

ROAD PETITION #760

old County Rd Spur from US191

BOOK 43 , PAGE 0005

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

No.	
Date	
Time	
CLERK & RECORDER GALLATIN CO., MONT.	

RECEIVED
Date 5-10-93
Clerk & Recorder
Gallatin County, Mont.

May 5, 1993

Ms. Shelley M. Cheney
Clerk & Recorder
Gallatin County, Montana
Room 301
311 West Main Street
Bozeman, Montana 59715

RE: Road abandonment petition

Dear Ms. Cheney:

I am enclosing the resubmitted petition to abandon the Old County Road Spur from US191 to the former Crail Ranch on the north side of the west fork of the West Gallatin River. I am sorry that I had misread the information in regard to the need for ten freeholders within the road district to sign the petition.

The only other owners of land adjacent to this road that we wish to petition to be abandoned are Leland E. Dawes, 2300 4th Avenue South, Great Falls, Montana, 59405, co-owned by Donaldine Fishbaugh, of the same address. They do not object to abandonment of this road.

Please note, Ms. Cheney, that you have the original signatures of Leland E. Dawes and Donaldine Fishbaugh on the original petition that I submitted to you. The ten additional freeholders listed are all original signatures.

I hope that I have completed all information, however, if other information is required, please let me know.

Sincerely yours,


James R. Jude, M.D.

JRJ:lg

Enclosure

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 RANCH on North side of West Fork of the WEST GALLATIN RIVER, as shown on the attached address map Big Horn Tract Subdivision, a portion of NE 1/4, SE 1/4, S32, T6S, R42, M.P.M.
(Attach additional page if required).

2. The road is commonly known as: Old Crail Ranch roadspur

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 SET & 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>BIG HORN Subdivision</u> <u>a portion of NE 1/4, SE 1/4, S32, T6S</u> <u>PROPERTY DESCRIPTION R 4E MPH</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>S 32, 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>S 32, 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

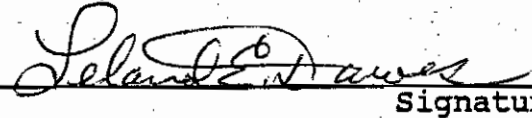
(Use additional pages if required)

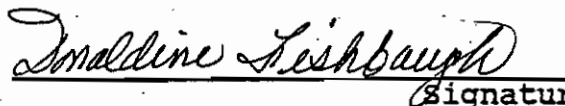
8. The necessity for and advantage of the abandonment of the road are as follows: The petitioner owns the land on both sides of the road being petitioned to be abandoned & is the only user of a portion of the road for access to his property. Abandonment of the road will allow better utilization of his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

THESE ORIGINAL SIGNATURES ARE ATTACHED TO PET. #758

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
LELAND 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

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. Richard Hovde Signature Lot 1
Richard Hovde Printed Name 1910 yellowtail Rd. Address
4/14/93 Date Big Sky, MT 59716 City, State & Zip

Residential Meadow Village Lot 1 Block 1

2. Ira Sumner Signature Description of Property
IRA SUMNER Printed Name Lot 23 BIX 2
4/15/93 Date 2675 Curley Bear Rd Address
Big Sky Mt 59716 City, State & Zip

Home

3. Scott Carpenter Signature Description of Property
Scott Carpenter Printed Name 2755 CHIEF JOSEPH TR Address
4/15/93 Date Big Sky MT 59716 City, State & Zip

Home

Description of Property

4. ✓ *Ken Holden* Signature Box 160335 Address
KEN HOLDENMAN Printed Name Big Sky, MT 59716 City, State & Zip
4-15-93 Date
Hidden Village #41 Townhouse Description of Property

5. ✓ *Edward L Hake* Signature Box 160326 Address
Edward L Hake Printed Name Big Sky, mt. 59716 City, State & Zip
4/15/93 Date
47200 Gallatin Rd. Description of Property

