Road Petition 736 abandonment of Roads IN Boyd Subdivision Dated 9/13/90 petition Granted This date

Comm Book 42 Page 271

JAMES C. BOYD SUBDIVISION \$89°42'E 690.0 30 0300 13 40.5 650.5 ROADWAY 660,0 620.5 600.0 D30 300 560.5 450.4 SO.034 S00030"E (NOT A PART OF THIS SURVEY) JAMES E. DERBY 630.0 630.0 (OWNER LOT 1) 7.8512 A 7.7639 A. (2) ROADWAY 2.1488 A ROADWAY 2.1361A 10.0000 A. 9.9000A 1940 413 16604 9.661 199.6 SEASEMENT 30 300 600.0 570.0 POADWAY 0000 FACEMENT 30 30 300 600.0 570.0 800T, 030 300 30 30 8305, ROADWAY (NOT A PART OF THIS SURVEY) JAMES E DERBY (OWNER LOT 8) M,60.0 8.2645 A. 8.2645 A. 0.099 (7) 8) 0.099 ROAD ROADWAY-1.7355 A. ROADWAY _1.7355 A. 10.000 A. 10.0000 A W.60.0 TRACT 3 TRACT 6000 ш 60.0N ROADWAY 26 150.0 ROADWAY 6 (5) 22,500 S.F. 22,500 S.F. 22,500 S.F. 22,500 S.F. (NOT A PART OF THIS SURVEY) 300.0 300.0 YVONNE M. PATTEE (10) 9 (OWNERS LOT9) 45,000 S.F. 45,000 S.F. 8.2645 A. 9 300.0 ROADWAY-1.7355 A. ROADWAY 09091 A. 10.0000A. 10.000 A. (12) (11) 45,000 S.F. . 45,000 S.F. 1.8340A 150.0 (3) (4) (2 22,500 S.F. 22,500 630.0 \$89°42'E. 660.0 ROADWAY EASEMENT 150 7 3 6 **5** 24375 21,375 21,375 21,375 (12) ARTIFICAL S0°09'W 681.8 21, 294 S.F. 21,375 S.F. 8.0 722 A. 7.7980 ROADWAY 2.1 3 1 3 A. (16) TRACT 300.0 ROADWAY - 2.6154 A. 10.2635 A. 10.4134A. 41,810 139.7 3 23,759 24,825 24,791 588,4 36 650,0 EASEMENT ROADWAY 1350.0 SECT., 35, T25, R5E. SECT., 2, T35, R5E. POINT OF BEGINNING . N89°45' W STATE OF MONTANA)

PETITION TO ABANDON PORTIONS OF STREETS IN BOYD SUBDIVISION

December 11, 1989

To the Honorable Board of 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, pursuant to Section 7-14-2601, MCA to abandon portions of road easements in Boyd Subdivision and being more particularly described as follows:

Starting at a point which is North 89° 45' West, a distance of 1,379.20 feet along the South line of said Section thirty-five (35) from the Southeast corner of Section thirty five, Township two (2) South, Range five (5) East; Thence North 00° 09' East, 60 feet to the point of beginning. Abandonment of tract one is North 00° 09' East for 593 feet and sixty feet (60') wide as shown on attached James C. Boyd Subdivision map. Tract two (2) to be abandoned begins North 00° 09' East 60 feet from North line of tract one; Thence North 00° 09' East 1260 feet and sixty feet (60') wide as shown on attached map. Tract three (3) to be abandoned is sixty feet (60') wide and begins at the Northwest corner of parcel Number 10 and the Southwest corner of parcel number 7, in James C. Boyd Subdivision; Thence South 89° 42' East 600 feet. Total distance to be abandoned is 2453 feet.

