

Road Petition # 755

Frontage road -

Gardner-Summental Plaza
Subdivision

BOOK 42 PAGE 584

RECEIVED

Date 11-12-92

Clerk & Recorder

Gallatin County Mont.

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 platted frontage road between the north side of Baxter Lane and Gardiner Simmental subdivision lots 1,2,3,4 tract 8. The intended use of the road was for access to same lots, however the road has never been built and is not needed or wanted according to Sam of the county road office.
(Attach additional page if required).

2. The road is commonly known as: no name known.

3. The general route of the road is described as follows:
never been built The FRONTAGE ROAD ABUTTING THE SOUTH END OF LOTS 1-4, TRACT 8, AS SHOWN ON THE GARDNER SIMMENTAL PLAZA SUBDIVISION BEING APPROX. 60' X 886'

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

LANDOWNER(S)

MAILING ADDRESS

1. SKA, Inc. 630 E. Cottonwood Bozeman 59715

Lots 1,2,3 tract 8 Gardiner Simmental subdivision

PROPERTY DESCRIPTION

2. D. R. Fisher Co. 1525 #1 Union ^{Square Building} ~~Squire~~ Seattle, Wash. 98101

Lot 4 tract 8 Gardiner Simmental subdivision

PROPERTY DESCRIPTION

3. _____

PROPERTY DESCRIPTION

LANDOWNER(S)

MAILING ADDRESS

4.

PROPERTY DESCRIPTION

5.

PROPERTY DESCRIPTION

6.

PROPERTY DESCRIPTION

7.

PROPERTY DESCRIPTION

8.

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)

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:

D. R. Fisher Co.
called information and was told that no such address existed

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

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

(Use additional pages if required)

8. The necessity for and advantage of the abandonment of the road are as follows: The road has never been built, nor will it ever be built, according to Sam at the county road office. The property can be used by private land owners. It may be returned to the tax rolls.

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. Myron Moore Signature 303 N YELLOWSTONE Address
MYRON MOORE Printed Name BOZEMAN MT 59715 City, State & Zip
11/3/92 Date
RESIDENTIAL LOT Description of Property LOT 5 BL 29 VALLEY UNIT

2. ✓ Dayle H. Kowitz Signature 4283 Stucky Rd Address
Dayle H. Kowitz Printed Name Boz, MT. City, State & Zip
11-3-92 Date

3. Craig Steen Signature 1207 East Main Address
Craig Steen Printed Name Boz. MT City, State & Zip
11-3-92 Date

Description of Property

4. Tim C Dietz Signature 2512 Landse Address
Tim C Dietz Printed Name Bozeman MT 59715 City, State & Zip
11-3-92 Date

FIGGINS 4TH PHASE 19/8

5. ✓ Richard Huttinga Signature 1990 Little Bear Address
Richard Huttinga Printed Name Gallatin Gateway MT 59730 City, State & Zip
11-3-92 Date

sec 25 37 45

6. ✓ Allen Davis Signature 14948 Pony Crk. Rd. Address
Allen Davis Printed Name Bozeman Mt. 59715 City, State & Zip
11-3-92 Date

cos 472 3 1078

7. ✓ Michael J Hoppel Signature Springvale Lot # 10 Address
Michael J Hoppel Printed Name 5757 Arrowwood City, State & Zip
Bozeman Mt
11-5-92 Date

Description of Property

NOV-18 13:23 12085294332

1'12"

1 SEND

OK

P.1/1

NOV 18 '92 15:57 GALLATIN CO COMM

4.

Christopher M Myers
 Signature
 CHRISTOPHER M MYERS
 Printed Name
 11-18-92
 Date

16614 Bladen Canyon Rd
 Address
 Bozeman
 City, State & Zip
 HOUSE & LOT

5.

Stephen R. Anderson
 Signature
 STEPHEN R. ANDERSON
 Printed Name
 11/18/92
 Date

Description of Property
 27 GARDNER PARK DR.
 Address
 BOZEMAN MT. 59715
 City, State & Zip
 HOUSE & LOT

6.

Mark Dutiel
 Signature
 Mark Dutiel
 Printed Name
 11-18-92
 Date

Description of Property
 4475 Thayer Rd
 Address
 Belgrade, MT
 City, State & Zip

7.

Peter Bronken
 Signature
 PETER BRONKEN
 Printed Name
 11-18-92
 Date

Description of Property
 3300 WAGON WHEEL ROAD
 Address
 BOZEMAN, MT. 59715
 City, State & Zip
 HOUSE + LOT

6

Post-It™ brand fax transmittal memo 7871 # of pages ▶

8.

