

ROAD PETITION #788

Recorded in Film 198 Page 3752

Commissioners Journal

Book — Page —

Resolution # 1999-24

Abandon portion of
Pine Butte Rd.

Granted May 25, 1999

Richard T. Mead, RLS
2540 Trail Crest Drive
Bozeman, MT 59718
(406) 585-8200

Gallatin County Commissioners
Room 301
311 West Main
Bozeman, MT 59715

RE: Abandonment and Establishment of a portion of Pine Butte Road

Dear Commissioners,

December 8, 1998

Reference the above captioned matter, please find enclosed:

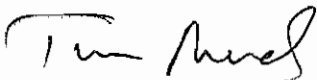
1. Petition to Abandon County Road – Appendix A.
2. Petition to Establish County Road – Appendix A.
3. 4 copies of a map entitled “Exhibit to Abandonment and Establishment of a Portion of Pine Butte Road, CR #158.
4. Metes and bounds description of Abandonment, and of Establishment.

It is the desire of the adjacent landowners, Alberda Angus (aka J Open A Ranch, Inc.) and Keith Noyes, to abandon a portion of Pine Butte Road along the line between Sections 20 and 21 which has never been constructed, and to then establish a new location for a portion that will provide continuity to the remaining original location. There is no intention at this time to improve Pine Butte Road beyond the point that has previously been improved and maintained by Gallatin County.

If there is any additional information that you may require, I will do my best to provide it.

Thank you for your time and consideration of this matter.

Sincerely,



Tim Mead
Richard T. Mead, RLS

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: Beginning at the corner of Sections 16, 17, 20 and 21, thence S00-13-58E 212.40 feet to the TRUE POINT OF BEGINNING; thence southerly between said Sections 20 and 21 S00-13-58E 576.74 feet, T2S R4E, PMM - As shown on attached exhibit.

(Attach additional page if required).

2. The road is commonly known as: (PORTION OF) PINE BUTTE RD.
 C.R. #158

3. The general route of the road is described as follows: Running southerly from Norris Road along and through sections 16, 17, 20 and 21 to the Southwest corner of the Northwest One-Quarter of Section 21, T2S, R4E, PMM.

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

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
1. <u>ALBERTA ANGUS BV</u> <u>[Signature]</u>	<u>8591 RIVER RD</u> <u>BOZEMAN, MT. 59118</u>
<u>1/2 Sect. 21 and 25' strip Beg @ SW 1/4 NW 1/4 S21; thence N 2500'; E 25'; S 2500'; W 25';</u> <u>T2S, R4E, M2M PMM</u> <u>PROPERTY DESCRIPTION</u>	
2. <u>Keith Royce</u>	<u>3367 Racquet Dr.</u> <u>Billings MT. 59102</u>
<u>N 1/2 Sect 21, and NE 1/4, N 1/2 SE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4 Sect. 20,</u> <u>T2S, R4E, M2M PMM</u> <u>PROPERTY DESCRIPTION</u>	
3. _____	_____
_____	_____
<u>PROPERTY DESCRIPTION</u>	

LANDOWNER(S)

MAILING ADDRESS

4.

_____	_____
_____	_____

PROPERTY DESCRIPTION

5.

_____	_____
_____	_____

PROPERTY DESCRIPTION

6.

_____	_____
_____	_____

PROPERTY DESCRIPTION

7.

_____	_____
_____	_____

PROPERTY DESCRIPTION

8.

_____	_____
_____	_____

PROPERTY DESCRIPTION

9.

_____	_____
_____	_____

PROPERTY DESCRIPTION

10.

_____	_____
_____	_____

PROPERTY DESCRIPTION

LANDOWNER(S)

MAILING ADDRESS

11. _____

PROPERTY DESCRIPTION

12. _____

PROPERTY DESCRIPTION

13. _____

PROPERTY DESCRIPTION

14. _____

PROPERTY DESCRIPTION

15. _____

PROPERTY DESCRIPTION

16. _____

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)

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:

None

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

<u>None</u>	

(Use additional pages if required)

8. The necessity for and advantage of the abandonment of the road are as follows:

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. Bill Umbaugh Signature Box 218 Address
Bill Umbaugh Printed Name Gallatin Gateway MT. 59730 City, State & Zip
11-16-98 Date

