

Road Petition #796

(abandon Cimmeron Drive)

Granted Nov. 14, 2000

Book \_\_\_\_\_ Page \_\_\_\_\_



**HARRIS, TARLOW & STONECIPHER, P.L.L.C.**  
ATTORNEYS

CHRISTOPHER HARRIS

JOHN H. TARLOW

TOM W. STONECIPHER

KIRSTEN FINLAYSON

KIMBERLY EVANS BYRD

CARL E. BORGQUIST, COUNSEL

1439 WEST BARCOCK  
BOZEMAN, MONTANA 59715

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March 24, 2000

Shelley Vance  
Gallatin County Clerk and Recorder  
Gallatin County Courthouse  
Bozeman, MT 59715

**Hand Delivery**

RE: Petition to Abandon a Portion of Cimmeron Drive

Dear Ms. Vance:

With this letter is a petition to abandon that portion of Cimmeron Drive lying of east of Itana Circle in the Wheatland Hills Subdivision and west of Little Wolf Road in the Spirit Hills Subdivision. If this petition is incomplete in any way, please call me and I will do whatever is necessary to make it complete as quickly as possible.

I added two tabs to the basic petition. At tab A are copies of portions of the subdivision plats for Wheatland Hills and Spirit Hills which show the portion of Cimmeron Drive, highlighted in yellow, for which abandonment is sought. At tab B is an appendix where we collected signatures of approval for the Petition from the four landowners whose property is adjacent to Cimmeron Drive where abandonment is sought. You will note that Lot 47 of Wheatland Hills is in transition and is being sold by the current record owner, Mark O'Boyle to Bill and Jeannie Fudge. We obtained signatures from both. The appendix provides that facsimile signatures can be treated in all respects as originals, and Mr. O'Boyle's signature is one by facsimile. If you wish to speak with him, or need an original signature, let me know and I will get as soon as possible. I look forward to working with you as this petition is considered. If there is anything I can do to help with that process, please call.

I am sending a copy of this letter and a copy of the Petition directly to the Road Office today.

Very truly yours,

  
Tom W. Stonecipher

TWS/skj

Enclosures: Petition to Abandon County Road  
cc: Gallatin County Road and Bridge Department  
Jim Sutton

**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: that portion of Cimmeron Drive lying east of Itana Circle in the Wheatland Hills Subdivision and west of Little Wolf Road in the Spirit Hills Subdivision, Gallatin County, as highlighted on the attached plats.

(Attach additional page if required).

2. The road is commonly known as: Cimmeron Drive

3. The general route of the road is described as follows: lying east of Itana Circle and west of Little Wolf Road, as described in Paragraph 1 above.

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

**LANDOWNER(S)**

**MAILING ADDRESS**

✓1. Graham Enterprises, Inc. 10010 Pine Butte Road  
f/k/a Graham Molzahn Construction, Inc. Bozeman, MT 59715

Lot 16, Spirit Hills Subdivision, Gallatin County

**PROPERTY DESCRIPTION**

✓2. Spirit Hills, Inc. c/o Ken Walker, 4533 Walker Road  
Bozeman, MT 59715

Lot 62, Spirit Hills Subdivision, Gallatin County

**PROPERTY DESCRIPTION**

3. \_\_\_\_\_ 4862 Itana Circle  
\_\_\_\_\_ Bozeman, MT 59715

Lot 47, Wheatland Hills Subdivision, Gallatin County

**PROPERTY DESCRIPTION**

LANDOWNER(S)

MAILING ADDRESS

~~Corrine Hoening~~ Charles Hoening  
Corrine Hoening CHARLES HOENIG

4956 Itana Circle, Bozeman, MT 59718

Lot 48, Wheatland Hills Subdivision, Gallatin County

PROPERTY DESCRIPTION

5.

PROPERTY DESCRIPTION

6.

PROPERTY DESCRIPTION

7.

PROPERTY DESCRIPTION

8.

PROPERTY DESCRIPTION

9.

PROPERTY DESCRIPTION

10.

PROPERTY DESCRIPTION

5. Except for the following landowners the landowners identified in Section 3 consent to the abandonment: (If any of the adjacent landowners do not consent identify them in this paragraph)

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6. If a landowner stated in Paragraph 3 cannot be found to determine the landowner's consent, identify the landowner and state the efforts made to locate the landowner:

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7. To the best of our knowledge the following are landowners, who do not own land immediately adjacent to the road, but who could be affected by the abandonment of the road:

**LANDOWNER(S)**

**MAILING ADDRESS**

None to our knowledge

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(Use additional pages if required)

8. The necessity for and advantage of the abandonment of the road are as follows: no road has been built on this right-of-way; the right-of-way is completely undeveloped; any road built here would be at County expense; the roadway is not used; the Belgrade Fire Department does not oppose this abandonment; abandonment is in the best interests of promoting safety and the general welfare of Gallatin County citizens.

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The undersigned state that they are owners of real property in the Gallatin County road district which is taxable for the county general road tax. If more than 10 freeholders sign, use additional pages.

1. \_\_\_\_\_  
 Signature Address  
 \_\_\_\_\_  
 Printed Name City, State & Zip  
 \_\_\_\_\_  
 Date

√2. \_\_\_\_\_  
 Signature Address  
 \_\_\_\_\_  
 Printed Name City, State & Zip  
 \_\_\_\_\_  
 Date

LOT 64, WHEATLAND HILLS SUBDIVISION

√3. \_\_\_\_\_  
 Signature Address  
 \_\_\_\_\_  
 Printed Name City, State & Zip  
 \_\_\_\_\_  
 Date

LOT #5, WHEATLAND HILLS

Description of Property

✓ 4. x Alma E. Weightman Signature 5015 Justin Lane Address  
x Alma E. Weightman Printed Name Bozeman MT 59715 City, State & Zip  
January 9, 2000 Date  
Lot #17 Wheatland Hills Description of Property

✓ 5. Robert T. DuBose Signature 5020 Justin Ln Address  
ROBERT T. DuBOSE Printed Name BOZEMAN MT 59715 City, State & Zip  
JANUARY 18, 2000 Date  
LOT #4, WHEATLAND HILLS Description of Property

✓ 6. Michele K. DuBose Signature 5020 JUSTIN LN Address  
MICHELE K. DuBOSE Printed Name BOZEMAN MT 59715 City, State & Zip  
1/18/00 Date  
JANUARY 17, 2000 Lot #4 Wheatland Hills Description of Property

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

✓4. Linda M Sherwood / John E Sherwood 5029 Justin Lane  
Signature Address  
Linda M. Sherwood / John E Sherwood Bozeman, MT 59715  
Printed Name City, State & Zip  
JAN 8, 2000  
Date

LOT 19 WHEATLAND HILLS

✓5. \* Betty Y. Ayer 5002 Justin Ln.  
Signature Address  
Betty Y. Ayer Bozeman, MT. 59715  
Printed Name City, State & Zip  
Jan. 8, 2000  
Date

LOT #1 Wheatland Hills

✓6. Robert J Dyer / Kathryn K Dyer 5014 JUSTIN LN.  
Signature Address  
Robert J Dyer / Kathryn K Dyer BOZEMAN, MT. 59715  
Printed Name City, State & Zip  
JAN. 8, 2000  
Date

LOT #3 Wheatland Hills

✓7. Stephen B. Ollestad / Helen E. Ollestad 5040 Justin Lane  
Signature Address  
Stephen B. Ollestad / HELEN E. OLLESTAD Bozeman, MT 59715  
Printed Name City, State & Zip  
Jan 8, 00  
Date

Lot # 7 Wheatland Hills

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.

