

Road Petition No. 781  
Indigo Road

Granted Aug. 26, 1997

Commissioners Journal

Book 44 Page 128  
Book 176 Page 1949  
Resolution

RECEIVED  
Date 5-16-97  
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: Indigo Rd, SE 1/4 of Sec 14, T25, R4E, MPM  
west from Magenta Rd

(Attach additional page if required).

2. The road is commonly known as: Indigo Rd

3. The general route of the road is described as follows:  
From Magenta road west with lots 252 and 238 on  
the north and lot 253A on the south for the length of said  
properties.

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

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
1. <u>Matthew J &amp; Beth Ann Wagner</u>	<u>2521 Magenta Rd</u> <u>Bozeman MT 59715</u>
<u>LOT 252 Rainbow Subdivision</u>	
<u>PROPERTY DESCRIPTION</u>	
2. <u>Steven + Lissa Barber</u>	<u>1920 Maryott Rd</u> <u>Bozeman, MT 59718</u>
<u>LOT 238 Rainbow Subdivision</u>	
<u>PROPERTY DESCRIPTION</u>	
3. <u>BARBARA WILLIAM BURCH</u>	<u>2543 MAGENTA RD</u> <u>Bozeman MT 59718</u>
<u>LOT 253</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)

None

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: N/A

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**

None

(Use additional pages if required)

8. The necessity for and advantage of the abandonment of the road are as follows: the existing location of Indigo St. was determined by survey to encroach into existing buildings and properties, and a new easement has been created adjacent and south of plotted location

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.

4. Nora Martin 17625 Big Elk Meadow Rd  
Signature Address

OK NORA MARTIN Gallatin Gateway, MT 59738  
Printed name City, state & zip

1-16-97  
Date

Little Bear Lot 35  
Description of property

5. Shannon Visser P.O. Box 445  
Signature Address

N<sup>o</sup> Shannon Visser Gallatin Gateway MT 59730  
Printed name City, state & zip

1-16-97  
Date

6. Roselee Faust 176 Lower Rainbow Rd.  
Signature Address

OK Roselee Faust Bozeman, MT 59718  
Printed name City, state & zip

1-16-97  
Date

RAINBOW SUB 415-416  
Description of property

7. George E Austiguy 1750 MARYOTT  
Signature Address

OK George E Austiguy BOZEMAN MT 59718  
Printed name City, state & zip

1/18/96  
Date

*Austiguy, Jr.*

LOT 14 COTTONWOOD MEADOWS  
Description of property

8. Carol Duppender 420 Mtn Lion Tr  
Signature Address

OK Carol Duppender Bozeman 59718  
Printed name City, state & zip

1/28/97  
Date

Lot 110, Valley Grove Subdivision  
Description of property

9. David Gluek 1540 MARYOTT LN  
Signature Address

OK DAVID GLUEK Bozeman MT 59718  
Printed name City, state & zip

1/29/97  
Date

LOT 18 COTTONWOOD SUB.  
Description of property

Eric, (Clerk + Recorders)

8. Steven Barber 1920 Maryott  
 Signature ~~Address~~ Address  
Steven Barber Bozeman MT. 59718  
 Printed Name City, State & Zip  
5/20/97  
 Date  
2380 Intigo Rt. Lot 238 Rainbow Sub.  
 Description of Property

o/c

9. Lissa Barber 1920 Maryott Rd.  
 Signature Address  
LISSA BARBER Bozeman MT 59718  
 Printed Name City, State & Zip  
5/20/97  
 Date  
Lot 10 Cottonwood Meadows Sub.  
 Description of Property

o/c

10. \_\_\_\_\_  
 Signature Address  
 \_\_\_\_\_  
 Printed Name City, State & Zip  
 \_\_\_\_\_  
 Date  
 \_\_\_\_\_  
 Description of Property

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.