Description of Property

2. Walter Becker Signature 208 Lake Drive Address
WALTER BECKER Printed Name Bozeman MT 59718 City, State & Zip
11-16-98 Date

Description of Property

3. ~~Orville W. Bridgewater Signature 1440 Cobb Hill RD Address~~
~~ORVILLE W. BRIDGEWATER Printed Name _____ City, State & Zip~~
~~_____ Date~~

Void

Description of Property

4. Charles Hale Signature 11150 GOOCH HILL RD Address
OK CHARLES HALE Printed Name GALLATIN GATEWAY MT. City, State & Zip
11/16/98 Date

5. RW Svejovsky Signature 1675 ELK LANE Address
OK BILL SVEJKOVSKY Printed Name BOZEMAN, MT 59718 City, State & Zip
11-16-98 Date

6. John Pavaugh Signature 525 Oak Rd. Bozeman, Address
OK John Pavaugh Printed Name City, State & Zip
11-16-98 Date

7. Berniece Visser Signature 10700 Visser Rd. Address
11-16-98 Printed Name Manhattan MT. 59741 City, State & Zip
Berniece Vissey Date

OK Keith Noyes Signature 10861 pine Butte Rd. Address
Keith Noyes Printed Name Bozeman MT. 59718 City, State & Zip
12/27/98 Date 3367 Ragnet Dr.

8.
OK

AD Pruitt
Signature

28289 NORRIS Rd
Address

ALLEN DAVID PRUITT
Printed Name

BOZEMAN MT 59718
City, State & Zip

16 Nov 98
Date

9.
OK

Connie Anderson
Signature

Description of Property

25971 Norris Rd
Address

Connie Anderson
Printed Name

Bozeman MT 59718
City, State & Zip

11/16/98
Date

10.
OK

Shannon R Miller
Signature

Description of Property

2411 Magenta Rd.
Address

Shannon R Miller
Printed Name

Bozeman MT 59718
City, State & Zip

11/16/98
Date

11.
OK

Lawrence J. Van Dyke
Signature

Description of Property

3450 JOHNSON RD

11/23/98
Date

BOZEMAN, MT 59718

Milo J Todd

034 Milo J. Todd

11/16/98

24884 Norris Rd

Bozeman, MT. 59718

LEGAL DESCRIPTION – TRACT A – ABANDONMENT

An easement sixty feet in width located in the Northeast One-Quarter of Section 20 and the Northwest One –Quarter of Section 21, Township 2 South, Range 4 East, Principal Meridian Montana, Gallatin County, Montana, being thirty feet in width on each side of the following described centerline:

BEGINNING at the common corner of Section 16, 17, 20 and 21 thence $S00^{\circ}13'58''E$ 212.40 feet along the line between said Sections 20 and 21 to the intersection of the existing centerline of Pine Butte Road with said Section Line at the TRUE POINT OF BEGINNING; thence continuing southerly along said centerline and the line between said Sections 20 and 21, and along the lands of Noyes on the west and the lands of J Open A Ranch on the east, $S00^{\circ}13'58''E$ 576.74 feet to the point of intersection of the proposed relocation of the centerline of said Pine Butte Road, said point being located $N00^{\circ}13'58''W$ 1858.58 feet from the Southwest corner of the Northwest One-Quarter of said Section 21.

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 Keith Noyes PHONE (406) 651-0338

- 1) Determine if there are sufficient qualified signatures.
- 2) Complete "Report of Qualified Signatures".
- 3) Schedule petition on Commissioner's agenda. DATE: 1-12-99

- 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. 788 Petition to abandon

- 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 5/18/99
- 10) Publish public hearing notice one time. DATE 5/9/99

- 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). 5/10/99
- 13) Commissioners hold public hearing to grant or deny petition. 5/18/99
- 14) County Attorney drafts resolution for Commissioners to consider at next public hearing. pending status
- 15) Commissioners pass resolution 5/25/99
- 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.

3367 Racquet Dr.
Billings, MT 59102
January 25, 1999

Clerk and Recorder
311 West Main
Bozeman, MT 59715
Attn: Eric

RECEIVED
Date 1-27-99
Clerk & Recorder
Gallatin County, Mont.

