

Road Petition # 782

(abandon a cul-de-sac at end of
Cape Avenue/Springhill Park
Sub.

Book _____ Page _____

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 Steve Cape PHONE 388-6387

- 1) Determine if there are sufficient qualified signatures.
- 2) Complete "Report of Qualified Signatures".
- 3) Schedule petition on Commissioner's agenda. DATE: 10-14-97

- 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 Commi

cc's continued.
 5) Commissioners recd *Bill, Sam, Shell*
 6) Assign Road Petition *Asked Steve Cape*

- 7) Type regular mail envelopes
 - All land
 - All sign
 - All indiv
 - The pos
 - The Pub

Type and prepare copies

- All own
- All indiv
- The post
- The Pub

to submit
amended plat. acted
Then they will acted
Consider

- 8) Viewing committee
- 9) Schedule public hearing *petition ??* notice. DATE 11-25-97
- 10) Publish public hearing

- 11) Send a copy of the petition
 - Persons listed in petition
 - County Road Superintendent
 - County Attorney
 - County Commissioners (3 copies)
- 11-25-97* notice to the following:

- 12) Prepare affidavit of mailing for petition file (regarding the viewers report).
- 13) Commissioners hold public hearing to grant or deny petition.
- 14) County Attorney drafts resolution for Commissioners to consider at next public hearing.
- 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.

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 Steve Cape PHONE 388-6387

- 1) Determine if there are sufficient qualified signatures.
- 2) Complete "Report of Qualified Signatures".
- 3) Schedule petition on Commissioner's agenda. DATE: 10-14-97
- 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. Bill, Sam, Shell
- 6) Assign Road Petition Number. 782
- 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 AssociationType 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 11-25-97
- 10) Publish public hearing notice one time. DATE 11-20-97
- 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).
- 13) Commissioners hold public hearing to grant or deny petition.
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State of Montana

County of Gallatin

Bozeman



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

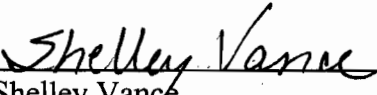
Statement of Purpose: Petition to abandon a cul-de-sac at the end of Cape Avenue.

Legal Description: 120' diameter cul-de-sac at the southeast end of Cape Avenue in Springhill Park Subdivision.

STATE OF MONTANA)
)ss
COUNTY OF GALLATIN)

I, Shelley Vance, 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. 1997, 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 3rd day of October, 1997, A.D.


Shelley Vance
Clerk and Recorder
Gallatin County, Montana

RECEIVED

Date 10-2-97

Clerk & Recorder

Gallatin County, Mont.

**PETITION FOR ABANDONMENT
OF A PORTION OF CAPE AVENUE
LOCATED IN SPRINGHILL PARK SUBDIVISION**

~~RECEIVED~~

~~Date 10-23-97~~

~~Clerk & Recorder~~

~~Gallatin County, Mont.~~

WE, the undersigned, pursuant to the provisions of Section 7-14-2601, et seq., MCA, do hereby petition the Board of County Commissioners of Gallatin County, Montana, to initiate proceedings for the abandonment of a portion of Cape Avenue, located in Springhill Park Subdivision. Pursuant to section 7-14-2601, et seq., MCA, we set forth the following information:

1. The particular street to be abandoned is that portion of Cape Avenue, located in Springhill Park Subdivision (a tract of land in the NE 1/4 of the SE 1/4, Section 23, and the NW 1/4 of the SW 1/4, Section 24, all in Township 1 South, Range 5 East, M.P.M., Gallatin County, Montana) which is adjacent to Lots 23 and 24 in Block 1; and Lots 22 and 23 in Block 2; all in Springhill Park Subdivision, as portrayed on the attached Schedule "A", which is fully incorporated into this Petition by this reference.
2. The general route of the proposed abandoned portion of Cape Avenue is the cul-de-sac located at the southeast end of Cape Avenue, as portrayed on the attached Schedule "A".
3. The lands and owners affected are limited to the following, each of whom consents and joins in this petition:

