

Road Petition No. 775  
Virginia City / Bozeman Rd  
Granted Dec. 20, 1995

Book 43 Page 424

# **C&H ENGINEERING AND SURVEYING, INC.**

614 W. Lamme • Bozeman, Montana 59715  
Phone (406) 587-1115 • Fax (406) 587-9768

November 3, 1995

Ms. Shelley M. Cheney  
Gallatin County Clerk and Recorder  
311 W. Main St.  
Bozeman, MT 59715

**RECEIVED**  
Date 11-2-95  
Clerk & Recorder  
Gallatin County, Mont.

RE: Petition to Abandon Old County Road in NE 1/4 and NW 1/4 and SW 1/4 of Section 22  
T. 2S R. 3E. (94220)

Dear Ms. Cheney:

Enclosed please find the completed Petition to Abandon County Road, a sketch showing the old road location, a copy of the quit claim deed to Gallatin County for the portion of the road within the NW 1/4 of Section 22 and copies of deeds for Harold Wierda's property and his neighbor's property (COS 1300). We couldn't find a deed for the portion of the road in the NE 1/4 or SW 1/4 of Section 22, but those parts will still need to be abandoned also. The old county road was commonly called the Virginia City - Bozeman Road, and was originally surveyed as shown in County Surveyors Field Book 124, Pages 32, 33, and 34.

It appears that the old county road was forgotten about when the Norris Highway was constructed back in the 1950's. The highway was relocated from the old county road location to the Southeast a bit, and new right of way was taken for it. There is no record of the old county road being abandoned, though.

The part of the county road that the petition covers is generally described as beginning where the old road diverges from State Highway 84 (Norris Road) approximately 1000 ft. Northeast of the center 1/4 corner of Section 22, thence running WSW'ly, SW'ly, W'ly and WSW'ly through the NE 1/4, the NW 1/4, and the SW 1/4 of Section 22 to the west line of the SW 1/4 of Section 22 and there terminating.

Page 2 - Cheney

The old county road now acts a driveway for COS No. 1300, and for Harold Wierda. Mr. Wierda is currently having his property surveyed by our firm, and the deeded county road right of way passes through his property, in effect cutting it into 2 pieces.

Please proceed with the road abandonment procedure. If you need any further information, just give me a call.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Mark A. Chandler".

Mark A. Chandler, P.E., P.L.S.

**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 part of the Virginia City - Bozeman Road lying north of State Highway No. 84 (Norris Road) and located in the NE 1/4, the NW 1/4 and the SW 1/4 of Section 22, T. 2 S., R. 3 E.. A part of the road was deeded by Quit Claim Deed To the County, in Book 76 of Deeds, Page 83. Deeds could not be found for remaining portions. No Petition for. (Attach additional page if required). Road Could be found.

2. The road is commonly known as: Virginia City - Bozeman Road.

3. The general route of the road is described as follows: Beginning where the Virginia City - Bozeman Road diverges from State Highway No. 84 (Norris Road) approximately 1000 ft. NE of the Center 1/4 Corner of Section 22; thence running WSW 1/4, SW 1/4, W 1/4 and WSW 1/4 through the NE 1/4, the NW 1/4 and the SW 1/4 of Section 22 to the west line of the SW 1/4 of Section 22 and there terminating.

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

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
1. <u>HAROLD WIERDA</u> <u>FANNIE WIERDA</u>	<u>20777 NORRIS ROAD</u> <u>MANHATTAN, MT 59741</u>
<u>PORTION OF NE 1/4, AND NW 1/4, AND SW 1/4, SEC. 22, T. 2 S., R. 3 E., LYING NORTH OF STATE HIGHWAY 84, LESS EXCEPTIONS.</u>	
<u>PROPERTY DESCRIPTION</u>	
2. <u>1ST NATIONAL BANK OF BOZEMAN</u>	<u>104 E. MAIN ST.</u> <u>BOZEMAN, MT 59715</u>
<u>TRACT A, COS No. 1300</u> <u>91 Fm 2407 91 Fm 2408C</u>	
<u>PROPERTY DESCRIPTION</u>	
3. <u>WESLEY G. WIERDA</u> <u>ALICE I. WIERDA</u>	<u>20505 NORRIS ROAD</u> <u>MANHATTAN, MT 59741</u>
<u>W 1/2, SW 1/4, NW 1/4, SEC. 22, T. 2 S., R. 3 E</u>	
<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

