

Road PETITION 733

abandonment of  
portion of Gallatin  
Street in Townsite of  
Hogan. hearing on  
April 11, 1989

No action taken

Comm Book 42 Page 189

PETITION TO ABANDON PORTION OF STREET IN

LOGAN

To the Honorable Board  
County Commissioners  
Gallatin County, Montana

Dear Members:

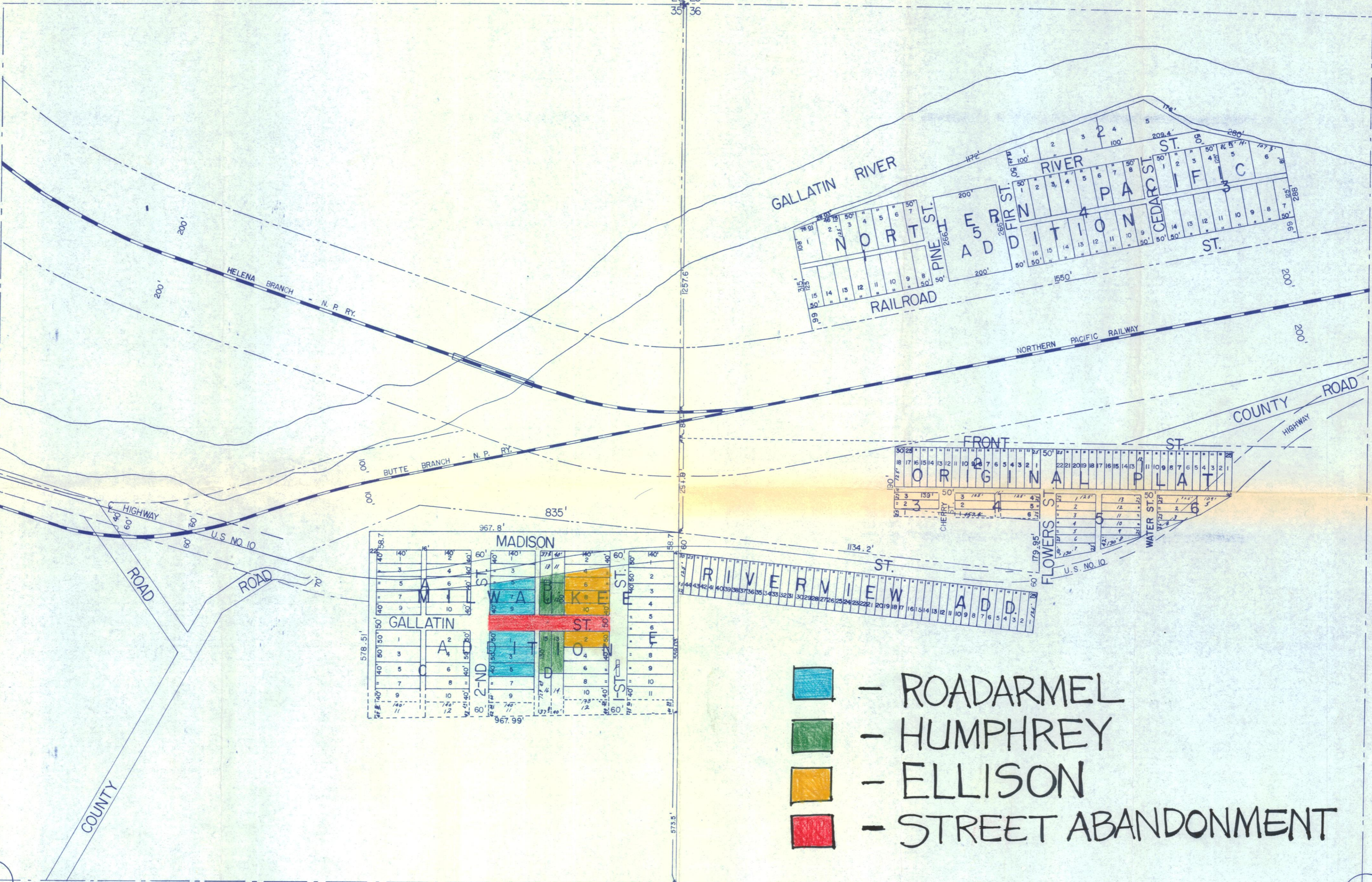
We the undersigned freeholders of Gallatin County, Montana taxable herein for road purposes do hereby petition the Board of County Commissioners to abandon a portion of Gallatin Street in the unincorporated townsite of Logan as shown in red and being more particularly described as follows:





Beginning at the intersection of Gallatin Street and 2nd Street, thence east for a distance of 357.8 feet to the point where Gallatin Street intersects with 1st Street. Width of street is 50 feet wide.