OK 1. Beth Ann Wagner Signature 2521 Magenta Rd Address  
Beth Ann Wagner Printed Name Bozeman MT 59715 City, State & Zip  
10/31/96 Date

LOT 252 Rainbow Sub  
Description of Property

OK 2. Matthew J Wagner Signature 2521 MAGENTARD Address  
MATTHEW J WAGNER Printed Name BOZEMAN, MT 59715 City, State & Zip  
10/31/96 Date

LOT 252 Rainbow Sub.  
Description of Property

OK 3. Barbara Burch Signature 2543 Magenta Rd Address  
BARBARA BURCH Printed Name BOZEMAN MT 59715 City, State & Zip  
Jan 6 - 97 Date

2543 MAGENTA RD. 160F 2046  
Description of Property

NO 10. David M. Albert Signature 404 E Madison Address  
David M. Albert Printed name Belgrade, MT, 59714 City, state, zip

1-28-97 Date

5

404 E. Madison  
Description of property

SURVEY REQUESTED BY CARL J. BRANSTETTER TO RELOCATE A COMMON BOUNDARY LINE AND TO AGGREGATE PORTIONS OF EXISTING LOTS.

OWNERS: CARL J. BRANSTETTER  
MUREL W. BRANSTETTER

**LEGEND**

- (R) RECORD DISTANCE OR AZIMUTH
  - (M) MEASURED DISTANCE OR AZIMUTH
  - FOUND 5/8 INCH REBAR WITH 1 1/2" ALUMINUM CAP MARKED (SURVCO), UNLESS OTHERWISE NOTED
  - SET 5/8 INCH REBAR WITH 1 1/4" INCH PLASTIC CAP MARKED (CHANDLER #9518-LS)
- BASES FOR AZIMUTHS FROM NORTH: THE EAST LINE OF LOTS 253 AND 254.  
RAINBOW SUBDIVISION OF BOZEMAN HOT SPRINGS TRACT = [N45°00'00"E] BEARING COMPUTED FROM AZIMUTH SHOWN

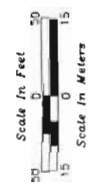
**AREA TABULATION**

AREA OF LOT 254A = 124,507 SQ FT	1.7798 ACRES
AREA OF LOT 253A = 77,529 SQ FT	1.7798 ACRES
AREA OF LOT 254 = 124,507 SQ FT	2.8596 ACRES
AREA OF LOT 253 = 77,529 SQ FT	1.7798 ACRES

Francis J. Kelly  
54 Fm 1

**EASEMENT**

APPLICANT	TO	SECTION
1	20.40' H	14°12'29.5"
2	45.00' H	65°12'39.5"
3	56.15' H	32°12'39.5"



**CJH ENGINEERING AND SURVEYING INC.**  
 • Civil Engineering • Surveying • Land Surveying  
 514 W. Lincoln Street  
 Bozeman, Montana 59715  
 Tel: (406) 581-1113  
 Fax: (406) 581-9988

# AMENDED PLAT OF LOT 253 AND A PORTION OF LOT 254 RAINBOW SUBDIVISION OF BOZEMAN HOT SPRINGS TRACT

LOCATED IN THE SE 1/4 OF SEC. 14, T. 2 S., R. 4 E.,  
OF P.M.M., GALLATIN COUNTY, MONTANA

D-42-B

**CERTIFICATE OF CONSENT**

We, the undersigned property owners, do hereby certify that we have caused to be surveyed, subdivided and platted into lots, as shown by this plat hereto included, the following described tract of land:

**LEGAL DESCRIPTION**

Lot 253, and that part of Lot 254, RAINBOW SUBDIVISION OF BOZEMAN HOT SPRINGS TRACT, Gallatin County, Montana, all described as follows:  
 Beginning at the southeast corner of said Lot 253; thence westerly 131°24'38" azimuth 650.00 feet; thence southerly 269°59'12" azimuth 150.00 feet; thence southerly 169°51'12" azimuth 150.00 feet to the south line of said Lot 254; thence northerly 201°24'29" azimuth 319.24 feet along the west line of said Lot 254; thence southerly 089°58'49" azimuth 650.76 feet along the north line of said Lot 253 to the point of beginning.  
 Area = 202,036 square feet, 4.6381 acres or 18,769.8 square meters. Subject to existing easements.

