

Road Petition #756

3rd. Street Rainbow Sub.

BOOK 42 PAGE 589

**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: 3rd Street, Rainbow Subdivision, Bozeman, MT 59715

(Attach additional page if required).

2. The road is commonly known as: 3rd Street

★ 3. The general route of the road is described as follows:  
~~The street goes west from Gallatin Road intersecting Cherry Avenue, Central Avenue and ends at Maple Avenue~~  
The section of 3rd Street from Gallatin Road to Cherry Avenue.

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

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
1. <u>Teresa J. Kolnik</u> <u>Anthony C. Kolnik</u>	<u>8215 Fowler Lane</u> <u>Bozeman, MT 59715</u>
<u>Rainbow Subdivision, Lot 9</u> PROPERTY DESCRIPTION	
2. <u>Homer J. Julian</u> <u>Jean E. Julian</u>	<u>81491 Gallatin Road</u> <u>Bozeman, MT 59715</u>
<u>Rainbow Subdivision, Lots 7, 8, 61, 63, 64</u> PROPERTY DESCRIPTION	
3. <u>Duane Frank</u> <u>Leona Frank</u> <u>Thomas Leslie</u>	<u>40 Leona Dahl</u> <u>2806 3rd Avenue South</u> <u>Great Falls, MT 59405</u>
<u>Rainbow Subdivision, Lot 60</u> PROPERTY DESCRIPTION	

**LANDOWNER(S)**

**MAILING ADDRESS**

4. Margaret DeVous 81451 Gallatin Road  
JOANN M. Wattier Bozeman, MT 59715

Rainbow Subdvision lots 10, 11, 12, 57, 58, 59, 13, 14, 15  
**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)

N/A

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:

N/A

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**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Use additional pages if required)

8. The necessity for and advantage of the abandonment of the road are as follows: The section of 3rd Street in question is only from Coallatin Road to Cherry Avenue. It does not appear to have ever been used. Joseph Kintli, Head of Land Section, MT. Dept. of Transportation, states that 3rd Street will not be allowed to access Coallatin Road. It appears to have never been tended or sprayed. Since the present surrounding owners already have allowable driveways, we think it would be suitable for Coallatin County to close this block of 3rd Street and return the land to the immediately surrounding land owners.

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. Duane E Frank 812 10th Ave So.  
 Signature Address  
DUANE E FRANK GREAT FALLS, MT 59405  
 Printed Name City, State & Zip  
Duane E Frank 4-23-1992  
 Date  
Rainbow Lot 60 40x120  
 Description of Property

2. Margaret E. Devous 81451 Gallatin Rd.  
 Signature Address  
MARGARET E. DEVOUS Bozeman, MT 59715  
 Printed Name City, State & Zip  
May 9, 1992  
 Date  
Rainbow Sub Lots 10, 11, 12, 57, 58, 59, 13, 14, 15  
 Description of Property

3. Teresa J. Kolnik 8215 Fowler Lane  
 Signature Address  
Teresa J. Kolnik Bozeman, MT 59715  
 Printed Name City, State & Zip  
November 15, 1992  
 Date  
Rainbow Sub. Lot 9  
 Description of Property

4. Ann Klaas Signature 81515 GALLATIN RD Address  
Ann Klaas Printed Name Bozeman MT 59715 City, State & Zip  
11/13/92 Date

Lots 4, 5, 6, Rainbow Sub. ✓

5. West Roberts Signature 660 Cherry Ave. Address  
West a Roberts Printed Name Bozeman MT 59715 City, State & Zip  
NOV/13/92 Date

lots 66 / 65 Rainbow Sub. ✓

6. Bonnie J Stevens Signature 67 Cherry Ave. Address  
BONNIE J. STEVENS Printed Name Bozeman, MT 59715 City, State & Zip  
11-13-92 Date

lots 67, 68, 69 - Cherry Ave. ✓

7. Mary Wortman Signature 701 Cherry Ave. Rnb. Subd. Address  
Mary Wortman Printed Name Bozeman Mont 59715 City, State & Zip  
lots 70-71 Date

Description of Property

4. Clyde R. Cox Signature 81601 Gallatin Road Address  
Clyde R. Cox Printed Name Bozeman MT 59715 City, State & Zip  
Nov 19, 1992 Date  
Lot # 179

5. Midora B. Cox Signature 81601 Gallatin Rd Address  
MIDORA B. Cox Printed Name Bozeman, MT. 59715 City, State & Zip  
Nov 19, 1992 Date  
LOT # 179