Lot 23, Block 1.	Junior W. Tschache and Elizabeth A. Tschache, Trustees of the Junior W. Tschache Trust dated September 23, 1989.
Lot 24, Block 1.	Junior W. Tschache and Elizabeth A. Tschache, Trustees of the Junior W. Tschache Trust dated September 23, 1989.
Lot 22, Block 2.	Junior W. Tschache and Elizabeth A. Tschache, Trustees of the Junior W. Tschache Trust dated September 23, 1989.
Lot 23, Block 2.	Junior W. Tschache and Elizabeth A. Tschache, Trustees of the Junior W. Tschache Trust dated September 23, 1989.
4. All owners of adjacent lands consent to this Petition, and join in this Petition.

NAME OF FREEHOLDERS
OWNERS OF PROPERTY WITHIN COUNTY ROAD DISTRICT

Signature	Print/Type Name and Address	Telephone #
<u>Rob Shackelford</u>	<u>Rob Shackelford</u> <u>2880 Gateway South Rd.</u>	<u>763-5625</u>
<u>[Signature]</u>	✓ <u>Don. Steven Cape L.3 GU</u> <u>29 BRAHMA BLVD</u> <u>Hinestock</u>	<u>388-6387</u>
<u>Ray Shackelford</u>	<u>Ray Shackelford</u> <u>704 Springhill Lane L5 B2 Sp. MK</u>	<u>586-9644</u>
<u>Darcy Cape</u>	✓ <u>Darcy Cape</u> <u>sec 17 T1SR4E</u> <u>3507 Linney Road - Bozeman, MT</u>	<u>388-6663</u>
<u>Monte Severson</u>	<u>Monte Severson</u> <u>Falls Tr. Ct.</u> <u>6380 Jackrabbit Ln #5 Belgrade</u>	<u>388-7939</u>
<u>Clay Herbst</u>	✓ <u>Clay Herbst</u> <u>112.6</u> <u>203 W. MADISON AVE</u> <u>Sec K2</u> <u>935 A</u> <u>1301 S. 220</u>	<u>388-0429</u>
<u>Self Hudspeth</u>	✓ <u>Self Hudspeth</u> <u>L.156 UGrove III</u> <u>30 BRONCO DR. Bozeman MT.</u>	<u>388-9611</u>
<u>Allen Severson</u>	✓ <u>Allen Severson</u> <u>101 Mountain Lion Trail Boz</u>	<u>_____</u>
<u>Bill Metzger</u>	✓ <u>BILL METZGER</u> <u>3150 W. Cameron Dr Rd - Manhattan</u>	<u>282-7337</u>
<u>Jamison Hill</u>	<u>JAMISON HILL</u> <u>1830 Dry Creek School Rd - Belgrade</u>	<u>388-6565</u>
<u>_____</u>	<u>see pg. 2 For Tschache signatures</u>	<u>_____</u>
<u>Robert H. Lehrkind</u>	<u>Robert H. Lehrkind</u> <u>970 Blackwood Rd. B2N</u>	<u>586-3513</u>
<u>[Signature]</u>	✓ <u>Lynethy C. Owen</u> <u>TR IN 32</u> <u>8281 Chapman Rd</u> <u>255E</u>	<u>586-7054</u>
<u>Tim C. Wagoner</u>	<u>Tim C. Wagoner</u> <u>1021 Quarry Ln Bozeman MT</u>	<u>586-9971</u>
<u>Goldwinch</u>	✓ <u>112 Ironwood Dr.</u> <u>L.12 B.C. 2</u> <u>Bozeman MT 59718</u> <u>middle of meadows #2</u>	<u>587-3835</u>
<u>Kyle & Signaller</u>	✓ <u>15815 Runtell Rd</u> <u>LOT 38</u> <u>Ballatin Gateway, MT 59730</u> <u>Middle cr road #3</u>	<u>763-4874</u>
<u>David W. Halcyon</u>	✓ <u>2440 Heeb Rd</u> <u>Manhattan MT 59741</u>	<u>284-6341</u>