✓ 1. *Susan L. Moore* 5138 Cimmaron Dr  
 Signature Address  
Gilbert L. Moore  
Susan L. Moore Printed Name Bozeman MT 59715  
 City, State & Zip  
1/9/00  
 Date

Lot 8 Wheatland Hills I subdivision  
 Description of Property

✓ 2. *George E. Kerber* 5280 Cimmaron Drive  
 Signature Address  
GEORGE E. KERBER  
CORINNE KERBER Printed Name Bozeman, MT 59715  
 City, State & Zip

1/9/00  
 Date  
Lot 66

✓ 3. *Ellen King-Rodgers* 4738 Itama Circle  
 Signature Address  
ELLEN KING-RODGERS  
R. ROSS RODGERS Printed Name Bozeman MT 59715  
 City, State & Zip

9 Jan. 2000  
 Date  
Lot 51  
 Description of Property

✓ 8. Stanley Rosenberg Signature 4720 Itana Circle Address  
Stanley Rosenberg Printed Name Bozeman, MT 59715 City, State & Zip  
1/16/00 Date  
Lot 59

✓ 9. Jeffrey S. Poulsen Signature 4732 Itana Circle Address  
Jeffrey S. Poulsen Printed Name Bozeman, MT 59715 City, State & Zip  
1/16/00 Date  
Lot 52

✓ 10. Jan Poulsen Signature 4732 Itana Cr. Address  
Jan Poulsen Printed Name Bozeman MT 59715 City, State & Zip  
1-16-00 Date  
Lot 52

Description of Property

(Use additional pages if required)

Yes - Cimmeron Drive - abandonment

John Richardson

✓4. Gail Richardson  
John Richardson Signature  
GAIL RICHARDSON  
Printed Name

5263 Cimmeron Dr.  
Address  
Bozeman, MT 59715  
City, State & Zip

1-13-00  
Date

(Wheatland Hills)  
LOT 23

✓5. Lorrie Hansen  
Michael J. Hansen Signature  
Lorrie Hansen  
Michael J. Hansen Printed Name

Description of Property  
5268 Cimmeron Drive  
Address  
Bozeman, MT 59715  
City, State & Zip

1/16/2000  
Date

Wheatland Hills  
lot 68

✓6. Andrea Dean  
Beryl Carson Signature  
Andrea Dean  
BOYO CARSON Printed Name

Description of Property  
5269 Cimmeron Dr.  
Address  
Bozeman MT 59715  
City, State & Zip

1-16-2000  
Date

(Wheatland Hills  
Lot #24)

✓7. Deborah S. Bishop  
Norman A. Bishop Signature  
Norman A. Bishop Printed Name

Description of Property  
4898 Itana Circle  
Address  
Bozeman MT 59715  
City, State & Zip

1/17/00  
Date

Description of Property

4. [Signature] 4874 Itana Cir  
 Signature Address  
Roger Green Kasah-Green Bozeman MT 59715  
 Printed Name City, State & Zip  
1-8-00  
 Date

5. [Signature] Michael San Souci  
 Signature Address  
4868 Itana Cir. Bozeman, MT 59715  
 Printed Name City, State & Zip  
1/8/2000  
 Date

*Done*

6. [Signature] 4868 Itana Cir  
 Signature Address  
Virginia San Souci Bozeman, MT 59715  
~~4868 Itana Cir~~  
 Printed Name City, State & Zip  
1/8/2000  
 Date

7. [Signature] 5117 Ginnerton Dr  
 Signature Address  
Bryan Capdeville Darcee Capdeville Bozeman MT 59715  
 Printed Name City, State & Zip  
1/12/00 Lot 14  
 Date

Description of Property

Diana Sterne

DIANA STERNE

✓4.

*[Signature]*

Signature

5105 CIMMERON DR.  
Address

LAWRENCE STERNE  
Printed Name

BOZEMAN, MT 59715  
City, State & Zip

1/7/00  
Date

Description of Property

✓5.

*[Signature]*

Signature

5123 CIMMERON DR  
Address

JOHN M. BRANDON  
Printed Name

BOZEMAN MT 59715  
City, State & Zip

1/8/00  
Date

Description of Property

✓6.

*[Signature]*

Signature

5131 CIMMERON DR.  
Address

DIANE GARBER Tom Garber  
Printed Name

BOZEMAN MT 59715  
City, State & Zip

1-8-00  
Date

Description of Property

✓7.

*[Signature]*

Signature

4937 ITAWA CIRCLE  
Address

Gerry Hawkins LARRY W. HAWKINS  
Printed Name

BOZEMAN, MT 59715  
City, State & Zip

1-8-00  
Date

Description of Property

Same

4. Ronald N. Johnson  
Signature  
Ronald N. Johnson  
Printed Name  
1/7/00  
Date

4926 Itana Circle  
Address  
Bozeman, MT 59715  
City, State & Zip

5. Cel Johnson  
Signature  
Cel Johnson  
Printed Name  
1/7/00  
Date

Description of Property  
4926 Itana Circle  
Address  
Bozeman, MT 59715  
City, State & Zip

6. Morris M Hathaway  
Signature  
MORRIS M. HATHAWAY  
Printed Name  
JAN, 8 - 2000  
Date

Description of Property  
4925 ITANA Circle  
Address  
BOZEMAN, MT. 59715  
City, State & Zip

7. Mary H. Maifeld  
Signature  
Mary H. Maifeld  
Printed Name  
Larry (Marshall) Carucci  
Printed Name  
January 8, 2000  
Date

Description of Property  
5357 Thatcher Drive (Lot 37)  
Address  
Bozeman, MT. 59715  
City, State & Zip

