

Road Petition #779  
Magenta Road

Granted Sept. 23, 1996  
With Conditions

Conditions Met Oct. 13, 1998

Book 190    Page 1543

RECEIVED  
Date 7-22-96  
Clerk & Recorder  
Gallatin County, Mont.

PETITION TO ABANDON COUNTY ROAD  
(APPENDIX A)

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

COME NOW the undersigned freeholders of the road district of Gallatin County, Montana, and petition this board pursuant to Section 7-14-2601, MCA, to abandon a county road located in Gallatin County, Montana and represent as follows:

1. The road to be abandoned is particularly described as follows: the approach to U.S. Highway 191 and Magenta Road at or near highway stationing 524+16

Relocate approach to U.S. Highway 191 at station 533+75 (see attached drawing)

(Attach additional page if required).

2. The road is commonly known as: Magenta Road

3. The general route of the road is described as follows: Magenta Road intersects U.S. Highway 191 at a very sharp angle at station 524+16  
Magenta Road runs north and south through Rainbow Subdivision

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

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
✓ 1. <u>SNOWY RIVER COMPANY</u>	<u>BOX 160165</u>
	<u>BIG SKY, MT. 59716</u>
<u>LOT 325/RAINBOW SUBDIVISION</u>	
<u>PROPERTY DESCRIPTION</u>	
2. <u>SNOWY RIVER COMPANY</u>	<u>BOX 160165</u>
	<u>BIG SKY, MT. 59716</u>
<u>LOT 326/RAINBOW SUBDIVISION</u>	
<u>PROPERTY DESCRIPTION</u>	
3. <u>SNOWY RIVER COMPANY</u>	<u>BOX 160165</u>
	<u>BIG SKY, MT. 59716</u>
<u>LOT 327/RAINBOW SUBDIVISION</u>	
<u>PROPERTY DESCRIPTION</u>	

- |       | <u>LANDOWNER(S)</u>                                     | <u>MAILING ADDRESS</u>   |
|-------|---|--|
| 4.    | <u>SNOWY RIVER COMPANY</u>                              | <u>BOX 160165</u><br><u>BIG SKY, MT 59716</u>                          |
|       | <u>LOT 328/RAINBOW SUBDIVISION</u>                      |  |
|       | <u>PROPERTY DESCRIPTION</u>                             |  |
| 5.    | <u>SNOWY RIVER COMPANY</u>                              | <u>BOX 160165</u><br><u>BIG SKY, MT 59716</u>                          |
|       | <del>LOT 32</del><br><u>LOT 329/RAINBOW SUBDIVISION</u> |  |
|       | <u>PROPERTY DESCRIPTION</u>                             |  |
| 6.    | <u>SNOWY RIVER COMPANY</u>                              | <u>BOX 160165</u><br><u>BIG SKY, MT 59716</u>                          |
|       | <u>LOT 330/RAINBOW SUBDIVISION</u>                      |  |
|       | <u>PROPERTY DESCRIPTION</u>                             |  |
| 7.    | <u>SNOWY RIVER COMPANY</u>                              | <u>BOX 160165</u><br><u>BIG SKY, MT 59716</u>                          |
|       | <u>LOT 331/RAINBOW SUBDIVISION</u>                      |  |
|       | <u>PROPERTY DESCRIPTION</u>                             |  |
| ✓ 8.  | <u>DAVE VAUGHAN</u>                                     | <u>80051</u><br><u>80089 Gallatin Rd.</u><br><u>Bozeman, Mt. 59715</u> |
|       | <u>LOT 324/RAINBOW SUBDIVISION</u>                      |  |
|       | <u>PROPERTY DESCRIPTION</u>                             |  |
| 9.    | <u>DAVE VAUGHAN</u>                                     |  |
|       | <u>LOT 323/RAINBOW SUBDIVISION</u>                      |  |
|       | <u>PROPERTY DESCRIPTION</u>                             |  |
| ✓ 10. | <u>CHARLES PAGE</u>                                     | <u>133 Lower Rainbow Rd</u><br><u>Bozeman, Mt. 59715</u>               |
|       | <u>LOT 322/RAINBOW SUBDIVISION</u>                      |  |
|       | <u>PROPERTY DESCRIPTION</u>                             |  |

LANDOWNER(S)

MAILING ADDRESS

✓ 11. BRIAN MIHALKA \_\_\_\_\_

LOT 321/RAINBOW SUBDIVISION

PROPERTY DESCRIPTION

✓ 12. PAUL MCINTOSH \_\_\_\_\_

LOT 320/RAINBOW SUBDIVISION

PROPERTY DESCRIPTION

13. SNOWY RIVER COMPANY \_\_\_\_\_

BOX 160165  
BIG SKY, MT 59716

LOT 319/RAINBOW SUBDIVISION

PROPERTY DESCRIPTION

14. SNOWY RIVER COMPANY \_\_\_\_\_

BOX 160165  
BIG SKY, MT 59716

LOT 318/RAINBOW SUBDIVISION

PROPERTY DESCRIPTION

15. SNOWY RIVER COMPANY \_\_\_\_\_

BOX 160165  
BIG SKY, MT 59716

LOT 317/RAINBOW SUBDIVISION

PROPERTY DESCRIPTION

16. SNOWY RIVER COMPANY \_\_\_\_\_

BOX 160165  
BIG SKY, MT 59716

LOT 316/RAINBOW SUBDIVISION

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)

