

ROAD PETITION 752

Boyd ROAD

Approved 8-11-92

BOOK 42 PAGE 540

PETITION TO ABANDON COUNTY ROAD  
 (APPENDIX A)

TO: THE BOARD OF COUNTY COMMISSIONERS, GALLATIN COUNTY, MONTANA

COME NOW the undersigned freeholders of the road district of Gallatin County, Montana, and petition this board pursuant to Section 7-14-2601, MCA, to abandon a county road located in Gallatin County, Montana and represent as follows:

1. The road to be abandoned is particularly described as follows: a portion of road easement created by the Boyd Subdivision all located within Sec 35, T2S, R5E, M.P.M.

(Attach additional page if required).

2. The road is commonly known as: un-named

3. The general route of the road is described as follows: Running east-west, lying south of lots 3, 4, and 5 of Minor Subdivision #29, and to the north of COS 969 and COS 206 for a distance of 660 ft.

4. The lands and owners immediately adjacent to the road are:

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
1. <u>JAMES E. PATTEE</u> <u>YVONNE M. PATTEE</u>	<u>6383 CATTLE DRIVE</u> <u>BOZEMAN, MT 59715</u>
<u>TR-A COS 969 SE 1/4 SEC 35 T2S R5E</u>	
<u>PROPERTY DESCRIPTION</u>	
2. <u>ROBERT H. BLETHEN</u> <u>586-0145</u>	<u>6287 S. 19th RD.</u> <u>BOZEMAN, MT 59715</u>
<u>COS 206 SE 1/4 SEC 35 T2S R5E</u>	
<u>PROPERTY DESCRIPTION</u>	
3. <u>CHERIE LEE ROSS</u> <u>WM. K. ROSS</u>	<u>6055 BROWNING LN</u> <u>BOZEMAN, MT 59715</u>
<u>LOT #3 of MINOR SUB #29 SE 1/4 SEC 35 T2S R5E</u>	
<u>PROPERTY DESCRIPTION</u>	

LANDOWNER(S)

MAILING ADDRESS

4. LOUISE SMITH 6085 BROWNING LN  
BILL G. SMITH BOZEMAN, MT 59715  
LOT #4 MINOR SUB #29 SE 1/4 SEC 35 T2S R5E

PROPERTY DESCRIPTION

5. GARY K. ANDERSON 6060 BROWNING LN  
JUDITH E. ANDERSON BOZEMAN, MT 59715  
LOT #5 MINOR SUB #29 SE 1/4 SEC 35 T2S R5E

PROPERTY DESCRIPTION

6. \_\_\_\_\_  
\_\_\_\_\_  
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PROPERTY DESCRIPTION

7. \_\_\_\_\_  
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PROPERTY DESCRIPTION

8. \_\_\_\_\_  
\_\_\_\_\_  
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PROPERTY DESCRIPTION

9. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPERTY DESCRIPTION

10. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPERTY DESCRIPTION

5. Except for the following landowners the landowners identified in Section 3 consent to the abandonment: (If any of the adjacent landowners do not consent identify them in this paragraph)

none

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6. If a landowner stated in Paragraph 3 cannot be found to determine the landowner's consent, identify the landowner and state the efforts made to locate the landowner:

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7. To the best of our knowledge the following are landowners, who do not own land immediately adjacent to the road, but who could be affected by the abandonment of the road:

LANDOWNER(S)

MAILING ADDRESS

none

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(Use additional pages if required)

8. The necessity for and advantage of the abandonment of the road are as follows: 1) A good portion (50%) of drainfield on COS 206 is within thirty foot right-of-way. 2) State guidelines would not permit an additional intersection with S.19th Rd at this location. 3) Access to properties to the west has been provided by other means.

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The undersigned state that they are owners of real property in the Gallatin County road district which is taxable for the county general road tax. If more than 10 freeholders sign, use additional pages.