The above described tract of land is to be known and designated as AMENDED PLAT OF LOT 253 AND A PORTION OF LOT 254, RAINBOW SUBDIVISION OF BOZEMAN HOT SPRINGS TRACT, Gallatin County, Montana.  
**Dated this 18th day of January, 1996.**

*Carl J. Branstetter*  
Carl J. Branstetter

STATE OF MONTANA  
COUNTY OF GALLATIN

On this 18th day of January, in the year 1996, before me, *Mark A. Chandler*, a Notary Public for the State of Montana, personally appeared Carl J. Branstetter and Murel W. Branstetter, known to me to be the persons whose names are subscribed to on the within instrument and acknowledged to me that they executed the same in this certificate first above written.

*Mark A. Chandler*  
NOTARY PUBLIC FOR THE STATE OF MONTANA  
My commission expires 5-27-97

**CERTIFICATE OF SURVEYOR**

I, Mark A. Chandler, Professional Engineer and Land Surveyor No. 90185, do hereby certify that between Sept. 5, 1995 and Nov. 30, 1995, I surveyed this Amended Plat, and plotted the same as shown on the within instrument, in accordance with the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-104, M.C.A., as amended, and the Gallatin County Subdivision Regulations.

Dated this 17th day of January, 1996.  
*Mark A. Chandler*  
Montana Registration No. 95185

**CERTIFICATE OF EXEMPTION**

(BOUNDARY RELOCATION)  
 We certify that the purpose of this survey is to relocate the boundary common to Lot 253 and a portion of Lot 254, Rainbow Subdivision of Bozeman Hot Springs Tract. We certify that this exemption complies with all requirements of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-104, M.C.A., and the Gallatin County Subdivision Regulations.

Lot 254A, as shown herein, is exempt from review by the Montana Department of Environment Quality pursuant to A.R.M. 16.16.02(2)(c). Divisions for the purpose of acquiring additional land to become part of a parcel that does not have voluntary restrictions imposed, provided that no existing or future structure requiring water or sewage will be erected on the additional acquired parcel.

*Carl J. Branstetter*  
Murel W. Branstetter

STATE OF MONTANA  
COUNTY OF GALLATIN

On this 18th day of January, in the year 1996, before me, *James Galbreath*, a Notary Public for the State of Montana, personally appeared Carl J. Branstetter and Murel W. Branstetter, known to me to be the persons whose names are subscribed to on the within instrument and acknowledged to me that they executed the same in this certificate first above written.

*James Galbreath*  
NOTARY PUBLIC FOR THE STATE OF MONTANA  
My commission expires 3-27-97

**CERTIFICATE OF COUNTY COMMISSIONERS**

I, the Chairman of the Board of County Commissioners, Gallatin County, Montana, do hereby certify that the Amended Plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

Dated this 18th day of January, 1996.  
*James Galbreath*  
Chairman, Board of County Commissioners

**CERTIFICATE OF COUNTY TREASURER**

I, Stan Hughes, Treasurer of Gallatin County, Montana, do hereby certify that the accompanying Amended Plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

Dated this 18th day of January, 1996.  
 By: *Stan Hughes*  
Deputy Treasurer of Gallatin County

**CLERK AND RECORDER**

Stanley M. Cheney, Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument filed in my office on this 18th day of January, 1996, and recorded in Book *B* of Plats, on page *428* refers to a Clerk and Recorder, Gallatin County, Montana.

Document Number *32947*  
 By: *Stanley M. Cheney*  
 Deputy Clerk and Recorder

#95208

State of Montana

*County of Gallatin*

Bozeman



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

Statement of Purpose: Petition to abandon a portion of Indigo Road.

Legal Description: That portion of Indigo Road located between lots 238, 252 and 253A in Rainbow Subdivision.

STATE OF MONTANA )  
                                  )ss  
COUNTY OF GALLATIN)

I, Shelley M. Cheney, do hereby certify that I am the qualified and acting County Clerk and Recorder for Gallatin County, State of Montana; that I have examined the petition to which this certificate is attached, and that pursuant to Section 7-14-2601 M.C.A. 1995, it contains the signatures of at least 10 qualified freeholders in Gallatin County.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of my office at Bozeman, the County Seat of Gallatin County, State of Montana, this 21st day of May, 1997, A.D.

