

ROAD PETITION NO. 774
MADISON STREET - LOGAN

GRANTED OCT. 8, 1996

BOOK 43 PAGE 560

**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: MADISON STREET AND THE ALLEY IN BLOCK A BETWEEN MADISON AND HIGHWAY 10, AND THAT PORTION OF SECOND STREET RUNNING FROM MADISON STREET TO HIGHWAY 10 - See MAP EXHIBIT A ALL LOTS NORTH OF HIGHWAY 10
 (Attach additional page if required). EXHIBIT B

2. The general route of the street or alley is described as follows: RUNNING AT AN ANGLE TO HIGHWAY 10 & DEAD ENDING AT WHAT WOULD BE THIRD STREET AND CUT OFF BY HIGHWAY 10

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>Kenneth Fisher</u> <u>petitioner</u>	<u>LOTS 1-2-3-4 Block A</u>
2. <u>US Highway Department</u> <u>State of Montana</u>	<u>LOTS 5-6-7 and parts</u> <u>of 3 & 4 Block A - Hwy 10</u>
3. <u>US Highway Dept</u> <u>State of Montana</u>	<u>LAND outside platted city</u> <u>to the west</u>
4. <u>State of Montana</u>	<u>land outside platted city</u> <u>to the west</u>
5. <u>ELLA M. ARTHUR</u> <u>C4D with Sessan Dewaco</u>	<u>LAND outside platted city to</u> <u>the west Hwy 10</u>
6. <u>State of Montana</u> <u>old Hwy 10 thru Logan</u>	<u>old Hwy 10 thru Logan</u>
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. Kenneth J. Fisher P. O. Box 236
Signature Address
KENNETH J. FISHER BELGRADE, MT 59714
Printed Name City, State & Zip

Date

Description of Property
2. _____
Signature Address

Printed Name City, State & Zip

Date

Description of Property
3. _____
Signature Address

Printed Name City, State & Zip

Date

Description of Property

4.

_____ Signature	_____ Address
_____ Printed Name	_____ City, State & Zip
_____ Date	

5.

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

2, 3+ 6.

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

STATE Highway Department

7.

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

Description of Property

8.

Signature	Address
Printed Name	City, State & Zip
Date	

Description of Property

9.

Signature	Address
Printed Name	City, State & Zip
Date	

Description of Property

10.

Signature	Address
Printed Name	City, State & Zip
Date	

Description of Property

(Use additional pages if required)

EXHIBIT B

Legal Description: That portion of Madison Street located west of the west line of Block B, that portion of Second Street, that portion of the 16' alley in Block A, and that portion of the 22' unnamed street located west of Block A, all located north of Highway 10 in the Milwaukee Addition to Logan.

Road Petition # 774
Madison Street

FAP 169A

CHECKLIST OF PROCEDURES FOR ROAD PETITIONS

Original signed petition must be submitted to the Clerk and Recorder along with a map showing the area of the road under consideration. Get name and phone number of someone to contact for questions.
NAME BILL METZGER (1-STOP REALTY) PHONE 338-7867

- 11-14-95
- 1) Determine if there are sufficient qualified signatures.
- 11-14-95
- 2) Complete "Report of Qualified Signatures".
- 3) If there are adequate signatures, type regular mail envelopes for:
- ✓ A) All landowners named in the petition.
 - ✓ B) All signers of the petition.
 - ✓ C) All individuals named in the petition who could be affected by the petition.
 - ✓ D) The postmaster for the area.
 - ✓ E) The Public Lands Access Association.
- 4) Type and prepare certified mail envelopes for:
- ✓ A) All owners of land abutting the road.
 - ✓ B) All individuals named in petition who could be affected by the abandonment.
 - ✓ C) Postmaster for the area.
 - ✓ D) Public Lands Access Association.
- 5) Schedule petition on Commissioner's agenda. DATE 11-14-95
- 6) Commissioners receive petition and assign viewing committee.
- 7) Viewing committee completes road report.
- 8) Schedule public hearing on Commissioner's agenda and prepare "Notice of Public Hearing". *on for 12-19-95*
- 9) Publish "Notice of Public Hearing" one time. *sent FAX 12-8-95*
publish 12-13-95
- 10) Send a copy of the viewing committee report and public hearing notice:
- ✓ A) by regular mail to persons that envelopes were prepared for in 3).
 - ✓ B) the County Road Superintendent
 - ✓ C) the County Attorney along with a copy of the petition
 - ③ ✓ D) the Commissioners along with a copy of the petition
- 11) Prepare affidavit of mailing for petition file. 12-8-95
- 12) Commissioners hold public hearing to grant or deny petition. 10/8/96 12/19/95
- 13) County Attorney drafts resolution for Commissioners to consider at the next public hearing
- 14) Commissioners pass resolution. 10/8/96
- 15) A copy of the resolution must be sent, within 10 days of passage, by CERTIFIED MAIL to all persons envelopes were typed for in 4). 10/9/96
- 16) Type affidavit of mailing for the petition file.
- 17) If petition is granted, a certified copy of the resolution must be recorded. 10/9/96
- 18) If the petition is granted, a copy of the resolution is sent to the Assessor's office.