Timothy Jon Horton
 Signature
 TIMOTHY JON HORTON
 Printed Name
 NOV 19 1992
 Date

LOT 4 TRACT 4
 Description of Property
 GARDNER SEMINAL SUBDIVISION
 P.O. BOX 2035 Address
 BOZEMAN, MT 59715
 City, State & Property

8. Doug Schott Signature 308 7th St Address
Doug Schott Printed Name Belgrade MT 59714 City, State & Zip
11-10-92 Date
House and lot

9. ✓ Harry Ellis Signature 719 N. Ida Address
HARRY ELLIS Printed Name Bozeman, MT 59715 City, State & Zip
11-11-92 Date
Commercial Bldg & lots 34 25 5E

10. Mike Kuashick Signature 720 N Montana Address
Mike Kuashick Printed Name Bozeman MT 59715 City, State & Zip
11-11-92 Date

Residence IMES + FORELSTONE
Bozeman
Description of Property

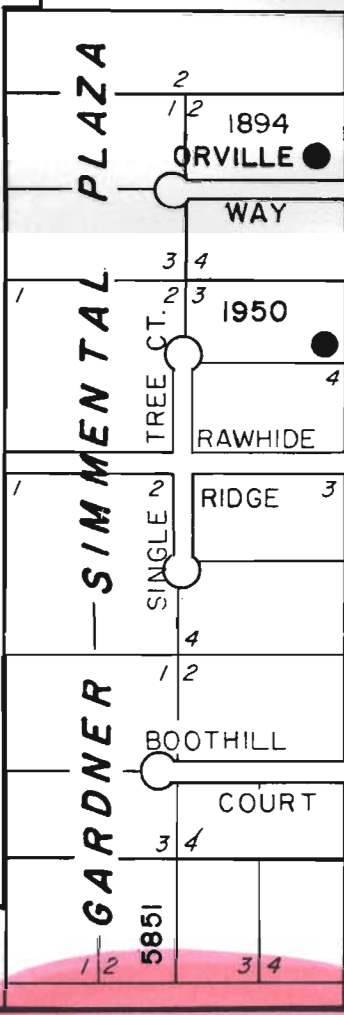
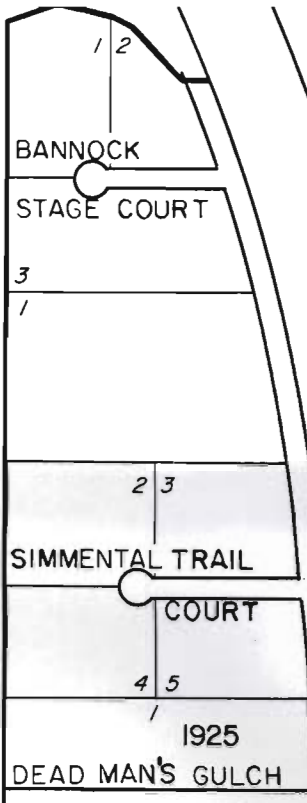
35

THOMAS DRIVE

5483

5925

5811

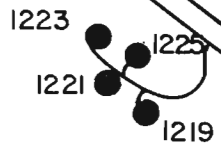


5851

NORTH 19TH

5997

1600



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

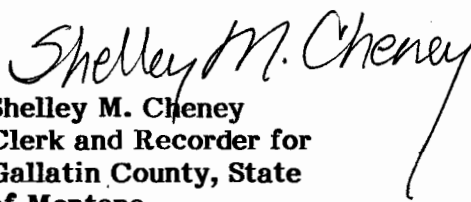
Statement of Purpose: Petition to abandon frontage road within Gardner-Simmental Plaza Subdivision.

Legal Description: The frontage road abutting the south end of Lots 1-4, Tract 8, as shown on the Gardner-Simmental Plaza Subdivision, being approximately 60' x 886', and located in Section 35, Township 1 South, Range 5 East, M.P.M., Gallatin County, Montana.

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. 1991, it contains the signatures of 10 freeholders in Gallatin County.

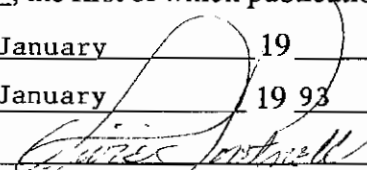
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of my office at Bozeman, the County Seat of Gallatin County, State of Montana, this 20th day of November 19 92, A.D.


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

Affidavit of Publication

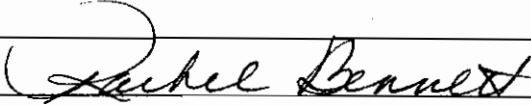
STATE OF MONTANA, }
County of Gallatin, } SS.

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 (Hearing Notice - concerning abandonment of a frontage road abutting south end of Lots 1 thru 4, Tract 8/Gardiner - Simmental Plaza Subdivision) 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 10th day of January 1993, and the last on the 10th day of January 1993.



Subscribed and sworn to before me this

11th day of January 1993



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, 1998

Legal

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a petition to abandon a portion of roadway has been submitted to the Board of County Commissioners of Gallatin County, Montana, for consideration.

Petitioners are requesting that a frontage road abutting the south end of Lots 1 through 4, Tract 8, as shown on the Gardiner-Simmental Plaza Subdivision, being approximately 60' x 886', and located in Section 35, Township 1 South, Range 5 East, M.P.M., Gallatin County, Montana, be abandoned.