6. \_\_\_\_\_ Signature \_\_\_\_\_ Address  
\_\_\_\_\_ Printed Name \_\_\_\_\_ City, State & Zip  
\_\_\_\_\_ Date

7. \_\_\_\_\_ Signature \_\_\_\_\_ Address  
\_\_\_\_\_ Printed Name \_\_\_\_\_ City, State & Zip  
\_\_\_\_\_ Date

\_\_\_\_\_ Description of Property

8. Wm O. DeShaw Signature 704 Cherry Ave. Address  
WILLIAM O. DESHAW Printed Name Bozeman Mont. 59715 City, State & Zip  
11-13-92 Date  
Lots 79-80-81-82 & 83 ✓

9. Scott Reimer Signature 731 Henry Ave Address  
SCOTT REIMER Printed Name Bozeman MT City, State & Zip  
11-14-92 Date ✓

72-73 123-124-125  
10. Paulette Robinson Signature DeCarpo's See Description of Property  
PAULETTE D. ROBINSON Printed Name 1311 Central Ave Address  
Bozeman, MT 59711 City, State & Zip  
November 14, 1992 Date  
Lots 131 & 132 Paulette R. See ✓

11. Jean E. Julian Description of Property  
Jean E. Julian 81491 Gallatin County  
November 16, 1992 Bozeman, MT 59715 ✓  
Lots 7, 8, 61, 63, 64

Homer J. Julian 81491 Gallatin Rd. ✓  
HOMER J. JULIAN Bozeman MT 59715 ✓  
Nov. 19, 1992  
Lots 7, 8, 61, 63, 64



60	69	120
: 68	: 70	: 121
: 67	: 71	: 122
: 66	: 72	: 123
: 65	: 73	: 124
: 64	: 74	: 125
: 63	: 75	: 126
: 62	: 76	: 127
: 61	: 77	: 128
: 60	: 78	: 129

**STREET**

130	130
: 60	: 10
: 59	: 11
: 58	: 12
: 57	: 13
: 56	: 14
: 55	: 15
: 54	: 16
: 53	: 17
: 52	: 18

**STREET**

130	130
: 51	: 19
: 50	: 20
: 49	: 21
: 48	: 22
: 47	: 23

W 2

80	129	130
: 130	: 131	: 132
: 131	: 132	: 133
: 132	: 133	: 134
: 133	: 134	: 135
: 134	: 135	: 136
: 135	: 136	: 137

**THIRD**

130	138	139
: 138	: 139	: 140
: 139	: 140	: 141
: 140	: 141	: 142
: 141	: 142	: 143
: 142	: 143	: 144
: 143	: 144	: 145
: 144	: 145	: 146

**SECOND**

130	160	161
: 160	: 161	: 162
: 161	: 162	: 163
: 162	: 163	: 164
: 163	: 164	: 165
: 164	: 165	: 166
: 165	: 166	: 167
: 166	: 167	: 168
: 167	: 168	: 169

