

ROAD PETITION #769  
POTTER SCHOOL ROAD

Denied Dec. 20, 1994

Book 43 Page 243

**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 Potter school road in section 29 T2S R5E between the bridge at Dry creek East and South to NE 1/4 sec South line

(Attach additional page if required).

2. The road is commonly known as: Potter school road

3. The general route of the road is described as follows: The section of Potter school road from the bridge over Dry creek at Rick Blackwood's South to the Blackwood property fence line that is shared with Norman Kenck and Robert McCoy Gates

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

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
1. <u>Richard D. Blackwood</u>	<u>2630 Blackwood Rd</u> <u>Bozeman MT 59715</u>
<u>Sec 29 &amp; 30 T2S R5E</u> PROPERTY DESCRIPTION	
2. <u>C. B. Blackwood</u>	<u>2640 Blackwood Rd</u> <u>Bozeman, MT 59715</u>
<u>SEC 29 &amp; 30 T2S R5E</u> PROPERTY DESCRIPTION	
3. <u>N. Kenck</u>	<u>8395 Gooch Hill Rd</u> <u>Bozeman MT</u>
<u>SEC 29 T2S R5E</u> PROPERTY DESCRIPTION	

**LANDOWNER(S)**

**MAILING ADDRESS**

4. W. & M. Heisick  
sec 29 T2S R5E

9520 Potter School Rd  
Bozeman MT 59715

**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 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:

Access would be allowed to anyone moving equipment and livestock or checking water.

LANDOWNER(S)

MAILING ADDRESS

~~XXXXXXXXXXXXXXXXXXXX~~  
Andy Leep 587-0274  
I called Andy and agreed to show on record that he is to have access to move farm machinery.

~~XXXXXXXXXXXXXXXXXXXX~~  
175 Cobb Hill Rd Bozeman

(Use additional pages if required)

8. The necessity for and advantage of the abandonment of the road are as follows: This section of the road is unmaintained and unimproved. It is unpassable during most of the winter and at times throughout the rest of the year. Many travellers have to turn around after going part of the way up Potter School road while others take their chances and get stuck. Much vandalism has occurred as a result of stuck motorists searching for a means to get unstuck. This section of road lies low and fills with water and drifts shut. It would be difficult to maintain for year round use.

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. X Rick W. Blackwood 2630 Blackwood Rd  
Signature Address  
Rick W. Blackwood Bozeman, MT 59715  
Printed Name City, State & Zip  
7/13/94  
Date  
house and 2 acres section 29 on Potter Rd  
Description of Property
2. X Richard D Blackwood 2630 BLACKWOOD RD  
Signature Address  
RICHARD D BLACKWOOD BOZEMAN MT 59715  
Printed Name City, State & Zip  
July 19, 1994  
Date  
Land in sec 29 and 30 2S 5E  
Description of Property
3. X C.B. Blackwood 2640 Blackwood Rd  
Signature Address  
C.B. Blackwood Bozeman, Mont 59715  
Printed Name City, State & Zip  
7/13/94  
Date  
Land in sec 29 (N.W. 1/4) sec. 30 (N.E. 1/4) 2S-5E.  
Description of Property

4. ✓ Edw. D. Blackwood 2605 Blackwood Rd  
Signature Address  
Edw. D. Blackwood Bozeman, MT 59715  
Printed Name City, State & Zip  
7-13-94  
Date  
2 S. 5 E Sec 19

5. ✓ William M. Heisick 9520 Potter School Rd.  
Signature Address  
William M. Heisick Bozeman, MT 59715  
Printed Name City, State & Zip  
7-13-94  
Date  
SEC 29 25 5E SW 1/4

6. ✓ Margaret Aven Heisick 9520 Potter School Road  
Signature Address  
Margaret Aven Heisick Bozeman, MT 59715  
Printed Name City, State & Zip  
July 13/94  
Date  
SEC 29 25 5E SW 1/4

7. ✓ Robert D. Ogden 7969 Good Hill Rd  
Signature Address  
ROBERT D. OGDEN BOZEMAN, MT 59715  
Printed Name City, State & Zip  
7/13/94  
Date  
SEC 29 25 5E NE 1/4

Description of Property

8. X Richard Atkins 8281 CHAPMAN ROAD  
Signature Address  
RICHARD ATKINS BOZEMAN MONT, 59715  
Printed Name City, State & Zip  
7/13/94  
Date  
SEC 32 T25 R5E

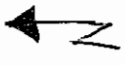
9. Brinn J. Troth 8585 GOOCH HILL  
Signature Address  
BRINN J. TROTH BOZEMAN, MT 59715  
Printed Name City, State & Zip  
7/16/94  
Date  
M/C Ranches SEC 30 25 5E

