

Petition 701  
abandonment of alley  
in Willow Creek.

Denied - NO  
action taken

Commissioner Book 40  
Page 187



CEMETERY

WILLOW CREEK  
MONTANA

C. M. S. P. & P. Ry.  
N. P. Ry.

COUNTY ROAD

NORTH  
ST.

FIRST  
ST.

SECOND  
ST.

THIRD  
ST.

FOURTH  
ST.

FIFTH  
ST.

TRIPLE  
ST.

WOODWARD  
ST.

BROADWAY  
ST.

WILLOW  
ST.

HALES  
ADD.

WALK  
ADD.

GREEN  
ADD.

SCHOOL

THREE  
FORKS  
ADD.

TRIPLE  
LAND  
CO.

CAPITOL  
HEIGHT  
SUBDIVISION

WOODWARD  
ST.

WILLOW  
ST.



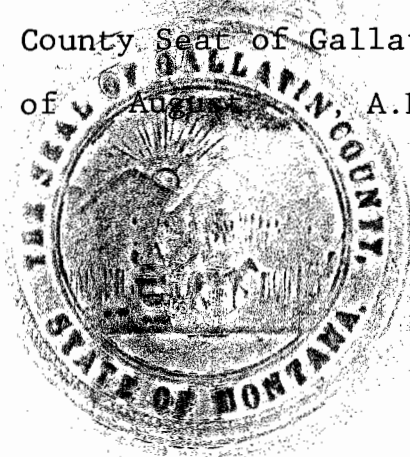
CERTIFICATE OF THE COUNTY CLERK AND RECORDER  
Relating to  
QUALIFICATIONS OF THE SIGNERS

Petition to abandon that portion of the alley  
between Lots 4, 5, 6, 7, 8 and 9 in Block 12  
of the Three Forks Land Company addition in  
Willow Creek, Montana in Section 19, T11N11E.

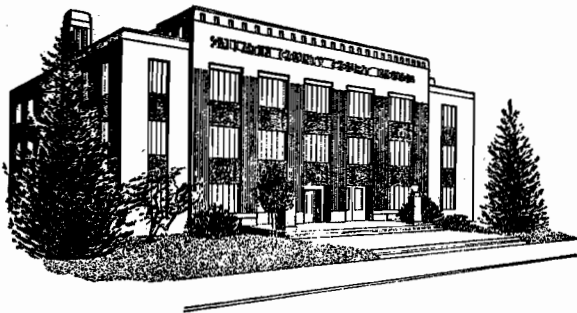
STATE OF MONTANA  
ss.  
County of Gallatin

I, Lucille A. Bridges, do hereby certify that I am the  
duly elected, qualified and acting County Clerk and Recorder  
for Gallatin County, State of Montana; that I have examined  
the petition to which this certificate is attached; and  
that those persons who have a ✓ mark before their  
names are property owners within Gallatin County.

IN WITNESS WHEREOF, I have hereunto subscribed my  
name and affixed the seal of my office at Bozeman, the  
County Seat of Gallatin County, Montana, this 12 day  
of August A.D., 1980.



*Lucille A. Bridges*  
LUCILLE A. BRIDGES, County Clerk  
& Recorder for Gallatin County,  
State of Montana.



State of Montana  
**COUNTY OF GALLATIN**  
◆  
**Bozeman**

VIEWERS REPORT # 701

County Commissioner Joy Nash and County Surveyor Robert Babb on August 14, 1980, acting as an investigating team as outlined in 7-14-2603 (2), viewed the alley between lots 4,5,6,7,8, & 9 in Block 12 of the Three Forks Land Company Addition to Willow Creek, Montana.

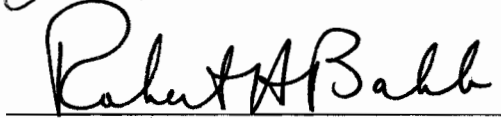
Under Section 7-14-2616 (1) this alley "may discontinue -- if it can be done without detriment to the public interest". Willow Creek voters recently passed a sewer district issue and the design of a sewer system is in the engineering stage. To abandon any street or alley, now open, before the location of sewer lines have been determined could be deemed "A detriment to the public interest".