W 2

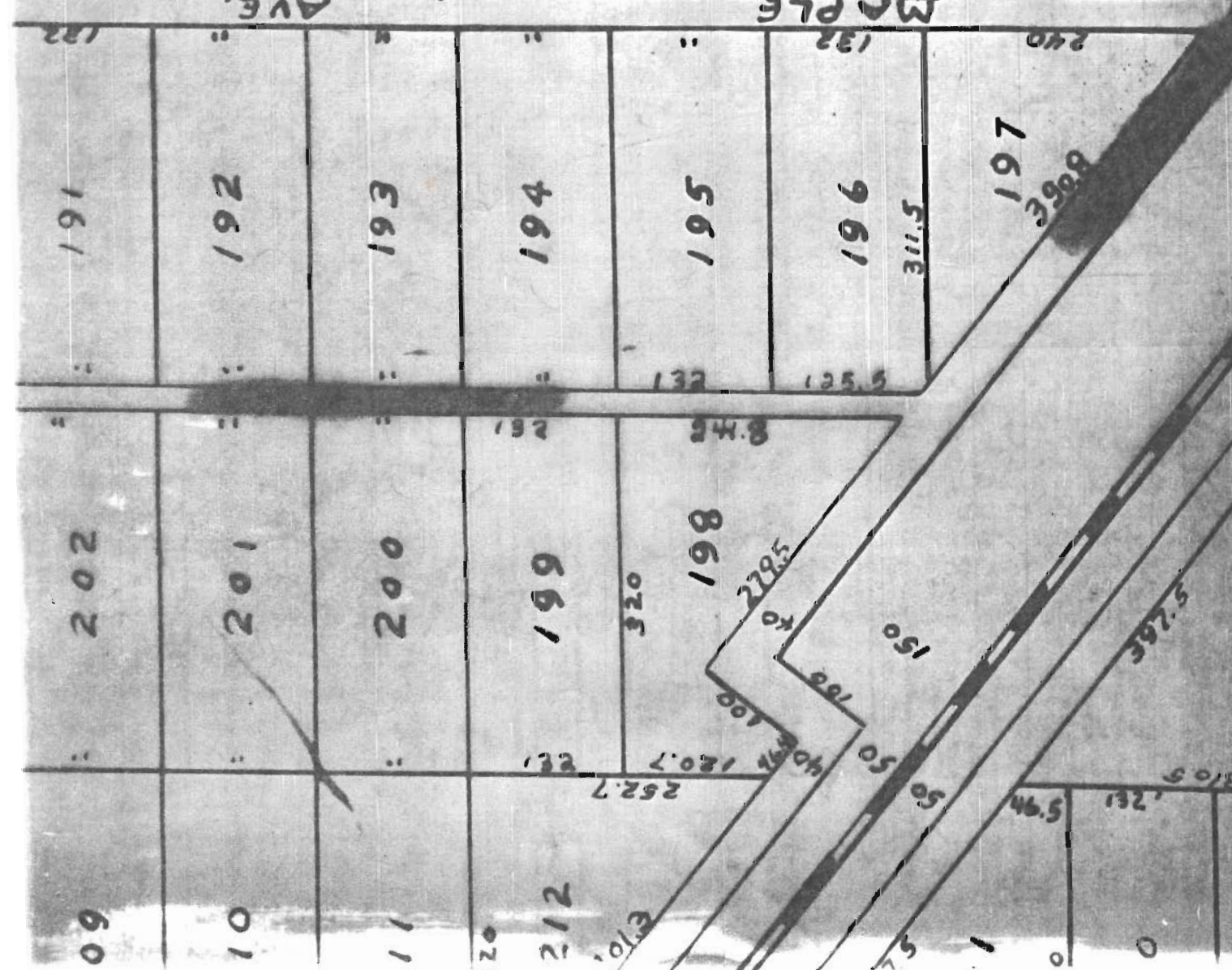
130	178	179
: 178	: 179	: 180
: 179	: 180	: 181
: 180	: 181	: 182
: 181	: 182	: 183
: 182	: 183	: 184
: 183	: 184	: 185
: 184	: 185	: 186
: 185	: 186	: 187

**THIRD**

130	169	170
: 169	: 170	: 171
: 170	: 171	: 172
: 171	: 172	: 173
: 172	: 173	: 174
: 173	: 174	: 175
: 174	: 175	: 176
: 175	: 176	: 177
: 176	: 177	: 178
: 177	: 178	: 179

**SECOND**

130	158	159
: 158	: 159	: 160
: 159	: 160	: 161
: 160	: 161	: 162
: 161	: 162	: 163
: 162	: 163	: 164
: 163	: 164	: 165
: 164	: 165	: 166
: 165	: 166	: 167
: 166	: 167	: 168



C.O.S. # D43-A  
Abandoned BT Road  
Petition # 711

MAPLE

170 CHARLES C. PAGE  
NANCY N. PAGE 137

REBECCA ANN CLAUS 120

AIM INC. 78

HOMER J. JULIAP 61  
JEAN E. JULIAN

KALNIK  
STATE OF MA 9

169 CHARLES C. PAGE  
NANCY N. PAGE

138 AIM INC.

119 MARTHA MARLONE

79 WILLIAM O. DESHAW  
CLARA K. DESHAW

60 THOMAS LESLIE  
LEONA FRANK?  
DUNGE E. FRANK?

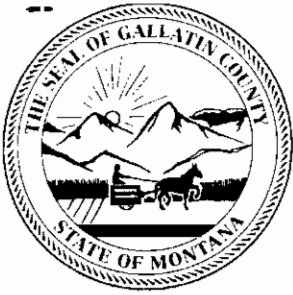
10 JOAN WATTIER  
MARGARET E. DEVIOUS

3 RD

CHERRY

CENTRAL





County Commission

# County of Gallatin

---

311 West Main - Room 301  
Bozeman, Montana 59715

Telephone (406) 585-1400  
Telefax (406) 585-1403

January 4, 1993

Board of Gallatin County Commissioners  
311 West Main, Room 301  
Bozeman, MT 59715

Dear Board:

On December 29, 1992, the undersigned, being duly appointed as Viewing Committee, viewed the section of 3rd street starting at Gallatin Road and continuing west to the intersection of Cherry Avenue, all within Rainbow Subdivision located in Sections 14 and 23, Township 2 South, Range 4 East, Gallatin County, Montana, which has been petitioned to be abandoned by road petition Number 756.