Description of Property

✓ 8. Mary H. Warfeld  
Signature 5357 Thatcher Dr. (Lot 36)  
Mary H. Warfeld Address  
Harry Marshall Carucci Bozeman, MT. 59715  
Printed Name City, State & Zip  
January 8, 2000  
Date

✓ 9. Gillian Clark to Clark  
Signature Description of Property  
Gillian Clark Lot # 30  
Printed Name Address Itana  
Jan 8 - 2000 PO Box 564 - 4919  
Date City, State & Zip

✓ 20. Mark Jacoby / Kristine Jacoby  
Signature Description of Property  
MARK JACOBY Lot # 40 4902 Home Cir  
Printed Name Address  
1-8-2000 Bozeman, MT 59715  
Date City, State & Zip

Description of Property

√4. Shawna D. Lockhart Signature 4753 Itana Circle Address  
Shawna D. Lockhart Printed Name Bozeman, MT 59718 City, State & Zip  
9 Jan. 2000 Date

Lot 65

√5. Rita Lockridge Signature 4713 Itana Cir Address  
Paul L. Lockridge Printed Name Bozeman, MT 59715 City, State & Zip  
RITA LOCKRIDGE Date  
9, JAN, 2000

Lot 62

√6. Mary J. Christiansen Signature 4708 Itana Circle Address  
Mary J. Christiansen Printed Name Bozeman, MT 59715 City, State & Zip  
1-9-00 Date

Lot 58

√7. Kathryn Bagley - Kathryn Paul Signature 4750 ITANA CIRCLE Address  
James G. Paul Printed Name BOZEMAN, MT 59715 City, State & Zip  
1-9-00 Date

Lot #49

Description of Property



# PLAT OF SPIRIT HILLS SUBDIVISION

A TRACT OF LAND BEING CERTIFICATE OF SURVEY No. 1984 SITUATED IN THE  
NW1/4 AND SW1/4 OF SECTION 13, T.1S., R.5E., P.M.M. GALLATIN CO., MONTANA

FOR: KENNETH E & JANE D. WALKER  
BY: GASTON ENGINEERING AND SURVEYING

APRIL 1997  
BOZEMAN, MONTANA

SCALE: 1" = 200'

**NOTES**

● = SET 5/8" x 24" REBAR WITH Y.P.C.  
LOT PINS ON ALL FRONT LOTS AND R/W'S  
WILL BE SET WHEN ROAD CONSTRUCTION AND  
TOPSOIL REPLACEMENT HAVE BEEN COMPLETED.

F.C.P. = FENCE CORNER POST  
(R) = RADIAL BEARING

**BASES OF BEARING**

WEST LINE OF SECTION 13 AS SHOWN ON WHEATLAND  
HILLS SUBDIVISION - BEARING IS N 00°10'43" W

**AREA**

TOTAL AREA: 163.311 ACRES  
PUBLIC PARK AREA: 27.545 ACRES  
OPEN SPACE AREA: 9.287 ACRES  
ROAD AREA: 21.025 ACRES  
LOT AREA: 105.454 IN 98 LOTS

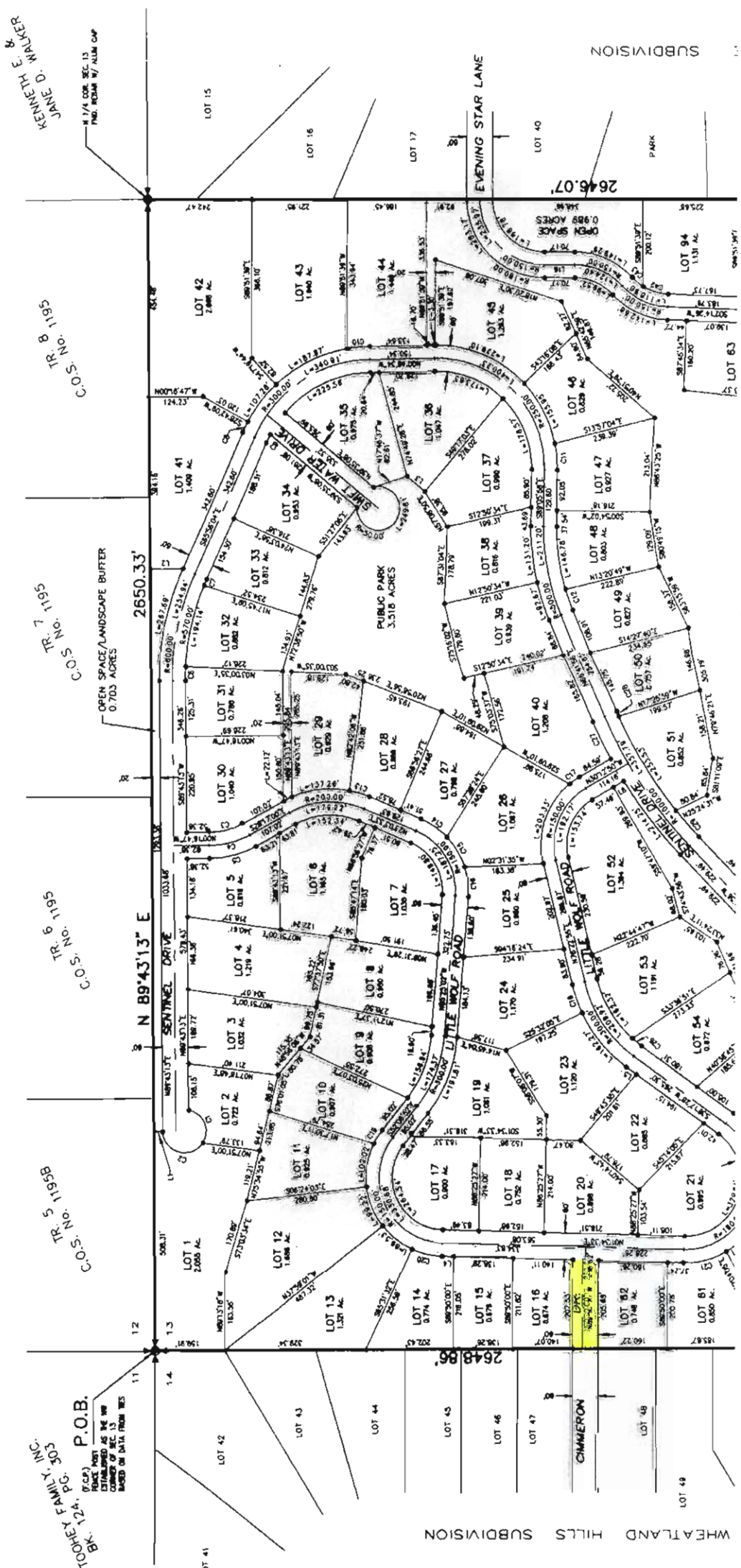
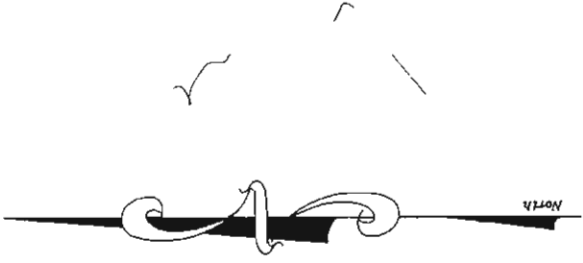
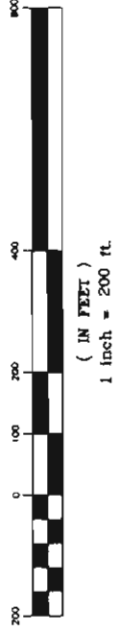
**EASEMENT NOTE**

