

Road Petition No 729

To Abandon a public  
easement in Hyalite  
Meadows Subdivision

Petition Denied  
12/20/88

Comm Book 42 Page 159

PETITION TO ABANDON 30' PUBLIC ROAD EASEMENT  
IN HYALITE MEADOW SUBDIVISION

To the Honorable Board of  
County Commissioners of  
Gallatin County, Montana

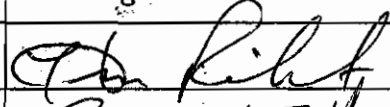
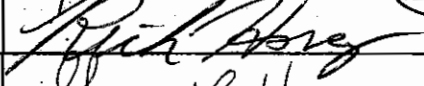
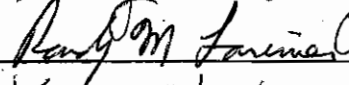

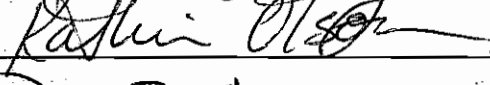
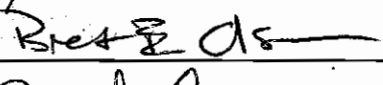
Dear Members:

We the undersigned freeholders of Gallatin County, Montana taxable here in for road purposes, do hereby petition the Board of County Commissioners, pursuant to Section 7-14-2601, MCA to abandon a portion of public road easement in Hyalite Meadow Subdivision and being more particularity described as follows:

Beginning at the Northwest corner of lot 14, in Hyalite Meadow Subdivision, a public road easement 30 feet wide thence East to the Northeast corner of lot 14 for a distance of 370 feet in Township 3 South, Range 5 East.

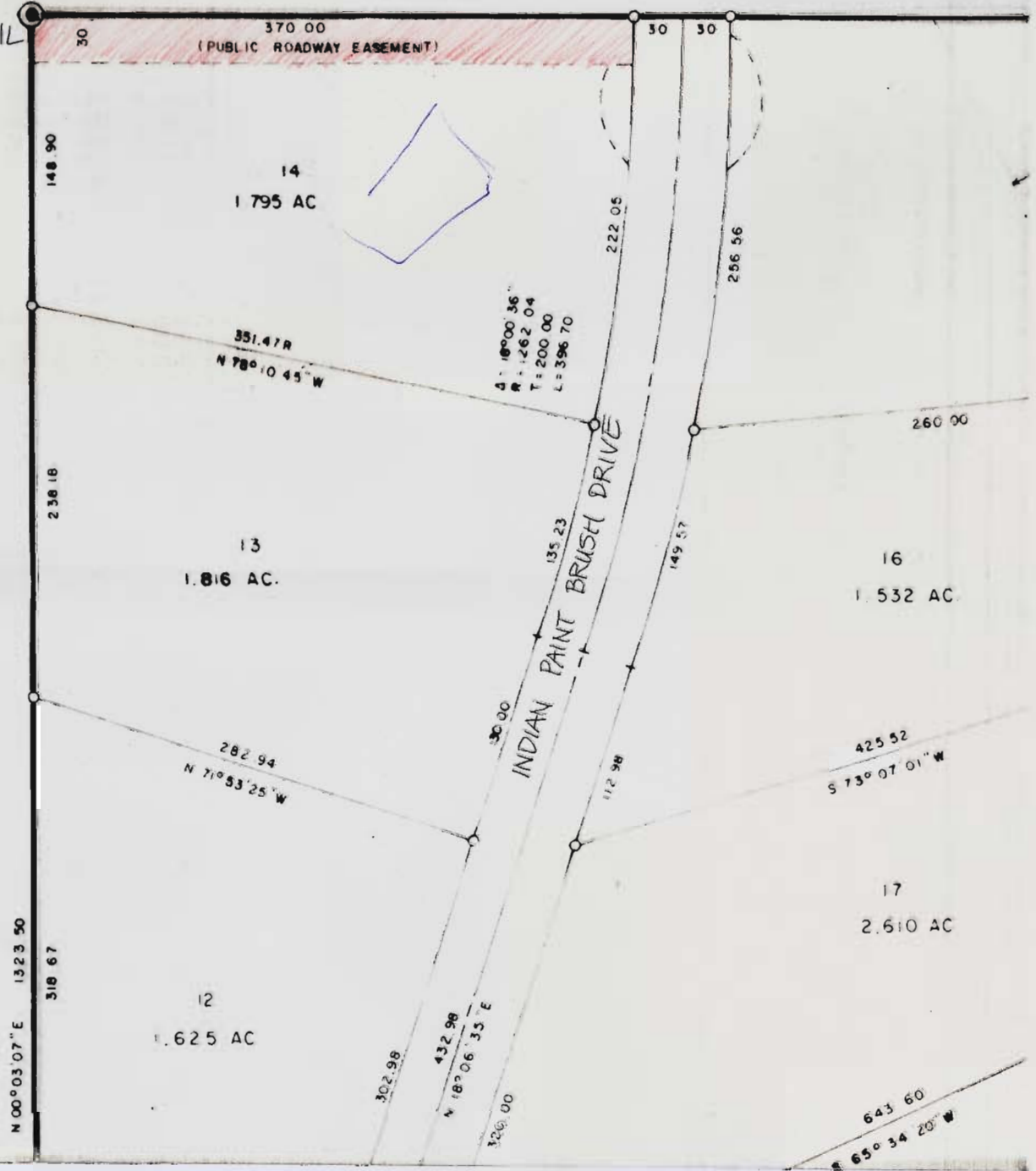
- (1) Footage to be abandon is 370 feet.
- (2) Public road easement to be abandon is shown in red on the attached drawing.
- (3) The road easement has never been built.
- (4) The land owner of lot 14 has signed the petition.

