

ROAD PETITION # 759

Sebena Road

approved 5-4-93

BOOK 42 PAGE 615

Prca

**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: That portion of Sebena Road, being 60 feet in width, 30 feet each side of common section line located in Sections 2&3, Township 1 North, Range 1 East P.M.M., County of Gallatin, State of Montana, commencing at the intersection of Sebena Road and Hassacker Road, to the center of intersection between Sebena Road & Yellowstone Trl. ((Willow Creek Road). Excluding the right of way necessary to relocate Sebena Road TO (Attach additional page if required). the old Yellowstone Trail as shown SE on Exhibit B.

2. The road is commonly known as: Sebena Road.

3. The general route of the road is described as follows: South, from the intersection of Hassacker Road to center of intersection of Yellowstone Trail (Willow Creek Road). The road is expected to be relocated as shown on Exhibit B under Airport Improvement Project 3-30-0077-02.

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

<u>LANDOWNER (S)</u>	<u>MAILING ADDRESS</u>
1. <u>Gallatin County Airport Board</u>	<u>P.O. Box 146</u> <u>Bozeman, MT 59741</u>

PROPERTY DESCRIPTION

2. <u>Mr. Leo Lane</u>	<u>PO Box 562</u> <u>THREE FORKS MT, 59752</u>
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PROPERTY DESCRIPTION

3. <u>Murray Ranch, Inc.</u>	<u>5575 Old Yellowstone Road</u> <u>Three Forks, MT 59752</u>
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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

LANDOWNER (S)

MAILING ADDRESS

11. _____

PROPERTY DESCRIPTION

12. _____

PROPERTY DESCRIPTION

13. _____

PROPERTY DESCRIPTION

14. _____

PROPERTY DESCRIPTION

15. _____

PROPERTY DESCRIPTION

16. _____

PROPERTY DESCRIPTION

(Use additional pages if required)

5. Except for the following landowners the landowners identified in Section 4 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 4 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

Joan Shepardson

Mike Elmore

Lloyd Schmidt

P.O. Box 1051, Denver, CO 80250

18880 Schuringa Lane, Three Forks, MT

Three Forks, MT

(Use additional pages if required)

8. The necessity for and advantage of the abandonment of the road are as follows:

To provide adequate clearance for a 1000' runway extension of Progreba
Field Airport, Three Forks, MT

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. ✓ Lewis W. Rafferty Signature 500 Airport Road Address
Lewis W. Rafferty Printed Name Three Forks MT 59752 City, State & Zip
3-19-93 Date

2.0 Acres
Description of Property

2. X Rosemarie Rafferty Signature 500 Airport Road Address
Rosemarie Rafferty Printed Name Three Forks MT 59752 City, State & Zip
3-19-93 Date

2.0 Acres
Description of Property

3. ✓ Fayle De Shaw Signature 680 Three Forks Airport Rd. Address
Fayle De Shaw Printed Name Three Forks MT 59752 City, State & Zip
3-20-93 Date

16.8 Acres
Description of Property

4. Dennis Richardson PO Box 434
Signature Address
Dennis Richardson 3 Forks MT 59252
Printed Name City, State & Zip
3/29/93
Date

211 N 6th Newhutton MT
Description of Property
5. ✓ [Signature] Box 196
Signature Address
Gary Lower Willow Creek MT
Printed Name City, State & Zip
3-29-93
Date

100 ACER
Description of Property
6. _____
Signature Address

Printed Name City, State & Zip

Date

7. _____
Signature Address

Printed Name City, State & Zip

Date

Description of Property

8.