- (1) Total distance to be abandoned - 357.8 feet.
- (2) Map attached showing street to be abandoned in red.
- (3) All landowners with land along street have signed the petition.
- (4) Street has never been built.

PRINTED NAME	SIGNATURE	DATE	DESCRIPTION OF LAND OWNED BY PETITIONERS
<del>Mary J. Crowley</del>	<del>Mary J. Crowley</del>	<del>11-22-88</del>	<del>PT 5/2 lots, all lots 7+9 BIK B Milwaukee Add. Logan</del>
✓ Mary Louise Houser	Mary Louise Houser	11-22-88	same
✗ JACK O Roadarmel	Jack Roadarmel	11-22-88	lots 1,3,4,5 BIK B
✗ Irene L. Roadarmel	Irene L. Roadarmel	11-22-88	SAME
✗ Mildred I ELLISON	Mildred I. Ellison	11-29-88	LOT-2-BIK B 4-6-8-10 BIK B
✗ John E Humphrey	John E. Humphrey	12-6-88	LOT 14-12 BIK B
✗ Maxine M. Humphrey	Maxine M. Humphrey	12-6-88	Same
✓ Henry W. Hays	HENRY W. HAYS	12-16-88	
✓ Abbie T. Hays	ABBIE T. HAYS	12-20-88	
✓ J.D. Karlstrom	J.D. KARLSTROM	12-20-88	
✓ Doris Karlstrom	DORIS M. KARLSTROM	12-20-88	

26 25  
35 36



-  - ROADARMEL
-  - HUMPHREY
-  - ELLISON
-  - STREET ABANDONMENT

PLAT OF  
LOGAN

GALLATIN COUNTY, MONTANA

SCALE 1" = 200'

35

36

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

**Statement of Purpose:** Petition to abandon a portion of Gallatin Street in the unincorporated townsite of Logan.

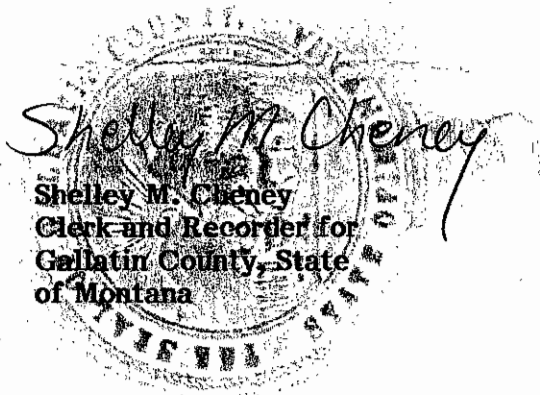
**Legal Description:** Beginning at the intersection of Gallatin Street and 2nd Street, thence east for a distance of 357.8 feet to the point where Gallatin Street intersects with 1st Street. Width of street is 50 feet wide.

- (1) Total distance to be abandoned - 357.8 feet.
- (2) Map attached showing street to be abandoned in red.

STATE OF MONTANA )  
                              ) ss  
County of Gallatin )

I, Shelley M. Cheney, 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 7-14-2616 M.C.A. 1987, it contains the signatures of all owners of lots on the proposed abandonment of Gallatin Street in the townsite of Logan, Gallatin County, Montana.

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 12 day of January 19 89, A.D.



*Shelley M. Cheney*  
Shelley M. Cheney  
Clerk and Recorder for  
Gallatin County, State  
of Montana

State of Montana

# County of Gallatin

Bozeman



February 21, 1989

Board of County Commissioners  
Gallatin County  
Bozeman, MT 59715

Dear Board:

On February 13, 1989, the undersigned, being duly appointed as viewing committee, viewed that portion of Gallatin Street in the unincorporated townsite of Logan beginning at the intersection of Gallatin Street and 2nd Street, thence east for a distance of 357.8 feet to the point where Gallatin Street intersects with 1st Street, said street being a width of 50 feet, which has been petitioned to be abandoned.

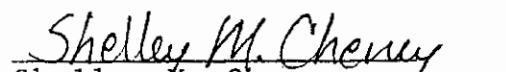
The viewing committee finds that no owner is land locked and all have access to their properties from either 1st Street or 2nd Street. The Humphreys own Lots 11-13, Block B, and Lots 7-16, Block D, Milwaukee Addition, and have their garage access located on the portion of Gallatin Street which is being petitioned for abandonment, specifically, Lots 13-15 of Block D.