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Use additional pages if required)

8. The necessity for and advantage of the abandonment of the road are as follows: THE COUNTY ROAD NO LONGER EXISTS - AND SHOULD HAVE BEEN ABANDONED IN THE 1950'S WHEN THE NORRIS HIGHWAY WAS RELOCATED TO ITS PRESENT LOCATION. A PORTION OF THE OLD COUNTY ROAD IS NOW A PRIVATE DRIVEWAY.

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. ✓ Harold Wierda Signature 20777 NORRIS ROAD Address  
HAROLD WIERDA Printed Name MANHATTAN MT 59741 City, State & Zip  
9/05/95 Date  
PART OF NW 1/4, SEC. 22, T. 2 S., R. 3 E Description of Property

2. ✓ Fannie Wierda Signature 20777 NORRIS ROAD Address  
FANNIE WIERDA Printed Name MANHATTAN MT 59741 City, State & Zip  
9/05/95 Date  
PART OF NW 1/4 SEC. 22, T. 2 S., R 3 E Description of Property

3. ✓ Alice I. Wierda Signature 20505 NORRIS RD Address  
ALICE I. WIERDA Printed Name Manhattan, MT 59741 City, State & Zip  
Sept 20, 1995 Date  
W 1/2, SW 1/4, NW 1/4 Sec 22 T. 2 S R 3 E Description of Property

4. ✓ Wesley G. Wierda Signature 20505 NODDYS Rd Address  
WESLEY G. WIERDA Printed Name Manhattan MT 59741 City, State & Zip  
20 Sept 1995 Date  
W 1/2, SW 1/4, NW 1/4, Sec 22, T. 25, R3E Description of Property

5. ✓ Evert Wierda Signature 13707 Camp Creek Rd Address  
Evert Wierda Printed Name Manhattan, MT. 59741 City, State & Zip  
9/19/95 Date  
Part of Section 15 & 16, T25, R3E Description of Property

6. ✓ Jamee D. Wierda Signature 13707 Camp Creek Rd Address  
Jamee D. Wierda Printed Name Manhattan, MT. 59741 City, State & Zip  
9/19/95 Date  
Part of Section 15 & 16, T25, R3E Description of Property

7. ✓ Thomas E. McClelland Signature 20950 NODDYS Rd Address  
THOMAS E. McCLELLAND Printed Name MANHATTAN MT. 59741 City, State & Zip  
7 Oct 95 Date  
PART OF NW 1/4 SEC 22 T25 R3E Description of Property

CONTRACT OK  
Buyer

8.

CONTRACT OK  
BUYER

Norrene J. McClelland 20950 Norris Road  
Signature Address

Norrene J. McClelland Manhattan, MT 59741  
Printed Name City, State & Zip

October 7, 1995  
Date

PART OF NW 1/4 Sec 22 T2S R3E

9. NO  
CONTRACT  
SELLER

FIRST BANK MONTANA NATIONAL ASSOCIATION FKA FIRST NATIONAL BANK IN BOZEMAN, MONTANA Description of Property

Liane C. Sprangut, A.V.P. P.O. Box 730  
Signature Address

Liane C. Sprangut Bozeman, MT 59715  
Printed Name City, State & Zip

10-27-95  
Date

part of NW 1/4 Sec 22 T2S R3E

10.