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



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 STEVEN BARBER PHONE 763-4423

- 1) Determine if there are sufficient qualified signatures.
- 2) Complete "Report of Qualified Signatures".
- 3) Schedule petition on Commissioner's agenda. DATE: 6-3-97
- 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)
- 5) Commissioners receive petition and assign viewing committee. 6/3/97
- 6) Assign Road Petition Number. 781
- 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
 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 7/1/97
- 10) Publish public hearing notice one time. DATE 6/26/97
- 11) Send a copy of the viewing committee report and public hearing notice to the following:
  - Persons listed in #7
  - County Road Superintendent
  - County Attorney
  - County Commissioners (3 copies)
- 12) Prepare affidavit of mailing for petition file (regarding the viewers report). 6/25/97
- 13) Commissioners hold public hearing to grant or deny petition. 7/1/97
- 14) County Attorney drafts resolution for Commissioners to consider at next public hearing.
- 15) Commissioners pass resolution ~~and~~
- 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. - See NOTE in Resolution book to re-record easement after city copy. Resol. Easement is attached

See NOTE in Resolution book to re-record easement after city copy. Resol. Easement is attached

State of Montana

County of Gallatin

Bozeman



June 18, 1997

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: abandonment of east/west portion of Indigo Road

Dear Board,

On June 18, 1997, the undersigned, being appointed as viewing committee, viewed the east/west portion of Indigo Road located within Rainbow Subdivision of Bozeman Hot Springs which is being petitioned to be abandoned as described in Road Petition #781. This portion of road is shown on the subdivision plat north of Lot 253 and south of Lots 252 and 238.

The road requested to be abandoned has not been constructed. It appears that the homes of the owners of Lot 252 and 238 have been built on the road.

The viewing committee drove on an existing road which is south of the platted road for approximately 350 feet in a westerly direction from Magenta Road. At this point the road ended at the Gallatin River. We found a wooden stake and pin of surveyor Mark Chandler's approximately 10 feet south of the existing road.

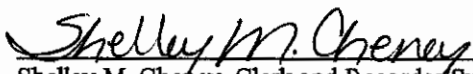
Lots located north of Lot 238 have a recorded access on the north/south portion of Indigo Road, however the viewing committee could not locate this portion of road.

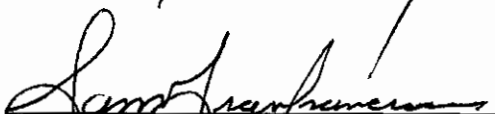
Access to the river from Magenta Road on the east/west portion of Indigo Road would be vacated by granting this petition. Access to the river is still available through the north/south portion of Indigo Road.

It appears that the only lot that would have the potential to become land-locked would be Lot 238. However, Susan Swimley, Deputy County Attorney, has information that an easement would be provided to Lot 238. This easement may also address the concern of access to the river from Magenta Road if the east/west portion of Indigo Road were abandoned.

Sincerely,

  
Bill Murdock, 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 the east/west portion of Indigo Road located between lots 238, 252 and 253A in Rainbow Subdivision be abandoned.

NOTICE IS FURTHER GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on July 1, 1997, 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 Phil Olson, Jane Jelinski, or Bill Murdock, 311 W. Main, Room 301, Bozeman, Montana 59715, telephone 582-3000.

Dated this 23rd day of June, 1997.

*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 June, 1997;

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 #781; the postmaster; public lands association; County Attorney; County Road Superintendent; and County Commission on the 25th day of June, 1997.

*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 VANCE, BEING FIRST DULY SWORN ON OATH, deposes and says:**

That she is the duly elected, qualified and acting County Clerk and Recorder of Gallatin County, Montana.

I certify that a true and correct copy of the board's decision on road petition No. 781 was mailed by certified mail to all owners of land abutting on the road, street, or alley abandoned or discontinued.