To Whom It May Concern:

I apologize for failing to complete the question on the document referring to the "necessity for and advantage of the abandonment and reestablishment of road easement." I request this easement be moved for the following reasons:

1. I hope to sell my farm house and buildings with acreage this calendar year. I believe the house will be more appealing to prospective buyers if this easement and the deeded right of way belonging to Alberda Angus Ranch were not so close to the house.
2. The proposed location will provide a shorter, more direct route for Alberdas to move cattle to and from their pasture.
3. The new route will also allow a much better and more gradual grade for Alberda's use and for potential road development in the future.

Sincerely,



Keith Noyes

GALLATIN COUNTY ATTORNEY
OFFICE OF COUNTY ATTORNEY

MARTY LAMBERT
COUNTY ATTORNEY
615 South 16th Avenue
Bozeman, Montana 59715

Telephone (406) 582-2145
Fax: (406) 582-2158

April 19, 1999

Shelley Vance
Sam Gianfrancisco
Jennifer Smith Mitchell
Gallatin County Road Viewing Committee
Bozeman, Montana 59715

RE: Pine Butte Road – Petition 158

Dear Viewing Committee:

In December of 1998 a Petition was filed to abandon a portion of Pine Butte Road. That abandonment request was accompanied by a Petition to Relocate a portion of Pine Butte Road. These petitions brought into question the status of Pine Butte Road.

On March 29, 1899, Gallatin County received a petition to establish Pine Butte Road with a description as follows: (See attachment 1 map)

Beginning 40 rods west of the southwest corner of Section 28, T2S, R4E, thence running north $\frac{3}{4}$ of a mile, thence in a northwesterly direction about 40 rods, thence in a northeasterly direction, forty rods, thence in a northeasterly direction about eighty rods to the section line, thence $\frac{3}{4}$ of a mile north to the southwest corner of Section 16, T2S, R4E, thence in a northeasterly direction to the northeast corner of section 16, joining the Virginia City road at the latter named point.

The stated object of the road was “to give an outlet for settlers.”

In March of 1900 the petition was re-filed. The Petition was designated #158. On March 16, 1900 the County Clerk and Recorder posted Notice of Viewing to be held on April 25, 1900. The Notice contained a slightly different and more specific description of the road:

Beginning 40 rods west of the Southwest corner of Section 28, T2S, R4E, thence running North $\frac{3}{4}$ of a mile, thence in a North Westerly direction about 40 rods, thence in a North Easterly direction forty rods (to the section line running East and West between Sections 20 and 29) thence in a North Easterly direction about eighty rods to the section line (between Section 20 and 21), thence $\frac{3}{4}$ of a mile North to the South West corner of Section 16, T2S, R4E, thence in a North Easterly direction to the North East corner of Section 16, joining the Virginia City road at the latter named point.

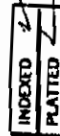
Rt: Davidson, Veeder, Roberts & Baugh, P.C.

Midland Bank Bldg 17317

FILM 28 PAGE 781

Billings
State of Mont., County of Gallatin, as Filed for record May 6, 1975
at 8:30 A. M., and recorded in Book 28 of DEEDS page 781

CARL L. STUCKY Recorder. By *South A. Bridges* Deputy
\$4.00 pd. WARRANTY DEED



FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the undersigned

JOE ALBERDA and DOROTHY ALBERDA, husband and wife, of Bozeman, Montana 59715, hereby grant unto

J OPEN A RANCH, INC., a Montana corporation, of Route 1, Box 46, Bozeman, Montana 59715, real property in Gallatin County, Montana, described as follows:

Township 2 South, Range 4 East, MPM

Section 3: SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 10: W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ NE $\frac{1}{2}$, N $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ Excepting therefrom the following tract of land: Beginning at the South-east corner of said Section 10, said point being a brass monument found in place; thence North 0° 51'54" East a distance of 145.70 feet to a brass monument found in place; thence North 2° 12'48" West a distance of 1863.34 feet to an iron pin set under an existing fence; Said iron pin being the true point of beginning, thence South 89° 00'00" West a distance of 840.00 feet to the centerline of the West Gallatin River; thence continuing along the centerline of the easterly channel of the West Gallatin River through the following courses: North 12° 07'51" East a distance of 426.56 feet; north 46° 47'23" East a distance of 226.38 feet; North 32° 33'00" East a distance of 278.79 feet; North 17° 06'09" East a distance of 272.03 feet; North 37° 59'55" East a distance of 203.04 feet; North 27° 53'50" East a distance of 384.71 feet; North 70° 14'21" East a distance of 60.96 feet; thence South 0° 15'36" West on and along an existing fence, a distance of 1573.00 feet to the true point of beginning, said tract being 17.267 acres, along with and subject to any existing easements.