MPS  
ONLY

Virgil Bates 20323 Norris RD.  
Signature Address


Virgil BATES MANHATTAN, MT. 59741  
Printed Name City, State & Zip


10/9/95  
Date

PART OF SEC 21 T2S R3E

Description of Property



11.  8895 SYPES CANYON RD.  
Signature Address  
PER HJALMARSSON BOZEMAN, MT 59715  
Printed Name City, State & Zip  
11/6/95  
Date  
LOT 11, SYPES CANYON SUBDIVISION

12.  8895 SYPES CANYON RD  
Signature Address  
SUE HJALMARSSON Bozeman MT 59715  
Printed Name City, State & Zip  
11/6/95  
Date  
LOT 11, SYPES CANYON SUBDIVISION

13. \_\_\_\_\_  
Signature Address  
\_\_\_\_\_  
Printed Name City, State & Zip  
\_\_\_\_\_  
Date

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



IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand the day and year above written.

George Moser

STATE OF MONTANA )  
 ) ss  
County of Silver Bow )

On this 16th day of September in the year one thousand nine hundred and th... one, before me, C.S. Darlington, a Notary Public, in and for said State, personally appeared George Moser, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

C.S. Darlington,  
Notary Public for the State of Montana.  
Residing at Butte, Montana.  
My commission expires Nov. 21, 1932.

(NOTARIAL SEAL)

Filed for Record Sept. 21, 1931 at 11:27 o'clock A.M.,  
Bess Fowler, Deputy. J.H. Harris, Recorder.

**EXAMINED**  
#53861 QUITCLAIM DEED

THIS INDENTURE, Made the 17th day of September in the year of our Lord one thousand nine hundred and thirty-one, between Roy G. Hyde and Laura L. Hyde, his wife, of Gallatin County, Montana, the parties of the first part, and the County of Gallatin, a political sub-division of the State of Montana, the party of the second part,

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of ONE DOLLARS to them in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, do remise, release and forever quitclaim unto the said party of the second part, and to its successors and assigns, the following described real estate, situated in the County of Gallatin and State of Montana, to-wit:

Two tracts of land lying in the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Twenty-two (22), of Township Two South, Range Three East (T2S R3E), P.M.M., and more particularly described as follows:

(1). A tract of land eighty (80) feet in width and lying forty (40) feet on either side of the following described center line; Beginning at a point on the east line of the said Northwest Quarter (NW $\frac{1}{4}$ ) from which point the southeast corner of the said Northwest Quarter (NW $\frac{1}{4}$ ) bears southerly along said East line a distance of 333.3 feet, thence from said point of beginning S71° 10' W. a distance of 61.7 feet to the point of curve of a 10 degree curve to the left, thence following said curve a distance of 278.3 feet to the point of tangent of said curve, thence S45° 20' W. a distance of 597.3 feet to the point of curve of a 10° curve to the right having a deflection angle of 49° 03'; thence following said curve to the right a distance of 491.3 feet to a point on the south line of the said Northwest Quarter (NW $\frac{1}{4}$ ), from which point the southeast corner of the said northwest quarter (NW $\frac{1}{4}$ ) bears easterly along said south line a distance of 1135.6 feet; tract containing 2.52 acres, more or less.

(2). Also a tract of land forty (40) feet in width lying adjacent to and northerly from the south line of the said Northwest Quarter (NW $\frac{1}{4}$ ), and more particularly described as follows: Beginning at a point on the South line of the said Northwest Quarter (NW $\frac{1}{4}$ ) from which point the Southeast corner of the said Northwest Quarter (NW $\frac{1}{4}$ ) bears easterly along said South Line a distance of 1135.6 feet; thence from said point of beginning N87° 32' W. along said South Line a distance of 1005.8 feet; thence Northerly at right angles to said South Line a distance of 40 feet; thence S87° 32' E. a distance of 1005.8 feet; thence Southerly at right angles to said South Line a distance of 40 feet, to the point of beginning, tract containing 1.04 acres, more or less.

TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part of, in or to the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD all and singular the said premises with the appurtenances unto the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.  
Signed, Sealed and Delivered in the Presence of) Roy G. Hyde (SEAL)

BOOK 76  
PAGE 83

Sec 22

of 12-29-92

FILM 128 PAGE 3805

No. 52 - WARRANTY DEED TO JOINT TENANTS, WITH RIGHT OF SURVIVORSHIP.

STATE PUBLISHING CO., HELENA, MONT.

This Indenture, Made the 29th day of December

A. D. one thousand nine hundred and Ninety-Two BETWEEN FANNIE WIERDA,

a married woman

of 20777 Norris Road, Manhattan, MT 59741 PART Y of the FIRST PART and HAROLD WIERDA and FANNIE WIERDA, husband and wife

of 20777 Norris Road, Manhattan, MT 59741 the PART ies of the SECOND PART; WITNESSETH, that the said PART Y of the FIRST PART, for and in consideration of the sum of One Dollar and Other Valuable Consideration Dollars (\$1.00 + OVC) lawful money of the United States of America to in hand paid by said PART ies of the SECOND PART, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell, convey, warrant and confirm unto the said PART ies of the SECOND PART, AS JOINT TENANTS AND TO THE SURVIVOR OF SAID NAMED JOINT TENANTS, (and not as tenants in common) and to the heirs and assigns of such survivor forever, the hereinafter described real estate situated in the city or town of Gallatin County of Gallatin, and State of Montana, to-wit: SEE ATTACHED DESCRIPTION.

TOGETHER, with all and singular the hereinbefore described premises, all tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and also all the estate, right, title, interest, right of dower and right of homestead, possession, claim, and demand whatsoever, as well in law as in equity, of the said PART Y of the FIRST PART, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging, TO HAVE AND TO HOLD, all and singular the above mentioned and described premises unto the said PART ies of the SECOND PART, as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint tenants forever.

And the said PART Y of the FIRST PART, and her heirs, do hereby covenant that they will forever WARRANT and DEFEND all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said PART ies of the SECOND PART, as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint tenants, against all acts and deeds of the said PART Y of the FIRST PART, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said PART Y of the FIRST PART has hereunto set her hand and seal the day and year first hereinbefore written.

Signed, Sealed and Delivered in the presence of

Fannie Wierda (SEAL) FANNIE WIERDA (SEAL) (SEAL) (SEAL)

DESCRIPTION OF PROPERTY

Fannie Wierda, Grantor  
and

Harold Wierda and Fannie Wierda, Grantees

Transfer an undivided one-half interest to each Grantee in the following:

# 8H ←

That part of Section Twenty-two (22), Township Two (2) South, Range Three (3) East, M.P.M., lying North of the Bozeman-Norris Highway designated as Montana State Highway No. ~~289~~, which highway right of way was heretofore deeded to the State of Montana.

Together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining. (The above description previously recorded in Film 23 page 1321 on April 8, 1974.)

Morgan

EXCEPTING from the above described property the following: That part of Tract 1 of Certificate of Survey No. 1653A, located in the NW1/4 of Section 22, Township 2 South, Range 3 East, Gallatin County Clerk and Recorder records.

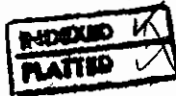
Lesley

EXCEPTING from the above described property the following: W 1/2 SW 1/4 NW 1/4 of Section 22, Township 2 South, Range 3 East, Gallatin County Clerk and Recorder records.

McClelland

ALSO EXCEPTING from the above described property the following: Certificate of Survey No. 1300, located in Section 22, Township 2 South, Range 3 East, Gallatin County Clerk and Recorder records.

256929



State of Mont., County of Gallatin. ss Filed for record December 30, 19 92  
at 3:02 P. M., and recorded in Book 128 of DEEDS page 3805  
Shelton M. Crane Recorder. By Lubana Jensen Deputy

Fee: \$18.00 pd  
Rt: Harold Wierda  
20777 Norris Rd  
Manhattan MT 59741

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

NO. 14A - QUIT CLAIM DEED (Corporation)

STATE PROBATION CO., OAKLAND, CALIF.