State of Montana

County of Gallatin

Bozeman



December 6, 1995

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

RE: Madison Street, Second Street, and a portion of alley located in Milwaukee Addition
to Logan

Dear Board,

On December 4, 1995, the undersigned, being appointed as the viewing committee, viewed portions of streets and alleys as described in Road Petition #774, which is located in the Milwaukee Addition to Logan.

None of the streets or alleys being petitioned to be abandoned are constructed at this time. The viewing committee observed that the area in which the streets and alleys would be located, if constructed, is a very rocky, steep sloped area.

It does not appear that any landowner would become land locked, nor anyone denied access to public lands if this petition were granted.

Sincerely,

A handwritten signature in cursive script that reads "Phil Olson".

Phil Olson, County Commissioner

A handwritten signature in cursive script that reads "Shelley M. Cheney".

Shelley M. Cheney, Clerk and Recorder/Surveyor

A handwritten signature in cursive script that reads "Sam Gianfrancisci".

Sam Gianfrancisci, County Road Superintendent

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 Madison Street, Second Street, and the alley located in Block A of the Milwaukee Addition to Logan be abandoned as stated in Road Petition #774. The legal description is as follows: That portion of Madison Street located west of the west line of Block B, that portion of Second Street, that portion of the 16' alley in Block A, and that portion of the 22' unnamed street located west of Block A, all located north of Highway 10 in the Milwaukee Addition to Logan, Gallatin County, Montana.

NOTICE IS FURTHER GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on December 19, 1995, 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 Kris Dunn, Jane Jelinski, or Phil Olson, 311 W. Main, Room 301, Bozeman, Montana 59715, telephone 582-3000.

Dated this 8th day of December, 1995.

Shelley M. Cheney
Shelley M. Cheney
Clerk and 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 Madison Street, Second Street, and the alley located in Block A of the Milwaukee Addition to Logan be abandoned as stated in Road Petition #774. The legal description is as follows: That portion of Madison Street located west of the west line of Block B, that portion of Second Street, that portion of the 16' alley in Block A, and that portion of the 22' unnamed street located west of Block A, all located north of Highway 10 in the Milwaukee Addition to Logan, Gallatin County, Montana.

NOTICE IS FURTHER GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on December 19, 1995, 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 Kris Dunn, Jane Jelinski, or Phil Olson, 311 W. Main, Room 301, Bozeman, Montana 59715, telephone 582-3000.

Dated this 8th day of December, 1995.

Shelley M. Cheney

Shelley M. Cheney
Clerk and Recorder
Gallatin County, Montana

PLEASE PUBLISH: DECEMBER 13, 1995

BILL: CLERK & RECORDER

Post-it® Fax Note	7671	Date	12/8	# of pages	3
To	Vivie	From	Shelley Cheney		
Co./Dept.	Chronicle	Co.	Clerk + Rec.		
Phone #		Phone #	2-3050		
Fax #		Fax #	2-3037		

GLTN CTY TREASURER

(AUTO)

DATE	START TIME	REMOTE TERMINAL IDENTIFICATION	TIME	RE-SULTS	MODE	TOTAL PAGES	PERSONAL LABEL	FILE NO.
DEC 08	09:19AM		01'38"	OK	ES	03	ACCT CLERK/REC ELECT	014

E)ECM >>REDUCTION S)STANDARD @)FORWARDING M)MEMORY C)CONFIDENTIAL #)BATCH
D)DETAIL \$)TRANSFER
F)FINE P)POLLING

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;

AND she received the attached Notice of Public Hearing on the 8th day of December, 1995;

AND that copies of the attached notice and viewing committee report were mailed to all landowners, signers, and individuals affected as listed in Road Petition #774; the postmaster; public lands association; County Attorney; County Road Superintendent; and County Commission on the 8th day of December, 1995.