The foregoing description being pursuant to Certificate of Survey by Ronald L. Burgess, a duly licensed surveyor, copy of said Certificate of Survey being attached hereto.

Section 21: S $\frac{1}{2}$, and a portion of the N $\frac{1}{2}$ described as follows: Beginning at the Southwest corner of the NW $\frac{1}{4}$ of Section 21, running thence North 2,500 feet; thence East 25 feet; thence South 2,500 feet; thence West 25 feet to the place of beginning.

Section 30: Lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$

Together with all water rights appurtenant to said property or any part thereof or used in connection therewith, however evidenced, and all ditches and other conduits, rights therein and rights of way therefor appurtenant to said real property or any part thereof or used in connection therewith.

SUBJECT to that certain Mortgage to the Federal Land Bank of

Spokane, executed by Joe Alberda and Dorothy Alberda, dated May 4, 1971, filed May 11, 1971 at 4:25 P.M., recorded in Film 10 Mortgages at Page 61.

SUBJECT FURTHER to reservations and exceptions in any patent, rights of way, and easements, building and use restrictions, taxes and assessments for this and subsequent years. Except with respect to these items, this deed is given with the usual covenants set forth in Section 74-110, R.C.M. 1947.

SUBJECT FURTHER to all mineral and/or royalty reservations or conveyances, had or contained in prior instruments of record.

This Warranty Deed is given to correct that certain Warranty Deed executed by Joe Alberda and Dorothy Alberda as Grantors, and J Open A Ranch, Inc., a Montana corporation as Grantee, dated April 18, 1974, filed May 15, 1974 at 9:00 A.M., and recorded in Book 24 of Deeds at Page 395 of the Records of Gallatin County, Montana, it being the fact that said deed was incorrect in that it failed to except certain land located in the SE 1/4 of Section 10, Township 2 South, Range 4 East, Gallatin County, Montana, which land was previously conveyed to Charles A. McNeil and Bettye G. McNeil, and G. Wesley White by Joe Alberda and Dorothy Alberda.

DATED this 28th day of April, 1975.

Joe Alberda
Joe Alberda

Dorothy Alberda
Dorothy Alberda

STATE OF MONTANA)
County of Gallatin) ss.

On this 28th day of April, 1975, before me, the undersigned a Notary Public for the State of Montana, personally appeared JOE ALBERDA and DOROTHY ALBERDA, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



D.J. Larson
Notary Public for the State of Montana
Residing at Bozeman
My Commission expires 6.3.77

Survey recorded 17 Film, Page 1602

On April 5, 1900 the Chairman of the County Commission appointed a viewing committee. Notice of Viewing was posted in the Clerk and Recorder's Office. On March 27, 1900 the Notice of Viewing was posted in three (3) places along the road. On April 25, 1900 the road was viewed and the viewers disagreed. A hearing was set before the County Commission for June 6, 1900 at 2:00 p.m. On June 6, 1900, the petition was set over until some future meeting. The Commissioner's Journal dated Wednesday, June 6, 1900 states, "The parties interested in the Road, running north through Section 29, T2S, R4E as petitioned for by M. M. White et al. appeared before the Board and stated reasons pro and con, where upon an order was made deferring action until some future meeting." (emphasis added)

No record can be located showing the County Commission ever took action to establish the "Pine Butte Road" as was described in Petition 158. However, in the book located in the office of Clerk and Recorder which documents petitioned roads Petition 158, M. M. White Road from D. McLeod Road to Virginia City Road shows as "established". Unlike every other "established" petitioned road, Petition 158 does not have a specified date of establishment. The same book references *Plat book of Roads*, volume B, Page 119. Unfortunately Plat book of Roads, volume B, Page 119 does not discuss this particular road. The exhibit submitted in support of the Petition for Abandonment references Plat Book of Roads, Gallatin County, T2S, R4E, Sheet #63. Plat Book of Roads, Gallatin County, T2S, R4E, Sheet #3 depicts a north/south road on the section line between Sections 17 and 16 with meanderings and continuing along the section line between Sections 20 and 21. The road on Sheet #3 does reference Petition 158. Unfortunately the road depicted on Sheet #3 does not follow the description in Petition 158.

