

Road Petition 738

Abandon portion of
Portnell Road.

Granted 11/27/90

Comm Book 42 Page 355

PETITION TO ABANDON A PORTION

OF PORTNELL ROAD

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 a portion of Portnell Road and being more particularly described as follows:

Beginning at the east $\frac{1}{4}$ corner of section 30, Township 3 south, Range 5 east, which is also the point of beginning for the abandonment, thence west 3,995.5 feet.

1. Total distance to be abandoned is 3,995.5 feet.
2. Road to be abandoned is shown in red on the attached drawing.
3. The necessity for and the advantage of the petitioned action as described above is as follows:
 - a. Abandonment of this portion of portnell Road will financially save Gallatin County tax dollars in the future.
 - b. Also it will remove an old dirt road from the County Road system.

PRINT Last Name	Signature	Date	Description of Land Owned by Petitioners
Sabo	John Sabo	10/6/90	12670 Portnell Rd.
✓ FIEMING	John Fleming	10/6/90	2081 Little Bear
✓ FIEMING	Edwin Fleming		2081 Little Bear
Huttinga	Richard Huttinga	10/6/90	1990 Little Bear
✓ Reiser	Robert R. Reiser		15551 Portnell Rd
✓ REISER	ROBERT R. REISER		13941 PORTNELL RD.
Badgley	Bruce Badgley		600 Little Bear Rd
13. Badgley	CB		Little Bear Rd
Les	JAMES R		3070 THORPE RD.
✓ Palmer	Kathy Palmer	10/6/90	1072 Little Bear Rd
Palmer	John R Palmer	10/6/90	1072 Little Bear Rd
Holwegner	Don Holwegner	10/6/90	717 E. Gallatin
✓ Segmiller	Mitch Segmiller	10-6-90	Portnell Rd.
✓ Segmiller	Kyle Segmiller	10-6-90	Portnell Rd.
✓ Thomas	Linda Thomas	10-8-90	2330 Indigo Rd.
Wienda	Carl Wienda	10-8-90	112 Arrowhead Rd.
✓ Thomas	Paul Thomas	10-8-90	2330 Indigo Rd.

30

15515

15000

PORTNELL ROAD



State of Montana

County of Gallatin

Bozeman



November 15, 1990

Board of County Commissioners
Gallatin County
Bozeman, MT 59715

Dear Board:

On November 14, 1990, the undersigned, being duly appointed as viewing committee, viewed a portion of Portnell Road located in Section 30, T3S, R5E, which has been petitioned to be abandoned by road petition #738.

The viewing committee observed the following:

1. At the present time the right of way consists of 30' in width which does not meet County standards.
2. The topography of the land limits acquiring right of way because the area is on a very steep hillside. The viewing committee sees widening the road to County standards as financially infeasible. Even if the road were brought up to County standards by purchasing an additional 30' and widening the road, the topography of the land and right of way is so steep that it would not be in the public's interest when considering the safety factor.
3. No landowners would be landlocked by the proposed abandonment and the public would not be denied access to public lands if the proposed abandonment were to be granted.

The viewing committee recommends the road be abandoned as petitioned in road petition #738 and would suggest that in the future, should development occur, a more appropriate placement of a road connecting Portnell Road to Little Bear Road would be across the north half of Section 30, T3S, R5E.

Sincerely,


Jane Jelinski
County Commissioner


Shelley M. Cheney
Clerk & Recorder/Surveyor

State of Montana

County of Gallatin

Bozeman

November 19, 1990



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, Jane Jelinski, County Commissioner and Shelley Cheney, Clerk & Recorder-Surveyor, on Road Petition No. 738. This petition is to abandon a portion of Portnell Road and being more particularly described as follows:

Beginning at the East $\frac{1}{4}$ Corner of Section 30, Township 3 South, Range 5 East, which is also the point of beginning for the abandonment, thence West 3,995.5 feet.

Total distance to be abandoned 3,995.5 feet.

A hearing on the above matter has been set by the Board of County Commissioners for Tuesday the 27th day of November, 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 19 day of November 1990 at Bozeman, Montana.

Sincerely,

Gale Thompson

Gale Thompson
Road Office Manager

GT:gt

Encl: copy of viewers report

State of Montana

County of Gallatin

Bozeman



NOTICE TO PAPER

This is to notify the public that the Board of County Commissioners is holding a hearing on Road Petition Number 738 on the 27th day of November, 1990 at 1:30 p.m.. in the Community Room of the old courthouse. This petition is to abandon a portion of Portnell Road and being more particularly described as follows:

Beginning at the East $\frac{1}{4}$ corner of Section 30, Township 3 South, Range 5 East, which is also the point of beginning for the abandonment; thence West 3,995.5 feet.