6. ✓ *Faith Maupeli* Signature BOX 160013 Address
FAITH MAUPELI Printed Name Big Sky, MT 59716 City, State & Zip
4/16/93 Date
48000 GALLATIN CANYON RD Description of Property

7. ✓ *Scott Bowen (Hake Maupeli)* Signature 48030 Gallatin Rd, Gallatin Address
SCOTT BOWEN Printed Name Gatanga, MT 59730 City, State & Zip
4-18-93 Date
48030 Gallatin Rd Description of Property

Description of Property

8. ✓ Amy Ring Signature 50365 GALLATIN RD. Address
HARRY RING Printed Name BIG SKY, MT. 59714 City, State & Zip
4-20-93 Date

9. ✓ [Signature] Signature Box 160007 Address
C.L. ANCENEY Printed Name Big Sky, MT 59716 City, State & Zip
19 April 93 Date
85 acrs. Sec 32/33 65 4E

10. ✓ [Signature] Signature Box 160018 Address
ERALG K. SMIT Printed Name Big Sky, MT 59716 City, State & Zip
April 21, 1993 Date

Concess
 Description of Property

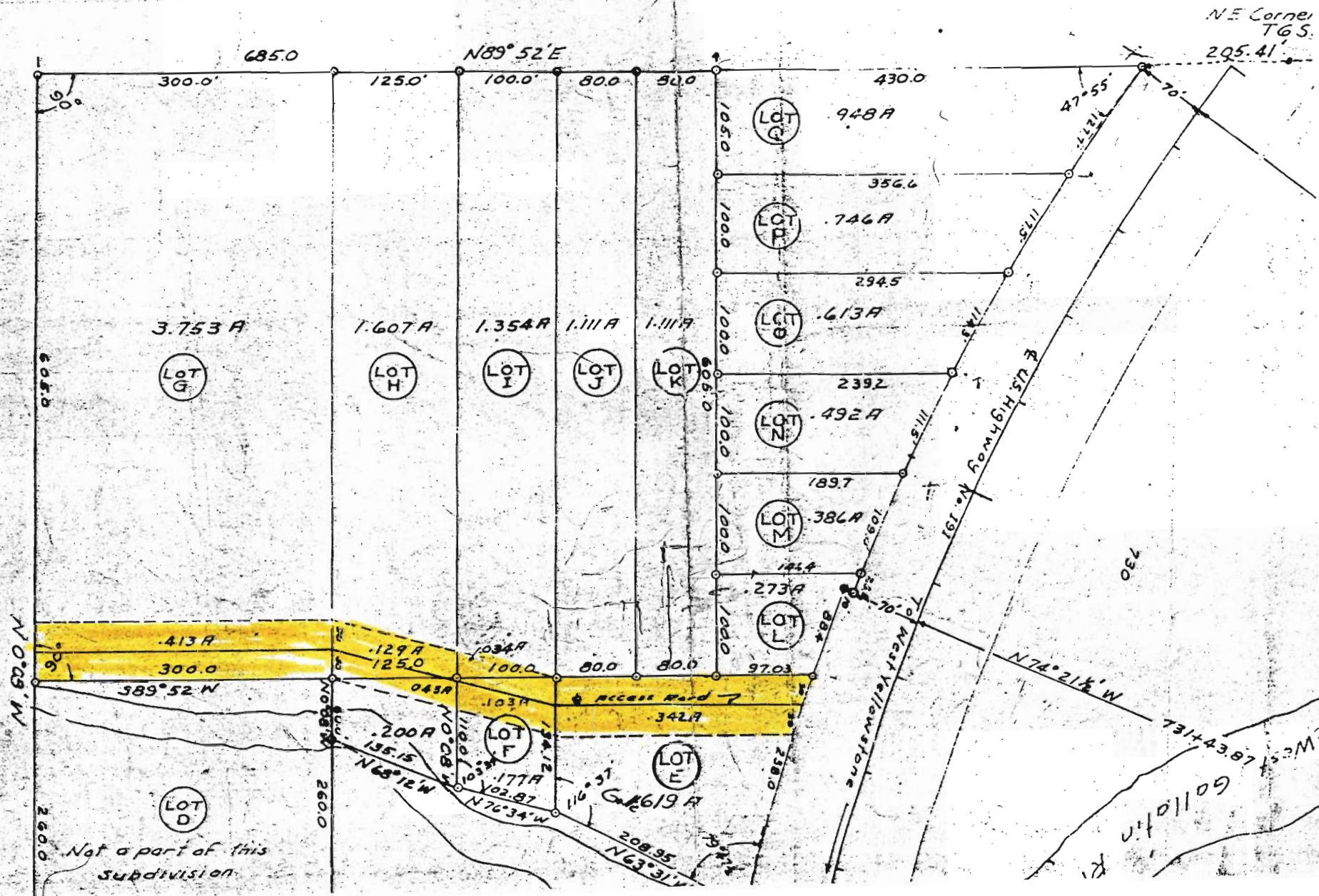
A SUBDIVISION IN GALLATIN COUNTY, STATE OF MONTANA