The Viewing Committee observed the following:

1. Fourth Street is built from Gallatin Road to Maple Avenue. The actual road is approximately 24' wide with a ditch running along the north side of the road and taking up the remainder of the 40' right of way.
2. An out-building has been built (no foundation) on Third Street south of Lot 9. A new modular home has been placed on Lot 9. None of Third Street has been built at this time. The State Department of Highways has placed a culvert on the access to Third Street from Gallatin Road, so an encroachment onto Gallatin Road is anticipated.
3. There is a 60' right of way on Second Street, and it is built to Maple Avenue.
4. There is a 60' right of way on First Street, but a culvert would need to be placed on the canal in order for the street to be opened.
5. Maple Avenue is built from Fourth Street to Third Street, and the rest of Maple Avenue is raw land at this time.
6. All roads mentioned above and described as "built" are approximately 10 to 12 feet in width with the exception of Fourth Street as described in #1.




January 4, 1993  
Page 2

7. Neither Azure Road or Magenta Road would be adequate to provide a County standard second access to the subdividable property west of Maple Avenue.
8. It is anticipated that the unsubdivided land to the west will someday be subdivided, requiring at least two access routes.

Sincerely,

  
\_\_\_\_\_  
Deb Berglund  
County Commissioner

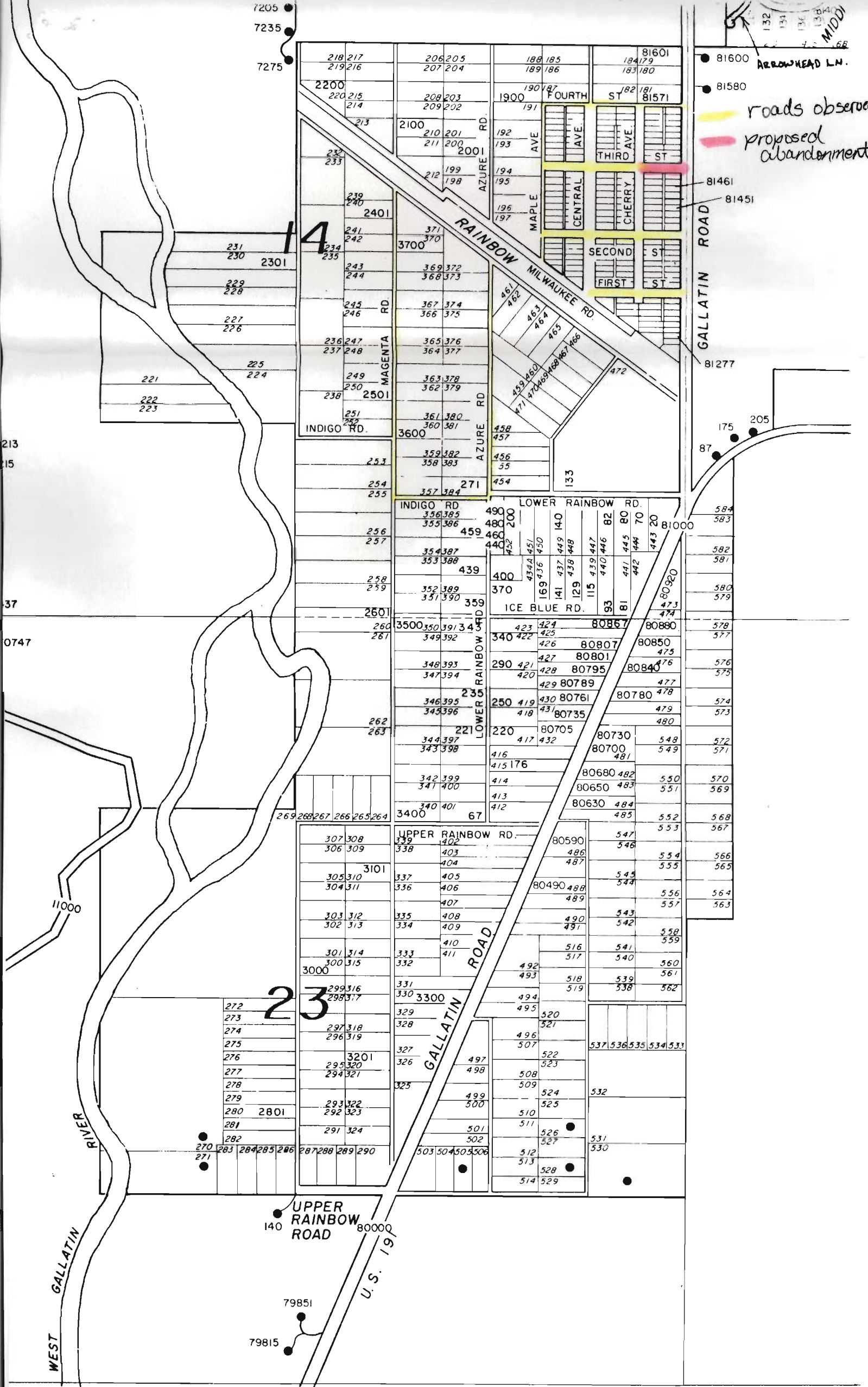
  
\_\_\_\_\_  
Shelley M. Cheney  
Clerk & Recorder/Surveyor

C:\WP51\CATA4.DB

132 131 130 129 128 127 126 125 124 123 122 121 120 119 118 117 116 115 114 113 112 111 110 109 108 107 106 105 104 103 102 101 100 99 98 97 96 95 94 93 92 91 90 89 88 87 86 85 84 83 82 81 80 79 78 77 76 75 74 73 72 71 70 69 68 67 66 65 64 63 62 61 60 59 58 57 56 55 54 53 52 51 50 49 48 47 46 45 44 43 42 41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

ARROWHEAD LN.

roads observed  
proposed abandonment



7205  
7235  
7275

81600  
81580  
81461  
81451

GALLATIN ROAD

81277

175  
205  
87

584  
583  
582  
581  
580  
579

578  
577  
576  
575  
574  
573

572  
571  
570  
569  
568  
567

566  
565  
564  
563

550  
551  
552  
553  
554  
555  
556  
557  
558  
559

537 536 535 534 533  
532  
531  
530

213  
215  
37  
0747

11000

WEST GALLATIN RIVER

14

23

UPPER RAINBOW ROAD  
140  
80000

79851  
79815

U.S. 191

218 217 219 216	206 205 207 204	188 185 189 186	81601 184 179 183 180
2200 220 215 214	208 203 209 202	190 187 191	182 181 81571
232 233	2100 210 201 211 200	192 193	192 191 194 193 195 194 196 195 197 196
238 240	2401	196 197	196 195 197 196
241 242	370 370	196 197	196 195 197 196
243 244	369 372 368 373	196 197	196 195 197 196
245 246	367 374 366 375	196 197	196 195 197 196
236 247 237 248	365 376 364 377	196 197	196 195 197 196
249 250	363 378 362 379	196 197	196 195 197 196
251 252	361 380 360 381	196 197	196 195 197 196
253	359 382 358 383	196 197	196 195 197 196
254 255	357 384	196 197	196 195 197 196
256 257	355 385 354 386	196 197	196 195 197 196
258 259	353 387 352 388	196 197	196 195 197 196