Reasons for abandonment of this county road are as follows;

- (1) Abandonment of this portion of Portnell Road will financially save Gallatin County tax dollars in the future.
- (2) Also it will remove an old dirt road from the county road system.

publish Nov 22, 1990

Affidavit

STATE OF MONTANA
 SS:
 COUNTY OF GALLATIN

Devon Ann Sorlie, residing at Belgrade, Montana, County of Gallatin, State of Montana, being duly sworn, says she is the Principal Clerk of *The High Country Independent Press*, a newspaper published weekly at Belgrade, Montana, State of Montana, and the annexed notice was published in the said *High Country Independent Press* each week forconsecutive week(s), commencing on the²² day of^{Nov}....., 19 ⁹⁰.....

Devon Ann Sorlie _____ Principal Clerk

Sworn to before me this²⁷.....day of^{Nov}....., 19 ⁹⁰.....

Devon Ann Sorlie _____ Notary Public, Gallatin County, Montana
 Notary Public, State of Montana

Residing at: *Gallatin*
 My Commission expires: *7-7-92*

220 S. Broadway

(406) 388-6762

PUBLIC NOTICE

PUBLIC NOTICE

This is to notify the public that the Board of County Commissioners is holding a hearing on Road Petition Number 738 on the 27th day of November, 1990 at 1:30 p.m. in the Community Room of the old courthouse. This petition is to abandon a portion of Portnell Road and being more particularly described as follows:

Beginning at the East 1/4 corner of Section 30, Township 3 South, Range 5 East, which is also the point of beginning for the abandonment; thence West 3,995.5 feet.

Reasons for the abandonment of this county road are as follows:

- 1) Abandonment of this portion of Portnell Road will financially save Gallatin County tax dollars in the future.
- 2) Also it will remove an old dirt road from the county road system.

Published 11/29/90

State of Montana

County of Gallatin

Bozeman

November 29, 1990



NOTICE TO PETITIONERS & ADJOINING LANDOWNERS

This is to notify you that the Board of County Commissioners held a hearing on Road Petition Number 738 on November 27, 1990. This petition is to abandon a portion of Portnell Road.

At this hearing the Board of County Commissioners granted the request of the petitioners to abandon a portion of Portnell Road.

Sincerely,

Gale Thompson
Gale Thompson
Office Manager

GT:gt

TUESDAY THE 27th DAY OF NOVEMBER 19 90

FORM 12187-ARTCRAFT PRINTERS, GREAT FALLS

OFFICE OF COUNTY COMMISSIONERS
BOZEMAN, MONTANA

November 21, 1990

Commissioner White met with Mary Kay Peck - Subdivision Review Officer and Shelley Cheney-Clerk & Recorder regarding updating the county RID policy.

Received two A-101 forms totaling \$7.00 to the credit of various funds.

November 22, 1990

Holiday - Thanksgiving

November 23, 1990

Holiday - Heritage Day

Gale Thompson, County Road Office, explained a petition to abandon a portion of Portnell Road located in Section 30, T3S, R5E. Ramon S. White stated the commission received the Affidavit of Publication and also reported letters were sent to all adjoining landowners regarding the road abandonment. The viewing committee observed the following: 1.) At the present time the right of way consists of 30' in width which does not meet County standards. 2.) The topography of the land limits acquiring right of way because the area is on a very steep hillside. The viewing committee sees widening the road to County standards as financially infeasible. Even if the road were brought up to County standards by purchasing an additional 30' and widening the road, the topography of the land and right of way is so steep that it would not be in the public's interest when considering the safety factor. 3.) No landowners would be landlocked by the proposed abandonment and the public would not be denied access to public lands if the proposed abandonment were to be granted. The viewing committee recommends the road be abandoned as petitioned in road petition #738 and would suggest that in the future, should development occur, a more appropriate placement of a road connecting Portnell Road to Little Bear Road would be across the north half of Section 30, T3S, R5E. Mr. Bob Reiser stated that he and Tom Sabo will grant a recorded easement to neighbors, if the abandonment is granted. Motion by Jane Jelinski to abandon that portion of Portnell Road, as described in Road Petition #738. Seconded by A. D. Pruitt. None voting nay. Motion carried.

Gale Thompson, County Road Office, explained a petition to abandon the North 120' of Adams Street in Gallatin Gateway. Ramon S. White stated the commission did receive the Affidavit of Publication and also reported letters were sent to all adjoining landowners regarding the road abandonment. The viewing committee observed that the proposed abandonment would not deny access to public lands and could not find where any landowners would become landlocked by the proposed abandonment. Since all landowners who own property next to the proposed abandonment have signed the petition, the viewing committee recommends the street be abandoned as petitioned in Road Petition #739. Motion by A. D. Pruitt to abandon that portion of Adams Street as petitioned in Road Petition #739. Seconded by Jane Jelinski. None voting nay. Motion carried.