Dated this 27th day of August, 1997.

*Shelley Vance*  
\_\_\_\_\_  
SHELLEY VANCE  
CLERK AND RECORDER  
GALLATIN COUNTY, MONTANA

Certified to be a full, true and correct copy of a document containing 2 pages. Date of filing, MT, 8-6-97, 1997. *Skilled*  
Clerk and Recorder for Gallatin County, State of Montana.

FILM 176 PAGE 1949

RESOLUTION NO. 1997 - 58

DECISION CONCERNING PETITION TO ABANDON COUNTY ROAD,

A PORTION OF INDIGO ROAD

WHEREAS, a Petition to Abandon County Road was filed requesting to abandon a portion of Indigo Road between lost 238, 252 and 253 A in Rainbow Subdivision, Gallatin County, Montana; and

WHEREAS, on June 3, 1997, 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 July 1, 1997, 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 portion of Indigo Road beginning at the easterly lot line of Lot 252 and 630 feet to the west along the southerly lot lines of Lots 252 and 238 in Rainbow Subdivision. The westerly 20 feet of Indigo Road located on Lot 238 shall not be abandoned; and

WHEREAS, the County Commission determined, based upon the fact that the lot owners of Lot 252 and 238 contributed to the purchase of public right of way, that the abandoned portion of Indigo Road should be returned to the owners of Lots 252 and 238 where Indigo Road abutted their property to the south.

NOW, THEREFORE BE IT RESOLVED:

1. Based on the petition, results of the investigation and information presented at the public hearing on July 1, 1997, the Gallatin County Commissioners conclude that the decision made herein is in the best interests of the county.

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

The portion of Indigo Road beginning at the easterly lot line of Lot 252 and 630 feet to the west along the southerly lot lines of Lots 252 and 238 in Rainbow Subdivision, Gallatin County. The

westerly 20 feet of Indigo Road located on Lot 238 shall not be abandoned.

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 26th day of August, 1997.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

*Phil Olson*

Phil Olson, Chairman

*Jane Jelinski*

Jane Jelinski, Member

*William A. Murdock*

William A. Murdock, Member

ATTEST:

*Shelley Vance*

SHELLEY VANCE  
Clerk and Recorder



349684

State of Mont., County of Gallatin. ss Filed for record AUGUST 27, 19 97  
at 4:25 P.M., and recorded in Book 176 of MISCELLANEOUS page 1949  
Shelley Vance Recorder. By Jerry Connelley Deputy

FEE: \$+0-  
RT: ROAD PETITION #781

ROAD AND UTILITY EASEMENT

COME NOW, WILLIAM BURCH and BARBARA BURCH, of 2543 Magenta Road, Bozeman, Montana 59715, herein referred to as "Grantors," and BETH ANN WAGNER and MATTHEW WAGNER of 9342 St. Johns Ave., Portland, Oregon 97203, STEVEN BARBER and LISSA BARBER of 1920 Maryott, Bozeman, Montana 59715, and GALLATIN COUNTY, MONTANA, with offices at 311 West Main, Bozeman, Montana 59715, herein referred to as "Grantees," and agree to the following terms and conditions pertaining to an easement for a road and utilities as follows:

1. Grantors are the owners of the real property identified as Lot 253A of C.O.S. D-42-B, and Grantees are the owners of Lot 252 and Lot 258 of Rainbow Subdivision respectively, all of which properties are located in Gallatin County, Montana, and are shown on Exhibit "A" attached hereto and incorporated herein.

2. Grantors agree to grant to Grantees, a perpetual road and utility easement 22 feet wide, over, across, and under the north boundary of Grantors' property line, for the length of Grantors' property from the east to west boundaries, for the purpose of public road access, ingress, and egress, for the road known as Indigo Road, and for the installation and maintenance of utilities within that easement, as shown on Exhibit "A" attached hereto.

3. Wagners and Barbers, and their respective heirs and assigns, shall be equally responsible for the maintenance and repair of the easement, and the owner of either parcel may make improvements to the easement. However, no joint expenditure shall be made for any maintenance or repair of the easement without prior written approval from the owners of both parcels.