1. *Robert H. Blethen* Signature 6287 S. 19<sup>th</sup> Rd. Address  
Robert H. Blethen Printed Name Bozeman, MT. 59715 City, State & Zip  
June 3, 1992 Date

Description of Property

2. *Cheryl Chadwick* Signature cel 35 S 19<sup>th</sup> Address  
CHERYL CHADWICK Printed Name Bozeman, MT 59715 City, State & Zip  
6/3/92 Date

Description of Property

3. *Gary K. Anderson* Signature 6060 BROWNING LN Address  
GARY K. ANDERSON Printed Name BOZEMAN MT 59715 City, State & Zip  
6/3/92 Date

Description of Property

4. J.C. Boyd Signature 5273 Bigelow Address  
J.C. Boyd Printed Name Bozeman, Mont 59715 City, State & Zip  
6-3-93 Date

5. Allan R. Allsop Signature 6025 Browning LN Address  
ALLAN R. ALLSOP Printed Name Bozeman MT 59715 City, State & Zip  
6-4-92 Date

6. Jane Geissler Signature 502 N. 10<sup>th</sup> Address  
Jane Geissler Printed Name Bozeman, MT 59715 City, State & Zip  
6-4-92 Date

X  
7. Sam Gianfrancesco Signature 5150 BIGELOW Address  
SAM GIANFRANCESCO Printed Name BOZEMAN MT 59715 City, State & Zip  
JUNE 15, 1992 Date

Description of Property

8. Louise Smith Signature 6025 Browning Ln. Address  
Louise Smith Printed Name Bozeman, MT 59715 City, State & Zip  
6-16-92 Date

9. Cherie Lee Ross Signature 6055 Browning Ln. Address  
Cherie Lee Ross Printed Name Bozeman, MT 59715 City, State & Zip  
6-16-92 Date

10. James E. Pattee Signature 6383 Cattle Dr. Address  
JAMES E. PATTEE Printed Name BOZEMAN, MT 59715 City, State & Zip  
6-16-92 Date

Pearl Gosby 6-26-92 5095 Bigelow Rd.  
Pearl Gosby Bozeman  
Description of Property

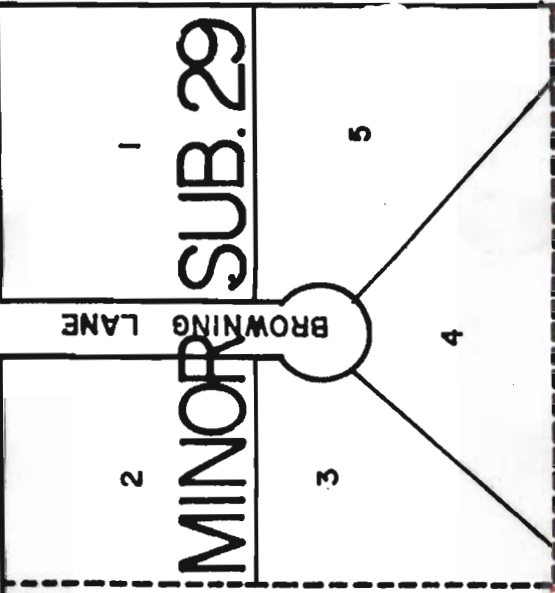




BIGELOW ROAD

12 Fm 452  
12 Fm 454 PLAT

54 Fm 569 R/W



MINOR SUB. 29

BROWNING LANE

146 - 565  
32 Fm 1716  
22 MISC 319 COV  
106 Fm 3575  
110 Fm 1352

Abandoned 2-13-90

JAMES C. BOYD SUB. RECORD OWNER

2 Fm 1173 COV  
12 Fm 1550 RSR  
32 Fm 1716  
52 Fm 2283 ease  
106 Fm 3575

BLOCK 10A

BLOCK 10  
3 4

CATTLE DRIVE

5R

7

8

6R

146 - 565

52 Fm 2283 R/W  
BOYD RD.



3

4

5

N

RECORD OWNE  
6 Fm 1372 32 F  
22 MISC 319 COV 34 F  
10 Fm 1697 49 F  
16 Fm 901 91 F

1

2

3

← 5.1941.5 →

rainfield

COS 206

COS 969  
TRACT A

COS 969  
TRACT B



RECEIVED AUG 03 1992

State of Montana

# County of Gallatin

Bozeman



July 22, 1992

Board of County Commissioners  
Gallatin County  
Bozeman, MT 59715

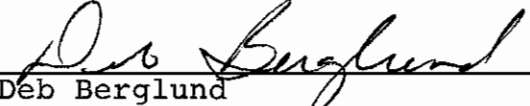
Dear Board:

On July 10, 1992, the undersigned, being duly appointed as viewing committee, viewed a portion of road easement located in Section 35, T2S, R5E, M.P.M., and created by Boyd Subdivision, which has been petitioned to be abandoned by road petition # 752.