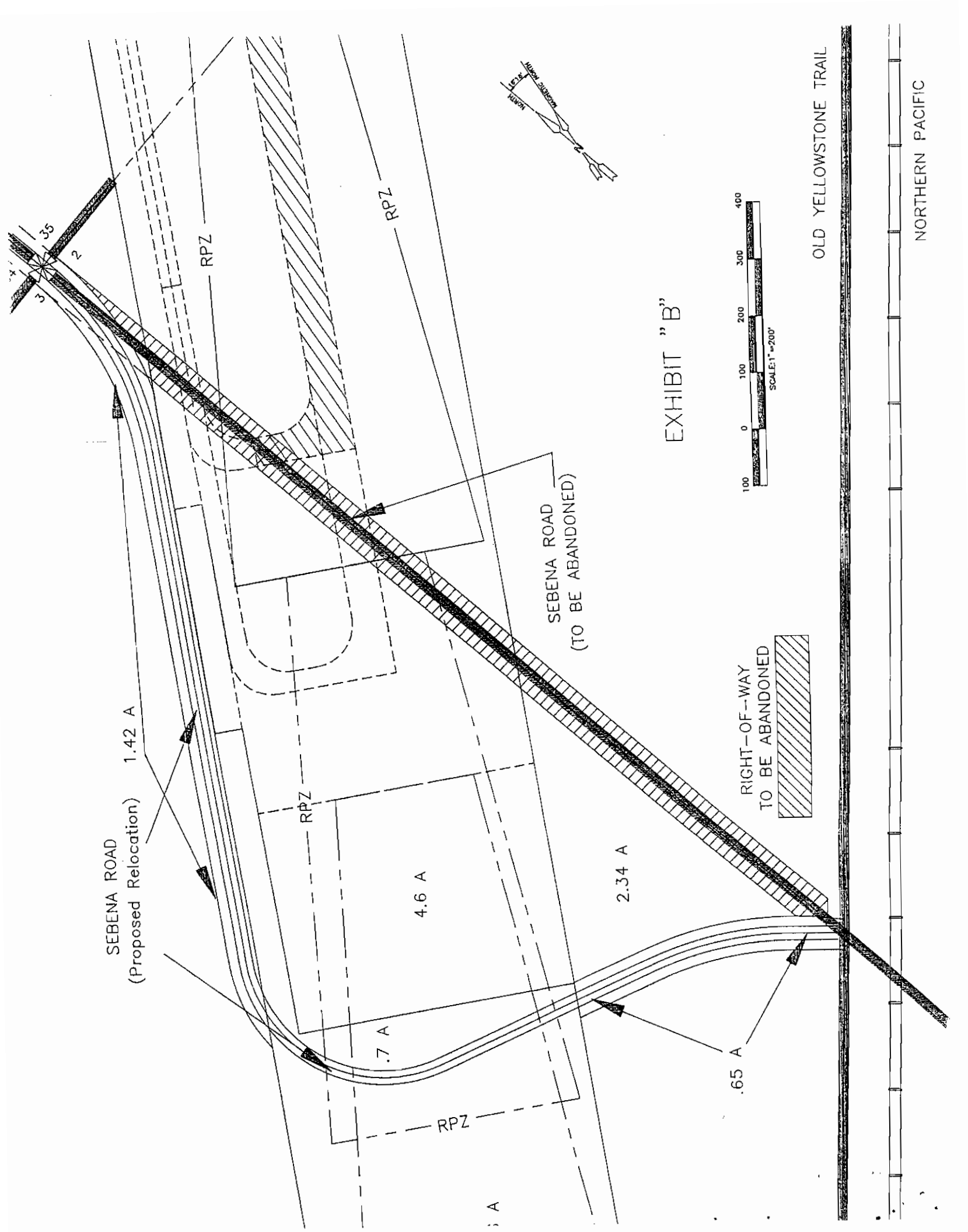
Signature	Address
Printed Name	City, State & Zip
Date	

9.

Description of Property	
Signature	Address
Printed Name	City, State & Zip
Date	

10.