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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:

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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:

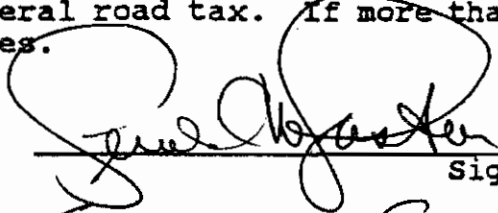
<u>LANDOWNER (S)</u>	<u>MAILING ADDRESS</u>
✓ SYLVIA DAHL	RAINBOW ROAD
✓ JOHN HUBER	LOWER RAINBOW ROAD
✓ DUNCAN/JEN MORAN	LOWER RAINBOW ROAD
✓ ED/KAREN THOMES	LOWER RAINBOW ROAD
✓ WILLIAM E. ASHER, SR	LOWER RAINBOW ROAD
THE SLOWLY RIVER COMPANY	LOWER RAINBOW ROAD
THE SLOWLY RIVER COMPANY	MAGENTA ROAD


(Use additional pages if required)

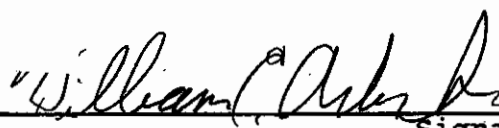
8. The necessity for and advantage of the abandonment of the road are as follows: To eliminate an unsafe approach onto U.S. Highway 191 and relocate to a better location for sight distance

Increased traffic from recent development of Rainbow Subdivision will create increased safety problems with the existing approach

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.  Signature 3055 Brass Lantern Address  
GERALD M. GASTON Printed Name Bozeman MT 59715 City, State & Zip  
6/20/96 Date

2.  Signature 3400 Stucky Rd Address  
Marty Cagnon Printed Name Bozeman MT 59715 City, State & Zip  
Marty Cagnon 6/20/96 Date

3.  Signature 3020 UPPER RAINBOW RD. Address  
WILLIAM E. ASHER, SR. Printed Name GALLATIN GATEWAY, MT 59720 City, State & Zip  
JULY 12, 1996 Date

LOT # 302, RAINBOW SUBDIVISION  
Description of Property

4. Robert D. Biggerstaff Signature 2215 W. Beall Address  
Robert D. Biggerstaff Printed Name Bozeman, MT 59715 City, State & Zip  
7/12/96 Date  
Condominium

5. Jim Schultz Signature 15110 LOW BENCH RD Address  
JAMES R. SCHULTZ Printed Name GALLATIEN, MT 59730 City, State & Zip  
12 JUL 96 Date  
LOT 78/BEAR CREEK PROPERTIES

6. DKB Signature Box 50645 Address  
DOUGLAS K. BING Printed Name 6011 ALUM GATEWAY City, State & Zip  
7-18-96 Date MT 59730  
TR 1-B COS. 1348A.

7. James P. Muscet Signature Box 160255 Address  
James P. Muscet Printed Name Big Sky, MT. 59714 City, State & Zip  
7/18/96 Date  
45665 Gallatin RD.

Description of Property

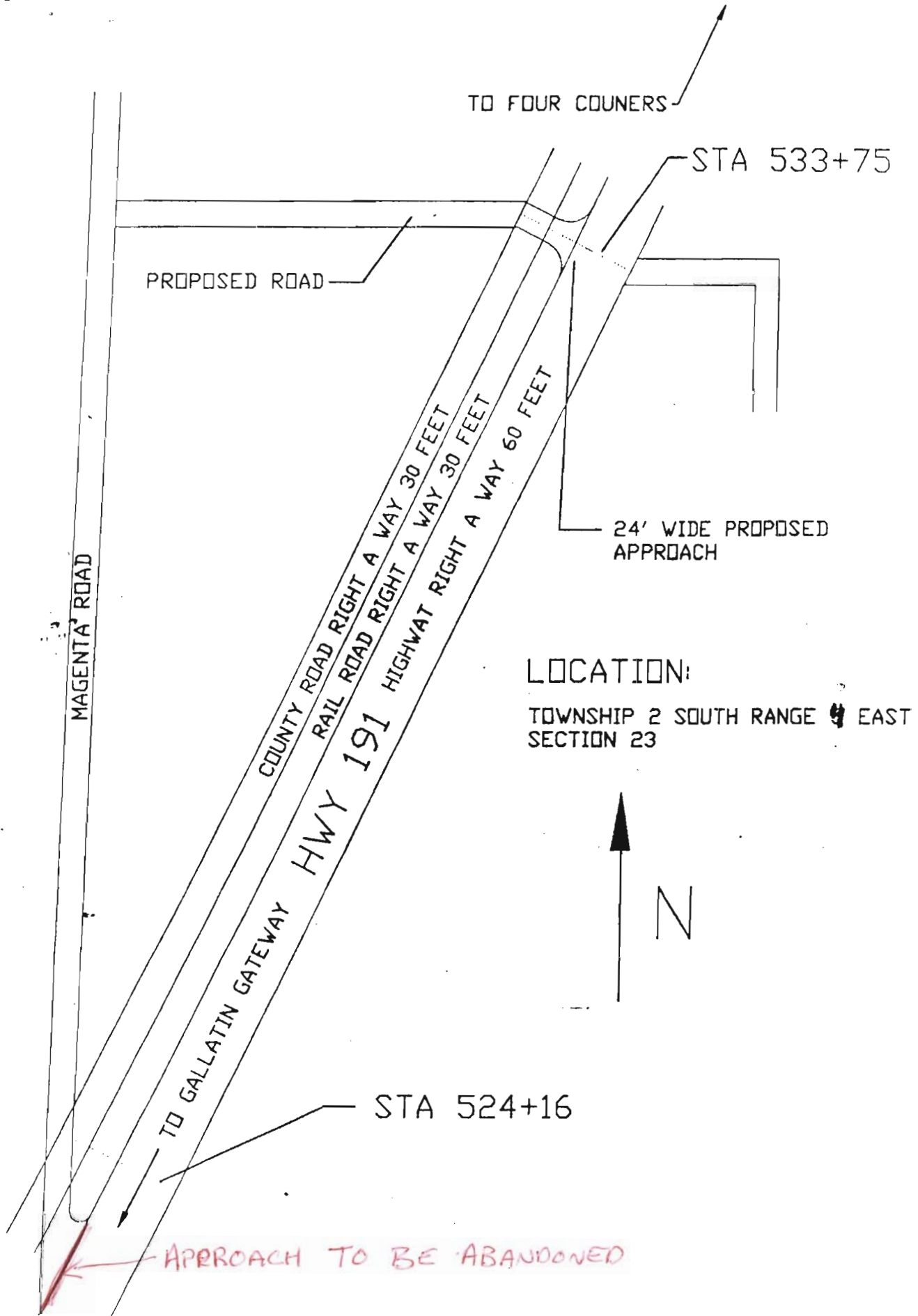
✓ 8. *Ron Edwards* Signature 1410 Harper Puckett Rd. Address  
RON EDWARDS Printed Name Bozeman, MT 59715 City, State & Zip  
7/18/96 Date  
LOT 10, Cimarron Sub. Phase II

