

ROAD PETITION #761

RIVER ROAD

BOOK 43 PAGE 0005

RECEIVED

Date 5-21-93

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: A portion of River Road South starting at address 11360 River Road located in the N.E. 1/4 of S.E. 1/4 of Section 22 Township 2 south Range 4 East running in a southwesterly direction for approximately 1.5 miles to address 12787 River Road located in the N.W. 1/4 of S.E. 1/4 of Section 22 Township 2 South Range 4 East. 27  
(Attach additional page if required).

2. The road is commonly known as: River Road - South.

3. The general route of the road is described as follows: The general route of South River Road starting from Montana Highway 84 on the west side of the Gallatin River going in a southwesterly direction to Axtell Anceny Road.

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

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
1. ✓ <u>Joe Axtell</u>	<u>12850 River Rd</u>
<u>R 23 4E Sec 27</u>	

<u>PROPERTY DESCRIPTION</u>	
2. ✓ <u>Francis J. Kelley</u> }	<u>10170 RIVER ROAD and</u>
<u>Deloris L. Kelly</u> }	<u>11360 RIVER ROAD</u>
<u>Sec 22 &amp; 23 T2S R4E</u>	

3. _____	_____
_____	_____
_____	_____
<u>PROPERTY DESCRIPTION</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)

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

✓ CLARENCE VAN DYKE  
CLARENCE USES THE ROAD TO  
TRANSPORT FARM MACHINERY

3295 Aighline Rd  
MANHATTAN MO. 64741

(Use additional pages if required)

8. The necessity for and advantage of the abandonment of the road are as follows: 1. Stop people from poaching game; 2. tearing down fences; 3. shooting locks; 4. vandalism; 5. trespassing; 6. dumping garbage; 7. people use road to by-pass scales; 8. everytime road is wet someone has to tear road up.

Anyone needing access through proposed road closure, for agriculture purposes or any other logical reason will be given access by both Axtells and Kelly Ranch.

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. Donald S. Gilliam Et Al <sup>109</sup> 109 W. Estey, Dr  
 Signature Address  
DONALD S. GILLIAM ET AL Bozeman, MT 59715  
 Printed Name City, State & Zip  
April 19, 1993  
 Date  
SE 1/4 NW 1/4 Sec 768 N 1/2 S 40 S 26  
 Description of Property

2. Georgia Fawer Box 366  
 Signature Address  
Georgia Fawer Gallatin Gateway, MT 59730  
 Printed Name City, State & Zip  
4-20-93  
 Date  
214 Tracy St Gallatin Gateway, MT  
 Description of Property

3. Judie L. Adamek 80155 Gallatin Rd  
 Signature Address  
Judie L. Adamek Bozeman mt 59715  
 Printed Name City, State & Zip  
4/21/93  
 Date  
OLD Montforton Property - built by Bobby Montforton  
CO S 449  
 Description of Property

4. Don J. Adamek Signature 80155 Galtair Rd Address  
Don J. Adamek Printed Name Bozeman MT 59715 City, State & Zip  
4-21-93 Date

2 mi. SW - 4 corners - Upper Rainbow Rd  
CD 449  
Description of Property

5. James W Storey Signature 9969 River Road Address  
James W Storey Printed Name Bozeman MT 59715 City, State & Zip  
4-30-93 Date

in sec 14 & 15 T2S R4E  
Description of Property

6. William Williams Signature 10511 River Road Address  
WILLIAM H WILLIAMS Printed Name Bozeman MT 59715 City, State & Zip  
4/30/93 Date

sec 22 T2S R4E  
Description of Property

7. Clyde R. Cox Signature 81601 Galtair Road Address  
Clyde R. Cox Printed Name Bozeman, Montana 59715 City, State & Zip  
5-4-93 Date

81601 Galtair Road  
Description of Property

8. Midora B Cox Signature 91601 Hallatin Rd Address  
MIDORA B. COX Printed Name Bozeman Mont 59715 City, State & Zip  
5-4-1993 Date

81601 HALLATIN ROAD

9. David Vaughan Signature 80057 Gallatin Rd Description of Property  
DAVID VAUGHAN Printed Name Bozeman Mont 59715 Address  
5/6/93 Date

Tps in Rainbow Sub

10. Edward J. Miller Signature 28373 Norris Rd Description of Property  
Edward J. Miller Printed Name Bozeman Mt 59715 Address  
May 6, 93 Date

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

LANDOWNER(S)

MAILING ADDRESS

✓ 11. Clarence Van Dyke 2295 Highline Rd  
CLARENCE VAN DYKE Manchester, Mt. 59741  
 5/7/93 High Flat Road