Reason for abandonment of this easement is for denial of access from Indian Paint Brush Drive to Cayuse Trail.

Last Name	Signature	Date	Description of Land Owned by Petitioners
1/2 RIENHART		9/14/88	Lot 14 8330 Indian Paintbrush
✓ Hamley	Gregory E. Hamley	9/14/88	Lot 10 8224 Indian Paintbrush
✓ Hamley	Janice Hamley	9/14/88	Lot 10 " "
✓ Hovey		9/14/88	Lot 2 8004 Indian Paintbrush
✓ HOVEY	Jay L Hovey	9/15/88	LOT 2 8004 Indian Paintbrush
- LARIMER		9/15/88	LOT 5 8114 INDIAN PAINT BRUSH
- JOHNSON	Karen Johnson	9/15/88	Lot 20 8117 Indian Paint Br
✓ White	Marsha White	9/15/88	Lot 15 8339 Indian Paintbrush
✓ White	Marshall J White	9/15/88	Lot 15 8339 Indian Paint
- Fellenz		9/21/88	Lot 3 8006 Indian Paint Br
- OLSON		9/21/88	Lot 12 8334 Indian Paint Brush
- OLSON		9/21/88	Lot 12 8334 Indian Paint Br
1/2 Coughlin	James Coughlin	9/22/88	6381 Buffaloberry Lane
✓ Nail	John Nail	9/25/88	9209 Cayuse Tr
- Fillbach	Kenneth Fillbach	9/25/88	8335 Indian Paintbrush
✓ Houser	Aimee Houser	9/28/88	8112 Indian Paint
✓ Montgomery	Lynn A Montgomery	9-28-88	8119 Indian Paint Br. Br
✓ Montgomery	Betty R Montgomery	9/28/88	8119 Indian Paint Brush

W 1/16 SE 1/4 SEC 3

CAYUSE TRAIL



PEPE

**CERTIFICATE OF THE COUNTY CLERK AND RECORDER  
RELATING TO  
QUALIFICATIONS OF THE SIGNERS**

**Statement of Purpose:** Petition to abandon a portion of public roadway easement in Hyalite Meadow Subdivision.

**Legal Description:** Beginning at the Northwest corner of lot 14, in Hyalite Meadow Subdivision, a public road easement 30 feet wide thence East to the Northeast corner of lot 14 for a distance of 370 feet in Township 3 South, Range 5 East.