✓ 9. *Marlene Kennedy* Signature 15110 Low Bench Rd Address  
MARLENE KENNEDY Printed Name Gallatin Gtwy, MT 59730 City, State & Zip  
18 July 1996 Date  
Lot 68-- Bear Creek Properties

✓ 10. *Carol L. Collins* Signature 45000 Gallatin Rd Address  
Carol L. Collins Printed Name Gallatin Gateway MT City, State & Zip  
7/18/96 Date 59730  
COS 1041

Description of Property





TO FOUR COUNERS

STA 533+75

PROPOSED ROAD

24' WIDE PROPOSED APPROACH

MAGENTA ROAD

COUNTY ROAD RIGHT A WAY 30 FEET  
RAIL ROAD RIGHT A WAY 30 FEET  
HIGHWAY RIGHT A WAY 60 FEET

TO GALLATIN GATEWAY HWY 191

LOCATION:

TOWNSHIP 2 SOUTH RANGE 4 EAST SECTION 23

N

STA 524+16

APPROACH TO BE ABANDONED

LAND OWNED BY THE SNOOK RIVER COMPANY

RECEIVED  
 Date 7/22/96  
 Clerk & Recorder  
 Gallatin County, Mo



SEC. 23  
 T25 R4E

9

269	267	268	265	264
ED + KAREN THOMES				

342	399
341	400
VACANT 340	401

41
41
41
41

307	308
306	309
305	310
304	311
303	312
302	313
301	314
300	315
299	316
298	317
297	318
296	319
295	320
294	321
293	322
292	323
291	324

DUNCAN + JEN MORAN

W. PAUL MONTGOMERY

BRIAN MIHALKA

CHARLES PAGE

DAVE VAUGHN

402	403	404	405	406	407	408	409	410	411
APPROACH TO BE ARRANGED									

50° 38' W  
1328  
ENTER OF SEC.  
293

COUNT

JOHN HUBER



# Road Petition # 779

Magenta 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. Stamp the date received on the petition. Get name and phone number of contact person for questions.

NAME JAMES SCHULTZ PHONE H 763-5129  
W 995-2454

- 1) Determine if there are sufficient qualified signatures.
- 2) Complete "Report of Qualified Signatures".
- 3) Schedule petition on Commissioner's agenda. DATE: 7/30/96
- 4) Make copies of petition and report. Forward to:
  - County Attorney (attach note of date on Commissioner's agenda)
  - County Road Superintendent (attach note of date on Commissioner's agenda)
  - County Commission (3 copies)

7/31/96 sent a copy to Susan Swimley

- 5) Commissioners receive petition and assign viewing committee.
- 6) Assign Road Petition Number. 779

- 7) Type regular mail envelopes for:
  - All landowners named on the petition
  - All signers on the petition
  - All individuals named in the petition who could be affected
  - The postmaster of the area
  - The Public Lands Access Association

8/6/96

- Type and prepare certified mail envelopes for:
- All owners of land abutting the road
  - All individuals named in the petition who could be affected
  - The postmaster of the area
  - The Public Lands Access Association

- 8) Viewing committee completes road report.
- 9) Schedule public hearing on Commissioner's agenda and prepare notice. DATE 9/10/96
- 10) Publish public hearing notice one time. DATE 9/1/96 mailed notice to VINIE 8/23/96

- 11) Send a copy of the viewing committee report and public hearing notice to the following:
  - Persons listed in #7 - 23
  - County Road Superintendent
  - County Attorney
  - County Commissioners (3 copies)

28 copies

sent out 8/23/96

- 12) Prepare affidavit of mailing for petition file (regarding the viewers report).
- 13) Commissioners hold public hearing to grant or deny petition. 9/10/96 (2 yrs. to complete Council 10/6/98)
- 14) County Attorney drafts resolution for Commissioners to consider at next public hearing. 10/6/98
- 15) Commissioners pass resolution
- 16) Within 10 days of passage of resolution send copies of resolution to all persons listed in #7 (BY CERTIFIED MAIL)
- 17) Type affidavit of mailing for petition file (regarding the boards decision).
- 18) If the petition is granted, a certified copy of the resolution must be recorded.