This Indenture Made the Twenty-fourth day of February in the year of our Lord one thousand nine hundred and seventy between Flying "D" Ranch

a corporation organized and existing under the laws of the State of California and authorized to do business in the State of Montana, the Party of the First Part, grantor, and

Harold Nierda of Route #1, Box 286, Manhattan, Montana 59741, grantee,  
the party of the SECOND PART.

WITNESSETH: That the said party of the FIRST PART for and in consideration of the sum of One Thousand Five Hundred Dollars, (\$1,500.00) to it in hand paid by the said party of the SECOND PART, the Receipt of which is hereby acknowledged; do convey, remise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns, the following described real estate, situated in the \_\_\_\_\_ County of Gallatin and State of Montana, to-wit:

All that part of the North Half (N $\frac{1}{2}$ ) and all that part of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Twenty-two (22), Township Two (2) South, Range Three (3) East, M.P.M., lying north of the Bozeman-Norris Highway, designated as Montana State Highway No. 289 and described in Bargain and Sale Deed from The Irvine Company to the State of Montana dated the 30th day of November 1953, recorded in the office of the Clerk and Recorder of the County of Gallatin, State of Montana, Recording No. 94576, on the 16th day of December 1953 in Book 113 of Deeds on Page 340.

This Quitclaim Deed is made for the purpose of conveying to the Grantee all of the lands owned by the Grantor situate in said Section Twenty-two (22) and lying north of said highway, consisting of eleven (11) acres more or less, together with all the tenements, hereditaments and appurtenances thereto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim, and demand whatsoever as well in law as in equity, of the said party of the first part, of, in or to the said premises and every part and parcel thereof.

TO HAVE AND TO HOLD, all and singular the said premises, with the appurtenances

unto the said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, said party of the first part has caused its corporate name to be subscribed and its corporate seal to be affixed, by its proper officers, thereunto duly authorized, on this 24th day of February, A. D. 1970

ATTEST:

STATE OF MONTANA

County of Blaine

On this 24th day of February in the year 1970, before me Shirley A. Jenkins, a Notary Public for the State of California, personally appeared Harold Nierda and Shirley A. Jenkins known to me (or proved to me on the oath of \_\_\_\_\_) to be the President and Secretary of the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

SHIRLEY A. JENKINS, IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official Notary Public, California, Principal Office in Orange County, California, on this 24th day and year in this certificate first above written.

Residing at Haystack Blvd, Calif My Commission expires July 21, 1970.

SHIRLEY A. JENKINS  
My Commission Expires July 21, 1970

# WARRANTY DEED

FILED 91 PAGE 2407

For Value Received HAROLD WIERDA and FANNIE WIERDA, husband and wife of  
20777 Norris Road, Amsterdam, MT 59741

The grantors do hereby grant, bargain, sell, convey and confirm unto FIRST NATIONAL  
BANK IN BOZEMAN, P.O. Box 730, Bozeman, Montana 59711-0730

the grantees, the following described premises, in Gallatin County, Montana,  
to wit:

A tract of land located in the Northeast One-quarter and the Northwest  
One-quarter of Section Twenty-two, Township Two South, Range Three  
East, Montana Principal Meridian, Gallatin County, Montana, being  
further described as follows:

Beginning at a point which bears South 70° 53' 34" West a distance of  
2529.15 feet from the Northeast corner of Section Twenty-two, Thence  
South 00° 53' 51" West a distance of 198.87 feet, Thence South 42°  
50' 48" West a distance of 588.75 feet, Thence South 02° 00' 51" East  
a distance of 415.06 feet, Thence North 73° 08' 37" East a distance of  
581.71 feet to a point on the Northerly right-of-way of State Highway  
No. 84, Thence Southwesterly on said right-of-way on a 2794.79  
foot radius curve to the right, the tangent of which bears South 38°  
34' 58" West, through a central angle of 18° 53' 57", an arc distance  
of 921.87 feet, Thence North 89° 56' 09" West a distance of 570.52  
feet, Thence North 43° 15' 04" West a distance of 884.30 feet, Thence  
North 08° 20' 00" East a distance of 180.89 feet, Thence North 78°  
03' 23" East a distance of 791.47 feet, Thence North 59° 11' 31"  
East a distance of 838.80 feet to the Point of Beginning. Being Tract A  
of Certificate of Survey No. 1300  
Said tract being 25.00 Acres, along with and subject to all existing  
easements.