Description of Property	
Signature	Address
Printed Name	City, State & Zip
Date	
Description of Property	



RECEIVED APR 0 2 1993

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

Statement of Purpose: To abandon a portion of Sebens Road,

Legal Description: That portion of Sebens Road, being 60 feet in width, 30 feet each side of common section line located in Sections 2 and 3, Township 1 North, Range 1 East P.M.M., County of Gallatin, State of Montana, commencing at the intersection of Sebens Road and Hassacker Road, to the center of intersection between Sebens Road and Yellowstone Trail (Willow Creek Road). Excluding the right of way necessary to relocate Sebens Road.

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, which contains the signatures of 13 feeeholders of the Road District within 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 2nd day of April 1993, A.D.

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

State of Montana

County of Gallatin

Bozeman



April 9, 1993

Board of County Commissioners
Gallatin County Courthouse
Bozeman, Montana

RE: Sebena Road abandonment

Dear Board,

On April 9, 1993, the undersigned being duly appointed as viewing committee, viewed a portion of Sebena Road located in Sections 2 and 3, T1N, R1E, P.M.M., Gallatin County, Montana, which has been petitioned to be abandoned.


The viewing committee toured Old Yellowstone Road, Hassakker Road, and Sebena Road. We observed a home on Hassakker Road and a trailer on the northwest side of the runway on Sebena Road. When considering the location of homes, no owners would experience extreme inconvenience if the petition were granted.

The portion of road which is petitioned to be abandoned is a dirt road, minimally maintained, and appears that the expansion of the runway will necessitate the abandonment of Sebena Road.

It does not appear that any landowner would become landlocked, nor any access to public lands be denied if the petition were granted.

Sincerely,


Deb Berglund
County Commissioner


Shelley M. Cheney
Clerk and Recorder/Surveyor

State of Montana

County of Gallatin

Bozeman



AFFIDAVIT OF MAILING

STATE OF MONTANA)
) ss
County of Gallatin)

SHELLEY M. CHENEY, BEING FIRST DULY SWORN ON OATH, deposes and says:

That she is the duly elected, qualified and acting County Clerk and Recorder of Gallatin County, Montana.

I certify that a true and correct copy of the attached notice of hearing was mailed to all landowners and petitioners named in road petition Number 759

Dated this 13th day of April, 1993.

Shelley M. Cheney

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

State of Montana

County of Gallatin

Bozeman



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 Sebena Road, being 60 feet in width and commencing at the intersection of Sebena Road and Hassacker Road, to the center of the intersection between Sebena Road and Old Yellowstone Trail located within Sections 2 and 3, T1N, R1E, P.M.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 20th day of April, 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.

Further information may be obtained from Gallatin County Commissioners A.D. Pruitt, Jane Jelinski, or Deb Berglund, 311 W. Main, Room 301, Bozeman, Montana, 59715, telephone 585-1400.

Oated this 13th day of April, 1993.

Shelley M. Cheney

Shelley M. Cheney
Clerk and Recorder
Gallatin County, Montana

State of Montana

County of Gallatin

Bozeman



AFFIDAVIT OF MAILING

STATE OF MONTANA)
) SS
County of Gallatin)

SHELLEY M. CHENEY, BEING FIRST DULY SWORN ON OATH, deposes and says:

That she is the duly elected, qualified and acting County Clerk and Recorder of Gallatin County, Montana.

I certify that a true and correct copy of the board's decision on road petition number 759 was mailed by certified mail to all owners of land abutting on the road, street, or alley abandoned or discontinued.

Dated this 7th day of May, 19 93.

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

By: *[Signature]* deputy

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 - Petition to abandon a portion of roadway/
Sebena Road) 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 18th day of April 19, and the last on the 18th day of April 1993.

Vivie Portnell

Subscribed and sworn to before me this

19th day of April 19 93

Shelley Cheney

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

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 Sebena Road, being 60 feet in width and commencing at the intersection of Sebena Road and Hassacker Road, to the center of the intersection between Sebena Road and Old Yellowstone Trail located within Sections 2 and 3, T1N, R1E, P.M.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 20th day of April, 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.