✓ 159 Fm 3888 - 3889  
✓ Brian Mihalka  
28494 Norris Rd. #4  
Boze. 59715

163 Fm <sup>3534</sup> ~~3650~~, ~~3543~~  
✓ W. Paul Montgomery  
P.O. Box 422  
Sallatin Gateway 59730

153 Fm 3834 June 1995  
~~Sylvia Dahl~~  
✓ Sylvia Cantu  
60 Lower Rainbow Rd.  
Boz. 59715

**AMERICAN LAND**  
**TITLE COMPANY**

(406) 587-5563  
1800 West Koch  
Bozeman, Montana 59715

(800) 405-5299  
P.O. Box 1248  
Ennis, Montana 59729

✓ John Huber  
86 Lower Rainbow Rd.  
Boze. 59715

✓ 162 Fm 4086 - 4087  
Duncan Moran <sup>2. 308</sup>  
7501 Nash Rd.  
Boze. 59715

✓ Ed Thomas  
77 Lower Rainbow Rd.  
Boze. 59715

**AMERICAN LAND**  
**TITLE COMPANY**

(406) 587-5563  
1800 West Koch  
Bozeman, Montana 59715

(800) 405-5299  
P.O. Box 1248  
Ennis, Montana 59729



SPANISH PEAKS  
REAL ESTATE COMPANY

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24 SOUTH WILLSON, SUITE #1  
BOZEMAN, MONTANA 59715  
(406) 582-1770

RECEIVED  
Date 7/22/96  
Clerk & Recorder  
Gallatin County, Mont.

July 12, 1996

James R. Schultz  
The Snowy River Company, Inc.  
P.O. Box 160819  
Big Sky, Montana 59716

Dear Jim:

As per your request, I have contacted the Rainbow Subdivision landowners listed below relative to the proposed abandonment of the existing highway approach designated STA 524+16 on the attached diagram.

Each individual contacted was briefed in detail on The Snowy River Company's intention to petition the Montana Highway Department to move the subject highway approach approximately 875' to the north on Highway 191, as shown on the attached diagram as STA 533+75.

The neighboring landowners, when they were contacted and their verbal response to the proposal were as follows:

Brian Mihalka (Lot 321, Magenta Road)  
Personal contact, 4:10 PM/July 2, 1996 - APPROVED

Charles Page (Lot 322, Magenta Road)  
Telephone call, 9:20 PM/July 8, 1996 - APPROVED

Dave Vaughan (Lots 323, 324, 290, et al, Magenta Road)  
Personal contact, 5:55 PM/July 10, 1996 - APPROVED

W. Paul Montgomery (Lot 320, Magenta Road)  
Personal contact, 8:00 AM/July 11, 1996 - APPROVED

Sylvia Dahl (Lot 402, Lower Rainbow Road)  
Personal contact, 3:40 PM/July 11, 1996 - APPROVED

James R. Schultz  
July 12, 1996  
Page Two

John Huber (Lots 412, 413 & 414, Lower Rainbow Road)  
Personal Contact, 4:00 PM/July 11, 1996 - APPROVED

Duncan and Jen Moran (Lot 308, Magenta Road)  
Personal contact, 5:15 PM/July 11, 1996 - CONDITIONAL APPROVAL  
Approval here is based on the project being done without  
removing any trees. If a one or more trees have to be removed  
to make way for the highway approach and new road, Mr. and Mrs.  
Moran are opposed to the project.

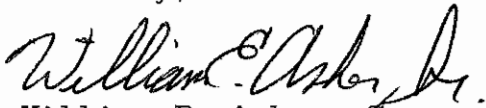
Ed and Karen Thomes (Lots 264 - 268, Lower Rainbow Road)  
Personal contact, 6:10 PM/July 11, 1996 - APPROVED

Attached you will find a plat that readily identifies the  
above-referenced landowners. Please be advised that some of  
those contacted are not adjoining landowners, however, the  
approval of the new approach would have a positive affect on  
them by taking the pressure off of Upper and Lower Rainbow  
Roads.