260	351 389 350 390	196 197	196 195 197 196
261	349 391 348 392	196 197	196 195 197 196
262 263	347 393 346 394	196 197	196 195 197 196
264 265 266 267	345 395 344 396 343 397 342 398	196 197	196 195 197 196
268 269	341 399 340 400	196 197	196 195 197 196
270 271	339 401 338 402	196 197	196 195 197 196
272 273	337 403 336 404	196 197	196 195 197 196
274 275	335 405 334 406	196 197	196 195 197 196
276 277	333 407 332 408	196 197	196 195 197 196
278 279	331 409 330 410	196 197	196 195 197 196
280 2801 281	329 411 328 412	196 197	196 195 197 196
282 283 284 285 286	327 413 326 414 325 415 324 416 323 417	196 197	196 195 197 196
287 288 289 290	321 418 320 419 319 420 318 421 317 422 316 423 315 424 314 425 313 426 312 427 311 428 310 429 309 430 308 431 307 432 306 433 305 434 304 435 303 436 302 437 301 438 300 439 299 440 298 441 297 442 296 443 295 444 294 445 293 446 292 447 291 448 290 449 289 450 288 451 287 452 286 453 285 454 284 455 283 456 282 457 281 458 280 459 279 460 278 461 277 462 276 463 275 464 274 465 273 466 272 467 271 468 270 469 269 470 268 471 267 472 266 473 265 474 264 475 263 476 262 477 261 478 260 479 259 480 258 481 257 482 256 483 255 484 254 485 253 486 252 487 251 488 250 489 249 490 248 491 247 492 246 493 245 494 244 495 243 496 242 497 241 498 240 499 239 500 238 501 237 502 236 503 235 504 234 505 233 506 232 507 231 508 230 509 229 510 228 511 227 512 226 513 225 514 224 515 223 516 222 517 221 518 220 519 219 520 218 521 217 522 216 523 215 524 214 525 213 526 212 527 211 528 210 529 209 530 208 531 207 532 206 533 205 534 204 535 203 536 202 537 201 538 200 539 199 540 198 541 197 542 196 543 195 544 194 545 193 546 192 547 191 548 190 549 189 550 188 551 187 552 186 553 185 554 184 555 183 556 182 557 181 558 180 559 179 560 178 561 177 562 176 563 175 564 174 565 173 566 172 567 171 568 170 569 169 570 168 571 167 572 166 573 165 574 164 575 163 576 162 577 161 578 160 579 159 580 158 581 157 582 156 583 155 584 154 585 153 586 152 587 151 588 150 589 149 590 148 591 147 592 146 593 145 594 144 595 143 596 142 597 141 598 140 599 139 600 138 601 137 602 136 603 135 604 134 605 133 606 132 607 131 608 130 609 129 610 128 611 127 612 126 613 125 614 124 615 123 616 122 617 121 618 120 619 119 620 118 621 117 622 116 623 115 624 114 625 113 626 112 627 111 628 110 629 109 630 108 631 107 632 106 633 105 634 104 635 103 636 102 637 101 638 100 639 99 640 98 641 97 642 96 643 95 644 94 645 93 646 92 647 91 648 90 649 89 650 88 651 87 652 86 653 85 654 84 655 83 656 82 657 81 658 80 659 79 660 78 661 77 662 76 663 75 664 74 665 73 666 72 667 71 668 70 669 69 670 68 671 67 672 66 673 65 674 64 675 63 676 62 677 61 678 60 679 59 680 58 681 57 682 56 683 55 684 54 685 53 686 52 687 51 688 50 689 49 690 48 691 47 692 46 693 45 694 44 695 43 696 42 697 41 698 40 699 39 700 38 701 37 702 36 703 35 704 34 705 33 706 32 707 31 708 30 709 29 710 28 711 27 712 26 713 25 714 24 715 23 716 22 717 21 718 20 719 19 720 18 721 17 722 16 723 15 724 14 725 13 726 12 727 11 728 10 729 9 730 8 731 7 732 6 733 5 734 4 735 3 736 2 737 1 738		