10. X Dan TeSelle 8500 Goochhill Rd.  
Signature Address  
Dan TeSelle Bozeman MT.  
Printed Name City, State & Zip  
July 16, 1994  
Date  
T255E Sec. 29

11. X Edwin J. Walker 2829 Blackwood Rd  
Edwin J. Walker Bozeman, MT 59715  
July 19, 1994  
Sec 19-20 25 5E

12. X Norman Kenck  
NORMAN KENCK  
8395 Gooch Hill Rd.  
July 9 1994  
Sec 29





E.A. Walker

SEC 30 T2S R5E      SEC 29 T2S R5E      Blackwood Rd

ED Blackwood

C.B. Blackwood

Dry Creek

Bridge

Potter Sch Rd

RD + CB Blackwood

Section to close

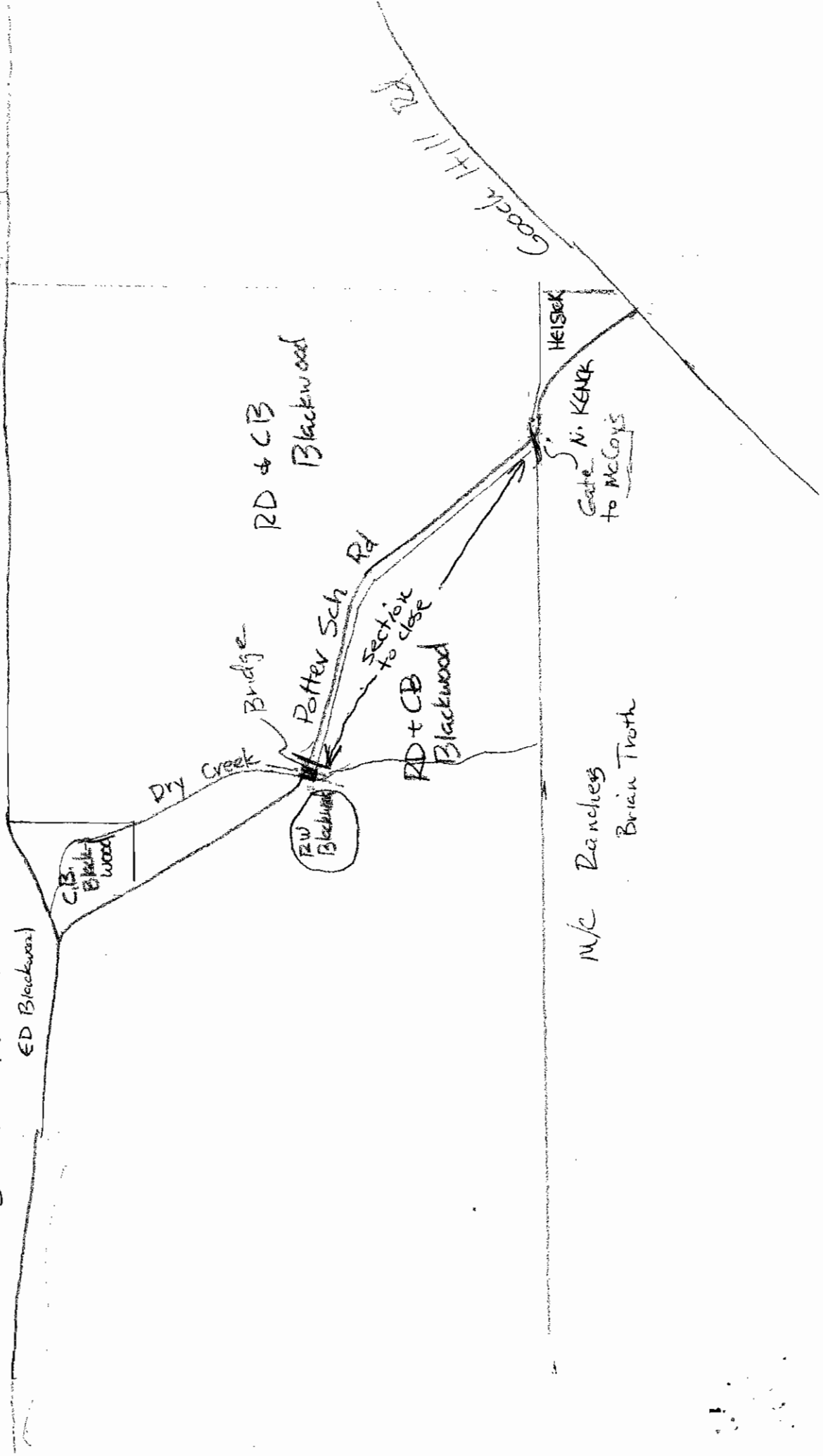
RD + CB Blackwood

HEISLER

Gate N. KENG to McCoy's

Good Hill Rd

M/C Ranches  
Brian Troth



SCHEDULE OF PROCEDURES FOR ROAD PETITIONS

A more detailed description of procedures can be found in the Gallatin County Road Abandonment Procedures.