4. All parties agree not to cut any existing trees on the easement, and further agree that they will not graze animals, or block the easement in any way.

5. All parties agree to cooperate with Wagners and Barbers in the abandonment of Indigo Road as platted. Wagners and Barbers shall be entitled to obtain title to the abandoned road, and shall be responsible for all costs, including any survey costs, associated with their acquisition of the abandoned road.

6. Wagners agree that they will move the southwestern portion of their existing fence back to a point even with the end of the existing out-building no later than June 1, 1997.



7. This grant of easement shall be perpetual, shall run with the land, and shall bind the heirs, successors, and assigns of the parties hereto.

Dated this 7 day of Jan, 1997.

Grantors:

William Burch  
WILLIAM BURCH

Barbara Burch  
BARBARA BURCH

Grantees:

Beth Ann Wagner  
BETH ANN WAGNER

Matthew Wagner  
MATTHEW WAGNER

Steven Barber  
STEVEN BARBER

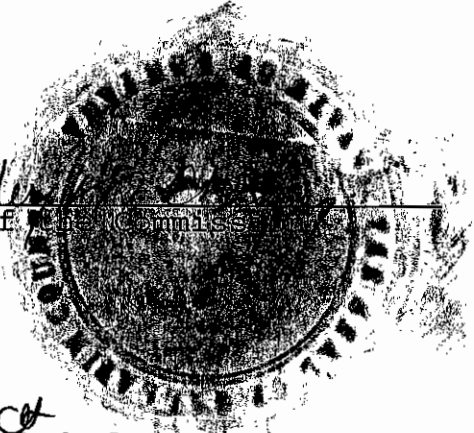
Lissa Barber  
LISSA BARBER

ACCEPTED BY GALLATIN COUNTY

BY: Phil Olson

ATTEST:

Jhelle  
Clerk of Commission



STATE OF MONTANA )  
                              ) : SS.  
County of Gallatin )

On this 7<sup>th</sup> day of January, 1997, before me, a Notary Public in and for said State, personally appeared WILLIAM BURCH and BARBARA BURCH, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Charlene Hoskins  
Notary Public for the State of Montana.  
Residing at Bozeman, Montana.  
My commission expires: Aug 1 2000

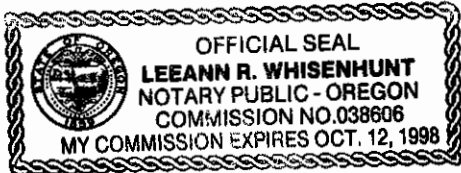


NOTARY PUBLIC for the State of Montana  
Residing at Bozeman, Montana  
My Commission Expires August 1, 2000

STATE OF OREGON )  
County of Washington : ss.

On this 21 day of January, 1997, before me, a Notary Public in and for said State, personally appeared BETH ANN WAGNER and MATTHEW WAGNER, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Deann K. Whisenhunt  
Notary Public for the State of Oregon  
Residing at Cub Foods #14 Beaverton OR  
My commission expires: Oct 12, 1998



STATE OF MONTANA )  
County of Gallatin ) : ss.

On this 28th day of Jan., 1997, before me, a Notary Public in and for said State, personally appeared STEVEN BARBER and LISSA BARBER, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Lisa L O'Donnell  
Notary Public for the State of Montana.  
Residing at Bozeman, Montana.  
My commission expires: 3-26-2000

STATE OF MONTANA )  
County of Gallatin ) : ss.

On this 7th day of January, 1997, before me, a Notary Public in and for said State, personally appeared Phil Olson and Shelley Cheney, known to me to be the Chairman and Clerk of the Commission, respectively, of Gallatin County, and the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same, for and on behalf of Gallatin County.

Patricia M. Lewis  
Notary Public for the State of Montana  
Residing at Bozeman, Montana  
My commission expires: September 22, 1998



End 2" I.D. Pipe on North R/W line of R.R.