IN ADDITION TO THE EASEMENTS SHOWN ON THE FACE  
OF THE PLAT, THERE SHALL BE A 20' WIDE UTILITY  
EASEMENT ALONG ALL EXTERIOR LOT LINES, AND A 10'  
WIDE UTILITY EASEMENT ALONG ALL INTERIOR LOT LINES

**EASEMENT NOTE:**

"THE UNDERSIGNED HEREBY GRANTS UNTO EACH AND EVERY PERSON OR  
FIRM OR CORPORATION, WHETHER PUBLIC OR PRIVATE, PROVIDING OR OFFERING  
TO PROVIDE TELEPHONE, TELEGRAPH, ELECTRIC POWER, GAS, CABLE TELEVISION,  
WATER OR SEWER SERVICES TO THE PUBLIC, THE RIGHT TO THE JOINT USE OF  
AN EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, REPAIR AND REMOVAL  
OF THEIR LINES AND OTHER FACILITIES, IN, OVER, UNDER AND ACROSS  
EACH AREA DESIGNATED ON THIS PLAT AS "UTILITY EASEMENT," TO HAVE  
AND TO HOLD FOREVER."

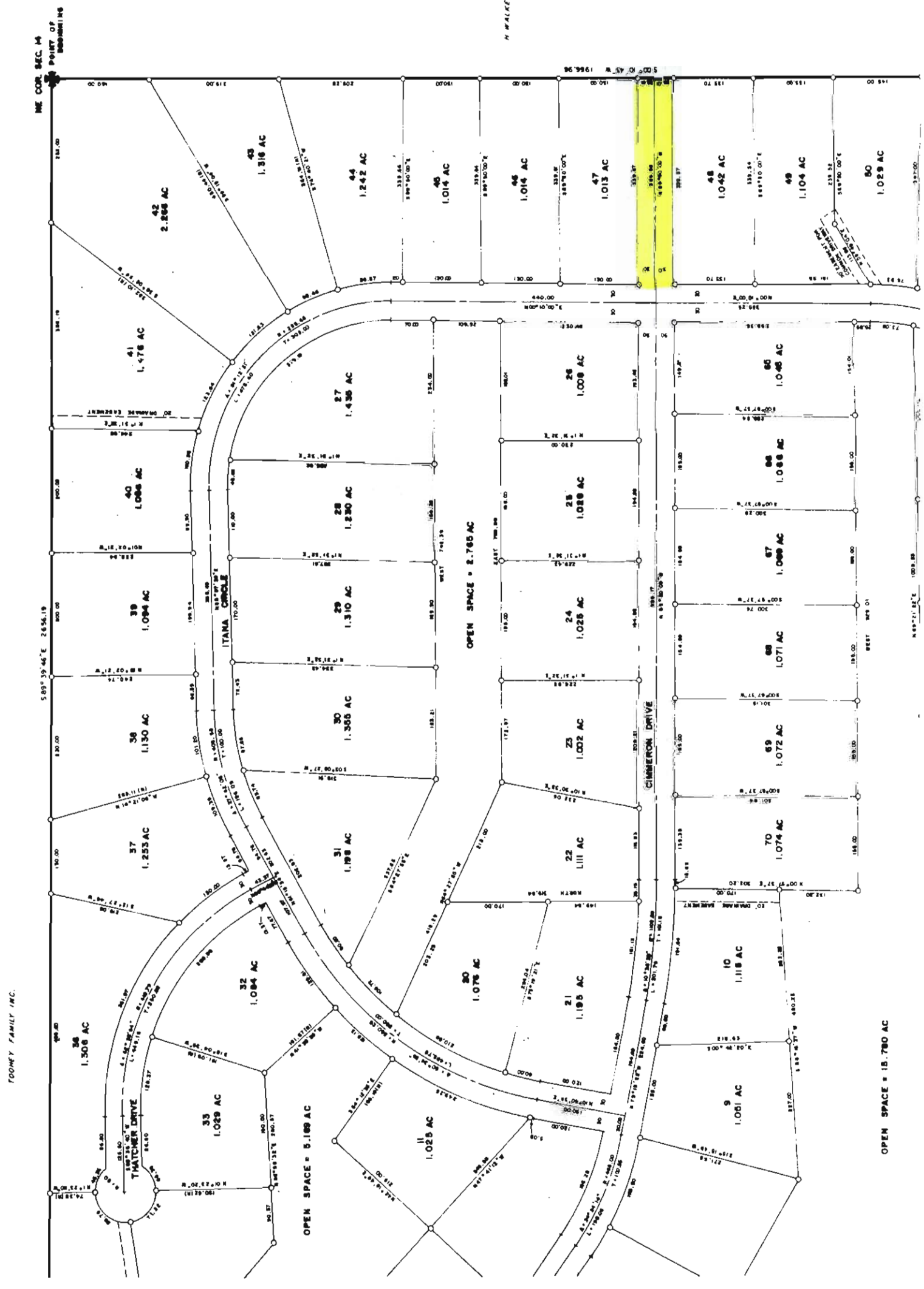
**GRAPHIC SCALE**



U L L I

# WHEATLAND HILLS

A SUBDIVISION  
 LOCATED IN THE NE 1/4 & NW 1/4 OF SEC. 14  
 T15 N06 E01M.  
 GALLATIN COUNTY, MONTANA  
 TRACTS 1-10 OF CERTIFICATE OF SURVEY N04  
 GALLATIN COUNTY RECORDS



11-11

11-11

**APPENDIX I  
TO  
PETITION TO ABANDON ROAD**

RE: Petition to Abandon That Portion of Cimмерon Drive Lying East of Itana Circle in the Wheatland Hills Subdivision, and West of the Little Wolf Road in the Spirit Hills Subdivision, Gallatin County, Montana

The undersigned are land owners, or others authorized to sign on behalf of land owners, described below, each of whom has property that is adjacent to that portion of Cimмерon Drive requested to be abandoned in the Petition. By their signature below, each of these land owners supports the Petition and agrees to the abandonment of Cimмерon Drive, as requested in the Petition.