PROPERTY DESCRIPTION

✓ 12. S. A. Taylor 521 Perwell Bridge Road  
S.A. Taylor Belgrade, mt. 59714  
 5/7/83

PROPERTY DESCRIPTION

✓ 13. Madeline S. Taylor 521 Perwell Bridge Road  
Madeline S. Taylor Belgrade, MT. 59714  
 5/7/83

PROPERTY DESCRIPTION

✓ 14. Vivian C. Thomas 40221 Gallatin Road Bozeman  
Vivian C. Thomas  
 5/10/93

PROPERTY DESCRIPTION

15. \_\_\_\_\_

PROPERTY DESCRIPTION

16. \_\_\_\_\_

PROPERTY DESCRIPTION

(Use additional pages if required)

15

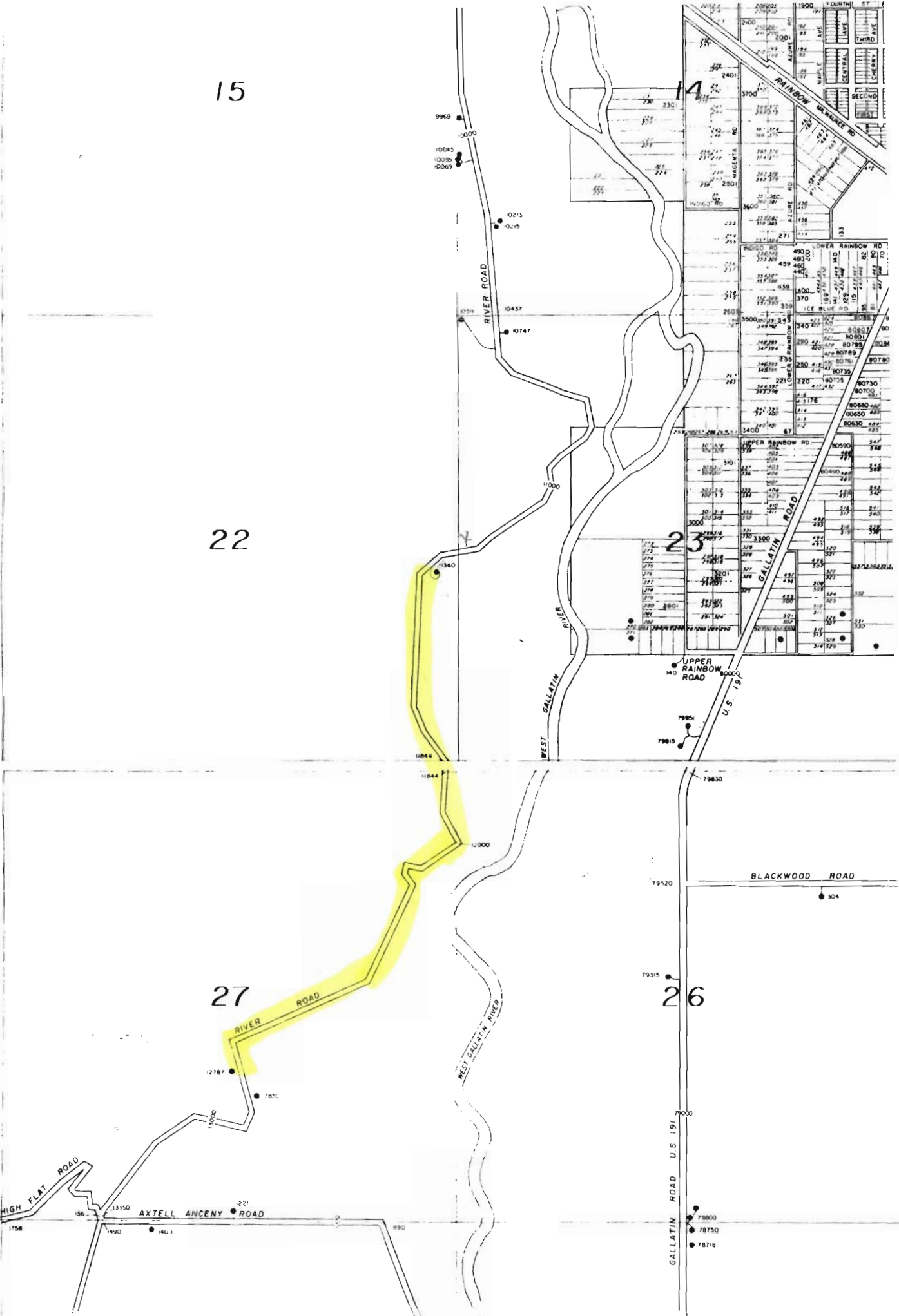
14

22

23

27

26







State of Montana

*County of Gallatin*

Bozeman



June 21, 1993

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, Montana

RE: River Road (south) abandonment

Dear Board,

On June 17, 1993, the undersigned being duly appointed as viewing committee, viewed a portion of River Road located in Sections 22 and 27, T2S, R4E, M.P.M., Gallatin County, Montana, which has been petitioned to be abandoned.