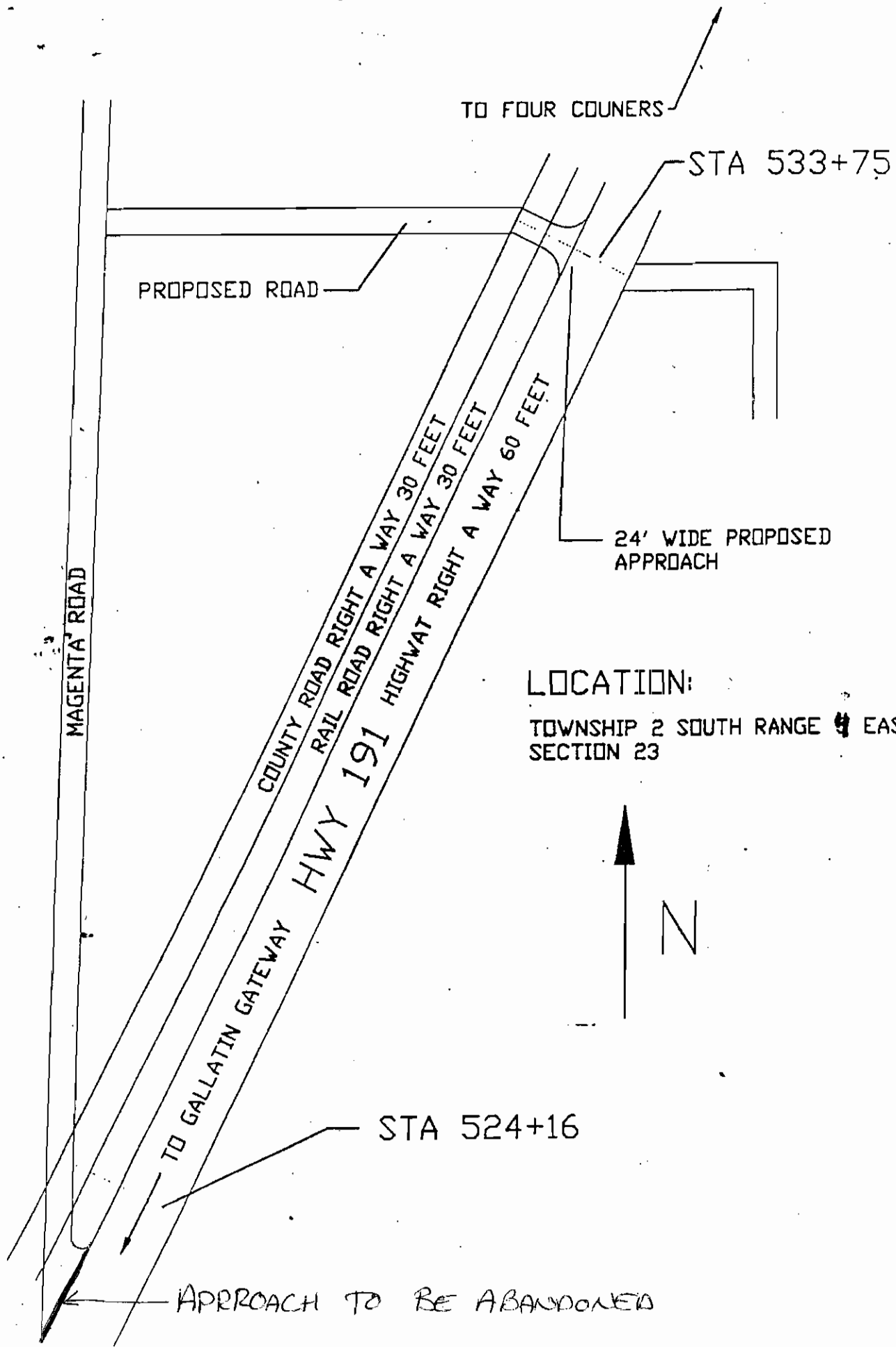
For the record, as a neighboring landowner myself, living on  
Lot 302, Upper Rainbow Road, I too am in favor of the new  
approach. It would go a long way in alleviating the ever-  
increasing traffic on Lower Rainbow Road, which is, for all  
practical purposes, a one lane road where it borders Rainbow  
Acres on the north side.

If you have any questions, please give me a call.

Sincerely,

  
William E. Asher, Sr.  
Broker





TO FOUR COUNERS

STA 533+75

PROPOSED ROAD

24' WIDE PROPOSED APPROACH

MAGENTA ROAD

COUNTY ROAD RIGHT A WAY 30 FEET  
RAIL ROAD RIGHT A WAY 30 FEET  
HIGHWAY RIGHT A WAY 60 FEET

TO GALLATIN GATEWAY HWY 191

LOCATION:

TOWNSHIP 2 SOUTH RANGE 4 EAST  
SECTION 23

N

STA 524+16

APPROACH TO BE ABANDONED

State of Montana

*County of Gallatin*

Bozeman



August 20, 1996

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: abandonment of approach at intersection of Magenta Road and Highway 191

Dear Board,

On August 19, 1996, the undersigned, being appointed as viewing committee, viewed the approach located at the intersection of Magenta Road and U.S. Highway 191 adjacent to Station 524+16 in Section 23, T2S, R4E, which is being petitioned to be abandoned as described in Road Petition #779. The lots referenced below are located within Rainbow Subdivision of Bozeman Hot Springs.

According to the petition submitted, the petitioners desire to abandon the current approach on Magenta Road and Highway 191, construct a cul-de-sac, and then construct a road through lot 328 from Magenta Road to Highway 191.

The viewing committee observed the following:

A portion of Magenta Road from the intersection of Lower Rainbow Road and Magenta Road going south to approximately the center of and adjacent to lot 322 of Rainbow Subdivision has been newly constructed to be a 24 foot wide gravel road. The newly constructed road is approximately 1500 feet in length and ends in a cul-de-sac.

A cul-de-sac has been constructed at the south end of the newly constructed Magenta Road and appears to be located on Lot 325 of Rainbow Subdivision.

Magenta Road has not been constructed south, from the cul-de-sac to the intersection with Highway 191.