The land owners agree that the Gallatin County Commission is authorized to treat facsimile signatures on this Appendix in all respects as originals.

**ADJACENT LAND OWNERS**

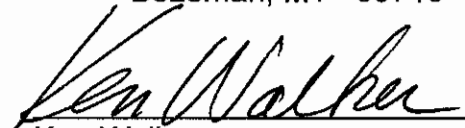
1. Lot 16, Spirit Hills Subdivision, Gallatin County, Montana

Owner: Graham Enterprises, Inc.  
f/k/a Graham Molzahn Construction, Inc.  
10010 Pine Butte Road  
Bozeman, MT 59715

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its \_\_\_\_\_

2. Lot 62, Spirit Hills Subdivision, Gallatin County, Montana

Owner: Spirit Hills, Inc.  
4533 Walker Road  
Bozeman, MT 59715

By:   
Ken Walker  
Its Vice President

**APPENDIX I  
TO  
PETITION TO ABANDON ROAD**

**RE: Petition to Abandon That Portion of Cimмерon Drive Lying East of Itana Circle in the Wheatland Hills Subdivision, and West of the Little Wolf Road in the Spirit Hills Subdivision, Gallatin County, Montana**

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**ADJACENT LAND OWNERS**

1. Lot 16, Spirit Hills Subdivision, Gallatin County, Montana

Owner: Graham Enterprises, Inc.  
f/k/a Graham Molzahn Construction, Inc.  
10010 Pine Butte Road  
Bozeman, MT 59715

By: Guy Graham  
Name: GUY GRAHAM  
Its PRESIDENT


2. Lot 62, Spirit Hills Subdivision, Gallatin County, Montana

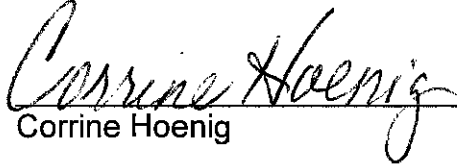
Owner: Spirit Hills, Inc.  
4533 Walker Road  
Bozeman, MT 59715

By: \_\_\_\_\_  
Ken Walker  
Its Vice President

3. Lot 48, Wheatland Hills Subdivision, Gallatin County, Montana

Owners: Charles and Corrine Hoenig  
4756 Itana Circle  
Bozeman, MT 59715

  
Charles Hoenig


  
Corrine Hoenig

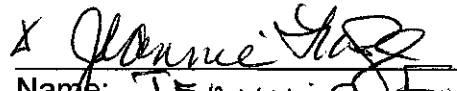
4. Lot 47, Wheatland Hills Subdivision, Gallatin County, Montana

Current Owner (under contract to sell this property with closing scheduled for late February, 2000): Mark O'Boyle  
4862 Itana Circle  
Bozeman, MT 59715

\_\_\_\_\_  
Mark O'Boyle

Future Owners: \_\_\_\_\_  
4862 Itana Circle  
Bozeman, MT 59715

  
Name: \_\_\_\_\_  
Bill Fudge

X   
Name: JEANNIE FUDGE

3. Lot 48, Wheatland Hills Subdivision, Gallatin County, Montana

Owners: Charles and Corrine Hoenig  
4756 Itana Circle  
Bozeman, MT 59715

Charles Hoenig  
Charles Hoenig

Corrine Hoenig  
Corrine Hoenig

4. Lot 47, Wheatland Hills Subdivision, Gallatin County, Montana

Current Owner (under contract to sell this property with closing scheduled for late February, 2000): Mark O'Boyle  
4862 Itana Circle  
Bozeman, MT 59715

Mark O'Boyle  
Mark O'Boyle

Future Owners:

4862 Itana Circle  
Bozeman, MT 59715

Bill Fudge  
Name: BILL FUDGE

Jeanne Fudge  
Name: J. JEANNIE FUDGE

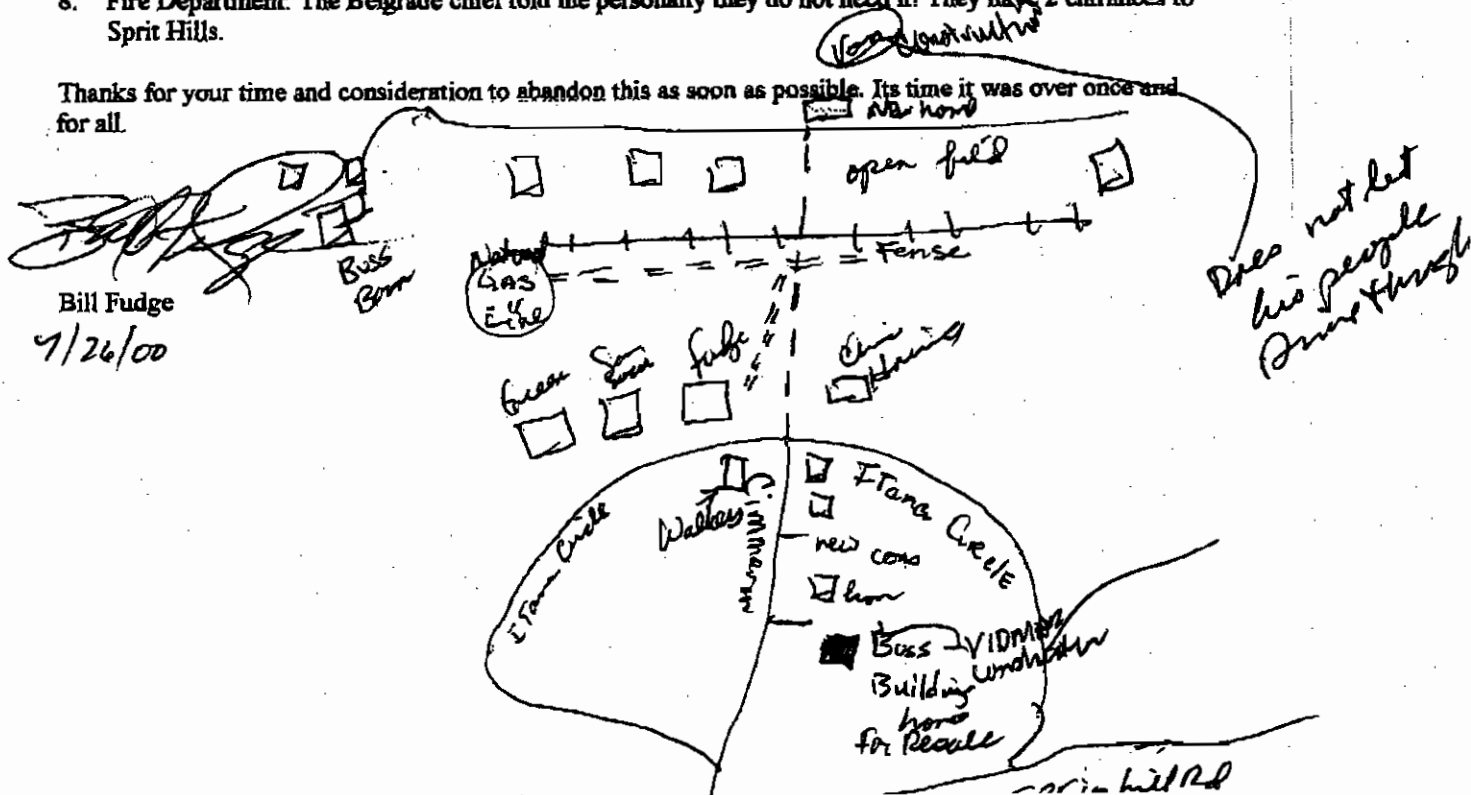
Jennifer Smith Mitchell  
Gallatin County Commissioner  
Bozeman, MT