On this day, the road was wet, and it appeared that the road could become impassible during certain times of the year.

The road is a single lane and appears to be used on a regular basis.

This road is the better built of two roads being a north/south connector between the Gallatin River and the western County line.

The viewing committee observed that there were several potential turnouts for parking. Fence lines and/or gates on the east side of the road were not posted as private property or no trespassing very well.

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



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 approximately 1.5 miles of River Road located in Sections 22 and 27, Township 2 South, Range 4 E, M.P.M., Gallatin County, 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

# 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 (Petition to abandon portions of a roadway: River 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 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 approximately 1.5 miles of River Road located in Sections 22 and 27, Township 2 South, Range 4 E, M.P.M., Gallatin County, 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 Jellinski, or Deb Berglund, 311 W. Main, Room 301, Bozeman, Montana 59715, telephone 585-1400.  
Dated this 28th day of June, 1993.

SHELLEY M. CHENEY  
Clerk and Recorder  
Gallatin County, Montana  
Publish: June 30





# County of Gallatin

County Commission

311 West Main - Room 301  
Bozeman, Montana 59715

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

July 7, 1993

Sheriff Bill Slaughter  
Law & Justice Center  
615 South 16th Avenue  
Bozeman, MT 59715

Dear Bill,

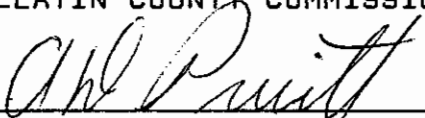
Yesterday we held a public meeting to consider the abandonment of a portion of River Road. The portion requested to be abandoned is the narrow, muddy portion beginning south of the stone house and ending near Axtell Road.


We decided not to abandon the road, but heard substantial testimony about the problems along that road. The adjacent landowners reported incidents of shooting, partying, and vandalism. We request that you attempt to alleviate these problems through whatever means you deem appropriate.

Thank you for your assistance.

Sincerely,

GALLATIN COUNTY COMMISSION

  
A.D. Pruitt, Chairman

  
Deb Berglund, Member

NOT AVAILABLE FOR SIGNATURE  
Jane Jelinski, Member

A:\WPS1\BILL.DEB

✓cc: Shelley Cheney  
Sam Gianfrancisco

State of Montana

*County of Gallatin*

Bozeman



**AFFIDAVIT OF MAILING**

STATE OF MONTANA )

County of Gallatin ) ss

**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 761 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

RECEIVED JUL 9 5 1993

June 28, 1993

County Commissioners  
Gallatin County  
311 W. Main  
Bozeman, Mt 59715

RE: The partial closing of River Raod

The following persons are requesting that River Road remain open to non-motorized traffic.

We are specifically asking to use the road for foot travel, bike horseback riders.

Thank you for your consideration.

Signatures:

Joyce S. Kingsley  
Mary Ann Rihorsen  
Dorant L. Behm  
Stephanie Thorsen  
Matt Bird  
Peter Storrer  
Heidi A. Warrn



June 28, 1993

County Commissioners  
Gallatin County  
311 W. Main  
Bozeman, Mt 59715

RE: The partial closing of River Road

The following persons are requesting that River Road remain open to non-motorized traffic.

We are specifically asking to use the road for foot travel, bike horseback riders.

Thank you for your consideration.

Signatures:

*Michael Wayne* *John Smith*  
*Wine Bodino*

*Nikki Reaveley*  
*Ann M. Wynn - (open to motorized also!!)*

*Philip D. Adalf*

*Roy Burr*

*Michael J. Maszy*

*Cherie d. Ect*

*Mark Oltman*

*Dwight C. Seamons*

*Carl Bettinger (motorized too!)*

*Allen H. Porter (motorized also!)*

*Bill Moore (motorized also!)*

RECEIVED JUL 06 1993

June 28, 1993

County Commissioners  
Gallatin County  
311 W. Main  
Bozeman, Mt 59715

RE: The partial closing of River Raod

The following persons are requesting that River Road remain open  
to non-motorized traffic.