The approach at the intersection of Magenta Road and Highway 191 has not been constructed. At the location of the intersection the viewing committee witnessed an irrigation ditch, abandoned railroad right of way, and Highway 191. There was not a culvert installed across the irrigation ditch. It appears that the irrigation ditch may be located on the county right of way.

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

The viewing committee recommends that the petition be denied unless the following suggestions are required.

That portion of Magenta Road located between State Highway 191 adjacent to Station 524+16 and the boundary line of Rainbow Subdivision of Bozeman Hot Springs should be included in the abandonment.

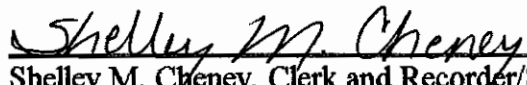
An amended plat of Rainbow Subdivision of Bozeman Hot Springs showing the changes as indicated on the petition shall be completed.

An encroachment permit from the State Highway Department for the new road at the intersection of Highway 191 shall be obtained.

If the Commission denies the second access, Magenta Road would exceed the length standards for County cul-de-sac roads.

Sincerely,

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

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

  
\_\_\_\_\_  
Sam Gianfrancisco, 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 the approach located at the intersection of Magenta Road and U.S. Highway 191 adjacent to Station 524+16 in Section 23, T2S, R4E, Gallatin County, Montana, be abandoned; a new road be constructed through Lot 328 of Rainbow Subdivision of Bozeman Hot Springs; and a new approach be located on U.S. Highway 191 adjacent to Station 533+75.

NOTICE IS FURTHER GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on September 10, 1996, 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 Jane Jelinski, Kris Dunn, or Phil Olson, 311 W. Main, Room 301, Bozeman, Montana 59715, telephone 582-3000.

Dated this 23 day of August, 1996.

*Shelley M. Cheney*

Shelley M. Cheney  
Clerk and 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;

AND she prepared the attached Notice of Public Hearing on the 23rd day of August, 1996;

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 #779; the postmaster; public lands association; County Attorney; County Road Superintendent; and County Commission on the 23rd day of August, 1996.

*Shelley M. Cheney*

\_\_\_\_\_  
SHELLEY M. CHENEY  
CLERK AND RECORDER  
GALLATIN COUNTY, MONTANA

RESOLUTION NO. 1996 - 56

**DECISION CONCERNING PETITION TO ABANDON COUNTY ROAD,  
MAGENTA ROAD**

WHEREAS, a Petition to Abandon County Road was filed requesting to abandon a portion of Magenta road described as:

the intersection of Magenta Road and U.S. Highway 191 adjacent to Station 524+16 in Section 23, T2S, R4E, Gallatin County Montana.

WHEREAS, on July 23, 1996, 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 the road supervisor to investigate the feasibility and desirability of abandoning the road; and

WHEREAS, on September 10, 1996, the Gallatin County Commissioners conducted a public hearing, after notice on the petition and the results of the investigation.

WHEREAS, the Gallatin County Commissioners voted unanimously to grant the petition and abandon the intersection of Magenta and U.S. 191 once the following conditions are met:

a. That portion of Magenta Road located between State Highway 191 adjacent to Station 524+16 and boundary line of Rainbow Subdivision of Bozeman Hot Springs should be included in the abandonment; and

b. An amended plat of Rainbow Subdivision of Bozeman Hot Springs showing the changes, specifically an easement to Highway 191 across lots 327 and/or 328, as indicated on the petition shall be completed and recorded with the Clerk and Recorder of Gallatin County; and

c. An encroachment permit from the State Highway Department for the new road at the intersection of Highway 191 shall be obtained.

NOW, THEREFORE BE IT RESOLVED:

1. Based on the petition, results of the investigation and information presented at the public hearing on September 10, 1996,

the Gallatin County Commissioners conclude that the decision made herein is in the best interests of the county.

2. The road described below as requested in the Petition to Abandon County Road will be abandoned when the following conditions are met:

A portion of Magenta road described as:

the intersection of Magenta Road and U.S. Highway 191 adjacent to Station 524+16 in Section 23, T2S, R4E, Gallatin County Montana.

CONDITIONS:

a. That portion of Magenta Road located between State Highway 191 adjacent to Station 524+16 and boundary line of Rainbow Subdivision of Bozeman Hot Springs should be included in the abandonment; and

b. An amended plat of Rainbow Subdivision of Bozeman Hot Springs showing the changes, specifically an easement to Highway 191 across lots 327 and/or 328, as indicated on the petition shall be completed and recorded with the Clerk and Recorder of Gallatin County; and

c. An encroachment permit from the State Highway Department for the new road at the intersection of Highway 191 shall be obtained.

3. The petitioner shall have 2 years to complete the conditions and present them to the County Commission for confirmation of completion.

Once the conditions are completed and the County Commission verifies that the conditions are completed, within ten (10) days from that date a Resolution of Abandonment shall be adopted and the Clerk and Recorder shall send a copy of that 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 23rd day of September, 1996.

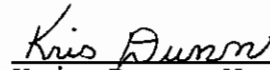
BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

  
\_\_\_\_\_

Jane Jelinski, Chairman



Phil Olson, Member



Kris Dunn, Member

ATTEST:

  
SHELLEY CHENEY  
Clerk and Recorder



ORIGINAL

FILM 190 PAGE 1543

RESOLUTION NO. 1998-68

DECISION CONCERNING PETITION TO ABANDON COUNTY ROAD,  
MAGENTA ROAD

WHEREAS, a Petition to Abandon County Road was filed requesting to abandon a portion of Magenta road described as:

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WHEREAS, the Gallatin County Commissioners appointed a committee consisting of one county commissioner, the county surveyor and the road supervisor to investigate the feasibility and desirability of abandoning the road; and

WHEREAS, on September 10, 1996, the Gallatin County Commissioners conducted a public hearing, after notice on the petition and the results of the investigation.