Based upon the records of the Gallatin County Commission, Gallatin County Clerk and Recorder and the Gallatin County Road Department Petition 158 establishing the Pine Butte Road beginning on the southern section line of Section 29, T2S, R4E and generally running north between Sections 29 and 28, Sections 20 and 21, and north easterly across Section 16 was not adopted. The Pine Butte Road as described in Petition 158 was not created as a county road by petition.

In approximately 1983, the Gallatin County Road Department began maintaining the road now known as the Pine Butte Road, which begins at the corner of Sections 17 and 16, T2S, R4E and follows the section line south for more than ½ the section before it meanders along the Highline Canal into Section 17, then back into Section 16 and crosses south into Section 21 for a few hundred feet. This is not the road described in the Petition 158. The road known as Pine Butte Road does resemble the road depicted in Plat Book of Roads, Gallatin County, T2S, R4E, Sheet #3. Because Gallatin County began maintaining this road it is likely that the public has an interest in the road created by use or prescriptive easement.

The Noyes Petition to Abandon requests abandonment of a portion of Pine Butte Road running along the Section line between Sections 20 and 21. No county road by petition was established along that section line. Therefore, no road exists to be abandoned.

However, Mr. Noyes also requested re-location of the Pine Butte Road to align with the Pine Butte Road currently maintained by Gallatin County. The Gallatin County Commission may establish a road by petition pursuant to Section 7-14-2601, MCA. The Commission may take action to create a county road by petition in Section 21, T2S, R4E (See attachment 2 map) which connects to the road by use. The viewing committee should advise the Commission appropriately. Please keep in mind that Section 7-14-2607, MCA, if the Commission makes an order establishing a road, they are required to find the amount of damages sustained by each owner or claimant of land affected by the road.

In summary, the Gallatin County Commission may take the following action:

1. Determine, on the record, that Petition 158, M. M. White Road from D. McLeod Road to Virginia City Road was not established.
2. Determine no action is necessary on the Petition to abandon a portion of Pine Butte Road as the road was never established.
3. Consider the Petition to Re-locate a portion of Pine Butte Road as a petition to establish a road in Section 21, T2S, R4E and follow the statutes for creating a road.

If you have any questions, please feel free to contact me.

Sincerely,



Susan B. Swimley
Chief Deputy County Attorney

cc: Keith Noyes
3367 Racquet Drive
Billings, MT 59102

ATTACHMENT 2

TRACT 2, COS No. 1190C

TRACT 2, COS No. 1190C

N.G.L.C.S.
19-118

17 16

20 21

N 87°39'55" E 265.73'

Corner S16, S17, S20
and S21 per COS 1190,
1244 and Corner Record
1-927

212.40' Int. Cl. to Sect. Corn.
N 00°3'58" W 147.72'

S 59°36'20" W 292.93'
Existing Centerline

PINE BUTTE ROAD
C.R. #158

S 08°18'04" W
74.45'

ⓑ 1" O.D. Iron Pipe found,
1.2' below grade, N59°36'20"E
7.21' from Section Line.

SHED

SHOP
GAR.

HOUSE

ASSUMED LOCATION
100' CANAL EASEMENT

Cattle guard

LANDS
Film

TO BE ABANDONED - TRACT A
NOTE: This portion of County Road #158 to be
abandoned has not been constructed or improved.

Existing County Road Easement to be Abandoned

S 00°13'59" E 576.74'

Existing Centerline 60' County Road Easement - to be Abandoned

J OPEN A RANCH, Film 28 Page 781 (2500' x 25')

Existing County Road Easement to be Abandoned

NEW CENTERLINE 60' COUNTY ROAD EASEMENT
S190°3'00" W 766.95'

TO BE ESTABLISHED - TRACT B
NOTE: There is no intention to construct or improve
this portion of County Road #158 at this time

NOT ALL BUILDINGS OR IMPROVEMENTS
ARE SHOWN HEREON

State of Montana

County of Gallatin

Bozeman



May 3, 1999

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

RE: abandonment of a portion of Pine Butte Road located in Section 21, T2S, R4E.