When the petition is submitted to the Clerk & Recorder:

- ✓ 1.) Please make sure the person leaves a name and phone number of someone to contact in case of questions.
- ✓ 2.) There should be a map of what is being petitioned attached to the petition.
- 3.) Clerk & Recorder's Office determines if sufficient signatures. ✓ Complete report of qualified signatures. If there are adequate signatures, type envelopes in items 5 & 6.
- ✓ 4.) Schedule petition on Commissioners's agenda. At this meeting Commissioners will receive petition and assign a viewing committee to view the proposed petition.
- ✓ 5.) Once viewing committee views road and completes report C & R office must prepare publication of public hearing. (Publish once) Send copy of viewing committee report and public hearing notice, by regular mail to: All landowners named in the petition, all people signing the petition, the postmaster of the area, Public Lands Access Assoc., the Road Superintendent, and the County Attorney. Then type the affidavit of mailing for the file. 11-30-94 *Jma*
- 6.) Once the Commissioners hold their public hearing a resolution will be passed. (Usually the resolution is passed at the next meeting following the public hearing.) Within 10 days of the passage of the resolution, a copy of the resolution should be mailed CERTIFIED MAIL to all owners of land abutting on the road according to the petition and to the postmaster of the area. The Road Superintendent will get a copy by the resolution check list. If DENIED, only the landowners need be notified. Then type the affidavit of mailing for the file.
- 7.) If the petition is granted, then a certified copy of the resolution should be recorded. Send copy to Arletta (Assessor's Office)

*envelopes typed. Resol. code my should be passed on 12-20-94 Jma*

*faxed notice to Chronicle 11-30-94*

*just fill in mailing date*

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

Dated this 22nd day of December, 1994.

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 Potter School Road that lies between the bridge over Dry Creek on the north end and the south line of the NW 1/4 of Section 29, T2S, R5E, on the south end, all located in the NW 1/4 of Section 29, T2S, R5E, P.M.P., Gallatin County, Montana, be abandoned as stated in Road Petition #769.

NOTICE IS FURTHER GIVEN that said petition has been scheduled for public hearing before the Board of County Commissioners on the 6th day of December, 1994, 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 30th day of November, 1994.

*Shelley M. Cheney*

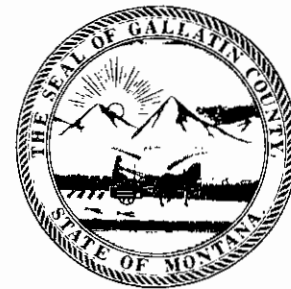
Shelley M. Cheney  
Clerk and Recorder  
Gallatin County, Montana

Publish: December 4, 1994

Bill: Clerk & Recorder

State of Montana

County of Gallatin



Bozeman

September 16, 1994

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, Montana

RE: Potter School Road

Dear Board,

On September 14, 1994, the undersigned being duly appointed as viewing committee, viewed a portion of Potter School Road located in the Northwest quarter of Section 29, Township 2 South, Range 5 East, M.P.M., Gallatin County, Montana, which has been petitioned to be abandoned.

The viewing committee observed the following:

At the time of viewing, all of Potter School Road appeared to be in good condition, however, the portion to be abandoned shows signs of minor rutting. The area to the east and west of the road is pasture, with some portions of the pasture giving the appearance of swampy, marshy land. There are 2 or 3 areas of the road to be abandoned which are low in elevation and run off from irrigation ditches onto the pasture land could possibly flood the road at certain times of the year.

If this petition were granted the County would have a dead-end county road on both the north end and south end of Potter School Road.

The viewing committee acknowledges that there are very few roads in this area of the County which run North/South and the committee believes that if this portion of road were abandoned there is a large potential that it would be difficult and/or costly for the County to acquire right of way in the future.

No land owner would become landlocked, nor anyone denied access to public lands if this petition to abandon were granted.