RECEIVED JAN 11 1993

*Dave*

State of Montana

# County of Gallatin

Bozeman

*for Public Meeting 01/19/93*



TO: Board of County Commissioners

FROM: Shelley M. Cheney, Clerk & Recorder/Surveyor *SMC*

DATE: January 8, 1993

SUBJECT: Road petition #756 - Third Street, Rainbow Sub

Mrs. Julian brought in some correspondence from the State Department of Highways she would like you to look at before the public hearing regarding the petition to abandon a portion of Third Street in Rainbow Subdivision. Those papers are attached to this memo.

Also, Item #2 of the viewing committee's report dated January 4, 1993, states the out-building has been built on Third Street south of Lot 9. Actually, the building is on Third Street south of Lot 61. The modular home is located on Lot 61, not Lot 9. Lot 61 is located on the northeast corner of Third Street and Cherry Avenue. I would request that this correction be announced at the public hearing.



May 7, 1992

Mrs. Jean Julian  
81491 Gallatin Road  
Bozeman, MT 59715

Subject: F 209(3)  
Gallatin Canyon - Four Corners  
Parcel 36 - Bell  
Ref: 66-JFK

I tried to contact you today by telephone regarding your request for a waterline easement and the possible sale of Lot 9.

The Montana Department of Transportation is planning to sell Lot 9, but due to statutory requirements, the process might take several months. I feel that it would be in your best interest if we grant you an easement before the sale of the property. When we sell Lot 9, there is a possibility that someone else will be the highest bidder, and you would have to obtain an easement from that party. This would complicate your situation. If you have a description for the proposed easement, please let me know.

The current highway project is a limited access facility, and there will be no access to Lot 9 and Third Street. The closure of Third Street would landlock our property; therefore, the Department of Transportation would not be in favor of closing Third Street.