- 1. Roads to be abandoned are shown in red on the attached drawing.
- 2. The necessity for and the advantage of the petitioned action as described above is as follows:
 - (a) Abandonment of these roads will allow better planning of the area, also amended plat is attached.
- All adjacent landowners have signed the petition requesting this abandonment.

| Last Name | Signature | Date | Description of Land ned by Petitioners |
|---------------------------------------|--|----------------|--|
| VCENTER | Ray W. Center | 12-14-89 | 1213 N. PINECIZEST OR BOBEMAN, MM |
| · | | | |
| Boyd. | Sames C. Boy & - | 12-15-29 | Tract 2, 7, and 10 4 + cept last 3-4 tract 10 Procts 2, 7 + 10 |
| BOYD | Helen M. Boyd | 12-15-89 | Practs 2, 7 + 10 Except lots 3 + 4 in Pract 10 |
| WISON | anus Olm | | Lot 3R. Truck 15 |
| 6150N | Virginia a Offin | | Lot 58 Great 15 |
| La Plant | Danald la Plant | 1 | Tract 15 + 10 W. |
| Janbu | De H. Tinde | | lot AR Block 15 |
| Le texson | Carl B. Seturo | 1 ' | Lot 3 4 4 Tract 10 |
| Peterson | Jeannene M. Lettison | 1 | Fot 3+4. tract 10 |
| Giangrancisco | Barbar Minifrancisa | | Lot West of Tract 7 |
| SANFAHIVEISCO | Samo I. Limbonion | | Let west of Tract 7 |
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CERTIFICATE OF THE COUNTY CLERK AND RECORDER RELATING TO QUALIFICATIONS OF THE SIGNERS

Statement of Purpose: to abandon portions of road easements in Boyd Subdivision.

Legal Description:

Starting at a point which is North 89° 45' West, a distance of 1,379.20 feet along the South line of said Section thirty-five (35) from the Southeast corner of Section thirty five, Township two (2) South, Range five (5) East; Thence North 00° 09' East, 60 feet to the point of beginning.

Abandonment of tract one is North 00° 09' East for 593 feet and sixty feet (60') wide as shown on attached James C. Boyd Subdivision map.

Tract two (2) to be abandoned begins North 00° 09' East 60 feet from North line of tract one; Thence North 00° 09' East 1260 feet and sixty feet (60') wide as shown on attached map.

Tract three (3) to be abandoned is sixty feet (60') wide and begins at the Northwest corner of parcel Number 10 and the Southwest corner of parcel number 7, in James C. Boyd Subdivision;

Thence South 89° 42' East 600 feet.

Total distance to be abandoned is 2453 feet.

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 7-14-2601 M.C.A. 1989, it contains the signatures of 11 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

23 day of January 19 90 , A.D.

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

NOTICE OF PUBLIC HEARING PRELIMINARY SUBDIVISION PLAT REVIEW

NOTICE IS HEREBY GIVEN of a public hearing before the Gallatin County Commission on February 13, 1990, at 1:30 p.m., Community Room, Gallatin County Courthouse, 311 West Main Street, Bozeman, Montana, pursuant to the requirements of the Gallatin County Subdivision Regulations.

The purpose of the public hearing is to consider the preliminary amended plat application for part of Block 10, James C. Boyd Subdivision, located in the Southeast Quarter of Section 35, T2S, R5E, P.M.M., Gallatin County, Montana. The property is more commonly described as being approximately one-quarter mile northwest of the intersection of South 19th Avenue and Johnson Road, and just north of Cattle Drive. The developer, Mr. James C. Boyd, is proposing to aggregate ten lots in Block 10 into one 8.63 acre lot, and vacate portions of roadway easements.

Public testimony concerning this application will be taken at the hearing. Questions or comments regarding this application may be addressed to the Bozeman City-County Planning Office. Maps and related data regarding the application may be reviewed in the office of the Bozeman City-County Planning Staff, 35 North Bozeman Avenue, 586-3321, Ext. 227.