Dear Board,

The undersigned, being appointed as viewing committee, viewed the area described to be abandoned in Road Petition #788 on February 16, 1999.

Starting at the intersection of Norris Road and Pine Butte Road we traveled in a southerly direction to the end of the constructed Pine Butte Road. The end on the constructed Pine Butte Road is at approximately the east/west section line between Sections 16 and 21, T2S, R4E. At the end of this road is a constructed driveway that accesses a home located in the NE1/4 of Section 20, T2S, R4E.

The portion of road defined in the petition to be abandoned has not been constructed. If it had been constructed it would dead end in the middle of a field. There are no roads to the south in close proximity that could be connected to this road.

The viewing committee returned to the Clerk and Recorder's Office to research records further. We had questions regarding the records we could find, in addition to not finding a record that the road had ever been established. The viewing committee determined that that committee would need assistance from the County Attorneys Office.

On April 21, 1999 we received a letter from Chief Deputy County Attorney Susan Swimley regarding her research on Pine Butte Road. A copy of her letter is attached. According to her letter it appears that no action is necessary to abandon a portion of Pine Butte Road as the road was never established.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Smith Mitchell".

Jennifer Smith Mitchell, County Commissioner

A handwritten signature in cursive script that reads "Shelley Vance".

Shelley Vance, Clerk and Recorder/Surveyor

A handwritten signature in cursive script that reads "Sam Gianfrancesco".

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 a County road has been submitted to the Board of County Commissioners of Gallatin County, Montana, for consideration.

Petitioners are requesting the abandonment of a portion of Pine Butte Road described as being an easement sixty feet in width located in the Northeast One-Quarter of Section 20 and the Northwest One-Quarter of Section 21, Township 2 South, Range 4 East, Principal Meridian Montana, being thirty feet in width on each side of the following described centerline:

Beginning at the common corner of Sections 16, 17, 20 and 21, thence South $00^{\circ} 13' 58''$ East 212.40' along the line between said Sections 20 and 21 to the intersection of the existing centerline of Pine Butte Road with said Section line at the true point of beginning, thence continuing southerly along said centerline and the line between said Sections 20 and 21, and along the lands of Noyes on the west and the lands of J Open A Ranch on the east, South $00^{\circ} 13' 58''$ East 576.74' to the point of intersection of the proposed relocation of the centerline of said Pine Butte Road, Said point being located North $00^{\circ} 13' 58''$ West 1858.58' from the Southwest corner of the Northwest One-Quarter of said Section 21.

NOTICE IS FURTHER GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on May 18, 1999, 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, Bill Murdock, or Jennifer Smith Mitchell at 311 W. Main, Room 301, Bozeman, Montana 59715, telephone 582-3000.

Dated this 5th day of May, 1999.

Shelley Vance

Shelley Vance
Clerk and Recorder
Gallatin County, Montana

COPY
ORIGINAL

RESOLUTION NO. 1999-24

FILM 198 PAGE 3752

ORIGINAL

**DECISION CONCERNING PETITION TO ABANDON A PORTION
OF PINE BUTTE ROAD**

WHEREAS, on January 12, 1999, the Gallatin County Clerk and Recorder presented to the Gallatin County Commission a Petition to Abandon that portion of Pine Butte Road, Petition 158, described as follows:

An easement sixty feet in width located in the Northeast One-Quarter of Section 20 and the Northwest One-Quarter of Section 21, Township 2 South, Range 4 East, P.M.M., being thirty feet in width on each side of the following described centerline:

Beginning at the common corner of Section 16, 17, 20 and 21, thence South 00 degrees, 13 minutes, 58 seconds East 212.40 feet along the line between said Sections 20 and 21 to the intersection of the existing centerline of Pine Butte Road with said Section line at the true point of beginning, thence continuing southerly along said centerline and the line between said Sections 20 and 21, and along the lands of Noyes on the West and the lands of J Open A Ranch on the east, South 00 degrees, 13 minutes, 58 seconds East 576.74 feet to the point of intersection of the proposed relocation of the centerline of said Pine Butte Road, said point of being located North 00 degrees, 13 minutes, 58 seconds west 1858.58 feet from the Southwest corner of the Northwest One-Quarter of said Section 21 in Gallatin County, Montana; and

