

ROAD PETITION #758

Old County Rd Spur from US 191

Denied 3-~~30~~-93

BOOK 42 PAGE 601

JAMES R. JUDE, M.D.
200 EDGEWATER DRIVE
CORAL GABLES, FLORIDA 33133
Telephone (305) 667-3233

March 11, 1993

Gallatin County Clerk & Recorder
Room 301
311 West Main Street
Bozeman, Montana 59715

Gentlemen:

I am enclosing the completed petition to abandon the Old County Road spur from US 191 to the former Crail Ranch on the north side of the west fork of the West Gallatin River. If there is further information that is required, please let me know and this will be furnished.

Sincerely yours,



James R. Jude, M.D.

JRJ:lg

RECEIVED

Date 3-22-93

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: Old County road spur from US 191 to former CRAIL KITCH on North side of West Fork of the WEST GALLATIN RIVER

(Attach additional page if required).

2. The road is commonly known as: _____

3. The general route of the road is described as follows:

EAST TO WEST from US 191 on N. side of West Fork of West Gallatin River running along West Fork to join new spur road to BIG SKY SKI & SUMMER AREA.

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

| <u>LANDOWNER(S)</u> | <u>MAILING ADDRESS</u> |
|---|---|
| 1. <u>James R. Jude</u> <u>lots E, F, G, H, I, J, K, L</u> <u>BIGHORN Subdivision</u> <u>a portion of NE 1/4 SE 1/4, S32, T6S</u> <u>PROPERTY DESCRIPTION R 4 E MPM</u> | <u>200 Edgewater Dr.</u> <u>Coral Gables FL 33133</u> <u>or 47995 Gallatin Road</u> <u>Gallatin Gateway MT 59730</u> |
| 2. <u>LELAND E. DAWES</u> <u>CO-OWNER LOT D</u> <u>BIGHORN SUBDIVISION - A PORTION OF NE 1/4 SE 1/4,</u> <u>S32, T6S, R4E, M.P.M.</u> <u>PROPERTY DESCRIPTION</u> | <u>2300 4th AVE. SOUTH</u> <u>GREAT FALLS, MT 59405</u> |
| 3. <u>DONALDINE FISHBAUGH</u> <u>CO-OWNER - LOT D</u> <u>BIGHORN SUBDIVISION - A PORTION OF NE 1/4, SE 1/4</u> <u>S32, T6S, R4E, M.P.M.</u> <u>PROPERTY DESCRIPTION</u> | <u>2300 4th AVE SOUTH</u> <u>GREAT FALLS, MT 59405</u> |

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

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:

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

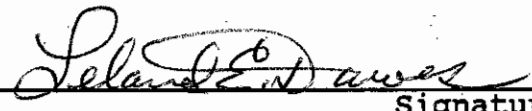
None

(Use additional pages if required)


8. The necessity for and advantage of the abandonment of the road are as follows: The petitioner owns the land on both sides of the road being petitioned to be abandoned & is the only user of a portion of the road for access to his property. Abandonment of the road will allow better utilization of his property since some lots are split by the abandoned road.

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.  47995 Gallatin Road
Signature Address
James R. Jude Gallatin Gateway MT 5973
Printed Name City, State & Zip
11-23-92
Date
Lots E, F, G, H, I, J, K, L BIG HORN SUBDIVISION
a portion of NE 1/4, SE 1/4, S32, T6S, R4E
Description of Property M.P.M.

2.  2300 4th AVE SOUTH
Signature Address
MELAND E. DAWES GREAT FALLS, MT 59405
Printed Name City, State & Zip
JAN 31, 1993
Date

CO-OWNER LOT D - BIG HORN SUBDIVISION - A PORTION
OF NE 1/4 SE 1/4, S32, T6S, R4E, M.P.M.
Description of Property

3.  2300 4th AVE, SOUTH
Signature Address
DONALDINE FISHBAUGH GREAT FALLS, MT 59405
Printed Name City, State & Zip
February 13, 1993
Date

CO-OWNER LOT D - BIG HORN SUBDIVISION - A PORTION
OF NE 1/4 SE 1/4, S32, T6S, R4E, M.P.M.
Description of Property

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

Statement of Purpose: Petition to abandon Old County Road Spur from US 191 to former Crail Ranch on the North Side of the West Fork of the West Gallatin River.

Legal Description: East to West from US 191 on the North Side of the West Fork of the West Gallatin River running along the West Fork to join new spur road to Big Sky Ski and Summer Area.

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 3 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 29 day of March 19 93, A.D.

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

State of Montana

County of Gallatin

Bozeman



March 31, 1993

James R. Jude, M.D.
200 Edgewater Drive
Coral Gables, FL 33133

RE: Road abandonment petition

Dear Mr. Jude,

On March 30, 1993, the Commissioners of Gallatin County received and reviewed your petition to abandon a portion of county road located in Section 32, T6S, R4E, M.P.M., Gallatin County, Montana.

Pursuant to Section 7-14-2601, Montana Code Annotated, 1991, the petition must contain the signatures of (at least) 10 freeholders within the road district.

A certificate relating to the qualification of signatures (copy enclosed) certified by me indicates that there were only 3 signatures that qualified.

According to Section 4D of the Gallatin County Road Abandonment Procedures (copy enclosed) the Commissioners have rejected the petition based on the insufficiency of signatures.

Attached to the copy of the procedures is a copy of another petition you may use if you wish to submit a new petition.

As a suggestion, if the portion of road you wish to abandon is shown on Big Horn Tract Subdivision, (as indicated on the map you submitted with the petition) I believe it would be more clear to the Commission if that was stated in the written description of what you wish to abandon. (ie: numbers 1 and 2 of the petition)

If I can be of assistance, please let me know.

Sincerely,

Shelley M. Cheney
Shelley M. Cheney
Clerk and Recorder
Gallatin County, Montana