Andrew C. Epple Planning Director

PLEASE PUBLISH TUESDAY, JANUARY 23, 1990 -- DISPLAY AD

County of Gallatin

Bozeman



NOTICE TO PAPER

This is to notify the public that the Board of County Commissioners is holding a public hearing on Road Petition 736 on the 13th day of February, 1990, at 1:30 p.m., Community Room, Gallatin County Courthouse, 311 West Main Street, Bozeman, Montana, pursuant to section 7-14-2601, MCA to abandon portions of public roads in Boyd Subdivision.

The necessity for and the advantage of this petitioned action as described above is as follows:

1. Abandonment of these public roads will allow better planning of the area as the developer, Mr. James C. Boyd is proposing to aggregate ten lots in Block 10 into one 8.63 acre lot.

Public Testimony concerning this petition will be taken at the hearing.

Gale Thompson Road Office Manager

PLEASE PUBLISH WEDNESDAYS FEBRUARY 7, 1990

Affidavit of Publication

| STATE OF MONTANA, County of Gallatin, Vivie Portnell being duly sworn | tana, pursuant to section 7-14- 2601, MCA to abandon por- tions of public roads in Boyd Subdivision. The necessity for and the advantage of this petitioned action as described above is as follows: |
|--|---|
| deposes and says: That she is Principal Clerk of the Bozeman Daily Chronicle, a newspaper of general circulation, | Abandonment of these public roads will allow better planning of the area as the developer, Mr. James C. Boyd, is proposing to aggregate ten lots in Block 10 into one 8.63 |
| printed and published in Bozeman, Gallatin County, Montana; and that the notice hereunto annexed (Public Hearing Notice - re: Road Petition 736 | acre lot. Public testimony concerning this petition will be taken at the hearing. |
| has been correctly published in the regular and entire issue of every number of the consecutive insertion , the first of which publication w | $\overline{}$ |
| day of February 1990, and the last on the 7th day | timitus! |
| Subscribed and sworn to before me this | Bennett |

hid DATY PHOLIC for the state of Montana Rational a Boxeman, Memena My Commission expires July 6, 1990

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

Legal Notice

NOTICE TO PAPER
This is to notify the public that the Board of County Commissioners is holding a public hearing on Road Petition 736 on the 13th day of February, 1990, at 1:30 p.m., Community Room, Gallatin County Courthouse, 311 West Main Street, Bozeman, Montana, pursuant to section 7-14-

County of Gallatin





February 2, 1990

Board of County Commissioners Gallatin County Bozeman, MT 59715

Dear Board:

On February 2, 1990, the undersigned, being duly appointed as viewing committee, viewed roadway easements within James C. Boyd Subdivision located in the Southeast Quarter of Section 35, Township 2 South, Range 5 East, P.M.M., Gallatin County, Montana, which have been petitioned to be abandoned by road petition Number 736.

The viewing committee observed that the proposed abandoments would create better planning of the area, and could not find where any landowners would become landlocked by the proposed abandonment.

The viewing committee recommends the petition be granted after the following conditions are met.

- The roadway easements in question become dedicated roads so the County Commissioners could consider abandoning dedicated roads instead of roadway easements.
- 2. Mr. James C. Boyd, the developer of the subdivision, amend the subdivision aggregate lots so that no lots become landlocked if the abandonment is granted.

Sincerely,

Jane Jelinski

County Commissioner

Shelley M. Cheney

Clerk & Recorder & Surveyo

County of Gallatin

Bozeman

February 5, 1990

NOTICE TO PETITIONERS & ADJOINING LANDOWNERS

This to to notify you that the Board of County Commissioners have accepted the report of the Board of Viewers on Road Petition No.736. This petition is to abandon portions of roads in Boyd Subdivision.

A hearing on the above matter has been set by the Board of County Commissioners for Tuesday the 13th day of February, 1990 at 1:30 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 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 5th day of February, 1990 at Bozeman, Montana.