We are specifically asking to use the road for foot travel, bike &  
horseback riders.

Thank you for your consideration.

Signatures:

Sandi Tankersley  
Dwight Shue  
Lucerne Currie (preferably all vehicles)  
John C. Vacek  
Doris M. Vacek

RECEIVED JUL 06 1993

County Commissioners  
Gallatin County  
311 W. Main  
Bozeman, Montana

RE: The partial closing of River  
Road

The following persons are requesting  
that River Road remains open to  
non-motorized traffic.

We are specifically asking to use  
the road for foot travel, bike  
and horseback riders.

Signatures:

Tommi Hageman want open to all vehicles  
Douglas A Hageman -

Thank you for your consideration

RESOLUTION NO. 1993- 23

DECISION CONCERNING PETITION TO ABANDON COUNTY ROAD

NAME OF COUNTY ROAD: PORTION OF RIVER 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 River Road south starting at address 11360 River Road located in the NE1/4SE1/4 of Section 22, T2S, R4E, and running in a southwesterly direction for approximately 1.5 miles to address 12787 River Road located in the NW1/4SE1/4 of Section 27, T2S, R4E, M.P.M., 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 June 1, 1993 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 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 for the following reasons:

a. The road is a single lane and appears to be used on a regular basis.

b. The road is the better built of two roads being a north/south connector between the Gallatin River and the western County line.

c. There was public testimony against the closure of the road.

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

A portion of River Road south starting at address 11360 River Road located in the NE1/4SE1/4 of Section 22, T2S,

R4E, and running in a southwesterly direction for approximately 1.5 miles to address 12787 River Road located in the NW1/4SE1/4 of Section 27, T2S, 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, Chairman

  
\_\_\_\_\_  
Deb Berglund, Member

ABSENT  
\_\_\_\_\_  
Jane Jelinski, Member

ATTEST:

  
SHELLEY CHENEY  
Clerk and Recorder

P 787 054 663



**Certified Mail Receipt**

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

Sent to	
Francis J. & Deloris Kelly	
Street & No.	
11360 River 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 787 054 662



**Certified Mail Receipt**

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

Sent to	
Francis J. & Deloris Kelly	
Street & No.	
10170 River 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 787 054 661



**Certified Mail Receipt**

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

Sent to	
Joe Axtell	
Street & No.	
12850 River 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.

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:

Joe Axtell  
12850 River Road  
Bozeman, MT 59715

*Joe Axtell*

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 787 054 661

4b. Service Type

- Registered       Insured  
 Certified       COD  
 Express Mail       Return Receipt for Merchandise

7. Date of Delivery

7/16/93 *APH*

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

229

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



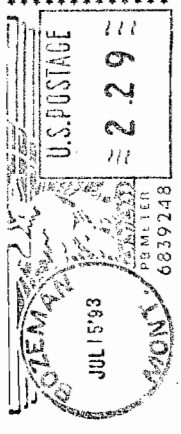
NO MAIL RECEIPT  
UNABLE TO DELIVER



NO MAIL RECEIPT  
UNABLE TO DELIVER

**CERTIFIED**  
P 787 054 663  
**MAIL**

Francis J. & Deloris L. Kelly  
1360 River Road  
Bozeman, MT 59715



NMR-RR4

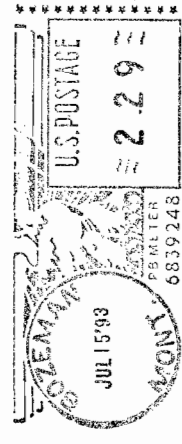
SHELLEY M. CHENEY  
CLERK & RECORDER, GALLATIN COUNTY  
311 WEST MAIN, ROOM 204  
BOZEMAN, MT 59715



NO MAIL RECEIPT  
UNABLE TO DELIVER

**CERTIFIED**  
P 787 054 662  
**MAIL**

Francis J. & Deloris L. Kelly  
10170 River Road  
Bozeman, MT 59715



229

NMR-RR4



Fold at line over top of envelope to the right of the return address.

Is your RETURN ADDRESS completed on the reverse side?

**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:

Francis J. & Deloris L. Kelly  
10170 River Road  
Bozeman, MT 59715

4a. Article Number

P 787 054 662

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

Thank you for using Return Receipt Service.

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

**DOMESTIC RETURN RECEIPT**

Fold at line over top of envelope to the right of the return address.

**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:

Francis J. & Deloris L. Kelly  
11360 River Road  
Bozeman, MT 59715

4a. Article Number

P 787 054 663

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

Thank you for using Return Receipt Service.

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**