A PORTION OF NE1/4 SE1/4, S32, T6S., R4E. M.P.M.

SCALE 1 INCH = 100 FEET

SURVEYED AND DRAWN BY EARL R. BEST

12.72 Acres



**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 11 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
11 day of May 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



June 21, 1993

Board of County Commissioners
Gallatin County Courthouse
Bozeman, Montana

RE: Old Crail Ranch road spur

Dear Board,

On June 17, 1993, the undersigned being duly appointed as viewing committee, viewed a portion of the Old Crail Ranch road spur located in section 32, T6S, R4E, M.P.M., Gallatin County, Montana, which has been petitioned to be abandoned.

A County road would be extremely difficult to build on the existing petitioned road. It appears that part of the West Fork of the Gallatin River has moved onto the right-of-way. Directly north of the river is steep, rocky, mountain terrain with less than a car width between the mountain and the river.

Because it appears the river has moved onto the right-of-way, at this time, the road right-of-way does provide access along the north side of the river.

No land owner would become landlocked if the petition to abandon were granted.

Big Sky Spur Road and US 191 allow public access to forest service lands in the area.

Sincerely,


Deb Berglund
County Commissioner


Shelley M. Cheney
Clerk and 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 roadway has been submitted to the Board of County Commissioners of Gallatin County, Montana, for consideration.

Petitioners are requesting that part of the old county road spur from US 191 on the north side of the West Fork of the West Gallatin River running along the West Fork to join the new spur road to Big Sky Ski and Summer area be abandoned.

NOTICE IS FURTHER GIVEN that said petition has been scheduled for public hearing before the Board of County Commissioners on the 6th day of July, 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 28th day of June, 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 attached notice of hearing was mailed to all landowners and petitioners named in road petition Number 760

Dated this 28th day of June, 1993.

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

Affidavit of Publication

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

Vivie Portnell, being duly sworn, deposes and says: That she 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 (Petition to abandon portion of a roadway: Old county road spur from US 191 on north side of West Fork of W. Gallatin River) 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 30th day of June 1993, and the last on the 30th day of June 1993.

Vivie Portnell
Subscribed and sworn to before me this
30th day of June 1993
Rachel 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
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 part of the old county road spur from US 191 on the north side of the West Fork of the West Gallatin River running along the West Fork to join the new spur road to Big Sky Ski and Summer area be abandoned.
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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 545-1400.
Dated this 28th day of June, 1993.
SHELLEY M. CHENEY
Clerk and Recorder
Gallatin County, Montana
Publish: June 30

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 760 was mailed by certified mail to all owners of land abutting on the road, street, or alley abandoned or discontinued.

Dated this 15th day of July, 19 93.