Sincerely,

LIOUR INDIMANA Road Office Manager

GT:qt

Encl: Copy of Viewers Report

County of Gallatin





NOTICE TO PETITIONERS AND ADJOINING LANDOWNERS

This is to notify you that the Board of County Commissioners held a hearing on Road Petition Number 736 on Tuesday the 13th day of February at 1:30 P.M. in the Community Room of the County Courthouse in Bozeman Montana.

Because all conditions have been met, as recommended by the viewing committee, the board abandon the dedicated roads as petitioned for.

Sincerely,

[] ale | Montgu Road Office Manager

PETITION NO 736 LAND OWNERSHIP

Donald L. LaPlant 6133 S. 19th Road Bozeman, Montana 59715

Sam & Barbara Gianfrancisco 5150 Bigelow Road Bozeman, Montana 59715

James C. Boyd 5273 Bigelow Road Bozeman, Montana 59715

Oscar E. & Virginia A. Olson 6266 Cattle Drive Bozeman, Montana 59715

Roy H. Tunby, Jr. 6255 Johnson Road Bozeman, Montana 59715

RECEIPT FOR CERTIFIED MAIL P 787 078 605

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
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PS Form 3800, June 1985

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| orm 3811, Mar. 1987 * U.S.G.P.O. 1987-178-268 | DOMESTIC RETURN RECEIPT |
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| Donald L. LaPlant | AND THE CONTRACTOR OF THE PARTY |
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| 1990 | Always obtain signature of addressee , or agent and DATE DELIVERED. |
| 5. 9 gnature - Addressee XX 6. Signature - Agent X 7. Date of Delivery | 8. Addressee's Address (ONLY if requested and fee paid) |
| PS Form 3811, Mar. 1987 * U.S.G.P.O. 1987-178-268 | DOMESTIC RETURN RECEIPT |
| SENDER: Complete items 1 and 2 when additional s and 4. Put your address in the "RETURN TO" Space on the reve card from being returned to you. The return receipt fee delivered to and the date of delivery. For additional fees t postmaster for fees and check box(es) for additional servicel 1. Show to whom delivered, date, and addressee's addressee. | ervices are desired, and complete items 3 res side. Failure to do this will prevent this will provide you the name of the person he following services are available. Consult (s) requested. is. 2. Restricted Delivery |
| SENDER: Complete Items 1 and 2 when additional s and 4. Put your address in the "RETURN TO" Space on the reve card from being returned to you. The return receipt fee delivered to and the date of delivery. For additional fees t postmaster for fees and check box (es) for additional services. | ervices are desired, and complete items 3 rese side. Failure to do this will prevent this will provide you the name of the person he following services are available. Consult is) requested. |
| SENDER: Complete Items 1 and 2 when additional s and 4. Put your address in the "RETURN TO" Space on the reverser from being returned to you. The return receipt feed delivered to and the date of delivery. For additional fees to postmaster for fees and check box(es) for additional services 1. Show to whom delivered, date, and addressee's address of (Extra charge) | ervices are desired, and complete items 3 rese side. Failure to do this will prevent this will provide you the name of the person he following services are available. Consult is requested. 2. Restricted Delivery 1/Extra charge)1 4. Article Number P 787 078 648 |
| SENDER: Complete Items 1 and 2 when additional s and 4. Put your address in the "RETURN TO" Space on the reverse of from being returned to you. The return receipt feed delivered to and the date of delivery. For additional fees to postmaster for fees and check box(es) for additional services 1. D Show to whom delivered, date, and addressee's address of (Extra charge) 1. 3. Article Addressed to: Oscar E. & Virginia A. Olson 6266 Cattle Drive | ervices are desired, and complete items 3 res side. Failure to do this will prevent this will provide you the name of the person he following services are available. Consult (s) requested. 2. Restricted Delivery 1 (Extra charge)? 4. Article Number P 787 078 648 Type of Service: Registered Insured Certified COD |