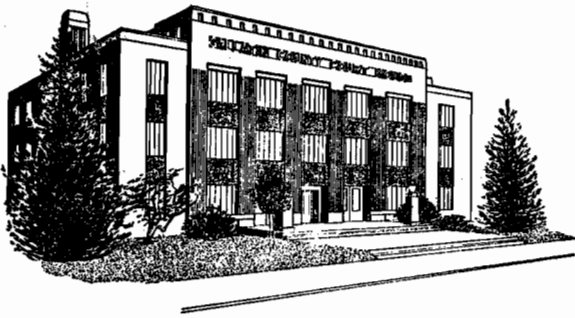
The physical condition of this alley is such, that abandonment of the requested alley portion is a reasonable request if the alley is not needed for the sewer line location.

It is our opinion that the action to discontinue the use of this alley, should be denied until such time as the need of the Sewer District be made known.

Viewers

  
Joy I. Nash, Commissioner

  
Robert H. Babb, County Surveyor



State of Montana  
**COUNTY OF GALLATIN**

◆  
**Bozeman**

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, Mrs. Joy I. Nash, County Commissioner and Robert H. Babb, County Surveyor, on Road Petition No. 701. This petition is for the abandonment of the following alley in Willow Creek.

That portion of alley between lots 4,5,6,7,8 and 9 in Block 12 of the Three Forks Land Company Addition in Willow Creek in Section 19, Township 1 North, Range 1 East.

A hearing on the above matter has been set by the Board of County Commissioners for Thursday the 4th day of September, A.D., 1980 at 11:00 A.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 Petition.

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

Dated this 18th day of August, A.D., 1980 at Bozeman, Montana.

Sincerely,

*Gale Thompson*  
Road Office Supervisor

GT:pn

P.O. Box 166  
Willow Creek Mont 59760  
Aug. 31, 1980

Dear Mr. Robert Babb

I must be in Seattle this week + will be unable to attend the hearing on the 4<sup>th</sup> of Sept on the abandonment of the alley here in Block 12. My lots are Lots 10 + 11 in Block 12. of the Three Forks Land Co. 1<sup>st</sup> addition in Willow Creek.

Will you use this letter as my vote against the abandonment of the alley in this block?

I have not been approached by anyone to sign for the closing of this alley while my neighbors have been. Two have signed I have learned + one has not. Mrs Louella Kirrel whose daughter owns her home would not sign. Daughter's name is Kay Barnett.

Mrs Robert Malone who lives in the south end of this block + the main leader against the sewer being built in Willow Creek knew I was in favor of the sewer being built. Is this the chief reason why this abandonment was begun at this late date? The consensus of opinion of the people who voted for the sewer feel this is in retaliation for that favorable vote.

Note: my septic tank is under the garage built a couple of years ago.

I purchased my home last Oct + moved here Nov. 2<sup>nd</sup>. My need for the sewer is understandable.

my reason for not abandoning the alley is:

1. Our main irrigation ditch for the main street people & others to the east of us is down this alley. I have been told that at one time the Malones fenced off the north end & turned their bulls loose. They have 3 or 4 lots joining the east side of the alley with several frame packable sheds on them. Should there be a fire it would be almost impossible for the fire dept. I have a small wood shed filled with wood on <sup>edges</sup> <sup>of the</sup> alley & found several match books at the corner of my shed, last week. Probably kids, but it would be difficult to stop a fire should it be started in the dry grass with the Malone sheds on the opposite side of my alley. With a south wind blowing some of us would lose our homes.

2. The Malones have already had the alley fenced within their property. I am not adverse to their so doing as they live at the end of <sup>the</sup> block with no road cross street at their end. Why do they wish to close our end of this alley?

Last winter they kept 2 bulls on their vacant lot on which they grew vegetables to sell this summer. They have cattle on farm land several miles out of town. Why do we have them here in town? The odor was really terrific when the wind blew.

I am simply against this abandonment.

Respectfully yours

Terriee Cooper Byrd



Willow Creek Meet.

Aug 23 1888  
9/13/88  
RECEIVED  
MAY 11 1888

Dear John Herbert,

I must be in Seattle this week and will be unable to attend the meeting & hearing on the abandonment of the alley on which my property joined my lots pres 10 + 11 Bl 12 of the Three Forks Land Co. 1<sup>st</sup> addition.

Will you use this letter as my vote against the closing of the alley?