Further information may be obtained from Gallatin County Commissioners: A. D. Pruitt, Jane Jelinski, or Deb Berglund, 311 W. Main, Room 301, Bozeman, Montana 59715, telephone 585-1400.

Dated this 13th day of April, 1993.
SHELLEY M. CHENEY
Clerk and Recorder
Gallatin County, Montana
Publish: April 18

RESOLUTION NO. 1993- 10

DECISION CONCERNING PETITION TO ABANDON COUNTY ROAD

NAME OF COUNTY ROAD: A portion of Sebena Road

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

WHEREAS, a Petition to Abandon County Road was filed with the Gallatin County Clerk and Recorder requesting that a portion of Sebena Road 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, a committee consisting of one county commissioner, the county surveyor and road supervisor convened to investigate the feasibility and desirability of abandoning the road; and

WHEREAS, on April 20, 1993, the Gallatin County Commissioners conducted a public hearing, after notice, on the petition and the results of the investigation; and

WHEREAS, the Petition to Abandon County Road shows that the portion of Sebena Road requested to be abandoned will be replaced in another location by the granting of an easement as shown on the map attached hereto, which is marked as Exhibit "B"; and

WHEREAS, Section 7-14-2601 authorizes the County Commissioners to change a county road through the petition process in the same manner as a petition to abandon county road and the action of the petition in this matter will not abandon the county road but will relocate it.

NOW, THEREFORE BE IT RESOLVED:

1. Pursuant to Section 7-14-2601, MCA, the Petition to Abandon County Road filed in this matter is considered as a petition to alter and change the road sought to be abandoned.

2. 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:

The runway at the Gallatin County airport at Three Forks, Montana, is being expanded. The expansion of the runway requires the relocation of the portion of Sebena Road sought to be changed.

CERTIFIED TO BE A FULL, TRUE AND CORRECT COPY.

Dated at Helena, Montana, May 19 93

Shelley M. Cheney, Clerk and Recorder for

Gallatin County, State of Montana.

By: Lina M. Oltomius

Handwritten

The portion of Sebena Road will be relocated by easement as shown on Exhibit "B" attached hereto.

3. The following road, as requested in the Petition to Abandon County Road, is abandoned and is relocated from the area described herein to the area shown on Exhibit "B" as Sebena Road (Proposed Relocation):

A portion of Sebena Road, being 60 feet in width and commencing at the intersection of Sebena Road and Hassacker Road, to the center of the intersection between Sebena Road and Old Yellowstone Trail located within Sections 2 and 3, T1N, R1E, M.P.M., Gallatin County, Montana.

4. The abandonment and relocation ordered herein shall not be effective until an easement for the relocated portion of Sebena Road is given to Gallatin County.

5. 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.

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

DATED this 4th day of May, 1993.

BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY

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

Deb Berglund
Deb Berglund, Member

Jane Jelinski
Jane Jelinski, Member

ATTEST:

