

ROAD PETITION # 763
PENWELL STREET
UNICORP TOWNSITE CENTRAL
PARK

Book 43 Page 67

PETITION TO DISCONTINUE STREET OR ALLEY IN UNINCORPORATED TOWN
(APPENDIX B)

TO: THE BOARD OF GALLATIN COUNTY COMMISSIONERS
GALLATIN COUNTY, MONTANA

COME NOW the undersigned owners of the lots on the street or alley in an unincorporated town or townsite sought to be discontinued and petition this board pursuant to Section 7-14-2616, MCA, to discontinue the street or alley and represent as follows:

1. The street or alley to be discontinued is particularly described as follows: TIN R4E SEC 19 - Penwell Street

(Attach additional page if required).

2. The general route of the street or alley is described as follows: Currently there is no indication of any street. It has been used as a driveway, etc. If open it would run NE/SW. Embankment is starting to fall away - by closing we will build up embankment so as not to affect our land.

3. All of the owners on the street or alley are identified as follows:

<u>LOT OWNER(S)</u>	<u>LOT DESCRIPTION</u>
1. <u>PAUL + SANDRA Joubert</u>	<u>100 Central PK RD</u> <u>East border OF Penwell STREET</u>
2. <u>GALLATIN County</u>	<u>West Border of Penwell Street</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____

The undersigned state that they are owners of lots on the street or alley in the unincorporated town or townsite. **Note: ALL OWNERS OF THE LOTS ON THE STREET OR ALLEY ARE REQUIRED TO SIGN THIS PETITION. IF THE STREET OR ALLEY IS TO BE CLOSED FOR SCHOOL PURPOSES, 75% OF THE LOT OWNERS ON THE WHOLE STREET OR ALLEY ARE REQUIRED TO SIGN THIS PETITION.**

1. Sandra Joubert Signature P.O. 1692 Address
SANDRA Joubert Printed Name Bozeman, Mt 59771 City, State & Zip
1 September 1993 Date
100 Central Park Road - East side of Penwell Street Description of Property

2. Paul Joubert Signature Box 1692 Address
PAUL JOUBERT Printed Name BOZEMAN MT 59771 City, State & Zip
9-1-93 Date
100 CENTRAL PARK RD BELGRADE MT 59714 Description of Property