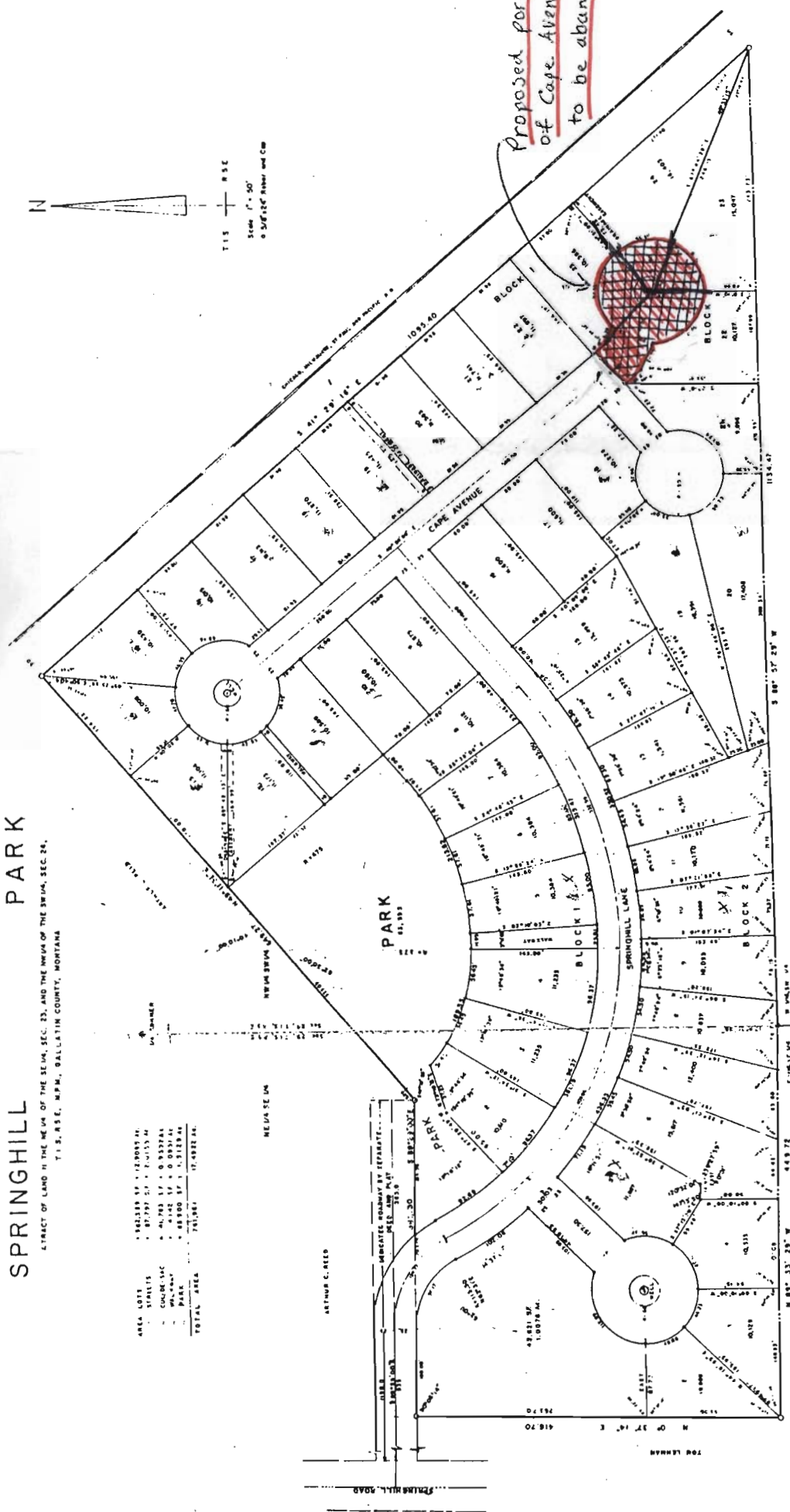
SPRINGHILL PARK

TRACT OF LAND IN THE NE 1/4 OF THE SE 1/4, SEC. 23, AND THE NW 1/4 OF THE SW 1/4, SEC. 24, T. 13. N. 35. E., R. 10. W., SALLADIN COUNTY, MONTANA