WHEREAS, the Gallatin County Commissioners voted unanimously to grant the petition and abandon the intersection of Magenta and U.S. 191 once the following conditions are met:

a. That portion of Magenta Road located between State Highway 191 adjacent to Station 524+16 and boundary line of Rainbow Subdivision of Bozeman Hot Springs should be included in the abandonment; and

b. An amended plat of Rainbow Subdivision of Bozeman Hot Springs showing the changes, specifically an easement to Highway 191 across lots 327 and/or 328, as indicated on the petition shall be completed and recorded with the Clerk and Recorder of Gallatin County; and

c. An encroachment permit from the State Highway Department for the new road at the intersection of Highway 191 shall be obtained; and

WHEREAS, in September of 1998, the matter was presented to the

Commission for consider of completion of conditions; and

WHEREAS, on October 6, 1998, the County Commission considered the compliance with the conditions; and

WHEREAS, the County Commission determined the conditions set forth in Resolution 1996-56 had been substantially complied with.

NOW, THEREFORE BE IT RESOLVED:

1. Based on the petition, results of the investigation and information presented at the public hearing on September 10, 1996, the Gallatin County Commissioners conclude that the decision made herein is in the best interests of the county.

2. The road described as: A portion of Magenta road described as:

the intersection of Magenta Road and U.S. Highway 191 adjacent to Station 524+16 in Section 23, T2S, R4E, Gallatin County Montana.

as requested in the Petition to Abandon County Road is abandoned.

3. Within ten (10) days from the date a Resolution of Abandonment is adopted and the Clerk and Recorder shall send a copy of that 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 13<sup>th</sup> day of October, 1998.

BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY

*Phil Olson*  
Phil Olson, Chairman

*William Murdock*  
William Murdock, Member

*Jarvis Brown*  
Jarvis Brown, Member

Certified to be a full, true and correct copy of a document containing 2 pages. Dated at Bozeman, MT, Oct 16, 1998. Shelley Vance  
Clerk and Recorder for Gallatin County, State of Montana.  
By: *Shelley Vance*

ATTEST:

*Shelley Vance*  
Shelley Vance  
Clerk and Recorder

2

375787

INDEXED  
PLATTED

THIS INSTRUMENT WAS FILED FOR RECORD IN THIS OFFICE ON THE 16 DAY OF OCTOBER, A.D., 1998 AT 4:39 P.M., AND WAS DULY RECORDED IN BOOK 190 OF MISCELLANEOUS RECORDS, PAGE 1543

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

Fee \$ -0- *Shelley Vance* RECORDER. BY *Carrie Brancamp* DEPUTY

RT: ROAD PETITION #779



June 20, 1996

To Whom It May Concern:

The applicants for the abandonment of the highway approach wish to eliminate an existing safety problem and replace the existing approach with a safer approach.

At the present time Magenta Road intersects U.S. Highway 191 at a very sharp angle at a location where the highway makes a bend. Sight distance and the existing sharp angle of approach creates an unsafe highway approach.

Rainbow Subdivision, Gallatin County, is currently encountering increased development. Houses are being built at a very rapid rate resulting in increased traffic. The applicant which is also a major land owner and developer wishes to relocate this unsafe approach to a better location that will provide better sight distance and better vehicle stacking at the intersection.

Abandonment of the existing approach would create a short dead end road on Magenta Road with a cul-de-sac construction to be constructed for adequate turnaround of emergency vehicles.

All costs of improvements such as abandonment and cul-de-sac construction would be paid by applicant.

(95)591aband.ltr

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

*D-19*

RETURNED TO SENDER  
REASON CHECKED  
Unclaimed

Duncan & Jen Moran  
7501 Nash Road  
Bozeman, MT 59715

RETURNED TO SENDER  
REASON CHECKED  
Unclaimed

**CERTIFIED MAIL**  
P 787 055 036

BOZEMAN  
OCT 16 1986  
PB METER  
7201332 U.S. POSTAGE  
\$2.77

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

RETURNED TO SENDER

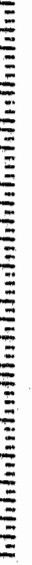
**FORWARDING TIME EXPIRED**

*FOE 10-178*

Sylvia Cantu  
60 Lower Rainbow Road  
Bozeman, MT 59715

**CERTIFIED MAIL**  
P 787 055 036

BOZEMAN  
OCT 16 1986  
PB METER  
7201332 U.S. POSTAGE  
\$2.77



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

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**  
 Complete items 1 and/or 2 for additional services.  
 Complete items 3, 4a, and 4b.  
 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 below the article number.  
 The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:  
Duncan & Jen Moran  
7501 Nash Road  
Bozeman, MT 59715

4a. Article Number  
P 787 055 038

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
**X**

I also wish to receive the following services (for an extra fee):  
1.  Addressee's Address  
2.  Restricted Delivery  
Consult postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

Domestic Return Receipt

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3. Article Addressed to:  
Sylvia Cantu  
60 Lower Rainbow Road  
Bozeman, MT 59715