Joseph F. Kintli, Supervisor  
Land Section

JFK:D:RW:95.jrh



DEPARTMENT OF HIGHWAYS



STAN STEPHENS, GOVERNOR

2701 PROSPECT AVE.

STATE OF MONTANA

HELENA, MONTANA 59620

September 6, 1991

Bob Kern  
Bozeman Realty, Inc.  
625 North 7th  
Bozeman, MT 59715

Subject: F 209(3)  
Gallatin Canyon - Four Corners  
Parcel 36, Bell  
Ref: 66-JFK

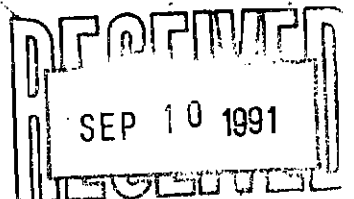
This is in reference to your inquiry pertaining to the sale of Lot 9 in Rainbow Subdivision of Bozeman Hot Springs. The tract would be available for sale subject to certain procedures and preparation of an appraisal of the property. However, no direct access will be allowed from Highway 191. Access could be allowed only from the 4th Street.

A handwritten signature in cursive script that reads "Joseph F. Kintli".

Joseph F. Kintli, Supervisor  
Land Section

JFK:D:RW:124.cm

A handwritten signature in cursive script, possibly reading "over" or a similar name, with a horizontal line underneath.



STATE OF MONTANA  
**DEPARTMENT OF HIGHWAYS** FORM 128 PAGE 182  
RIGHT OF WAY BUREAU  
2701 Prospect Avenue  
Helena, Montana 59601

PROJECT NO. F 209(3) PARCEL NO. 36 COUNTY OF GALLATIN

**QUIT CLAIM DEED**

*Know All Men By These Presents:*

THAT the STATE OF MONTANA in consideration of the sum of  
ONE DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION  
lawful money of the United States, now paid, the receipt whereof is hereby acknowledged,  
does hereby remise, release and forever quitclaim unto

Anthony C. and Teresa J. Kolnik  
Joint Tenancy with Right of Survivorship  
8215 Fowler Lane  
Bozeman, MT 59715

and to .....their.....heirs or assigns all the right, title, claim and interest  
of the State of Montana in and to the following described real property, situated in County of  
.....Gallatin.....and State of Montana, to-wit:

Lot nine (9) and the east half of the abandoned twenty (20) foot alley  
lying adjacent to the west boundary of lot nine (9), Rainbow  
Subdivision, Bozeman Hot Springs tracts, Gallatin County, Montana.

Subject to all existing easements the tract of land described above  
contains an area of 0.10 acre, more or less.

PROVIDED HOWEVER, that the Grantor reserves unto itself all rights of  
access to the above described property and the grantee shall NOT have  
any rights of access (ingress or egress) between the property and U.S.  
Highway 191,

It is expressly intended and agreed that these reservations, burdens  
and restrictions shall run with the land and shall forever bind the  
Grantees, their heirs, successors or assigns.



# 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 portion of Third  
Street starting at Gallatin Rd. west to intersection of ) has been  
Cherry Avenue  
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.

*Vivie Portnell*  
Subscribed and sworn to before me this

11th day of January 1993

*Michelle 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

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 portion of Third Street  
starting at Gallatin Road and  
continuing west to the inter-  
section of Cherry Avenue, all  
within Rainbow Subdivision  
located in Sections 14 and  
23, Township 2 South, Range  
4 East, Gallatin County, Mon-  
tana, be abandoned.

NOTICE IS FURTHER  
GIVEN that said petition has  
been scheduled for public  
hearing before the Board of  
County Commissioners on  
~~the 10th day of January~~  
~~1993~~, at 1:30 p.m., in the  
Community Room, 3rd floor,  
of the Gallatin County Court-  
house, 311 W. Main, Boze-  
man, Montana, at which time  
public opinion may be heard.  
All interested parties are en-  
couraged to attend.

Dated this 7th day of Janu-  
ary, 1993.

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

RESOLUTION NO. 1993- 04

DECISION CONCERNING PETITION TO ABANDON COUNTY ROAD

THIS RESOLUTION was introduced by Commissioner Deb Berglund, moved by Commissioner Deb Berglund, and seconded by Commissioner Jane Jelinski. The resolution was passed unanimously and adopted.

WHEREAS, a Petition to Abandon County Road was filed requesting that a portion of Third Street starting at Gallatin Road and continuing west to the intersection of Cherry Avenue, all within Rainbow subdivision located in Sections 14 and 23, Township 2 South, Range 4 East, Gallatin County, Montana; 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, on December 29, 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 January 19, 1993, the Gallatin County Commissioners conducted a public hearing, after notice, on the petition and the results of the investigation and tabled action on the petition until further public hearing on February 2, 1993; and

WHEREAS, on February 2, 1993, the Gallatin County Commissioners received further public testimony on the petition.