NOTICE IS FURTHER GIVEN that said petition has been scheduled for public hearing before the Board of County Commissioners on the 19th day of January, 1993, at 1:30 p.m. in the Community Room, 3rd floor, of the Gallatin County Courthouse, 311 W. Main, Bozeman, Montana, at which time public opinion may be heard. All interested parties are encouraged to attend.

Dated this 7th day of January, 1993.

SHELLEY M. CHENEY
Clerk and Recorder
Gallatin County, Montana
Publish: Jan. 10

RESOLUTION NO. 1993-03

DECISION CONCERNING PETITION TO ABANDON COUNTY ROAD

THIS RESOLUTION was introduced by 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 November 12, 1992, requesting that a platted frontage road between the north side of Baxter Lane and Gardner-Simmental Plaza Subdivision Lots 1, 2, 3 and 4, Tract 8 be abandoned; and

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

WHEREAS, 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 January 19, 1993, 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. When the original plat for Gardiner-Simmental Plaza Subdivision was created the Bozeman City-County Planning Board required a 60' frontage in anticipation of future widening of Baxter Lane and because plans for Baxter Lane have been altered because of the North 19th Interchange on I-90 there is no need for the 60' frontage.

b. The North 19th Interchange plans will alter the size of lot 1 which will become unbuildable without abandonment.

c. The 60' frontage on lots 1 through 4, tract 8 appear to be the only area on Baxter Lane which has additional 60' frontage.

d. No properties will be land-locked by abandonment and public land access is not an issue.

2. The following road, as requested in the Petition to

Abandon County Road is abandoned:

The 60' frontage road, being approximately 60' x 886', abutting the south end of Lots 1, 2, 3, and 4, Tract 8 as shown on the Gardner-Simmental Plaza Subdivision, located in Section 35, Township 1 South, Range 5 East, M.P.M., Gallatin County, Montana.

3. The fee in the abandoned road shall revert to the owners of Lots 1, 2, 3, and 4, Tract 8, Gardner-Simmental Plaza Subdivision.

4. 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.

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

DATED this 26th day of January, 1993.

BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY

A.D. Pruitt
A.D. Pruitt, Chairman

Deb Berglund
Deb Berglund, Member

Absent
Jane Jelinski, Member



ATTEST:

Shelley M. Cheney
SHELLEY CHENEY
Clerk and Recorder

CERTIFIED TO BE A FULL, TRUE AND CORRECT COPY.
Dated at Bozeman, Montana, Jan 28 1993
Shelley M. Cheney Clerk and Recorder for
Gallatin County, State of Montana.
By: *Shelley M. Cheney* Deputy

INDEXED
PLATTED

258450

THIS INSTRUMENT WAS FILED FOR RECORD IN THIS OFFICE ON
OFFICE OF COUNTY RECORDER) THE 28th DAY OF January, 1993
COUNTY OF GALLATIN) AT 1:20 P M., AND WAS DULY RECORDED IN BOOK 129
STATE OF MONTANA) OF MISCELLANEOUS RECORDS, PAGE 2333
Fee \$ -0- Shelley M. Cheney RECORDER. BY Barbara Jensen DEPUTY
Rt: Gallatin County

Sent to land-
owners & Rd
office on 1-26-93.

Also recorded of
copy. (Resolution)

P 787 054 650

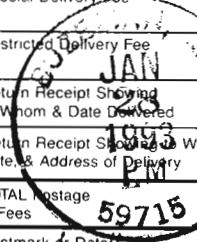


Certified Mail Receipt

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to SKA, Inc.	
Street & No. 630 E. Cottonwood	
P.O., State & ZIP Code Bozeman, MT 59715	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 229
Postmark or Date <i>Shelley Cheney</i>	

PS Form 3800, June 1990



P 787 054 651



Certified Mail Receipt

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

Sent to D.R. Fisher Co.	
Street & No. 1525 #1 Union Sq Bldg.	
P.O., State & ZIP Code Seattle, WA 98101	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 229
Postmark or Date <i>Shelley Cheney</i>	

PS Form 3800, June 1990



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):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

**SKA, Inc.
630 E. Cottonwood
Bozeman, MT 59715**

4a. Article Number

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

1/29

5. Signature (Addressee)

Shelley Cheney

6. Signature (Agent)

EA

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

Road Pet#755

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.
- 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):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

**D. R. Fisher Co.
1525 #1 Union Square Bldg.
Seattle, WA 98101**

4a. Article Number

4b. Service Type

- Registered Insured
- Certified COD
- Express Mail Return Receipt for Merchandise

7. Date of Delivery

FEB -1 1993

5. Signature (Addressee)

6. Signature (Agent)

Sheila Mory

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

Road Pet. #755

PS Form 3811, October 1990

U.S. GPO: 1990-273-861

DOMESTIC RETURN RECEIPT