Shelley M. Cheney
SHELLEY CHENEY
Clerk and Recorder



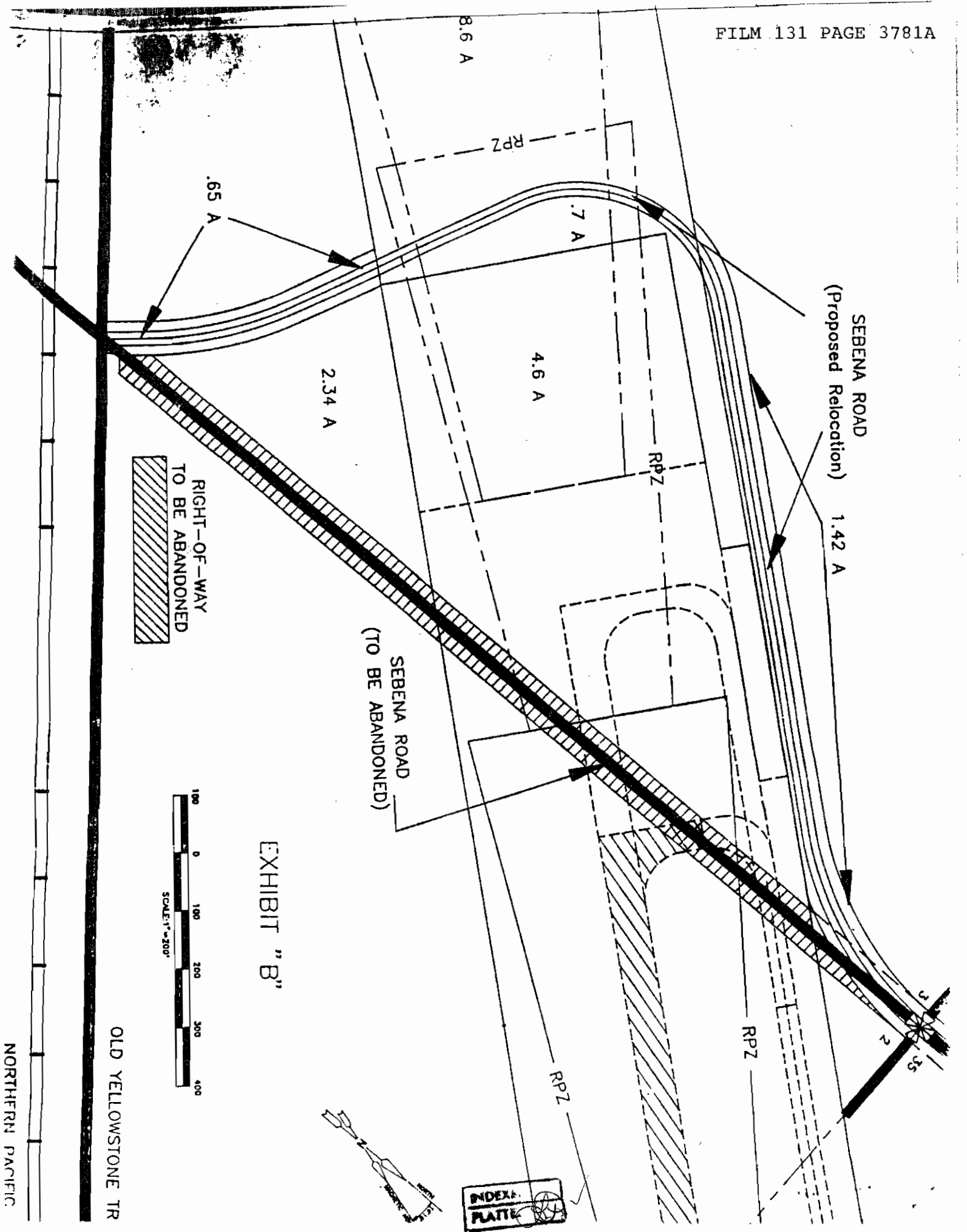


EXHIBIT "B"

263882

THIS INSTRUMENT WAS FILED FOR RECORD IN THIS OFFICE ON
 THE 5th DAY OF May, A.D., 19 93
 AT 1:58 P.M., AND WAS DULY RECORDED IN BOOK 131
 OF MISCELLANEOUS RECORDS, PAGE 3780

OFFICE OF COUNTY RECORDER)
 COUNTY OF GALLATIN)
 STATE OF MONTANA)

Fee \$ -0- Shelley M. Cheney RECORDER. BY Linda M. Artemus DEPUTY
 Rt: Road Petition #759

NORTHERN PACIFIC

OLD YELLOWSTONE TR

P 787 054 641



Certified Mail Receipt

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

Sent to	
Gallatin County Airport	
Street & No.	Board
Box 842	
P.O., State & ZIP Code	
Three Forks, MT 59752	
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 787 054 640



Certified Mail Receipt

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

Sent to	
Murray Ranch Inc	
Street & No.	
5575 Old Yellowstone Rd	
P.O., State & ZIP Code	
Three Forks, MT 59752	
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 787 054 639



Certified Mail Receipt

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

Sent to	
Leo Lane	
Street & No.	
P.O. Box 562	
P.O., State & ZIP Code	
Three Forks, MT 59752	
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.