AREA LOTS	1,200.00
VIALS	1,200.00
CONCRETE	1,200.00
PARK	1,200.00
TOTAL AREA	1,200.00

T. 13. N. 35. E.
Scale 1" = 30'
© 1924 C. H. Reed and Co.

Proposed portion of Cape Avenue to be abandoned



ARTHUR C. REED

REGISTERED PROFESSIONAL SURVEYOR

CERTIFICATE OF SURVEY

STATE OF MONTANA
COUNTY OF SALLADIN

BEFORE ME, the undersigned authority, on this 13th day of August, 1924, personally appeared Arthur C. Reed, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

23 24

25 26

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 hereby certify that copies of the attached notice of public hearing and viewing committee report were mailed to all signers of the petition; landowners named on the petition; individuals named in the petition who could be affected; the postmaster of the area; and the Public Lands Access Association on November 19, 1997.

Shelley Vance

Shelley Vance
Clerk and Recorder
Gallatin County, Montana

State of Montana

County of Gallatin

Bozeman



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a petition to abandon a portion of roadway has been submitted to the Board of County Commissioners of Gallatin County, Montana, for consideration.

Petitioners are requesting that the cul-de-sac at the southeast end of Cape Avenue in Springhill Park Subdivision be abandoned.

NOTICE IS FURTHER GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on November 25, 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 18th day of November, 1997.

Shelley Vance

Shelley Vance
Clerk and Recorder
Gallatin County, Montana

State of Montana

County of Gallatin

Bozeman



November 12, 1997

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

RE: abandonment of a cul-de-sac located at the end of Cape Avenue in Springhill Park Subdivision.

Dear Board,

On November 6, 1997, the undersigned, being appointed as viewing committee, viewed a 120' diameter cul-de-sac at the southeast end of Cape Avenue which has been petitioned to be abandoned as described in Road Petition #782.

The cul-de-sac has not been constructed. We observed that a sewer treatment plant and pump house have been constructed on the location of the cul-de-sac and possibly a portion of Lot 23 of Block 1.

According to the map submitted and referenced in the petition as Schedule "A", it appears that if this petition were granted 2 lots, and possibly 4, would become land-locked dependent upon how the property is divided.

If the petition is granted 76-3-305 MCA requires the owner of the private utility to have an easement over the vacated land to continue the operation and maintenance of the utility.

Sincerely,

Bill Murdock
Bill Murdock, County Commissioner

Shelley Vance
Shelley Vance, Clerk and Recorder/Surveyor

Sam Gianfrancesco
Sam Gianfrancesco, County Road Superintendent

SHELLEY VANCE
CLERK & RECORDER, GALLATIN COUNTY
311 WEST MAIN, ROOM 204
BOZEMAN, MT 59715-4574

Postmaster
Bozeman, MT 59771

SHELLEY VANCE
CLERK & RECORDER, GALLATIN COUNTY
311 WEST MAIN, ROOM 204
BOZEMAN, MT 59715-4574

Junior W. & Elizabeth Tschache
2220 West Main #1
Bozeman, MT 59715

SHELLEY VANCE
CLERK & RECORDER, GALLATIN COUNTY
311 WEST MAIN, ROOM 204
BOZEMAN, MT 59715-4574

Public Land Access Assoc.
c/o Bill Fairhurst
105 3rd Ave. East
Three Forks, MT 59752