The viewing committee observed the following:

1. The portion of road easement requested to be abandoned has never been built.
2. If the road were built, it would access South 19th less than 700 feet north of an access already built. At the present time, the access standard for South 19th requires at least 700 feet between access points, according to Road Superintendent Sam Gianfrancisco.
3. There are sufficient roads in this area to serve existing properties.
4. Abandonment of this road will not leave any existing parcel land-locked.
5. No access to public lands would be affected by this abandonment.
6. All landowners adjacent to this portion of road have signed the petition.

Sincerely,

  
Deb Berglund  
County Commissioner

  
Shelley M. Cheney  
Clerk & Recorder/Surveyor

State of Montana

*County of Gallatin*

Bozeman



**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a petition to abandon a portion of road easement created by James C. Boyd Subdivision has been submitted to the Board of County Commissioners of Gallatin County, Montana for consideration.

The portion to be abandoned is described as follows:

Running east-west, lying south of lots 3, 4, and 5 of Minor Subdivision #29, and lying north of COS #969 and COS 206 for a distance of 660 feet, all located within Section 35, T2S, R5E, M.P.M., Gallatin County, Montana.

NOTICE IS FURTHER GIVEN that said petition has been scheduled for public hearing before the Board of County Commissioners on the 4th day of August, 1992, at 1:30 P.M., in the Community Room of the Gallatin County Courthouse, 3rd floor, 311 W. Main, Bozeman, Montana, at which time public opinion may be heard. Interested parties are encouraged to attend.

Dated this 24th day of July, 1992.

*Shelley M. Cheney*

Shelley M. Cheney  
Clerk and Recorder  
Gallatin County, Montana





# 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 ( Abandonment petition of James C.  
Boyd Subdivision

has been correctly published in the regular and entire issue of every number of said p  
for 1 consecutive insertion, the first of which publication was made on the  
day of July 19    , and the last on the 26th day of July

Subscribed and sworn to before me this 27th day of July

*[Signature]*  
Sherelle 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, 1993

### NOTICE OF PUBLIC HEARING

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DATED this 24th day of July, 1992.

SHELLEY M. CHENEY  
Clerk and Recorder  
Gallatin County, Montana  
Publish: July 26

RESOLUTION NO. 1992- 29

DECISION CONCERNING PETITION TO ABANDON COUNTY ROAD

OF COUNTY ROAD: Portion of Road Easement created by the Boyd Subdivision

THIS RESOLUTION was introduced by Deb Berglund, Commissioner, moved by Deb Berglund, Commissioner, and seconded by A.D. Pruitt, Commissioner. The resolution was passed unanimously and adopted.

WHEREAS, a Petition to Abandon County Road was filed on June 18, 1992, requesting that a portion of a road easements created by the Boyd Subdivision located in Section 35, T2S, R5E, M.P.M. be abandoned; and

WHEREAS, the Gallatin County Clerk and Recorder reported to the Gallatin County Commissioners on June 30, 1992, that the petition contained sufficient signatures as required by Section 7-14-2601, MCA; and

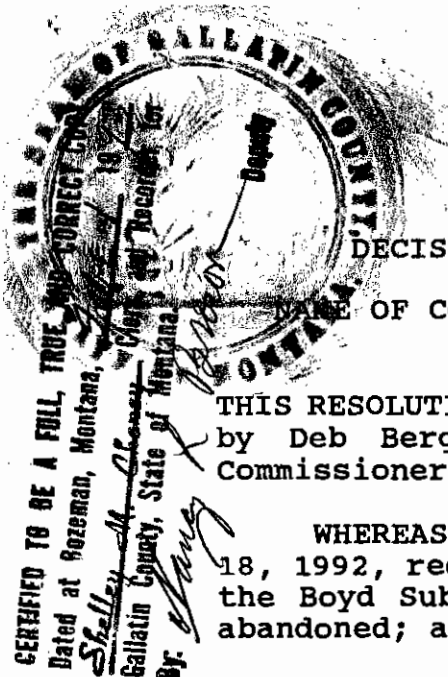
WHEREAS, on June 30, 1992, the Gallatin County Commissioners appointed a committee consisting of one county commissioner, the county surveyor and road supervisor to investigate the feasibility and desirability of abandoning the road; and

WHEREAS, on August 4, 1992, the Gallatin County Commissioners conducted a public hearing, after notice, on the petition and the results of the investigation.