Sincerely,

Kris Dunn  
Kris Dunn  
County Commissioner

Shelley M. Cheney  
Shelley M. Cheney  
Clerk and Recorder/Surveyor

COS 1569 TRB  
714 FM 2796 RSR  
117 AM 4130

ROAD INVENTORY - INFORMATION SUMMARY SHEET

ROAD NAME: Potter School Road

COUNTY ROAD NUMBER: #50 #354  
STATE ROAD NUMBER: \_\_\_\_\_

ROAD LOCATION: North End: sec 30 T2S R5E P9 1205  
South End: \_\_\_\_\_  
East End: sec 29, T2S, R5E P9 1205  
West End: \_\_\_\_\_

IS ROADWAY: PETITIONED \_\_\_\_\_ PETITION NO. \_\_\_\_\_  
ROAD BY USE \_\_\_\_\_  
DEDICATED \_\_\_\_\_

RENAMED: \_\_\_\_\_ DATE: \_\_\_\_\_

Petition SURVEY DATE: \_\_\_\_\_ BOOK NO. Vol PAGE 45  
No longer exists

SPECIAL ROAD CONDITIONS: (i.e., unimproved, not passable when wet)

#50 # Road #50 60' R/W T2S R5E sec. 30 NE corner  
Approach: 1/10 of mile EBP  
Potter Rd #354 Surveys of 1916-1911 FM Brown 72/10 .35 miles in sec 29  
T2S R3E is EBP rest would be EBU

MISCELLANEOUS COMMENTS & INFORMATION CONCERNING ROADWAY:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<u>ROAD INTERSECTIONS</u>	<u>LOCATION</u>	<u>PAGE</u>
<u>Goach Hill Rd</u>	<u>T2S R5E sec. 29</u>	<u>1205</u>
<u>Blackwood Road</u>	<u>" " "</u>	<u>"</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

State of Montana

*County of Gallatin*

Bozeman



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

Statement of Purpose: Petition to abandon a portion of Potter School Road.

Legal Description: That portion of Potter School Road that lies between the bridge over Dry Creek on the north end and the south line of the NW1/4 of Section 29, T2S, R5E on the south end, all located in the NW1/4 of Section 29, T2S, R5E, M.P.M.

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. 1993, it contains the signatures of 12 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 22nd day of July 1994, A.D.

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



**RESOLUTION NO. 1994- 57**

**DECISION CONCERNING PETITION TO ABANDON COUNTY ROAD**

**A PORTION OF POTTER SCHOOL ROAD**

WHEREAS, a Petition to Abandon County Road was filed requesting to abandon the following road:

A portion of Potter School Road that lies between the bridge over Dry Creek on the north end and the south line of the NW 1/4 of Section 29, T2S, R5E, on the south end, all located in the NW 1/4 of Section 29, T2S, R5E, P.M.P., Gallatin County, Montana.

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, 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 December 6, 1994, the Gallatin County Commissioners conducted a public hearing, after notice, on the petition and the results of the investigation; and

WHEREAS, Commissioner Jane Jelinski disqualified herself from voting on the petition. Commissioner Pruitt voted to grant the petition and Commissioner Dunn voted to deny the petition. Therefore, the petition was denied.

NOW, THEREFORE BE IT RESOLVED:

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

A portion of Potter School Road that lies between the bridge over Dry Creek on the north end and the south line of the NW 1/4 of Section 29, T2S, R5E, on the south end, all located in the NW 1/4 of Section 29, T2S, R5E, P.M.P., Gallatin County, Montana.

2. 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.

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

DATED this 20th day of December, 1994.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

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

abstain  
Jane Jelinski, Member

*Kris Dunn*  
Kris Dunn, Member

ATTEST:

*Shelley M. Cheney*  
Clerk and Recorder

**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):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

William & Margaret Heisick  
9520 Potter School Road  
Bozeman, MT 59715

4a. Article Number

P 787 054 781

4b. Service Type

- Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery

*W. M. Heisick*

5. Signature (Addressee)

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

6. Signature (Agent)

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):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Norman Kenck  
8395 Gooch Hill Road  
Bozeman, MT 59715

4a. Article Number

P 787 054 780

4b. Service Type

- Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery

12/23 ADH

*Norman Kenck*

5. Signature (Addressee)

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

6. Signature (Agent)

PS Form 3811, October 1990

☆U.S. GPO: 1990-273-861

**DOMESTIC RETURN RECEIPT**

**SENDER:**

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I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

C. B. Blackwood  
2640 Blackwood Road  
Bozeman, MT 59715

4a. Article Number

P 787 054 779

4b. Service Type

- Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery

12/23 ADH

*C. B. Blackwood*

5. Signature (Addressee)

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

6. Signature (Agent)

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:

Richard D. Blackwood  
2630 Blackwood Road  
Bozeman, MT 59715

4a. Article Number

P 787 054 778

4b. Service Type

- Registered       Insured  
 Certified       COD  
 Express Mail       Return Receipt for Merchandise

7. Date of Delivery

10/23 2012

5. Signature (Addressee)

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

6. Signature (Agent)

*M. Blackwood*

PS Form 3811, October 1990

\*U.S. GPO: 1990-273-861

**DOMESTIC RETURN RECEIPT**