I have not been approached to sign for the closing of the alley because Mrs Robert Malone who lives in this block knew I would vote for the sewer. She has been one of the leaders in trying to keep the sewer vote defeated.

My reasons for not closing this alley is:  
1. Our main irrigation ditch comes down this alley. I have heard that at one time the north end was fenced & Malones had their bulls loose in it. This would be a detriment to the neighborhood if they destroyed our irrigation ditch tanks.

2. If this alley should be fenced how could the fire department get in to put out a fire in some of the shabby sheds the Malones own; on the three or

four lots they own on the east side of the alley + grow vegetables. They kept 2 bulls on their ground last winter. When the south wind blew the smell was beyond description.

3. If a fire should start with the south wind blowing the home of Mrs. Lowell Kivrel, owned by her daughter Mrs. Kay Barnett would be endangered.

My one question is: Why should this alley be abandoned?

The Malones have the south end of this enclosed within their property now.

It appears they must have some reason why they want it ~~closed~~ enclosed.

I can see no reason why we neighbors should be pestered with demands for the closing of this alley.

Sincerely

Terrence Cooper Byrd

RECEIVED  
9/3/80  
LEGISLATIVE

August 31 1980  
Willow Creek Mont.  
59760

Dear Jay Nash,

I must be in Seattle this coming week & will be unable to attend the hearing on the abandonment of the alley in Block 12 of the Three Forks Land Co. 1<sup>st</sup> add. My lots are 10 & 11 joining this alley.

Will you use this letter as my vote against the abandonment of the alley in Block 12, in Willow Creek?

I have not been approached to sign for the closing of this alley because Mrs Robert Malone who lives in this block knew I was in favor of the sewer being built on Willow Creek. She has been the main leader against the sewer being built here.

My reason for not abandoning the alley is:  
1. Our main irrigation ditch for the town comes down this alley which irrigates all property on main street as far as it is built. I have heard at one time this alley was fenced across the north end with the bulls of the Malonis running loose. Last year<sup>winter</sup> they kept them on their garden 3 or 4 lots from which they raise vegetables. When the

wind blew the odor was beyond description. They have cattle on pasture several miles out of town. They could be there.

2. If there should be a fire in the cow sheds on these garden lots it would be impossible for the volunteer fire Dept. to reach the fire. If the south wind should be blowing Mrs. Louella Kirrel's home would be endangered as it is directly north of these sheds.

The Malones have already included the south end of this alley with fencing it into their property.

Why at this time has this abandonment of the alley been begun?

It is the consensus of opinion of all those who voted for the sewer that it may be "spite work" in retribution of its passing.

I am not in favor of this alley being abandoned.

Very Sincerely yours  
Vernice Cooper Byrd.  
P. O. Box 166

# Affidavit of Publication

STATE OF MONTANA

County of Gallatin

ss.

Jane Faught, being duly sworn,

deposes and says: That she is the PRINCIPAL CLERK of High Country News, a newspaper of general circulation, published in Bozeman, Gallatin County,

Montana; and that the notice hereunto attached Notice to Petitioners & adjoining landowners

has been published in the regular and entire issue of High Country News on the following dates: August 20, 27; September 3, 1980.

X Jane S. Faught

Subscribed and sworn to before me September 4, 1980.

My commission expires NOTARY PUBLIC, for the State of Montana  
Residing at Bozeman, Montana  
My Commission Expires Oct. 10, 1981

Deborah Nash  
Notary Public for the State of Montana, residing at  
Bozeman, Montana

## NOTICE TO PETITIONERS & ADJOINING LANDOWNERS

This is to notify you that the

Board of County Commissioners has accepted the report of the Board of Viewers, Mrs. Joy I. Nash, County Commissioner and Robert H. Babb, County Surveyor, on Road Petition No. 701. This petition is for the abandonment of the following alley in Willow Creek.

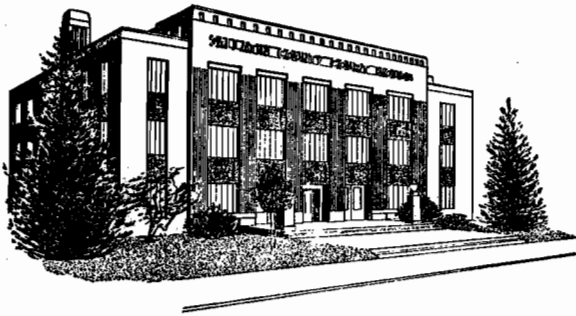
That portion of alley between lots 4, 5, 6, 7, 8 and 9 in Block 12 of the Three Forks Land Company Addition in Willow Creek in Section 19, Township 1 North, Range 1 East.