STATE OF MONTANA )  
  ) ss  
County of Gallatin )

I, Gerald R. Wine, do hereby certify that I am the 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 pursuant to Section 7-14-2601 M.C.A. 1987, it contains the signatures of 10 freeholders in 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, State of Montana, this 13th day of October 19 88, A.D.



*Gerald R. Wine*

Gerald R. Wine  
Clerk and Recorder for  
Gallatin County, State  
of Montana

State of Montana

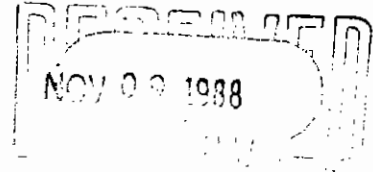
County of Gallatin

Bozeman



November 9, 1988

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715



Dear Commissioners:

Pursuant to Section 7-4-2208 MCA, I am requesting your consent to be absent from the State of Montana for a period exceeding five days. My son will be receiving an operation to correct a heart murmur in Salt Lake City on November 16th. He will be admitted on November 15th and will be required to stay in the hospital for five to ten days after the operation. My wife and I will be taking him down to Salt Lake on the 13th or 14th of November.

In my absence I understand that some county roads that have been petitioned to be abandoned may need viewing committee reports. I request that Sam Gianfrancisco act as a member of the viewing committee in my absence.

Sincerely,

A handwritten signature in cursive script that reads "Gerald A. Wine".

Gerald A. Wine  
Clerk and Recorder

OK  
M. J.

State of Montana

# County of Gallatin

Bozeman

November 18, 1988



Board of County Commissioners  
Gallatin County  
Bozeman, MT 59715

Dear Members of the Commission:

An investigation has been made as to the desirability of abandonment of a public easement in Hyalite Meadows Subdivision as requested by petition #729.

1. This subdivision was created prior to the subdivision regulations requiring roads to be constructed as a condition of final plat approval, therefore road has not been built.
2. This road easement is the only connector between Hyalite Meadows and an adjacent subdivided area known as Happy Acres.
3. If abandoned it would create a dead end road, without a cul de sac, in Happy Acres.
4. The portion of abandonment requested is only 370' in length which makes it very affordable to construct.
5. Future construction of this roadway would benefit Hyalite Meadows and Happy Acres.
6. To abandon this portion would destroy the only east-west connector of Fowler/Cottonwood between 19th and Johnson.

Sincerely,

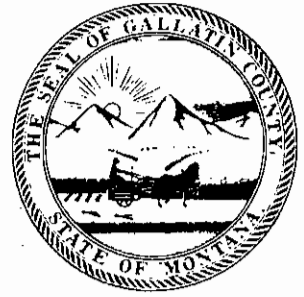
  
Ramon S. White,  
County Commissioner

  
Sam Gianfrancesco,  
Road Superintendent

State of Montana

*County of Gallatin*

Bozeman



November 22, 1988

NOTICE TO PAPER

This is to notify the public that the Board of County Commissioners ~~are~~ holding a hearing on Road Petition 729, on the 20th day of December, 1988, at 1:30 P.M. This petition is to abandon a public easement in Hyalite Meadows Subdivision.

Reason for Abandonment of this easement is for denial of access from Indian Paint Brush Drive, in Hyalite Meadows, to Cayuse Trail, in Happy Acres. If more information is desired, please contact Gale Thompson at 585-1340.



# Affidavit of Publication

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

Vivie Portnell, being duly sworn,  
deposes and says: That she is Principal Clerk  
of the Bozeman Daily Chronicle, a newspaper of general circulation,  
printed and published in Bozeman, Gallatin County, Montana; and that the  
notice hereunto annexed ( Notice to Paper - Hearing on Road  
Petition No. 729 )

has been correctly published in the regular and entire issue of every number of said paper  
for 1 consecutive insertion, the first of which publication was made on the 8th  
day of December 1988, and the last on the 8th day of December 1988

Subscribed and sworn to before me this 9th day of December 1988

Notary Public for the State of Montana, residing at

**Bozeman, Montana**  
NOTARY PUBLIC for the state of Montana  
Residing at Bozeman, Montana  
My Commission expires July 6, 1990

## Legal Notice

### NOTICE TO PAPER

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Reason for Abandonment of this easement is for denial of access from Indian Point Brush Drive, in Hyalite Meadows, to Cayuse Trail, in Happy Acres. If more information is desired, please contact Gale Thompson at 585-1340.