Mr. Jack Greenway, President of the Bozeman Rifle Club, proposed that the affore mentioned club would like to construct and donate to the County an indoor shooting range to be located at the Gallatin County Fairgrounds and maintained as a public facility. The Bozeman Rifle Club has \$150,000.00 which the State Wildlife and Parks will match dollar for dollar, with construction to begin June 1, 1992. David Peterson, a Bozeman Policeman, Dale Holiday, from the Manhattan Wildlife Association, Clark Robinson, and Norm Wallin and several petitions endorsed the proposal. Ramon S. White read a letter from the Gallatin County Fair Board gladly accepting the building as a gift and stating they will accept the responsibility of managing and maintaining the facility. Motion by Jane Jelinski for the Bozeman Rifle Club to construct and donate an indoor shooting range. Seconded by A. D. Pruitt. None voting nay. Motion carried.

Randy Johnson, Assistant County Planner, stated Clarence Flikkema has claimed the occasional sale exemption. Mr. Flikkema certified that an occasional sale has not been taken from this tract or contiguous tracts within the past twelve (12) months, and that the original tract was not created through the use of the occasional sale exemption or family transfer exemption. From the information submitted, this appears to be a proper use of the exemption. Motion by Jane Jelinski to approve the occasional sale exemption for Mr. Clarence Flikkema. Seconded by A. D. Pruitt. None voting nay. Motion carried.

Randy Johnson, Assistant County Planner, stated that California Surfing Products, Inc. and Big Sky of Montana have claimed the relocation of common boundaries exemption. The purpose of the relocation is to acquire additional land. Appropriate deeds have been submitted, and no additional parcels are being created. Based on this information, this appears to be a proper use of the exemption. Motion by A. D. Pruitt to approve the relocation of common boundaries exemption to California Surfing Products, Inc. and Big Sky of Montana. Seconded by Jane Jelinski. None voting nay. Motion carried.

Randy Johnson, Assistant County Planner, stated that Michael Veon has claimed the security for construction financing exemption. Mr. Veon has submitted a statement certifying that only (1) one parcel is being created within the original tract, and that he will retain title to and possession of the original tract. First Security Bank of Bozeman has certified that

P 546 273 663

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

Sent to <i>Quarter Circle hazy S Inc</i>	
Street and No. <i>1701 South Black #48</i>	
P.O. State and ZIP Code <i>Bozeman, MT 59715</i>	\$
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 546 273 664

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

Sent to <i>Robert Ray Reiser</i>	
Street and No. <i>1394 Portnell Rd</i>	
P.O. State and ZIP Code <i>Bozeman, MT</i>	\$
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 546 273 665

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

Sent to <i>Michele & Pat Reiser</i>	
Street and No. <i>15551 Portnell Rd</i>	
P.O. State and ZIP Code <i>Bozeman, Mont 59715</i>	\$
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 546 273 662

RECEIPT FOR CERTIFIED MAIL

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

U.S.G.P.O. 1989-234-555

Sent to <i>Milton Segmiller</i>	
Street and No. <i>7715 Shedhorn Dr.</i>	
P.O. State and ZIP Code <i>Bozeman, MT</i>	\$
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 546 273 656

RECEIPT FOR CERTIFIED MAIL

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

U.S.G.P.O. 1989-234-555

Sent to <i>Michele Reiser & Patrick R Reiser</i>	
Street and No. <i>15551 Portnell Road</i>	
P.O. State and ZIP Code <i>Bozeman, MT 59715</i>	\$
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 546 273 661

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

Sent to	Milton Segmiller
Street and No.	7715 Shedhorn Drive
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
*U.S.G.P.O. 1989-234-555

P 546 273 654

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

Sent to	Quarter Circle Fabry's Inc
Street and No.	1701 S. Bak #48
P.O. State and ZIP Code	Bozeman, Mont 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
*U.S.G.P.O. 1989-234-555

P 546 273 655

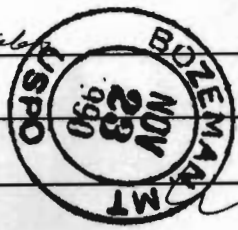
RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to	Robert Ray Reiser
Street and No.	13941 Portmell Road
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
*U.S.G.P.O. 1989-234-555

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: Quarter Circle Flazy S Inc 1701 S. Black # 48 Bozeman, Montana 59715 <i>Miss J. L. Sab...</i>	4. Article Number 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 DATE DELIVERED.
5. Signature - Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X	
7. Date of Delivery 	

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: Quarter Circle Flazy S Inc 1701 S. Black #48 Bozeman, MT 59715	4. Article Number P546 273 663 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 DATE DELIVERED.
5. Signature - Addressee X <i>Dorothy Solo</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>[Signature]</i>	
7. Date of Delivery 11/30/90	

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: Mr. Milton Segmiller 7715 Shedhorn Drive Bozeman, Mont	4. Article Number P546 273 662 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 DATE DELIVERED.
5. Signature - Addressee X	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>Clare Thomas</i>	
7. Date of Delivery 11/30/90	

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: Michele & Pat Reiser 15551 Portnell Rd Bozeman, Mont 59715	4. Article Number P546 273 665 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 DATE DELIVERED.
5. Signature - Addressee X <i>[Signature]</i>	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature - Agent X <i>[Signature]</i>	
7. Date of Delivery 11-30	

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