4a. Article Number  
P 787 055 036

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery

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

5. Received By: (Print Name)

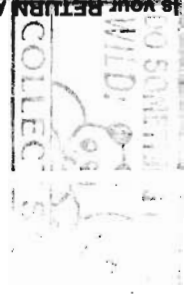
6. Signature: (Addressee or Agent)  
**X**

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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  
 317 West Mendenhall  
 Bozeman, MT 59715

4a. Article Number  
 P 787 055 041

4b. Service Type  
 Registered  
 Express Mail  
 Return Receipt for Merchandise  
 COD  
 Certified  
 Insured

7. Date of Delivery

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

5. Received By: (Print Name)  
 X *Monte Cooper*

6. Signature: (Addressee or Agent)  
 X *Monte Cooper*

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

**SENDER:**  
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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:  
 Dave Vaughan  
 S0051 Gallatin Road  
 Bozeman, MT 59715

4a. Article Number  
 P 787 055 032

4b. Service Type  
 Registered  
 Express Mail  
 Return Receipt for Merchandise  
 COD  
 Certified  
 Insured

7. Date of Delivery  
 10-12-94

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
 X *Dave Vaughan*

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

**SENDER:**  
 Complete items 1 and/or 2 for additional services.  
 Complete items 3, 4a, and 4b.  
 Print your name and address on the reverse of this form so that we can return this card to you.  
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Is your RETURN ADDRESS completed on the reverse side?

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  
 Bozeman, MT 59715

4a. Article Number  
 P 787 055 042

4b. Service Type  
 Registered  
 Express Mail  
 Return Receipt for Merchandise  
 COD  
 Certified  
 Insured

7. Date of Delivery

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

5. Received By: (Print Name)  
 X *Postmaster*

6. Signature: (Addressee or Agent)  
 X *Postmaster*

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

**SENDER:**  
 Complete items 1 and/or 2 for additional services.  
 Complete items 3, 4a, and 4b.  
 Print your name and address on the reverse of this form so that we can return this card to you.  
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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:  
 Brain Mihalaka  
 28494 Norris Road #4  
 Bozeman, MT 59715

4a. Article Number  
 P 787 055 034

4b. Service Type  
 Registered  
 Express Mail  
 Return Receipt for Merchandise  
 COD  
 Certified  
 Insured

7. Date of Delivery  
 10-12-94

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

5. Received By: (Print Name)  
 X *Brain Mihalaka*

6. Signature: (Addressee or Agent)  
 X *Brain Mihalaka*

PS Form 3811, December 1994

Domestic Return Receipt

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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:  
 John and Barbara Cok  
 P.O. Box 1105  
 Bozeman, MT 59771-1105

4a. Article Number  
 P 787 055 043

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
 10-19-98

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
*X Barbara Cok*

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

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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:  
 John Huber  
 86 Lower Rainbow Road  
 Bozeman, MT 59715

4a. Article Number  
 P 787 055 037

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
 10-19-98

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
*X Barbara Huber*

PS Form 3811, December 1994

Domestic Return Receipt

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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:  
 Paul Montgomery  
 P.O. Box 422  
 Gallatin Gateway, MT 59730

4a. Article Number  
 P 787 055 035

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
*X Paul Montgomery*

PS Form 3811, December 1994

Domestic Return Receipt

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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:  
 Charles Page  
 133 Lower Rainbow Road  
 Bozeman, MT 59715

4a. Article Number  
 P 787 055 033

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
*X Charles Page*

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.





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1.  Addressee's Address  
2.  Restricted Delivery  
Consult postmaster for fee.

3. Article Addressed to:  
Betty Jean Pasha  
60 Lower Rainbow Rd.  
Bozeman, MT 59718-9457

4a. Article Number  
P 787 055 117

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
10/20/94

5. Received By: (Print Name)  
USPS

6. Signature: (Addressee or Agent)  
X Betty Jean Pasha

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

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

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1.  Addressee's Address  
2.  Restricted Delivery  
Consult postmaster for fee.

3. Article Addressed to:  
Snowy River Company  
Box 160165  
Big Sky, MT 59716

4a. Article Number  
P 787 055 031

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
10/20/94

5. Received By: (Print Name)  
SHARON BEEKHUS

6. Signature: (Addressee or Agent)  
X Sharon Beekhus

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

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1.  Addressee's Address  
2.  Restricted Delivery  
Consult postmaster for fee.

3. Article Addressed to:  
Ed & Karen Thomes  
77 Lower Rainbow Road  
Bozeman, MT 59715

4a. Article Number  
P 787 055 039

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
10/20/94

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
X Karen Thomes

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

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1.  Addressee's Address  
2.  Restricted Delivery  
Consult postmaster for fee.

3. Article Addressed to:  
Dale & Clarisse Roos  
3171 Magenta Road  
Bozeman, MT 59715

4a. Article Number  
P 787 055 044

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
10/20/94

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)  
X Clarisse Roos

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

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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:

William E. Asher, Sr.  
3020 Upper Rainbow Road  
Bozeman, MT 59715

4a. Article Number

P 787 055 040

4b. Service Type

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

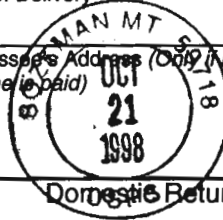
7. Date of Delivery

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X *William E. Asher, Sr.*



PS Form 3811, December 1994

Domestic Return Receipt

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