WHEREAS, on January 12, 1999, 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, on January 12, 1999, the Gallatin County Commissioners appointed a viewing committee consisting of one county commissioner, the county surveyor and the road superintendent to investigate the feasibility and desirability of abandoning the road; and

WHEREAS, on May 18, 1999, the appointed viewing committee submitted their report to Gallatin County Commissioners. Thereafter the Gallatin County Commissioners conducted a public hearing, after notice, on the petition and the results of the investigation; and

WHEREAS, the Gallatin County Commission reviewed the history of Pine Butte Road as described in Petition 158. The Gallatin County Commission determined that Petition 158 petitioning the establishment of Pine Butte Road was submitted to the Gallatin County Commission in March of 1900. On June 6, 1900, the Gallatin County Commission conducted a hearing to accept public testimony regarding the creation of Pine Butte Road as petitioned for in Petition 158. On June 6, 1900, the Gallatin County Commission deferred action until some future date. A thorough search of the records of the Gallatin County Clerk

GALLATIN COUNTY
Certified to be a full, true and correct copy of a document containing 2 pages. By _____, Clerk and Recorder for Gallatin County, State of Montana.
MT 588
By *Karen M. Chretien*

and Recorder and the Gallatin County Road Department revealed that the Gallatin County Commission never took any action regarding Petition 158 establishing Pine Butte Road; and

WHEREAS, on May 18, 1999, the Gallatin County Commission further determined that Pine Butte Road as described in Petition 158 was never established and voted unanimously to not establish Pine Butte as petitioned for in Petition 158; and

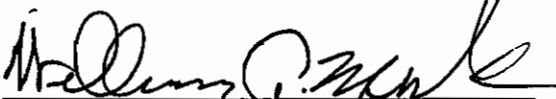
WHEREAS, the Gallatin County Commission having determined that Pine Butte Road was not established, determined that no further action of the Commission was necessary regarding the Petition to Abandon a Portion of Pine Butte Road.


NOW, THEREFORE BE IT RESOLVED:

1. The Gallatin County Commission determines that Pine Butte Road as described in Petition 158 was not established prior to May 18, 1999.
2. On May 18, 1999, the Gallatin County Commission takes action on the June 6, 1900 order deferring action regarding the creation of Butte Road as described in Petition 158. The Gallatin County Commission denies the Petition 158, which sought to establish Pine Butte Road determining that establishment, is not in the best interests of the county.
3. The Gallatin County Commission, having determined that Pine Butte Road was not established, determined that no further action is necessary regarding the Petition to Abandon a Portion of Pine Butte Road as described above.
4. 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 25th day of May, 1999.

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY


William A. Murdock, Chairman


Phil Olson, Member

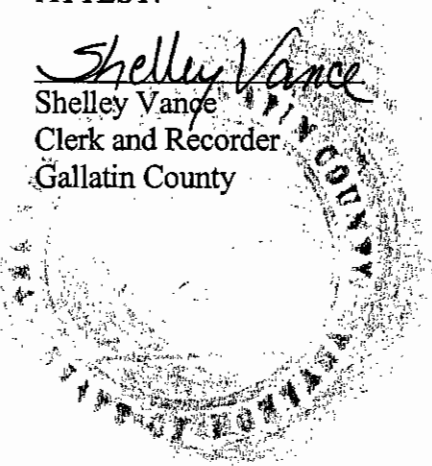
J. Mitchell

Jennifer Smith Mitchell, Member

ATTEST:

Shelley Vance

Shelley Vance
Clerk and Recorder
Gallatin County



INDEXED 1391960

State of Mont., County of Gallatin. ss Filed for record MAY 28, 19 99
at 10:11 A.M., and recorded in Book 198 of MISCELLANEOUS page 3752
Shelley Vance Recorder. By Glenda C. Woyes Deputy

FEE: -0-

RT: ROAD PETITION #788

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Consult postmaster for fee.

