

Road petition # 783
(abandon por. of Gallatin st.
+ alky - Logan, MT)

Granted Mar. 3, 1998

film _____ Page _____

Resolution Recorded in

film 182 Page 916

RECEIVED
Date 10-10-97
Clerk & Recorder
Gallatin County, Mont.

PETITION TO DISCONTINUE STREET OR ALLEY IN UNINCORPORATED TOWN
(APPENDIX B)

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

COME NOW the undersigned owners of the lots on the street or alley in an unincorporated town or townsite sought to be discontinued and petition this board pursuant to Section 7-14-2616, MCA, to discontinue the street or alley and represent as follows:

1. The street or alley to be discontinued is particularly described as follows: that portion of Gallatin Street in the Milwaukee Addition, Townsite of Logan, located between Second St. and First St. (see attached) at the point where it intersects with those two streets; also, the alley located in Block D of the Milwaukee Addition to Logan, Montana.
(Attach additional page if required).

2. The general route of the street or alley is described as follows: see description above

3. All of the owners on the street or alley are identified as follows:

<u>LOT OWNER(S)</u>	<u>LOT DESCRIPTION</u>
1. see pages 5-7	
2.	
3.	
4.	
5.	
6.	
7.	

LOT OWNER(S)

LOT DESCRIPTION

8.	_____	_____
	_____	_____
9.	_____	_____
	_____	_____
10.	_____	_____
	_____	_____
11.	_____	_____
	_____	_____
12.	_____	_____
	_____	_____
13.	_____	_____
	_____	_____
14.	_____	_____
	_____	_____
15.	_____	_____
	_____	_____
16.	_____	_____
	_____	_____
17.	_____	_____
	_____	_____
18.	_____	_____
	_____	_____
19.	_____	_____
	_____	_____
20.	_____	_____
	_____	_____
21.	_____	_____
	_____	_____
22.	_____	_____
	_____	_____
23.	_____	_____
	_____	_____

(Use additional pages if required)

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. Jack Roadarmel 12010 Gallatin St.
Signature Address
Jack Roadarmel Manhattan Mt. 59741
Printed Name City, State & Zip
Oct 2 1997
Date
Lots 7, 9, & portion 5 of Block B + lots 1, 3 & 5
of Block D in Milwaukee Add.
Description of Property

2. Jane L. Roadarmel 12070 Gallatin St.
Signature Address
Jane L. Roadarmel Manhattan, Mont 59741
Printed Name City, State & Zip
Oct. 2, 1997
Date
Same as Jack R.
Description of Property

3. Margaret C. Owens 155 1st Street
Signature Address
Margaret C. Owens Logan, MT 59741
Printed Name City, State & Zip
October 2, 1997
Date
lot 2, Block D - Lot 4, 6, 8, 10 Block B in Milwaukee Addition of Logan, MT.
Description of Property

4. Gary G. Owens Signature 155 1st Street Address
Gary G. Owens Printed Name Wagon, MT. 59741 City, State & Zip
October 2, 1997 Date

lot 2 Block D - lot 4, 6, 8, 10, Block B
in Milwaukee Addition of Wagon
Description of Property

5. MEF Weigum Signature 11220 front ST Address
MEF WEIGUM Printed Name Manhattan, MT 59741 City, State & Zip
10-6-97 Date

Lots 4, 6 Block D

6. Barbara L. Weigum Signature 11220 Front St. Address
Barbara L. Weigum Printed Name Manhattan, MT. 59741 City, State & Zip
10-6-97 Date

Lots 4, 6 Block D

7. Henry W. Hays Signature 11180 RR ST. Address
HENRY W. HAYS Printed Name Manhattan MT 59741 City, State & Zip
10-6-97 Date

Description of Property

8. Abbie T. Hays 11180 Railroad St Dayton,
Signature Address
Abbie T. Hays Marbleton Mont 59741-8039
Printed Name City, State & Zip
Oct. 6, 1997
Date

9. ✓ Lawrence E. West 52 River View Rd
Signature Address
Lawrence E. West Three Forks MT.
Printed Name City, State & Zip
Oct 10, 1997
Date

lots 12, 14, 11, 13 Block B lots 7 8 9 10 11 12 13 14 15 16 Block D

10. ✓ Iris J. West 52 Riverview Rd
Signature Address
IRIS J. WEST Three Forks Mt. 59752
Printed Name City, State & Zip
Oct 10, 1997
Date

lots 12, 14, 11, 13 of Block B & lots 7 8 9 10 11 12 13 14 15 16

Block D

Description of Property

IRON PIPE.