A hearing on the above matter has been set by the Board of County Commissioners for Thursday the 4th day of September, A.D., 1980 at 11:00 A.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 Petition.

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

Dated this 18th day of August, A.D., 1980 at Bozeman, Montana.

Sincerely,  
Gale Thompson  
Road Office Supervisor  
8-20, 27, 9-3-80



State of Montana  
**COUNTY OF GALLATIN**

◆  
**Bozeman**

September 5, 1980

NOTICE TO PETITIONERS & ADJOINING LANDOWNERS

This is to notify you that the Board of County Commissioners held a hearing on Petition No. 701. This petition is for the abandonment of an alley in Willow Creek. The petition was denied because the necessary landowners signatures were not on the petition.

Sincerely,

*Gale Thompson*  
Road Office Supervisor

GT:pn

Pat

Certified mail to

3 parties

Loena O. Dell

Robert E. or Martha Malone

Vernice Cooper Byrd

Property Owners Petition No. 701

Robert E. and Martha Malone  
Willow Creek, Mt 59760

Loena O'Dell  
Box 114  
Willow Creek, Mt 59760

Vernice Cooper Byrd  
P.O. Box 166  
Willow Creek, Mt. 59760

P13 5155033

P13 5155034

P13 5155035

RECEIPT FOR CERTIFIED MAIL

RECEIPT FOR CERTIFIED MAIL

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED— NOT FOR INTERNATIONAL MAIL (See Reverse)

NO INSURANCE COVERAGE PROVIDED— NOT FOR INTERNATIONAL MAIL (See Reverse)

NO INSURANCE COVERAGE PROVIDED— NOT FOR INTERNATIONAL MAIL (See Reverse)

SENT TO  
*Lorna O'Dell*  
STREET AND NO.  
*Box 114*  
P.O., STATE AND ZIP CODE  
*Willow Creek, Mt 59760*

POSTAGE \$

CONSULT POSTMASTER FOR FEES		CERTIFIED FEE	¢
OPTIONAL SERVICES	RETURN RECEIPT SERVICE	SPECIAL DELIVERY	¢
		RESTRICTED DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED	¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			

SENT TO  
*Robert E or Martha Malon*  
STREET AND NO.

P.O., STATE AND ZIP CODE  
*Willow Creek, Mt 59760*

POSTAGE \$

CONSULT POSTMASTER FOR FEES		CERTIFIED FEE	¢
OPTIONAL SERVICES	RETURN RECEIPT SERVICE	SPECIAL DELIVERY	¢
		RESTRICTED DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED	¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			

SENT TO  
*Lorna O'Dell*  
STREET AND NO.  
*P.O. Box 114*  
P.O., STATE AND ZIP CODE  
*Willow Creek, Mt 59760*

POSTAGE \$

CONSULT POSTMASTER FOR FEES		CERTIFIED FEE	¢
OPTIONAL SERVICES	RETURN RECEIPT SERVICE	SPECIAL DELIVERY	¢
		RESTRICTED DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED	¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			

PS Form 3800, Apr. 1976

PS Form 3800, Apr. 1976

PS Form 3800, Apr. 1976

P13 5155036

No. 695409

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED— NOT FOR INTERNATIONAL MAIL (See Reverse)

SENT TO  
*Vernico Cooper Boyd*  
STREET AND NO.  
*Box 166*  
P.O., STATE AND ZIP CODE  
*Willow Creek, Mt 59760*

POSTAGE \$

CONSULT POSTMASTER FOR FEES		CERTIFIED FEE	¢
OPTIONAL SERVICES	RETURN RECEIPT SERVICE	SPECIAL DELIVERY	¢
		RESTRICTED DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED	¢
		SHOW TO WHOM, DATE, AND ADDRESS OF DELIVERY	¢
		SHOW TO WHOM AND DATE DELIVERED WITH RESTRICTED DELIVERY	¢
		SHOW TO WHOM, DATE AND ADDRESS OF DELIVERY WITH RESTRICTED DELIVERY	¢
TOTAL POSTAGE AND FEES		\$	
POSTMARK OR DATE			

PS Form 3800, Apr. 1976

SENT TO  
*Robert E or Martha Malon*  
STREET AND NO.

