Richard & Judith Brenner</i>		POSTMARK OR DATE
STREET AND NO. <i>Gallatin Gateway</i>		
P.O., STATE AND ZIP CODE <i>Montana</i>		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN	1. Shows to whom and date delivered	15¢
RECEIPT	With delivery to addressee only	65¢
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RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

No. 774666

SENT TO <i>Georgie R. Badgley</i>		POSTMARK OR DATE
STREET AND NO. <i>Star Route So. Box 39</i>		
P.O., STATE AND ZIP CODE <i>Gallatin Gateway, Montana</i>		
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN	1. Shows to whom and date delivered	15¢
RECEIPT	With delivery to addressee only	65¢
SERVICES	2. Shows to whom, date and where delivered ..	35¢
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DELIVER TO ADDRESSEE ONLY		50¢
SPECIAL DELIVERY (extra fee required)		

PS Form 3800 NO INSURANCE COVERAGE PROVIDED— (See other side)
Apr. 1971 NOT FOR INTERNATIONAL MAIL * GPO : 1972 O - 460-743

PS Form 3811, Nov. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered25¢
 Show to whom, date, & address of delivery45¢
 RESTRICTED DELIVERY. Show to whom and date delivered85¢
 RESTRICTED DELIVERY. Show to whom, date, and address of delivery ..\$1.05
 (Fees shown are in addition to postage charges and other fees).

2. ARTICLE ADDRESSED TO:
Richard & Judith Brenner

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | 774664 | |
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent

4. *Richard Brenner*
 DATE OF DELIVERY: 10-3-77
 POSTMARK: CALIFORNIA GATE, U.S.P.S.

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS: *YB*

☆ GOP: 1976-O-203-456

PS Form 3811, Nov. 1976

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 POSTMARK: U.S.P.S.

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6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS: *YB*

☆ GOP: 1976-O-203-456

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 (Fees shown are in addition to postage charges and other fees).

2. ARTICLE ADDRESSED TO:
George Badgley

3. ARTICLE DESCRIPTION:
 REGISTERED NO. | CERTIFIED NO. | INSURED NO.
 | 774663 | |
 (Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent

4. *George Badgley*
 DATE OF DELIVERY:
 POSTMARK: U.S.P.S.

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS: *YB*

☆ GOP: 1976-O-203-456

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George Badgley

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 | 774665 | |
 (Always obtain signature of addressee or agent)

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 SIGNATURE Addressee Authorized agent

4. *George Badgley*
 DATE OF DELIVERY:
 POSTMARK: NOV 3 1977, U.S.P.S.

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS: *YB*

☆ GOP: 1976-O-203-456