RIVERVIEW
ADD.

G.V.R.Y.

G.V.R.Y.

N 375 FT.

E 9678

STREET

FIRST ST.

STREET

GALLATIN VALLEY RAILWAY

MADISON

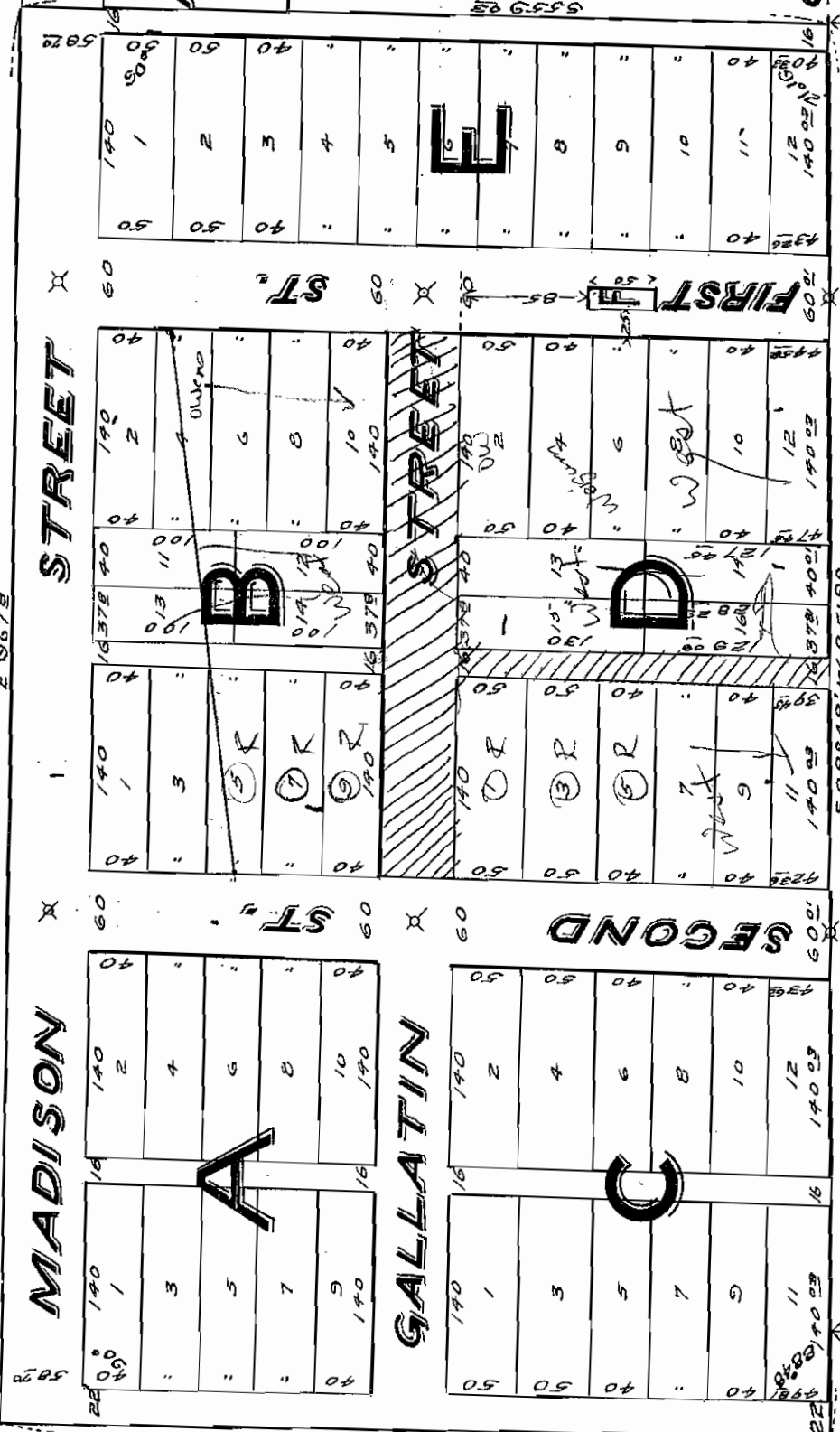
A

GALLATIN

SECOND ST.