NOW, THEREFORE BE IT RESOLVED:

1. Based on the petition, results of the investigation and information presented at the public hearing the Gallatin County Commissioners conclude that the decision made herein is in the best interests of the county and feasible and desirable for the use and benefit of the public for the following reasons:

- a. The portion of road easement requested to be abandoned has never been built.
- b. If the road were built, it would access South 19th less than 700 feet north of an access already built. At the present time, the access standard for South 19th requires at least 700 feet between access points.
- c. There are sufficient roads in the area to serve existing properties.
- d. Abandonment of the easement will not leave any existing parcel land locked.
- e. No access to public lands will be affected the abandonment.





f. All landowners adjacent to the portion of the road to be abandoned have signed the petition.

2. The following road, as requested in the Petition to Abandon County Road is abandoned:

Name of Road: A portion of road easement created by James C. Boyd Subdivision

Described as follows:

Running east-west, lying south of Lots 3, 4 and 5 of Minor Subdivision #29, and lying north of COS #969 and COS 206 for a distance of 660 feet, all located within Section 35, T2S, R5E, M.P.M., Gallatin County, Montana.

3. Within ten (10) days from the date that this resolution is adopted the Clerk and Recorder shall send a copy of this resolution by certified mail to all owners of land abutting on the road. The owners shall be those listed on the last county assessment roll.

4. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of this resolution to the supervisor.

DATED this 11th day of August, 1992.

BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY

Abstained  
Jane Jelinski, Chairman

*A. D. Pruitt*  
A. D. Pruitt, Member

*Deb Berglund*  
Deb Berglund, Member

ATTEST:

258712

INDEXED

*Shelley M. Cheney*  
SHELLEY CHENEY  
Clerk and Recorder

State of Montana } ss.  
County of Gallatin }  
Filed FEBRUARY 2, 19 93  
at 10:44 o'clock A.M.

258861

INDEXED  
PLATED

*Shelley M. Cheney*  
County Clerk & Recorder  
By *Barbara Jensen*  
Deputy

Fee \$-0-

State of Mont., County of Gallatin, ss Filed for record February  
4, 19 93 at 9:17 A.M. and recorded in Book 129 of  
MISCELLANEOUS page 3095 *Shelley M. Cheney* Recorder

Fee: -0-

By *Barbara Jensen* Deputy

Rt: ROAD-PETITION #752

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4a. Article Number  
P 787 055 268

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)  
Robert H. Bléthen  
6287 So. 19th  
Bozeman, MT 59715

6. Signature (Agent)  
*[Signature]*

PS Form 3811, October 1990 \*U.S. GPO: 1990-273-861

**DOMESTIC RETURN RECEIPT**

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4a. Article Number  
P 787 055 285

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery  
8/17

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)  
Gary K. & Judith E. Anderson  
6060 Browning Lane  
Bozeman, MT 59715

6. Signature (Agent)  
*[Signature]*

PS Form 3811, October 1990 \*U.S. GPO: 1990-273-861

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I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4a. Article Number  
P 787 055 267

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)  
James E. Pattee  
Yvonne M. Pattee  
6383 Cattle Drive  
Bozeman, MT 59715

6. Signature (Agent)  
*[Signature]*

PS Form 3811, October 1990 \*U.S. GPO: 1990-273-861

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3. Article Addressed to:

4a. Article Number  
P 787 055 284

4b. Service Type  
 Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)  
Louise & Bill G. Smith  
6085 Browning Lane  
Bozeman, MT 59715

6. Signature (Agent)  
*[Signature]*

PS Form 3811, October 1990 \*U.S. GPO: 1990-273-861

**DOMESTIC RETURN RECEIPT**