Mrs. Mitchell and other Commissioners,

I presently live on the corner of Cimmeron and Itana Circle that you are to visit on August 2. I do not believe that this needs to be put in as a road for public access. The road is being misused as we speak and is causing a safety problem in the neighborhood. I hope that you look at the following points and can make the recommendation to abandon the access.

1. Health: My wife has just had open-heart surgery and has asthma. They are causing dust and stress to her. It has only been 10 weeks sense her surgery and I have stressed this especially to Vidmar Construction. Von Construction is asking his people to stop for he sees the danger and the hardships is causing in these two communities.
2. Safety for the community: They are using the road and driving over gas lines that are not supported for heavy equipment. Will draw a diagram for you on the fence line between Sprit Hills and Wheatland.
3. Speed: People are driving through causing dust and other health problems.
4. Is used for a bus stop. People have driven through while kids are standing for the bus and one sped through at a high rate of speed @ 35 to 45 mph.
5. Convenience: People are using it for a 2-minute advantage. They do not obey traffic regulations at all and have actually driven through at speeds of 45 miles an hour. We have a 25mph speed limit. The highway by the Country Club on Springhill Road is 35mph.
6. Lack of Respect: A Construction Company Vidmar has been using this with heavy equipment for use because it is closer to go between 2 jobs. There was very little traffic to speak of until they started using it. One individual a Mr. Buss was the one who owns the land they are building on. Due to the covenants could not build a barn. He later moved to Sprit Hills and he is the one telling the people to use it. Vidmar is building on his property as we speak over here and driving through. And mainly it is an old grievance with Buss for this to be in the books in the first place.
7. The community is required to take care of a road that is being misused by outsiders crossing through.
8. Fire Department: The Belgrade chief told me personally they do not need it! They have 2 entrances to Sprit Hills.

Thanks for your time and consideration to abandon this as soon as possible. Its time it was over once and for all.



Bill Fudge  
7/26/00

7-26-00

To Whom It May Concern:

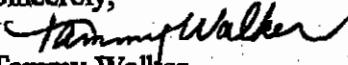
This letter is in regard to a piece of land in Wheatland Hills. It is located on the east side of the road where Cimмерon Dr. and Itana Circle come to a "T". I have a major concern about what is happening with this piece of land.

I live at 5287 Cimмерon Dr., which is on the northwest corner of this spot. I have two children that play outdoors frequently and use the school bus stop daily (this piece of land I am referring to is also used as the school bus stop for our area). Recently there has been a significant increase in the amount of traffic that is driving through this land. This includes all types of traffic from small cars to heavy construction equipment. I feel strongly that it is a **safety concern for my children** and for many other children in our neighborhood.

I am even more concerned that a tremendous increase in traffic could occur if vehicles continue to be allowed to travel from Springhill Road to access Spirit Hills/Summer Ridge. My understanding is that there are approximately one hundred lots still available in the Spirit Hills/Summer Ridge area. There is another road giving access to Spirit Hills/Summer Ridge from Springhill Road that would not take more than a couple minutes extra to travel. It really is a **convenience versus safety issue**.

I appreciate your time and consideration on this matter. Thank you.

Sincerely,

  
Tammy Walker  
582-5439



4:30 PM

RECEIVED  
Date 9-22-00  
Clerk & Recorder  
Gallatin County, Mont.

Dated this 22 day of September, 2000, We THE UNDERSIGNED, hereby petition the Gallatin County Commissioners to schedule a rehearing on the issue of the "Abandonment of Cimmaron Road," between Wheatland Hills Subdivision and Spirit Hills Subdivision for the following reasons:

1. Lots 1 through 62 in Spirit Hills are faced with a health and safety issue due to only having one access in and out of the subdivision, which clearly disregards subdivision regulations. This limits access for fire protection, ambulance, and police. Blocking this access creates an unsafe and burdensome situation for school bus transportation, mail carriers, delivery, and ingress and egress out of the Spirit Hills subdivision in the event of a catastrophic unknown.
2. Failure to notify all parties concerned, resulting in a lack of representation by Spirit Hills residents.

| DATE | NAME                      | ADDRESS             | PHONE    |
|------|---------------------------|---------------------|----------|
| 9/17 | Jeremy Shea               | 2999 Sentinel Dr.   | 585-0516 |
| 9/17 | Michele Shea              | 2999 Sentinel Dr.   | 585-0516 |
| 9/17 | Mary Summers              | 3012 Sentinel DR.   | 585-5861 |
| 9/17 | Rich + Nancy Octford      | 3198 Sentinel Dr.   | 585-8391 |
| 9/17 | MICHAEL & JENNIFER LOOMIS | 3240 SENTINEL DR    | 522 9552 |
| 9/17 | Yvonne Hobbeman           | 118 LITTLE WOLF RD. | 585-7903 |
| 9/18 | Blaine Mijt               | 3253 SENTINEL DR.   | 522-7622 |
| 9/18 | Sue Mayner                | " "                 | " "      |
| 9/18 | Susan S Asbell            | 2724 Sentinel Dr.   | 586-9392 |
| 9/18 | Ly 2 Asbell               | " "                 | " "      |
| 9/18 | Jim Cherry                | 259 Evening Star    | 585-7876 |
| 9-18 | Judith Cherry             | 259 Evening "       | " "      |
| 9-18 | Matatus G. Ely            | 279 Little Wolf Rd  | 587-4992 |
| 9-19 | <del>Blaine Mijt</del>    | 523 Evening Star Ln | 582-8189 |
| 9/19 | Mary D Engel              | 329 Evening Star Ln | 585-9453 |
| 9/20 | Glenn Colclough 2         | 294 EVENING STAR LN | 586-6095 |
| 9/20 | Loshi Colclough 2         | 294 EVENING STAR LN | 586-6095 |