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

DECISION CONCERNING PETITION TO ABANDON COUNTY ROAD

NAME OF COUNTY ROAD: Old Crail Ranch Road Spur to Big Sky

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, on May 10, 1993, a Petition to Abandon County Road was filed with the Gallatin County Clerk and Recorder requesting that Old Crail Ranch Road Spur from US Highway 191 to former Crail Ranch on the North side of the West Fork of the West Gallatin River further described as East to West from US Highway 191 on the North side of the West Fork of the West Gallatin River running along the West Fork to join the new spur road to Big Sky Ski and Summer Area located in Section 32, TS6, R4E, M.P.M., Gallatin County, Montana, 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 July 6, 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. A county road would be extremely difficult to build on the existing petitioned road. Part of the West Fork of the Gallatin River has moved onto the right-of-way. Directly north of the river is steep, rocky, mountain terrain with less than a car width between the mountain and the river.

b. No landowner would become landlocked by abandonment.

c. Big Sky Spur Road and US Highway 191 allow public access to forest service lands in the area.

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

Old Crail Ranch Road Spur from US Highway 191 to former Crail Ranch on the North side of the West Fork of the West Gallatin River further described as East to West from US Highway 191 on the North side of the West Fork of the West Gallatin River running along the West Fork to join the new spur road to Big Sky Ski and Summer Area located in Section 32, TS6, R4E, 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 13th day of July, 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

INDEXED
FILED

CERTIFIED TO BE A FULL, TRUE AND CORRECT COPY.
Dated at Bozeman, Montana, July 15 1993
By Shelley M. Cheney Clerk and Recorder for
Gallatin County, State of Montana.
Thomas M. Altamus Deputy

267920

2

State of Mont., County of Gallatin. ss Filed for record July 15, 19 93
at 8:45 AM, and recorded in Book 133 of MISCELLANEOUS page 4042
Shelley M. Cheney Recorder. By Elizabeth Anderson Deputy

P 787 054 659



Certified Mail Receipt

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

Sent to	
Donaldine Fishbaugh	
Street & No.	
2300 4th 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 787 054 658



Certified Mail Receipt

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

Sent to	
Leland E. Dawes	
Street & No.	
2300 4th 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 787 054 660



Certified Mail Receipt

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

Sent to	
James R. Jude	
Street & No.	
200 Edgewater Drive	
P.O., State & ZIP Code	
Coral Gables, FL 33133	
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 787 054 657



Certified Mail Receipt

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

Sent to	
U.S. Postmaster	
Street & No.	
P.O., State & ZIP Code	
Big Sky, MT 59716	
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:

Donaldine Fishbaugh
2300 4th Ave. South
Great Falls, MT 59405

4a. Article Number

P 787 054 659

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

7. Date of Delivery

7-16-93 *vr*

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

5. Signature (Addressee)
Donaldine Fishbaugh

6. Signature (Agent)
James R. Jude

PS Form 3811, October 1990 *U.S. GPO: 1990-273-961 **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:

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

4a. Article Number

P 787 054 660

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

7. Date of Delivery

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

5. Signature (Addressee)
James R. Jude

6. Signature (Agent)
Kenneth Mow

PS Form 3811, October 1990 *U.S. GPO: 1990-273-961 **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:

U.S. Postmaster
Big Sky, MT 59716

4a. Article Number

P 787 054 657

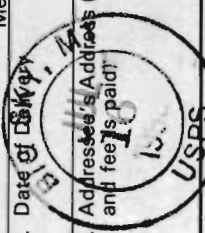
- 4b. Service Type
- Registered
 - Insured
 - Certified
 - COD
 - Express Mail
 - Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)
Donaldine Fishbaugh

6. Signature (Agent)
James R. Jude

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



PS Form 3811, October 1990 *U.S. GPO: 1990-273-961 **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:

Leland E. Dawes
2300 4th Ave. South
Great Falls, MT 59405

4a. Article Number

P 787 054 658

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

7. Date of Delivery

7-16-93 *vr*

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

5. Signature (Addressee)
Leland E. Dawes

6. Signature (Agent)
James R. Jude

PS Form 3811, October 1990 *U.S. GPO: 1990-273-961 **DOMESTIC RETURN RECEIPT**