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:

Murray Ranch, Inc
5575 Old Yellowstone Rd
Three Forks, MT 59752

4a. Article Number

P 787 054 640

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

5-8-93

5. Signature (Addressee)

6. Signature (Agent)

Violet E Murray

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

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:

Leo Lane
P.O. Box 562
Three Forks, MT 59752

4a. Article Number

P 787 054 639

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

5-10-93

5. Signature (Addressee)

6. Signature (Agent)

Leo Lane

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

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:

Gallatin County Airport Board
P.O. Box 842
Three Forks, MT 59752

4a. Article Number

P 787 054 641

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

5-10-93

5. Signature (Addressee)

6. Signature (Agent)

Norma L. Miller

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

PS Form 3811, October 1990

U.S. GPO: 1990-273-861

DOMESTIC RETURN RECEIPT

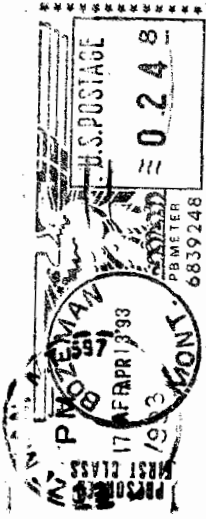
SHELLEY M. CHENEY
CLERK & RECORDER, GALLATIN COUNTY
311 WEST MAIN, ROOM 204
BOZEMAN, MT 59715



- MOVED, LEFT NO ADDRESS
- FORWARDING ORDER EXPIRED
- ATTEMPTED NOT KNOWN
- UNCLAIMED REFUSED
- NO SUCH STREET
- NO SUCH NUMBER
- INSUFFICIENT ADDRESS

Returned to sender

Gallatin County Airport Board
P.O. Box 745
Three Forks, MT 59752



SHELLEY M. CHENEY
CLERK & RECORDER, GALLATIN COUNTY
311 WEST MAIN, ROOM 204
BOZEMAN, MT 59715

RETURNED TO SENDER

REASON CHECKED

Address unknown Refused

Insufficient address

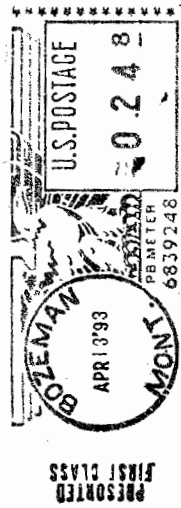
No such street

No such number

Insufficient address

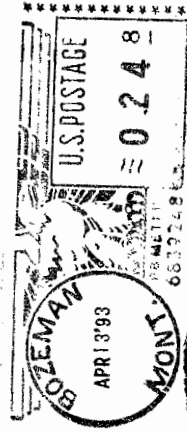
Denise

Dennis Richardson
211 North
Marhattan, MT 59741

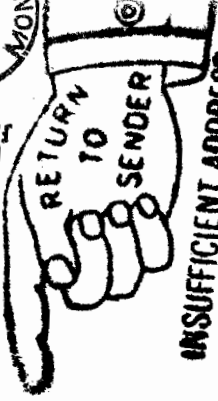


SHELLEY M. CHENEY
CLERK & RECORDER, GALLATIN COUNTY
311 WEST MAIN, ROOM 204
BOZEMAN, MT 59715

Shelley



PRESORTED
FIRST CLASS



INSUFFICIENT ADDRESS

Richard L. Okonek
Tract 8 Pine Butler Trails
Bozeman, MT 59715