State of Montana

*County of Gallatin*

Bozeman



November 22, 1988

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 on Road Petition Number 729 to abandon a public easement in Hyalite Meadows Subdivision and being more particularly described as follows:

Beginning at the Northwest corner of lot 14, in Hyalite Meadows Subdivision, a public road easement 30 feet wide, thence East to the Northeast corner of lot 14 for a distance of 370 feet in Township 3 South, Range 5 East.

A hearing on the above matter has been set by the Board of County Commissioners for Tuesday, the 20th day of December, 1988, at 1:20 P.M. in the Community Room of the County Courthouse 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.

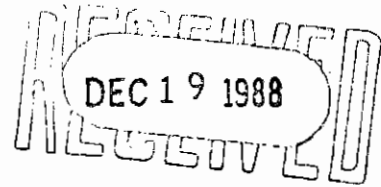
Unless a landowner or taxpayer wants to protest this petition, you are not required to attend. Attached is a copy of the Viewers Report.

Sincerely,

*Gale Thompson*

Gale Thompson  
Office Manager  
Road Office

cc:GT/mh



376 Harlingen Road  
Belle Mead, NJ 08502  
December 12, 1988

Board of County Commissioners  
Gallatin County  
Bozeman, Montana 59715

Ref: Petition #729 - Abandonment of Public Easement in  
Hyalite Meadows Subdivision

Dear County Commissioners:

We are in receipt of your letter of November 22, 1988 notifying us that a hearing has been set on the proposal to abandon the public easement in the Hyalite Meadows Subdivision, further described in your letter as Petition #729. We are opposed to the abandonment of this easement.

This easement is adjacent to our property, and we believe that to abandon it would essentially sever all east-west access for miles. The 11/18/88 report of Mr. White and Mr. Gianfrancisco included with your letter, states it much more succinctly. To maintain an easement only 370 feet in length is, in our opinion, a small price to pay for the benefits that must eventually accrue to the residents of the area and to all residents of the County.

We respectfully urge you not to abandon this easement.

Very truly yours,

Joseph B. Townsend

Suzanne G. Townsend

cc: Mark D. Refling, Esq.  
Gale Thompson, Gallatin Co. Road Office

NEED THIS FOR MEETING

ANDERSON ROAD

Jake Huttinga  
15333 Churchill Rd.  
Manhattan, MT 59741

Peter Lee Anderson  
25971 Norris Road  
Bozeman, MT 59715

Alex R. & Claire E. Kimm  
3855 Anderson Road  
Manhattan, MT 59741

HYALITE MEADOWS

Gary A. & Doris K. Head  
9258 Cayuse Trail  
Bozeman, MT 59715

Jean Love Marshall  
22 Hitching Post Road ✓  
Bozeman, MT 59715

Joseph B. & Suzanne G. Townsend ✓  
376 Harlingen Road  
Belle Meade, NJ 08502

John Michael & Paula Lang ✓  
8449 Indian Paint Brush Dr.  
Bozeman, MT 59715

Henry M. & Dianna L. Reinhart ✓  
8337 Indian Paint Brush Dr,  
Bozeman, MT 59715

P 787 078 625

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to	John Micheal Lang
Street and No.	8449 Indian Paint Brush
P.O., State and ZIP Code	BOZEMAN, MT 59715
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, June 1985

P 787 078 624

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to	Henry M. Reinhart
Street and No.	8337 Indian Paint Brush
P.O., State and ZIP Code	BOZEMAN, MT 59715
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, June 1985

P 787 078 618

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to	Jean Love Marshall
Street and No.	22 Hitching Post Rd.
P.O., State and ZIP Code	BOZEMAN, MT 59715
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, June 1985