3. _____ Signature _____ Address

Printed Name _____ City, State & Zip

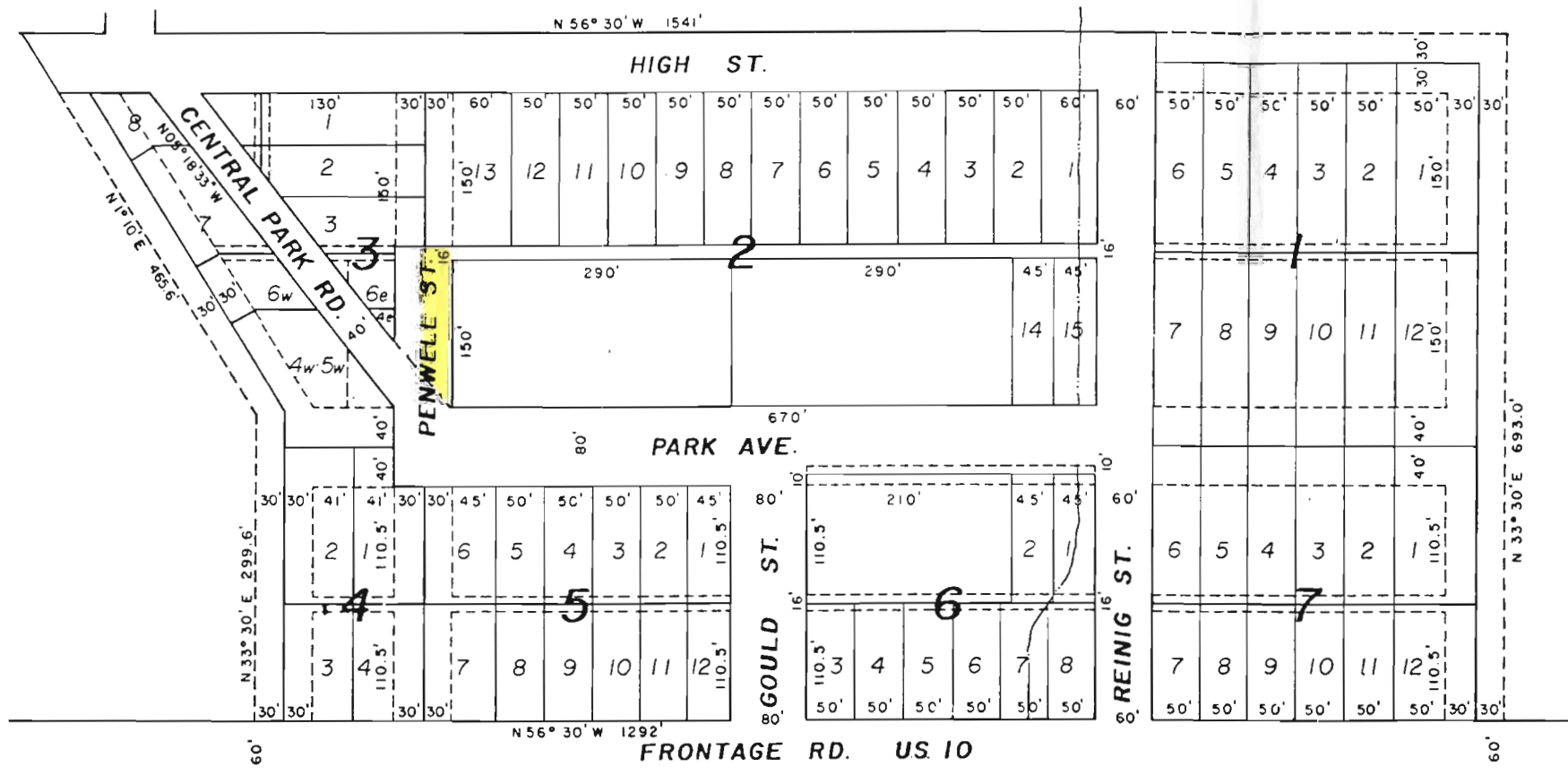
Date _____

Description of Property

TOWNSITE OF CENTRAL PARK

GALLATIN COUNTY, MONTANA

T 1 N R 4 E SEC 19



State of Montana

County of Gallatin

Bozeman



September 7, 1993

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

Dear Commissioners,

On September 2, 1993, I received a petition to abandon a portion of Penwell Street in the unincorporated townsite of Central Park, which is located in Section 19, Township 1 North, Range 4 East, M.P.M., Gallatin County, Montana.

All of the lot owners bordering the east boundary of Penwell Street have signed the petition.

Gallatin County owns the lots bordering the west boundary of Penwell Street.

According to the Gallatin County Road Abandonment procedures, all owners of the lots on the street or alley must sign the petition.

By reviewing the map attached to the petition, it appears that the petitioners are requesting that the east 30 feet (adjacent to their property) be abandoned.

Sincerely,

Shelley M. Cheney
Clerk and Recorder
Gallatin County, Montana

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 4
To Mike SALVAGNI	From TINA	
Co. COUNTY ATTY	Co. Clerk & Recorder	
Dept.	Phone #	
Fax #	Fax #	

3
10/17/93
TAR

State of Montana

County of Gallatin

Bozeman



October 22, 1993

Board of County Commissioners
Gallatin County Courthouse
Bozeman, Montana

RE: Penwell Street - Central Park

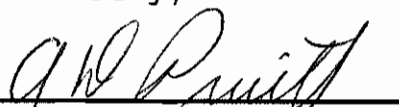
Dear Board,

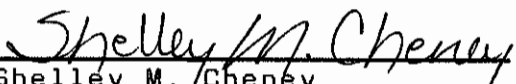
On October 21, 1993, the undersigned being duly appointed as viewing committee, viewed a portion of Penwell Street located in the unincorporated townsite of Central Park which is in Section 19, Township 1 North, Range 4 East, M.P.M., Gallatin County, Montana, and has been petitioned to be abandoned.

The viewing committee observed the following:

1. The road has never been built.
2. When comparing the map to the actual surrounding area it is evident that if this road would be built, it would be a dead end road with an approximate length of 150 feet.
3. Penwell Street, as shown on the plat, is 60 feet wide. According to County Road Superintendent Sam Gianfrancisco all of the west half of Penwell Street, and the north 165 feet of the east half of Penwell Street has already been abandoned.
4. No land owner would become landlocked, nor anyone denied access to public lands if this petition to abandon were granted.

Sincerely,


A. D. Pruitt
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 a portion of Penwell Street in the unincorporated townsite of Central Park which is located in Section 19, Township 1 North, Range 4 East, 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 8th day of November, 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 Kris Dunn, 311 W. Main, Room 301, Bozeman, Montana, 59715, telephone 585-1400.

Dated this 27th day of October, 1993.