LOT 238  
of Rainbow Subdivision  
Steven J. Barber

LOT 252  
of Rainbow Subdivision  
Beth Ann Wagner  
Matthew Wagner

Indigo Road

22' ROAD AND UTILITY EASEMENT →

DN  
7798 SQ FT  
.8553 SQ FT  
.6381 SQ FT

LOT 253A  
77,529 SQ FT  
1.7798 ACRES

LOS D-42-B  
Barbara Burch  
William Burch

LOT 254A  
124,507 SQ FT  
2.8583 ACRES

New Boundary Line

Previous Boundary Line

650.77  
269°58'49"  
[S89°58'49"W]

Easement Appurtenant to  
Lot 254A for Existing Drainfield  
and Replacement Area

001'24'20"  
2427.74(R)  
2425.75(M)

650.00(R)  
[N89°58'49"E]  
650.78

320(R)

110.00

Existing Road

250.00

22'

250.00

250.00

310(R)

22'

20

20

20

20

20

20

20

155(R)  
154.87(M)  
119.17

154.91(M)  
155(R)  
119.17

2183.33(M)  
2184.66(R)  
001'24'38"

NE Cor. of  
RAINBOW  
BOZEMAN  
POINT OF

320.00(R)  
[N01'24'29"E]  
001'24'29"  
319.74

181'24'38"  
[S01'24'38"W]

165.45

57.47

250.00

650.77

200.57

164.87(M)

165(R)

155(R)

164.87(M)

164.87(M)

164.87(M)

164.87(M)

164.87(M)

164.87(M)

164.90(M)  
165(R)  
160.64

650.00(R)  
650.76(M)

165(R)  
164.87(M)

200.57  
319.74

164.87(M)  
165(R)

164.87(M)  
165(R)

164.87(M)  
165(R)

164.87(M)  
165(R)

164.87(M)  
165(R)

NOT A PART  
OF THIS PLAT

150.00  
269°59'12"  
[S89°59'12"W]

650.00(R)  
650.76(M)

500.76  
269°59'12"  
[S89°59'12"W]

INDEXED  
PLATED

THIS INSTRUMENT WAS FILED FOR RECORD IN THIS OFFICE ON

344739

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

THE 30TH DAY OF MAY

A.D., 1997

AT 2:20 P.M., AND WAS DULY RECORDED IN BOOK 173

OF MISCELLANEOUS RECORDS, PAGE 3220

Fee \$ 0.00 PD  
RT: FILED

Shelley M. Shoney RECORDER. BY *John H. Decker* DEPUTY

OVER

OVER

EXHIBIT  
"A"



349685

State of Mont., County of Gallatin, ss Filed for record AUGUST 27, 19<sup>97</sup>  
at 4:26 P. M., and recorded in Book 176 of MISCELLANEOUS page 1951  
Signed *Wendell* Recorder. By *Gary Coullley* Deputy

FEE: \$-0-  
RT: ROAD PETITION #781

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.

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

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
Bozeman Postmaster  
Bozeman, MT 59715

4a. Article Number  
P 787 055 184

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

7. Date of Delivery  
09/02/97

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

5. Received By: (Print Name)

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

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):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
Public Land Access Association  
c/o Bill Fairhurst  
105 3rd Ave. East  
Three Forks, MT 59752

4a. Article Number  
P 787 055 185

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

7. Date of Delivery  
8-29-97

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

5. Received By: (Print Name)

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

PS Form 3811, December 1994

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

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
Matthew and Beth Ann  
2521 Magenta Road  
Bozeman, MT 59718

4a. Article Number  
P 787 055 181

4b. Service Type  
 Registered  
 Express Mail  
 Return Receipt for Merchandise  
 Certified  
 Insured  
 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 *[Signature]*

PS Form 3811, December 1994

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- The Return Receipt will show to whom the article was delivered and the date delivered.

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

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
Barbara and William Burch  
2543 Magenta Road  
Bozeman, MT 59718

4a. Article Number  
P 787 055 183

4b. Service Type  
 Registered  
 Express Mail  
 Return Receipt for Merchandise  
 Certified  
 Insured  
 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 *[Signature]*

PS Form 3811, December 1994

Domestic Return Receipt