3. Article Addressed to:
PUBLIC LANDS ACCESS ASSOC
C/O BILL FAIRHURST
105 3RD AVE EAST
THREE FORKS, MT 59752

4a. Article Number
P 787 055 143

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

7. Date of Delivery
5-25-99

8. Addressee's Address (Only if requested and fee is paid)
P.O. Box 249

5. Received By: (Print Name)

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

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3. Article Addressed to:
BILL SVEJKOVSKY
1675 ELK LANE
BOZEMAN, MT 59718

4a. Article Number
P 787 055 151

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

7. Date of Delivery
5-27-99

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

5. Received By: (Print Name)
[Signature]

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

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

- Addressee's Address
- Restricted Delivery

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3. Article Addressed to:
ALLEN DAVID PRUITT
28289 NORRIS RD.
BOZEMAN, MT 59718

4a. Article Number
P787054863

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

7. Date of Delivery
5-29-99

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

5. Received By: (Print Name)

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

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- Addressee's Address
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3. Article Addressed to:
LAWRENCE J. VANDYKE
3450 JOHNSON
BOZEMAN
59718

4a. Article Number
P 787 055 161

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

7. Date of Delivery
05/29/99

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

5. Received By: (Print Name)
[Signature]

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

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- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 BERNIECE VISSER
 10700 VISSER ROAD
 MANHATTAN, MT 59741

4a. Article Number
 P 787 055 141

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

7. Date of Delivery
 5/29/99

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
 X Berniece Visser

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- Addressee's Address
- Restricted Delivery

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3. Article Addressed to:
 CONNIE ANDERSON
 25971 NORRIS RD.
 BOZEMAN, MT 59718

4a. Article Number
 P 787054864

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

7. Date of Delivery
 5-29-99

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
 X Connie Anderson

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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:
 CHARLES HALE
 11150 GOOCH HILL ROAD
 GALLATIN GATEWAY, MT
 59730

4a. Article Number
 P 787 055 150

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

7. Date of Delivery
 60199

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
 X Charles Hale

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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:
 MILO J. TODD
 24884 NORRIS RD.
 BOZEMAN, MT 59718

4a. Article Number
 P 787054732

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

7. Date of Delivery
 5-29-99

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
 X Milo J. Todd

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3. Article Addressed to:
BILL UмбаUGH
BOX 218
GALLATIN GATEWAY, MT
59730

4a. Article Number
P 787 055 148

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

7. Date of Delivery
 Certified
 Insured
 COD

5. Received By: (Print Name)
[Signature]
 Address: (Address or Agent)
[Signature]

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3. Article Addressed to:
KEITH NOYES
3367 RACQUET DR.
BILLINGS, MT 59102

4a. Article Number
P 787 055 146

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

7. Date of Delivery
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 Insured
 COD

5. Received By: (Print Name)
[Signature]
 Address: (Address or Agent)
[Signature]

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3. Article Addressed to:
ALBERDA ANGUS
8591 RIVER ROAD
BOZEMAN, MT 59718

4a. Article Number
P 787 055 145

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

7. Date of Delivery
 Certified
 Insured
 COD

5. Received By: (Print Name)
[Signature]
 Address: (Address or Agent)
[Signature]

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3. Article Addressed to:
JOHN PAUGH
525 COULEE PLACE
BOZEMAN, MT 59715

4a. Article Number
P 787 055 140

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

7. Date of Delivery
 Certified
 Insured
 COD

5. Received By: (Print Name)
[Signature]
 Address: (Address or Agent)
[Signature]

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3. Article Addressed to:

WALTER BECKER
108 LAKE DRIVE
BOZEMAN, MT 59718

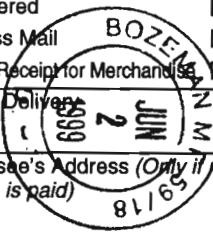
4a. Article Number

P 787 055 149

4b. Service Type

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- 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 *Walter M. Becker*

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3. Article Addressed to:

POSTMASTER
U.S. POST OFFICE
BOZEMAN, MT 59715

4a. Article Number

P 787 055 144

4b. Service Type

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

7. Date of Delivery

6-2-94

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X *[Signature]*

PS Form 3811, December 1994

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