Dated this \_\_\_ day of September, 2000, We THE UNDERSIGNED, hereby petition the Gallatin County Commissioners to schedule a rehearing on the issue of the "Abandonment of Cimmaron Road," between Wheatland Hills Subdivision and Spirit Hills Subdivision for the following reasons:

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2. Failure to notify all parties concerned, resulting in a lack of representation by Spirit Hills residents.

| DATE    | NAME                 | ADDRESS             | PHONE    |
|---------|----------------------|---------------------|----------|
| 9/14/00 | Virginia C. Waldeman | 118 Little Wolf     | 585-7903 |
| 9/14/00 | Sue Olson            | 179 Little Wolf Rd  | 582-0078 |
| 9/14/00 | Jacq Vetter          | 169 Little Wolf Rd  | 586-6471 |
| 9/14    | Bim Fischer          | 290 Little Wolf     | 585-5562 |
| 9/14    | Karen de Magalhães   | 36 Red Cloud Place  | 522-9460 |
| 9/14    | Matthew A Ely        | 279 Little Wolf     | 587-4992 |
| 9-14    | Cassberg S. White    | 95 Little Rd.       | 586-4837 |
| 9-15    | Bob                  | 2965 SENTINEL DR    | 585-1596 |
| 9/15    | Corbin Walker        | 2965 SENTINEL DR.   | 585-1596 |
| 9/16    | Pats Naggy           | 347 Little Wolf     | 522-1102 |
| 9/16    | Pat Naggy            | 347 Little Wolf     | 522-1102 |
| 9-1600  | Pat Naggy            | 353 Little Wolf     | 586-4222 |
| 9/16/00 | Michelle Baker       | 353 Little Wolf Rd. | 586-4222 |
| 9/16/00 | Glen Buss            | 3465 SENTINEL DRIVE | 586-2288 |
| 9/16/00 | Marlene A. Buss      | 3465 Sentinel Dr.   | 586-2288 |
| 9/17/00 | William Muds         | 3435 Sentinel Dr.   | 587-3672 |
| 9/17/00 | Joan Muds            | 3435 Sentinel Dr.   | 587-3672 |

Dated this \_\_\_ day of September, 2000, We THE UNDERSIGNED, hereby petition the Gallatin County Commissioners to schedule a rehearing on the issue of the "Abandonment of Cimmaron Road," between Wheatland Hills Subdivision and Spirit Hills Subdivision for the following reasons:

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2. Failure to notify all parties concerned, resulting in a lack of representation by Spirit Hills residents.

| <u>DATE</u> | <u>NAME</u>      | <u>ADDRESS</u>        | <u>PHONE</u> |
|-------------|------------------|-----------------------|--------------|
| 9/20/2000   | James D. Russell | 330 Evening Star Lane | 586-8280     |
| 9/20/2000   | Wanda M. Russell | " " " "               | " " " "      |
| 9/20/00     | M. Wolf          | 178 Little Wolf       | 582.0078     |

State of Montana

*County of Gallatin*

Bozeman



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

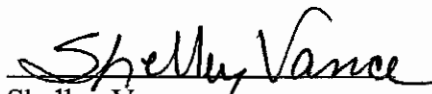
Statement of Purpose: Petition to abandon a portion of Cimmeron Drive in Wheatland Hills Subdivision and Spirit Hills Subdivision.

Legal Description: A parcel of land being a portion of Cimmeron Drive which lies east of Itana Circle in the Wheatland Hills Subdivision and west of Little Wolf Road in the Spirit Hills 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. 1999, 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 24<sup>th</sup> day of April, 2000, 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 Tom Stonecipher PHONE 596-9714

**RECEIVED**  
Date 3-29-00  
Clerk & Recorder  
Gallatin County, Mont.

- 1) Determine if there are sufficient qualified signatures.
- 2) Complete "Report of Qualified Signatures".
- 3) Schedule petition on Commissioner's agenda. DATE: 5/2/00

- 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. 796 ✓

- 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 9-12-00

10) Publish public hearing notice one time. DATE 8-31-00

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)

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



August 2, 2000

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: abandonment of a portion of Cimмерon Drive in Wheatland Hills Subdivision and Spirit Hills Subdivision.

Dear Board,

The undersigned, being appointed as viewing committee, viewed the area described to be abandoned in Road Petition No. 796 on August 2, 2000. We drove on Cimмерon Drive from Little Wolf Road to Itana Circle. The road has not been constructed. A pathway does exist due to vehicles traveling over this portion of road.

The viewing committee located two survey pins on the north and south sides of Cimмерon Drive where Wheatland Hills Subdivision and Spirit Hills Subdivision connect, and two survey pins on the north and south sides of Cimмерon Drive where it intersects with Little Wolf Road in Spirit Hills Subdivision.

Homes have been constructed on Lots 47 and 48 of Wheatland Hills Subdivision and Lot 16 of Spirit Hills Subdivision. A hedge has been planted next to the northerly edge of the 60' easement of Cimмерon Drive on Lot 47 of Wheatland Hills Subdivision. Trees have been planted next to the southerly edge of the 60' easement of Cimмерon Drive on Lot 48 of Wheatland Hills Subdivision. There is no landscaping planted along the easement on Lot 16 of Spirit Hills Subdivision at this time. Lot 62 of Spirit Hills Subdivision is a vacant lot at this time.

The viewing committee would like the Commission to refer to the following sections of the Gallatin County Subdivision Regulations when considering this petition to abandon:

Section 7.A.3. *Relation to Subdivided Areas:* *The subdivider shall arrange the roads to provide for the continuation of roads between adjacent subdivided properties when such continuation is necessary for the convenient movement of traffic, effective provision of emergency service, and efficient provision of utilities*

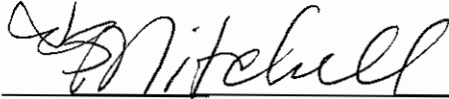
Section 7.A.8. *Second or emergency access:* *To facilitate traffic, the provision of emergency services, and the placement of utility easements, the subdivider shall provide all subdivision with six or more lots with a second means of access. If, in the judgment of the Commission, a second dedicated right-of-way cannot be provided for reasons of topography or other physical conditions, the subdivider shall provide an emergency access, built to the standards in these Regulations. The subdivider may be required to provide a second or emergency access for minor subdivisions if the maximum cul-de-sac length standard is exceeded or if topography or physical conditions so warrant.*

Page 2 (continued)

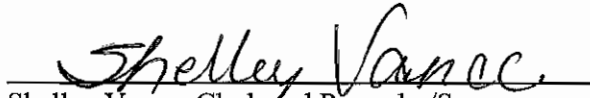
A similar petition to abandon the portion of Cimmaron Drive in Wheatland Hills Subdivision was submitted to the Commission in late 1995. On December 31, 1996, the Commission passed Resolution 1996-71 regarding their decision on the petition. A copy of the Viewing Committee's report and the resolution is attached.