C

588°48'N 951°22'



1536
11

of W

of W

State of Montana

County of Gallatin

Bozeman



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

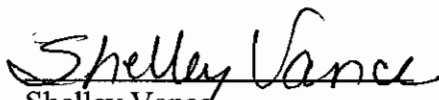
Statement of Purpose: Petition to abandon a portion of Gallatin Street, and the alley located in Block D of the Milwaukee Addition to Logan.

Legal Description: That portion of Gallatin Street in the Milwaukee Addition to Logan located between Second Street and First Street. Also, the alley located in Block D of the Milwaukee Addition to Logan.

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 7-14-2616 M.C.A. 1997, it contains the signatures of all the owners of lots on the street and alley to be closed.

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 20th day of October 1997, A.D.


Shelley Vance
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 JACK ROADARMER PHONE 284-6890

- 1) Determine if there are sufficient qualified signatures.
- 2) Complete "Report of Qualified Signatures".
- 3) Schedule petition on Commissioner's agenda. DATE: 10/28/97
- 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) Assign Road Petition Number. 783
- 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.
- 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) 3/4/97
- 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.

State of Montana

County of Gallatin

Bozeman



November 12, 1997

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

RE: abandonment of that portion of Gallatin Street located between Second Street and First Street and the alley located in Block D of the Milwaukee Addition to Logan.

Dear Board,

On November 6, 1997, the undersigned, being appointed as viewing committee, viewed the area described above which has been petitioned to be abandoned as described in Road Petition #783.

We observed 3 distinct lanes where vehicles travel from US Highway 10 through Block B diagonally. Neither Gallatin Street or the alley have been constructed. It appears that homes, other buildings, fences, sewer systems, trees, and shrubs could possibly be located on the right of ways.

If this petition were granted there would not be access to Lot 12 of Block B or to Lots 13, 14, 15, and 16 of Block D. These lots are presently owned by one owner. The viewing committee also discovered that when the plat was recorded in 1911, Lot 14 of Block D did not have access.

Sincerely,

Bill Murdock
Bill Murdock, County Commissioner

Shelley Vance
Shelley Vance, Clerk and Recorder/Surveyor

Sam Gianfranco
Sam Gianfranco, 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 Gallatin Street located between First and Second Streets and the alley located in Block D all within the Milwaukee Addition to Logan 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



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

ORIGINAL

FILM 182PAGE 916

RESOLUTION NO. 1998-17

DECISION CONCERNING PETITION TO ABANDON A PORTION
OF GALLATIN STREET AND THE ALLY LOCATED IN
BLOCK D OF THE MILWAUKEE ADDITION OF LOGAN
AND
FINDINGS OF FACT REGARDING VACATING A PORTION OF THE PLAT

WHEREAS, a Petition to Abandon County Road was filed on October 10, 1997, requesting that a portion of Gallatin Street and the alley in Block D of the Milwaukee Addition of Logan be abandoned; and

WHEREAS, the Gallatin County Clerk and Recorder reported to the Gallatin County Commissioners that the petition contained sufficient signatures as required by Section 7-14-2616, MCA; and

WHEREAS, on October 28, 1997, the Commissioners appointed a viewing committee consisting of one county commissioner, the county surveyor and road supervisor to investigate the feasibility and desirability of abandoning the road; and

WHEREAS, on November 25, 1997, the Commissioners conducted a public hearing on the Petition and then continued the hearing until February 17, 1998, after notice, on the petition and the results of the investigation; and

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

Any plat prepared and recorded as provided in this section maybe be vacated in whole or in part as provided by7-14-2616(1) and (2). Upon vacation, the governing body ... shall determine to which properties the title to the streets and alleys of the vacated portions must revert. The governing body shall take into consideration the previous platting; the manner in which the right-of-way was originally dedicated, granted or conveyed; the reasons stated in the petition requesting the vacation; the parties requesting the vacation; and any agreements between the adjacent property owners regarding the use of the vacated area; and

WHEREAS, the streets and alley were platted with the township of Logan and that the land to be vacated surrounds the lots owned by the petitioners in this matter and that the reason for vacation is that they were never built and Highway 10 interrupts the platted streets and lots. The owners drafted and presented easements which purport to allow access to all lots.