The viewing committee's concerns are as follows:

- 1) If Gallatin Street were to be abandoned as petitioned, most likely Humphreys would not be allowed an encroachment permit from the State Highway Department.
- 2) If abandoned, would this create a hardship for Humphreys cutting off access to their garage?
- 3) The viewing committee observed mail delivery which uses Gallatin Street. If abandoned, the mail route would have to be changed and all mail boxes would have to be moved possibly creating a hardship for all landowners.

The viewing committee recommends that the petition to abandon a portion of Gallatin Street be denied until the above concerns can be answered.

  
Jane Jelinski  
County Commissioner

  
Shelley M. Cheney  
Clerk & Recorder/Surveyor

The viewing committee's major concern is that the vacation of Gallatin Street would result in Lots 12 and 14 of Block B and Lots 13 through 16 of Block D not being allowed access to the property. Because of this concern, the petitioners need to come up with the necessary easements so no parcel becomes land-locked.

State of Montana

*County of Gallatin*

Bozeman



February 27, 1989

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 733 to abandon a portion of Gallatin Street in the unincorporated townsite of Logan, beginning at the intersection of Gallatin Street and 2nd Street, thence East for a distance of 357.8 feet to the point where Gallatin Street intersects with 1st Street, said street being a width of 50 feet.

A copy of the viewing committee report is attached. As an adjoining landowner, please address the committee's concerns. Please be able to answer these concerns at the hearing.

A hearing on the above has been set by the Board of County Commissioners for Tuesday the 11th day of April, 1989 at 1:30 P.M. in the community room of the county courthouse in Bozeman, Montana at which time all persons interested may make objections or offer suggestions.

Sincerely,

*Gale Thompson*  
Gale Thompson  
Office Manager

GT/mh

John E. Humphrey  
12050 Gallatin Street  
Manhattan, MT 59741

Mildred I. Ellison  
140 First Street  
Manhattan, MT 59741

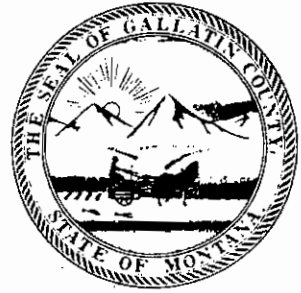
Jack L. Roadarmel  
12070 Gallatin Street  
Manhattan, MT 59741



State of Montana

*County of Gallatin*

Bozeman



February 27, 1989

NOTICE TO PAPER

This is to notify the public that the Board of County Commissioners is holding a hearing on Road Petition Number 733, on the 11th day of April, 1989 at 1:30 P.M. in the community room of the county courthouse in Bozeman, Montana.

This petition is to abandon a portion of Gallatin Street in the unincorporated townsite of Logan, beginning at the intersection of Gallatin Street and 2nd Street, thence East for a distance of 357.8 feet to the point where Gallatin Street intersects with 1st Street, said street being a width of 50 feet.

Interested parties can view the petition at the Road Office before the hearing.

# Affidavit of Publication

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

Vivie Portnell, being duly sworn,  
deposes and says: That s/he 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. 733 ) ,

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 7th  
day of March 1989, and the last on the 7th day of March 1989

Subscribed and sworn to before me this 7th day of March 1989

Quibel Bennett  
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

This is to notify the public that the Board of County Commissioners is holding a hearing on Road Petition Number 733, on the 7th day of April 1989 at 1:30 pm in the Community Room of the County Courthouse in Bozeman, Montana. This petition is to abandon a portion of Gallatin Street in the unincorporated townsite of Logan, beginning at the intersection of Gallatin Street and 2nd Street, thence East for a distance of 357.8 feet to the point where Gallatin Street intersects with 1st Street, said street being a width of 50 feet. Interested parties can view the petition at the Road Office before the hearing. Publish March 7, 1989.

State of Montana

*County of Gallatin*

Bozeman



May 15, 1989

Mr. John E. Humphrey  
12050 Gallatin Street  
Manhattan, MT 59741

Dear John and Maxine,

I need more information in order to write up an easement between you and Mrs. Ellison. Attached is a map of Logan. Would you contact Mrs. Ellison and then indicate where the easement will be. It should be thirty feet wide.

If you have more questions please call me at 585-1340.