P.O., STATE AND ZIP CODE  
*Willow Creek, Mt 59760*

OPTIONAL SERVICES FOR ADDITIONAL FEES

RETURN RECEIPT SERVICE

1. Shows to whom and date delivered  
With restricted delivery

2. Shows to whom, date and where delivered  
With restricted delivery

RESTRICTED DELIVERY

SPECIAL DELIVERY (extra fee required)

CONSULT POSTMASTER FOR FEES

POSTMARK OR DATE

PS Form 3800, Apr. 1976

NO INSURANCE COVERAGE PROVIDED— NOT FOR INTERNATIONAL MAIL

(See other side)

☆ GPO : 1975-O-591-452

RECEIPT FOR CERTIFIED MAIL



PS Form 3811, Jan. 1978

**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 delivered.....

Show to whom, date and address of delivery.....

RESTRICTED DELIVERY  
Show to whom and date delivered.....

RESTRICTED DELIVERY.  
Show to whom, date, and address of delivery. \$ \_\_\_\_\_

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
*Robert E. or Martha Malone  
Willow Creek, Montana  
59760*

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	695409	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

*Palmer E. Malone*

4. DATE OF DELIVERY  
8/19/80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS  
*am*

POSTMARK  
WILLOW CREEK MT  
AUG 19 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆GPO : 1979-288-848

PS Form 3811, Jan. 1978

**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 delivered.....

Show to whom, date and address of delivery.....

RESTRICTED DELIVERY  
Show to whom and date delivered.....

RESTRICTED DELIVERY.  
Show to whom, date, and address of delivery. \$ \_\_\_\_\_

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
*Leona O. Dell.  
Box 114  
Willow Creek, MT 59760*

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	5155033	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

*Leona O. Dell*

4. DATE OF DELIVERY  
8-19-80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS  
*am*

POSTMARK  
WILLOW CREEK MT  
AUG 19 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆GPO : 1979-288-846

PS Form 3811, Jan. 1978

**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 delivered.....

Show to whom, date and address of delivery.....

RESTRICTED DELIVERY  
Show to whom and date delivered.....

RESTRICTED DELIVERY.  
Show to whom, date, and address of delivery. \$ \_\_\_\_\_

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
*Robert E or Martha Malone  
Willow Creek, Mt.  
59760*

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	5155034	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE  Addressee  Authorized agent

*Robert E. or Martha Malone*

4. DATE OF DELIVERY  
9/8/80

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS  
*am*

POSTMARK  
WILLOW CREEK MT  
SEP 8 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

☆GPO : 1979-288-848

PS Form 3811, Jan. 1978

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 delivered.....¢  
 Show to whom, date and address of delivery.....¢  
 RESTRICTED DELIVERY  
 Show to whom and date delivered.....¢  
 RESTRICTED DELIVERY.  
 Show to whom, date, and address of delivery.\$ \_\_\_\_

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
*Leona O. Dell*  
*Box 114*  
*Willow Creek Mt 59760*

3. ARTICLE DESCRIPTION:  

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	5155035	

 (Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent  
*Leona O. Dell*

4. DATE OF DELIVERY  
*9/9/80*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK: WILLOW CREEK, MT SEP 9 1980  
 CLERK'S INITIALS: *am*

☆GPO : 1979-288-848

PS Form 3811, Jan. 1978

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 delivered.....¢  
 Show to whom, date and address of delivery.....¢  
 RESTRICTED DELIVERY  
 Show to whom and date delivered.....¢  
 RESTRICTED DELIVERY.  
 Show to whom, date, and address of delivery.\$ \_\_\_\_

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:  
*Vernice Cooper Bryd*  
*P.O. Box 166*  
*Willow Creek, Mt. 59760*

3. ARTICLE DESCRIPTION:  

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	5155036	

 (Always obtain signature of addressee or agent)

I have received the article described above.  
 SIGNATURE  Addressee  Authorized agent  
*Vernice Cooper Bryd*

4. DATE OF DELIVERY  
*9/11/80*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK: WILLOW CREEK, MT SEP 11 1980  
 CLERK'S INITIALS: *am*

☆GPO : 1979-288-848