REVENUE STAMPS

NEIGHBORS PROPERTY

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee  
its heirs and assigns forever, And the said Grantors do hereby covenant to and  
with the said Grantee that they are the owners in fee simple of said premises; that they are free  
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 3-18-86

HAROLD WIERDA *Harold Wierda*  
FANNIE WIERDA *Fannie Wierda*

INDEXED  
PLATIN

153073

STATE OF MONTANA, COUNTY OF GALLATIN  
On this 18th day of March 1986  
before me, a notary public in and for said State, personally  
appeared  
HAROLD WIERDA and  
FANNIE WIERDA  
known to me to be the persons whose name are  
subscribed to the foregoing instrument, and acknowledged to  
me that they executed the same.  
Witness my hand and seal of office for the State of Montana  
Residing at Bozeman, Montana  
My commission expires 18

STATE OF MONTANA, COUNTY OF Gallatin  
I hereby certify that this instrument was filed for record at  
the request of  
at 10:23 o'clock A.M.  
this 8th day of April  
1986, in my office, and duly recorded in Book 91  
of Deeds at page 2407  
GARY W. PRINGLE  
County Clerk and Recorder  
Deputy  
5:00  
Mail to: American Land Title





# Road Petition No. 775

## Virginia City/Bozeman Rd.

### 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 MARK CHANDLER PHONE 587-1115

- 1) Determine if there are sufficient qualified signatures.
- 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. *Faxed 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
  - 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. *12-19-95*
- 13) County Attorney drafts resolution for Commissioners to consider at the next public hearing
- 14) Commissioners pass resolution. *12-20-95*
- 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). *12-22-95*
- 16) Type affidavit of mailing for the petition file.
- 17) If petition is granted, a certified copy of the resolution must be recorded. *12-21-95*
- 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: old county road commonly referred to as Virginia City-Bozeman Road

Dear Board,

On December 4, 1995, the undersigned, being appointed as the viewing committee, viewed a portion of old county road as described in Road Petition #775, which is located in Section 22, T2S, R3E, M.P.M., Gallatin County, Montana.

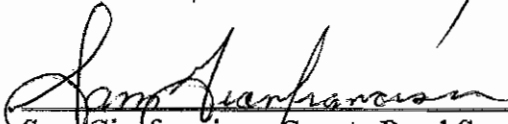
As indicated in the petition, the viewing committee concurs that when the Norris Highway was constructed, apparently the old county road was forgotten about, and not abandoned at that time.

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

Sincerely,

  
\_\_\_\_\_  
Phil Olson, County Commissioner

  
\_\_\_\_\_  
Shelley M. Cheney, Clerk and Recorder/Surveyor

  
\_\_\_\_\_  
Sam Gianfrancesco, 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 county road commonly referred to as the Virginia City-Bozeman Road be abandoned as stated in Road Petition #775. The legal description is as follows: That part of the Virginia City-Bozeman Road lying north of State Highway No. 84 and beginning where the Virginia City-Bozeman Road diverges from State Highway No. 84 (Norris Road) approximately 1000 feet northeast of the Center Quarter Corner of Section 22, T2S, R3E, M.P.M., Gallatin County, Montana; thence running in a westerly and southwesterly direction through the NE1/4, the NW1/4, and the SW1/4 of Section 22 to the west line of the SW1/4 of Section 22, thence terminating.

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



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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**

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 P)POLLING  
F)FINE

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 #775; the postmaster; public lands association; County Attorney; County Road Superintendent; and County Commission on the 8th day of December, 1995.