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 for the following reasons:

a. Fourth Street is built from Gallatin Road to Maple Avenue. The actual road is approximately 24' wide with a ditch running along the north side of the road and taking up the remainder of the 40' right of way.

b. An out-building has been built (no foundation) on Third Street south of Lot 9. A new modular home has been placed on Lot 9. None of Third Street has been built. The State Department of Highways has placed a culvert on the access to Third Street from Gallatin Road, so an encroachment onto Gallatin Road is anticipated.

c. There is a 60' right of way on First Street, but a culvert would need to be placed on the canal in order for

the street to be opened.

d. Maple Avenue is built from Fourth Street to Third Street, and the rest of Maple Avenue is raw land.

e. All roads mentioned above and described as "built" are approximately 10 to 12 feet in width with the exception of Fourth Street.

f. Neither Azure Road or Magenta Road would be adequate to provide a County standard second access to the subdividable property west of Maple Avenue.

g. It is anticipated that the unsubdivided land to the west will someday be subdivided, requiring at least two access routes.

h. Third Street provides a second 60' wide easement to the west for future subdivision.

i. There is a conflict in the information provided by the Department of Transportation concerning its position about the abandonment of the road.

2. The following road, as requested in the Petition to Abandon County Road is not abandoned:

A portion of Third Street starting at Gallatin Road and continuing west to the intersection of Cherry Avenue, all within Rainbow subdivision located in Sections 14 and 23, Township 2 South, Range 4 East, 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 9th day of February, 1993.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

  
A.D. Pruitt, Chairman

Deb Berglund  
Deb Berglund, Member

Jane Jelinski  
Jane Jelinski, Member

ATTEST:

Shelley M. Cheney  
SHELLEY CHENEY  
Clerk and Recorder

P 787 054 645



**Certified Mail Receipt**

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

Sent to	
Kolnik	
Street & No.	
8215 Fowler Lane	
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	\$
Postmark or Date	

PS Form 3800, June 1990

P 787 054 649



**Certified Mail Receipt**

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

Sent to	
DeVous & Wattier	
Street & No.	
81451 Gallatin Road	
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	\$
Postmark or Date	

PS Form 3800, June 1990

P 787 054 648



**Certified Mail Receipt**

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

Sent to	
Leslie, Frank, Dahl	
Street & No.	
2806 3rd Ave. South	
P.O., State & ZIP Code	
Great Falls, MT 59405	
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	\$
Postmark or Date	

PS Form 3800, June 1990

P 787 054 647



**Certified Mail Receipt**

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

Sent to	
Julian	
Street & No.	
81491 Gallatin Road	
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	\$
Postmark or Date	

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.

3. Article Addressed to:

Thomas Leslie  
Duane & Leona Frank  
c/o Leona Dahl  
2806 3rd Ave. South  
Great Falls, MT 59405

4a. Article Number

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

7. Date of Delivery

2-13-93

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

Road Pet. #756

5. Signature (Addressee)  
*Thomas Dahl*

6. Signature (Agent)

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.

3. Article Addressed to:

Homer J. & Jean E. Julian  
81491 Gallatin Road  
Bozeman, MT 59715

4a. Article Number

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

7. Date of Delivery

Road Pet #756

5. Signature (Addressee)  
*Homer Julian*

6. Signature (Agent)

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.

3. Article Addressed to:

Anthony C. & Teresa J. Kolnik  
8215 Fowler Lane  
Bozeman, MT 59715

4a. Article Number

P 787 054 645

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

7. Date of Delivery

2-11-93

5. Signature (Addressee)  
*Anthony Kolnik*

6. Signature (Agent)

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.

3. Article Addressed to:

Margaret DeVous  
JoAnn M. Wattier  
81451 Gallatin Road  
Bozeman, MT 59715

4a. Article Number

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

7. Date of Delivery

2-11-93

5. Signature (Addressee)  
*Margaret DeVous*

6. Signature (Agent)

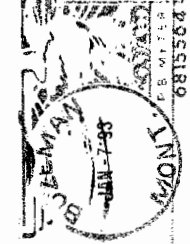
PS Form 3811, October 1990 \*U.S. GPO: 1990-273-861

**DOMESTIC RETURN RECEIPT**

SHELLEY M. CHENEY  
CLERK & RECORDER, GALLATIN COUNTY  
311 WEST MAIN, ROOM 204  
BOZEMAN, MT 59713



POSTNET  
FIRST CLASS



*Ready*

NO MAIL RECEIPT  
UNABLE TO DELIVER

Paulette R.  
1311 Central Ave  
Bozeman, MT 59713

NO MAIL RECEIPT  
UNABLE TO DELIVER