Shelley M. Cheney

SHELLEY M. CHENEY
CLERK AND RECORDER
GALLATIN COUNTY, MONTANA

RESOLUTION NO. 1996- 59

DECISION CONCERNING PETITION TO ABANDON A PORTION
OF MADISON, SECOND STREET AND THE ALLEY LOCATED IN
BLOCK A OF THE MILWAUKEE ADDITION OF LOGAN
AND
FINDINGS OF FACT REGARDING VACATING A PORTION OF THE PLAT

WHEREAS, a Petition to Abandon County Road was filed on October 16, 1995, requesting that a portion of Madison Street, Second Street and the alley in Block A of the Milwaukee Addition of Logan 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 7-14-2616, MCA; and

WHEREAS, on December 4, 1995, the Commissioners appointed a viewing 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 19, 1995, the Commissioners conducted a public hearing on the Petition and then continued the hearing until January 2, 1996, after notice, on the petition and the results of the investigation; and

WHEREAS, Section 76-3-305, MCA states that;

Any plat prepared and recorded as provided in this section may be vacated in whole or in part as provided by . . . 7-14-2616(1) and (2). Upon vacation, the governing body . . . shall determine to which properties the title to the streets and alleys of the vacated portions must revert. The governing body shall take into consideration the previous platting; the manner in which the right-of-way was originally dedicated, granted or conveyed; the reasons stated in the petition requesting the vacation; the parties requesting the vacation; and any agreements between the adjacent property owners regarding the use of the vacated area; and

WHEREAS, the streets and alley were platted with the township of Logan and that the land to be vacated surrounds the lots owned by Kenneth Fisher, the petitioner in this matter and that the reason for vacation segregates these streets and alley from their planned continuations.

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 and does not land lock any other land or deny access to public lands.

2. The following roads described as that portion of Madison Street located west of the west line of Block B, that portion of Second Street, that portion of the 16 foot alley in Block A, and that portion of the 22 foot unnamed street located west of Block A, all located north of Highway 10 in the Milwaukee Addition of Logan, Gallatin County, Montana.

3. The title of the vacated land shall revert to the adjacent land owner.

4. 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.

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

DATED this 8TH day of October, 1996.

BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY

Jane Jelinski
Jane Jelinski, Chairman

Phil Olson
Phil Olson, Member

Kris Dunn
Kris Dunn, Member

ATTEST:

Shelley M. Cheney
By Lisa M. Altman, deputy
SHELLEY CHENEY
Clerk and Recorder

Certified to be a full, true and correct copy of a document containing 2 pages. Dated at Bozeman, MT, 10/8/96. Shelley M. Cheney
Clerk and Recorder for Gallatin County, State of Montana.
Lisa M. Altman
Deputy

INDEXED
PLATED

332971

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

THIS INSTRUMENT WAS FILED FOR RECORD IN THIS OFFICE ON
THE 9TH DAY OF OCTOBER, A.D., 19 96
AT 8:05 A.M., AND WAS DULY RECORDED IN BOOK 167
OF MISCELLANEOUS RECORDS, PAGE 2156

Fee \$ 0.00 *Shelley M. Cheney* RECORDER. BY *Joe H. Reichman* DEPUTY
RT: ROAD PETITION # 774

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:

Public Land Access Association
c/o Monte Cooper
611 West Main
Bozeman, MT 59715

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 787 054 894

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)

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:

State Highway Department
P.O. Box 1110
Bozeman, MT 59715
ATTN: Douglas D. Moeller

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 787 054 892

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)

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:

Postmaster
Manhattan, MT 59741

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 787 054 893

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)

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:

Kenneth J. Fisher
P.O. Box 236
Belgrade, MT 59714

4a. Article Number

P 787 054 890

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

10-10-96

5. Signature (Addressee)

Judy Fisher

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:

Ella M. Arthur
12150 Gallatin
Manhattan, MT 59741

4a. Article Number

P 787 054 891

4b. Service Type

- Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

7. Date of Delivery

10-11-96

5. Signature (Addressee)

Ella M. Arthur

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