NOW, THEREFORE BE IT RESOLVED:

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

interests of the county and feasible and desirable for the use and benefit of the public and does not land lock any other land or deny access to public lands.

2. The following roads described as that portion of Gallatin Street located between Second and First Streets, and that portion of the 16 foot alley in Block D, in the Milwaukee Addition of Logan, Gallatin County, Montana are hereby abandoned.

3. The title of the vacated land shall revert to the adjacent land owner with 50 % of the vacated property going to each of the adjacent owners.

4. Within ten (10) days from the date that this resolution is adopted the Clerk and Recorder shall send a copy of this resolution by certified mail to all owners of land abutting on the road. The owners shall be those listed on the last county assessment roll.

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

DATED this 3RD day of March, 1998.

ORIGINAL

BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY

Jane Jelinski
Jane Jelinski, Chairman

Phil Olson
Phil Olson, Member

NOT AVAILABLE SIGNATURE
William A. Murdock, Member

Certified to be a full, true and correct copy of a document containing 2 pages. Dated at Bozeman, MT, 3/2, 1998. Shelley Vance
Clerk and Recorder for Gallatin County, State of Montana.

Barbara C. Clawson Deputy

ATTEST:

Shelley Vance
SHELLEY VANCE
Clerk and Recorder

PLATED
INDEXED

360493

Certified to be a full, true and correct copy of a document containing 2 pages. Dated at Bozeman, MT, 3/2, 1998. Shelley Vance
Clerk and Recorder for Gallatin County, State of Montana.

Barbara C. Clawson Deputy

State of Mont., County of Gallatin, ss Filed for record March 4, 19 98
at 2:06 P M., and recorded in Book 182 of Miscellaneous page 916
Shelley Vance Recorder. By Barbara C. Clawson Deputy

Fee: \$-0-

Rt: Road Petition #783

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 Resolution 1998-17 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 March 4, 1998.

Shelley Vance

Shelley Vance
Clerk and Recorder
Gallatin County, Montana

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.

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

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

4a. Article Number
P 787 055 049

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

7. Date of Delivery
03-05-98

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:
 Complete items 1 and/or 2 for additional services.
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 The Return Receipt will show to whom the article was delivered and the date delivered.

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

3. Article Addressed to:
Henry & Abbie Hays
11180 Railroad St.
Manhattan, MT 59741

4a. Article Number
P 787 055 050

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

7. Date of Delivery
3-5-98

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X Henry & Abbie Hays

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

3. Article Addressed to:
Laurence & Iris West
52 Riverview Road
Three Forks, Mt 59752

4a. Article Number
P 787 055 051

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

7. Date of Delivery
3-5-98

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

5. Received By: (Print Name)
Iris West

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

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

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

3. Article Addressed to:
Jack Roadarmel
12010 Gallatin St.
Manhattan, MT 59741

4a. Article Number
P 787 055 236

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

7. Date of Delivery
3-5-98

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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Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

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 ■ 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:
**Postmaster
 Logan, MT 59763**

4a. Article Number
P787055088

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

7. Date of Delivery
8-6-98

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.

3. Article Addressed to:
**Gary G. Owens & Margarete C
 155 1st Street
 Logan, MT 59763**

4a. Article Number
P787 055 233

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

7. Date of Delivery
5-5-98

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.

3. Article Addressed to:
**Irene L. Roadarmel
 12070 Gallatin St.
 Manhattan, Mt 59741**

4a. Article Number
P787055235

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

7. Date of Delivery
3-10-98

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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3. Article Addressed to:
**Mel & Barbara Weigum
 11220 Front St.
 Manhattan, MT 59741**

4a. Article Number
P787 055 233

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

7. Date of Delivery
5-5-98

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

5. Received By: (Print Name)

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

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