Sincerely,

*Gale Thompson*  
Gale Thompson  
Office Manager

GT/mh

State of Montana

*County of Gallatin*

Bozeman



July 12, 1989

Mr. Jack L. Roadarmel  
12070 Gallatin Street  
Manhattan, MT 59741

Dear Mr. Roadarmel:

Enclosed is a copy of the Deputy County Attorney's letter concerning the abandonment of a portion of Gallatin Street in Logan. As suggested in Mr. Wolf's letter, it is apparent that the private parties involved will need to redesign and properly describe an easement.

I'm enclosing a copy of the agreement I wrote which could be used except for the legal description.

Please contact Mr. Humphrey and Mrs. Ellison in regard to this abandonment. Please advise me or the Board of County Commissioners by letter if you wish to continue this petition or have the petition discontinued.

Sincerely,

  
Gale Thompson  
Office Manager

GT/mh

cc: Mr. John Humphrey  
Mrs. Mildred Ellison  
County Commissioners

# GALLATIN COUNTY

## OFFICE OF THE ATTORNEY

615 SOUTH 16th AVENUE  
LAW AND JUSTICE CENTER  
BOZEMAN, MONTANA 59715  
TELEPHONE: (406) 585-1410

**MIKE SALVAGNI**  
COUNTY ATTORNEY



June 26, 1989

Gale Thompson  
Road Office  
Courthouse  
Bozeman, MT. 59715

Dear Gale:


I have reviewed the agreement for Reciprocal 40 Foot Road Easement which you delivered to our office for review. In view of the fact that the easement is being proposed as a means to overcome objections of the Gallatin County Commissioners to the abandonment of Gallatin Street between first street and second street in Logan, Montana, it has been reviewed to determine whether it is adequate to create an easement which would provide access to the lots which would be cut off by the abandonment of that section of road way.

I first note that the description of the easement is not adequate to describe an area which may be traveled which is 40 feet wide. It describes a starting point and then proceeds to describe a line to an ending point. However, it does not specify whether the easement is to exist for 40 feet north of this line, 40 feet south of this line or any number of feet on either side of the line. Therefore, I find that the description is inadequate to create a road easement. I further looked at the map of Logan which was in the file you delivered. The abandonment of the roadway, would extend lots on either side by 25 feet or half the 50 foot width of the road. If the easement does not reach to within 25 feet of the north lot lines of lots 13 and 15 of Block D it will not provide adequate access to those lots.

It is apparent that the private parties involved will need

to redesign and properly describe an easement. Let me know if any other proposals are made which require our review.

Sincerely,



Duke R. Wolf  
Deputy  
Gallatin County Attorney

hb

cc: Gallatin County Commissioners  
Shelley Cheney

P 787 078 639

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to	Jack L. Roadarmel
Street and No.	18070 Gallatin Street
P.O., State and ZIP Code	Manhattan, Montana 59741
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 787 078 638

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to	Mildred I. Ellison
Street and No.	140 First Street
P.O., State and ZIP Code	Manhattan, Montana 59741
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 787 078 637

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED  
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to	John E. Humphrey
Street and No.	12050 Gallatin St.
P.O., State and ZIP Code	Manhattan, Mont 59741
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.  Restricted Delivery  
 †(Extra charge)† †(Extra charge)†

3. Article Addressed to: <i>Mildred I ELLISON 140 FIRST STREET Manhattan, Montana 59741</i>	4. Article Number <i>P 787 078 638</i>
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>	
5. Signature - Addressee <i>X Mildred I. Ellison</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <i>X</i>	
7. Date of Delivery <i>2-28-89</i>	

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.

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 †(Extra charge)† †(Extra charge)†

3. Article Addressed to: <i>Jack L. Roadarmel 12070 Gallatin Street Manhattan, Montana 59741</i>	4. Article Number <i>P 787 078 639</i>
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>	
5. Signature - Addressee <i>X Jack L. Roadarmel</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <i>X</i>	
7. Date of Delivery <i>2-28-89</i>	

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

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 †(Extra charge)† †(Extra charge)†

3. Article Addressed to: <i>John E. Humphrey 12050 Gallatin Street Manhattan, Mont 59741</i>	4. Article Number <i>P 787 078 637</i>
	Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail
Always obtain signature of addressee or agent and <b>DATE DELIVERED.</b>	
5. Signature - Addressee <i>X John E. Humphrey</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent <i>X</i>	
7. Date of Delivery <i>3-3-89</i>	

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