Shelley M. Cheney

Shelley M. Cheney
Clerk and Recorder
Gallatin County, Montana

PLEASE PUBLISH: October 31, 1993.

PLEASE BILL: Clerk and Recorder

*Faxed to
Chronicle
10-27-93*

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 attached notice of hearing was mailed to all landowners and petitioners named in road petition Number 763

Dated this 27th day of October, 19 93.

Shelley M. Cheney

Shelley M. Cheney
County Clerk & 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 763 was mailed by certified mail to all owners of land abutting on the road, street, or alley abandoned or discontinued.

Dated this 18TH day of NOVEMBER , 19 93 .

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

RESOLUTION NO. 1993- 43

**DECISION CONCERNING PETITION TO DISCONTINUE
STREET IN UNINCORPORATED TOWN**

**NAME OF COUNTY ROAD: PORTION OF PENWELL STREET IN THE
UNINCORPORATED TOWNSITE OF CENTRAL PARK**

WHEREAS, a Petition to Discontinue Street or Alley in Unincorporated Town was filed by Paul and Sandra Joubert requesting that a portion of Penwell Street in the unincorporated townsite of Central Park, which is located in Section 19, Township 1 North, Range 4 East, M.P.M., Gallatin County, Montana. According to the petition and the plat for the Townsite of Central Park, Paul and Sandra Joubert own the lot (described as a parcel of approximately 150' by 290') on the east side of Penwell Street and Gallatin County, Montana, owns the property (identified as lots 4e and 6e) on the west side of Penwell Street; and

WHEREAS, the Gallatin County Clerk and Recorder reported to the Gallatin County Commissioners that the petition contained the signatures of Paul and Sandra Joubert as required by Section 7-14-2601, MCA. The petition does not contain the signature of Gallatin County. However, the Gallatin County Commissioners will act on the petition; and

WHEREAS, 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 street; and

WHEREAS, on November 8, 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 street has never been built.
- b. When comparing the map to the actual surrounding area it is evident that if this street were built, it would be a dead end street with an approximate length of 150 feet.
- c. Penwell Street, as shown on the plat, is 60 feet wide. All of the west half of Penwell Street and the north 165 feet of the east half of Penwell Street have previously been discontinued.
- d. No landowner would become landlocked by the discontinuance

e. Access to public lands will not be denied if the petition is granted.

2. The following street, as requested in the Petition to Discontinue Street or Alley in Unincorporated Town, is discontinued and abandoned:

A portion of Penwell Street in the unincorporated townsite of Central Park, which is located in Section 19, Township 1 North, Range 4 East, M.P.M., Gallatin County, Montana. According to the plat for the Townsite of Central Park, the property on the east side of the portion of Penwell Street (described as a parcel of approximately 150' by 290') to be discontinued is owned by Paul and Sandra Joubert and the property on the west side of Penwell Street (identified as lots 4e and 6e) to be discontinued is owned by 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 16th day of November, 1993.

BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY

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

Jane Jelinski
Jane Jelinski, Member

Kris Dunn
Kris Dunn, Member

ATTEST: Shelley M. Cheney

By Lin Senneker CHIEF DEPUTY
SHELLEY CHENEY, Clerk and Recorder

CERTIFIED TO BE A FULL, TRUE AND CORRECT COPY.
Dated at Bozeman, Montana, 11-18 1993
Shelley M. Cheney Clerk and Recorder for
Gallatin County, State of Montana.

By: Lina M. Antonius
Deputy

INDEXED
PLATTED

275643

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

THIS INSTRUMENT WAS FILED FOR RECORD IN THIS OFFICE ON
THE 18 DAY OF November, A.D., 19 93
AT 12:32 P M., AND WAS DULY RECORDED IN BOOK 138
OF MISCELLANEOUS RECORDS, PAGE 238

Fee \$ -0- Shelley M. Cheney RECORDER. BY [Signature] DEPUTY

Rt: Road Petition 763

P 787 054 675



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

Sent to	
Postmaster	
Street & No.	
P.O., State & ZIP Code	
Belgrade, MT 59714	
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	
11-18-93	

PS Form 3800, June 1990

P 787 054 676



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

Sent to	
Paul & Sandra Joubert	
Street & No.	
P.O., State & ZIP Code	
P.O. Box 1692, 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	
11-18-93	

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:

Postmaster
Belgrade, MT 59714

4a. Article Number

P 787 054 675

4b. Service Type

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

7. Date of Delivery

11-19-93

5. Signature (Addressee)

6. Signature (Agent)

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:

Paul & Sandra Joubert
P.O. Box 1692
Bozeman, MT 59715

4a. Article Number

P 787 054 676

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

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