*Shelley M. Cheney*

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SHELLEY M. CHENEY  
CLERK AND RECORDER  
GALLATIN COUNTY, MONTANA



RESOLUTION NO. 1995- 54

## DECISION CONCERNING PETITION TO ABANDON COUNTY ROAD

## NAME OF COUNTY ROAD: VIRGINIA CITY-BOZEMAN ROAD

WHEREAS, a Petition to Abandon County Road was filed on November 2, 1995, requesting that the following portion of a road commonly referred to as the Virginia City-Bozeman Road be abandoned:

That part of the Virginia-City Bozeman Road lying north of State Highway No. 84 and beginning where the Virginia City-Bozeman Road diverges from State Highway No. 84 (Norris Road) approximately 1,000 feet northeast of the Center Quarter Corner of Section 22, T2S, R3E, M.P.M., Gallatin County, Montana; thence running in a westerly and southwesterly direction through the NE1/4, the NW1/4, and the SW1/4 of Section 22 to the west line of the SW1/4 of Section 22, thence terminating.

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 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 19, 1995, the 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 reason that when Norris Highway was constructed in 1950 the highway was relocated from the old county road location and a new right of way was taken for the state highway. The old county road was not abandoned and is presently used as a driveway.

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

That part of the Virginia-City Bozeman Road lying north of State Highway No. 84 and beginning where the Virginia City-Bozeman Road diverges from State Highway No. 84 (Norris Road) approximately 1,000 feet northeast of the Center Quarter Corner of Section 22, T2S, R3E, M.P.M.,



Gallatin County, Motnana; thence running in a westerly and southwesterly direction through the NE1/4, the NW1/4, and the SW1/4 of Section 22 to the west line of the SW1/4 of Section 22, thence terminating.

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 20th day of December, 1995.

BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY

Kris Dunn  
Kris Dunn, Chairman

Jane Jelinski  
Jane Jelinski, Member

Phil Olson  
Phil Olson, Member

ATTEST:

Shelley M. Cheney  
SHELLEY CHENEY  
Clerk and Recorder

316774

INDEXED  
PLATTED



State of Mont., County of Gallatin. ss Filed for record DECEMBER 21, 1995  
at 10:30A.M., and recorded in Book 159 of MISCELLANEOUS page 633  
Shelley M. Cheney Recorder. By Carrie Brancamp Deputy

RT: ROAD PETITION #775  
FEE: \$0.

**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:

Wesley G. & Alice I. Wierda  
20505 Norris Road  
Manhattan, MT 59741

4a. Article Number

P 797 054 896

4b. Service Type

- Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery

12-23-95

5. Signature (Addressee)

*Alice Wierda*

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:

Harold & Fannie Wierda  
20777 Norris Road  
Manhattan, MT 59741

4a. Article Number

P 787 054 897

4b. Service Type

- Registered  Insured  
 Certified  COD  
 Express Mail  Return Receipt for Merchandise

7. Date of Delivery

12-23-95

5. Signature (Addressee)

*Harold Wierda*

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

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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:

First National Bank Association  
P.O. Box 730  
Bozeman, MT 59715  
ATTN: Diane C. Spranget

4a. Article Number

P 787 054 895

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

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1.  Addressee's Address
2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Postmaster  
Manhattan, MT 59741

4a. Article Number

P 787 054 898

4b. Service Type

- Registered       Insured  
 Certified       COD  
 Express Mail       Return Receipt for Merchandise

7. Date of Delivery

1-3-96

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

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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

4a. Article Number

P 787 054 899

4b. Service Type

- Registered       Insured  
 Certified       COD  
 Express Mail       Return Receipt for Merchandise

7. Date of Delivery

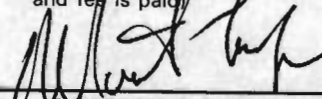
1-10-96

5. Signature (Addressee)

Shelby H. Chancy

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**