P 787 078 620

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to	Gary A. Head
Street and No.	9258 Cayuse Trail
P.O., State and ZIP Code	BOZEMAN, MT 59715
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, June 1985

P 787 078 619

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL


(See Reverse)

Sent to	Joseph B. Touseid
Street and No.	376 Harlingen Road
P.O., State and ZIP Code	Belle Meade, NJ 08502
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	

PS Form 3800, June 1985

**SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.  
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

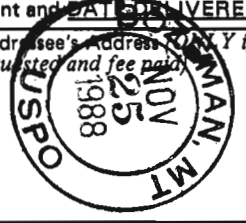
1.  Show to whom delivered, date, and addressee's address.      2.  Restricted Delivery  
 †(Extra charge)†      †(Extra charge)†

3. Article Addressed to: Henry M. Reinhart 8337 Indian Paint Brush Bozeman, MT 59715	4. Article Number P 787 078 624 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
5. Signature - Addressee X <i>Henry M. Reinhart</i>	8. Addressee's Address (ONLY if requested and fee paid) 
6. Signature - Agent X <i>[Signature]</i>	
7. Date of Delivery 11-25-88	

PS Form 3811, Mar. 1987      \* U.S.G.P.O. 1987-178-268      DOMESTIC RETURN RECEIPT

**SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.  
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.


1.  Show to whom delivered, date, and addressee's address.      2.  Restricted Delivery  
 †(Extra charge)†      †(Extra charge)†

3. Article Addressed to: John Micheal Lang 8449 Indian Paint Brush Dr. Bozeman, MT 59715	4. Article Number P 787 078 625 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
5. Signature - Addressee X <i>John M. Lang</i>	8. Addressee's Address (ONLY if requested and fee paid) 
6. Signature - Agent X <i>[Signature]</i>	
7. Date of Delivery 11-25-88	

PS Form 3811, Mar. 1987      \* U.S.G.P.O. 1987-178-268      DOMESTIC RETURN RECEIPT

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1.  Show to whom delivered, date, and addressee's address.      2.  Restricted Delivery  
 †(Extra charge)†      †(Extra charge)†

3. Article Addressed to: Jean Love Marshall 22 Hitching Post Road Bozeman, MT 59715	4. Article Number P 787 078 618 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
5. Signature - Addressee X <i>Jean Marshall</i>	8. Addressee's Address (ONLY if requested and fee paid) 
6. Signature - Agent X <i>[Signature]</i>	
Date of Delivery	

PS Form 3811, Mar. 1987      \* U.S.G.P.O. 1987-178-268      DOMESTIC RETURN RECEIPT

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1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery  
↑(Extra charge)↑ ↑(Extra charge)↑

<b>3. Article Addressed to:</b>  Joseph B. Tousem 376 Harlingen Road Belle Meade, NJ 08502	<b>4. Article Number</b> P 787 078 619 <b>Type of Service:</b> <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail  Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>
<b>5. Signature - Addressee</b> X	<b>8. Addressee's Address (ONLY if requested and fee paid)</b>
<b>6. Signature - Agent</b> X <i>Joseph B. Tousem</i>	
<b>7. Date of Delivery</b> 11/26/88	

PS Form 3811, Mar. 1987      \* U.S.G.P.O. 1987-178-268      **DOMESTIC RETURN RECEIPT**

**SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1.  Show to whom delivered, date, and addressee's address. 2.  Restricted Delivery  
↑(Extra charge)↑ ↑(Extra charge)↑

<b>3. Article Addressed to:</b>  Gary A. Head 9258 Cayuse Trail Bozeman, MT 59715	<b>4. Article Number</b> P 787 078 620 <b>Type of Service:</b> <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail  Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>
<b>5. Signature - Addressee</b> X	<b>8. Addressee's Address (ONLY if requested and fee paid)</b>
<b>6. Signature - Agent</b> X <i>Diana Marks Head</i>	
<b>7. Date of Delivery</b> 12-5-88	

PS Form 3811, Mar. 1987      \* U.S.G.P.O. 1987-178-268      **DOMESTIC RETURN RECEIPT**