No one would become land-locked nor denied access to public lands if this abandonment were approved.

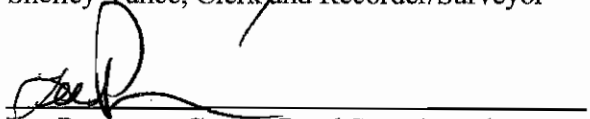
Sincerely,



Jennifer Smith Mitchell, County Commissioner



Shelley Vance, Clerk and Recorder/Surveyor



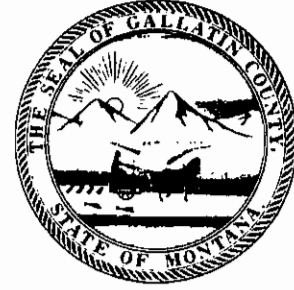
Lee Provance, County Road Superintendent

attachments

State of Montana

# County of Gallatin

Bozeman



## Attachment

December 7, 1995

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: Cimмерon Drive

Dear Board,

On December 6, 1995, the undersigned, being appointed as viewing committee, viewed that portion of Cimмерon Drive as described in Road Petition #776, which is located within Wheatland Hills Subdivision.

During our review, we viewed Sentinel Drive located in Wheatland Hills Subdivision #2 where this road ends onto undeveloped land; Tumbleweed Drive located in Ranch Subdivision which used to end onto undeveloped land and currently connects into Summer Ridge Subdivision; Evening Star Lane located in Summer Ridge Subdivision which currently ends onto undeveloped land; Morningside Way located in Summer Ridge Subdivision which currently ends onto undeveloped land; the southern portion of Itana Circle between Cimмерon Drive and Springhill Road located in Wheatland Hills Subdivision; and all of Cimмерon Drive located in Wheatland Hills Subdivision. The portion of Cimмерon Drive which is petitioned to be abandoned has not been constructed at this time.

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

Once the proposed Spirit Hills Subdivision is developed, traffic will increase in the adjoining subdivisions such as Wheatland Hills Subdivisions #1 and 2, Ranch Subdivision, and Summer Ridge Subdivision. The viewing committee believes that if this abandonment were granted, by eliminating one pattern of circulation, the traffic that would be eliminated from Wheatland Hills Subdivision #1 will increase onto the other subdivisions.



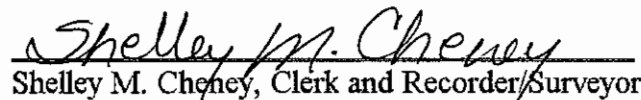
The conditions of approval for Wheatland Hills Subdivisions, The Ranch Subdivisions, Summer Ridge Subdivision, and many others, all required that future access to unsubdivided lands be provided to insure a pattern of circulation for the benefit of the residents of Gallatin County in the event that the unsubdivided lands are ever developed.

The viewing committee believes that the abandonment of the unimproved section of Cimmaron Drive located in Wheatland Hills Subdivision would be a rejection of the reasons for conditions which have been required for subdivision approval. This would be a demerit to all of the adjoining subdivisions except Wheatland Hills Subdivision #1. The viewing committee believes that the only merit, should this abandonment be approved, would be to the owners within Wheatland Hills Subdivision #1.

Sincerely,



Phil Olson, County Commissioner



Shelley M. Cheney, Clerk and Recorder/Surveyor

# Attachment

FILM 170 PAGE 44

## RESOLUTION NO. 1996-71

### DECISION CONCERNING PETITION TO ABANDON

#### A PORTION OF CIMMERON DRIVE

WHEREAS, a Petition to Abandon a Road was filed requesting that the portion of Cimmeron Drive located between lots 47 and 48 of Wheatland Hills Subdivision connecting Wheatland Hills Subdivision to Spirit Hills Subdivision 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 7-14-2601, MCA; and

WHEREAS, the County Commissioners appointed a 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 14, 1995; November 28, 1995; December 19, 1995; September 23, 1996; and October 8, 1996; the County Commissioners conducted public hearings, after notice, on the petition and the results of the investigation.

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 to not abandon the portion of Cimmeron Drive located between lots 47 and 48 of Wheatland Hills Subdivision.
2. The Commission, at a hearing held in conjunction with the Petition to Abandon, changed the conditions of Spirit Hills Subdivision eliminating the paving requirement of that portion of Cimmeron Drive.
3. The Commission requested the County Road Superintendent re-evaluate the road in three to five years.
4. The Commission committed to paying for the construction of that portion of Cimmeron Drive if, after notice to the homeowners in Wheatland Hills I, Wheatland Hills II and Spirit Hills, it is determined that the road requires paving.
5. 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 the owners of land. The owners shall be those listed on the last county assessment roll.
6. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of this resolution to the

supervisor.

DATED this 31st day of December, 1996.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

Jane Jelenski  
Jane Jelenski, Chairman

Phil Olson  
Phil Olson, Member

NOT AVAILABLE FOR SIGNATURE  
Kris Dunn, Member

ATTEST:

Shelley M. Cheney  
SHELLEY CHENEY  
Clerk and Recorder



INDEX  
PLATED

337539

State of Mont., County of Gallatin. ss Filed for record JANUARY 8, 1997  
at 3:05 P M., and recorded in Book 170 of MISCELLANEOUS page 44  
Shelley M. Cheney Recorder. By Carrie Brancam Deputy

FEE: \$0.00  
RT: ROAD PETITION #776

State of Montana

# County of Gallatin

Bozeman



## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on September 12, 2000, at 9:00 A.M., in the Community Room, 3rd Floor of the Gallatin County Courthouse, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a petition to abandon a portion of Cimmeron Drive located in Wheatland Hills Subdivision and Spirit Hills Subdivision. All interested parties are encouraged to attend.

Further information may be obtained from Gallatin County Commissioners Phil Olson, Jennifer Smith Mitchell, or Bill Murdock, at 311 W. Main, Room 301, Bozeman, Montana 59715, telephone 582-3000.

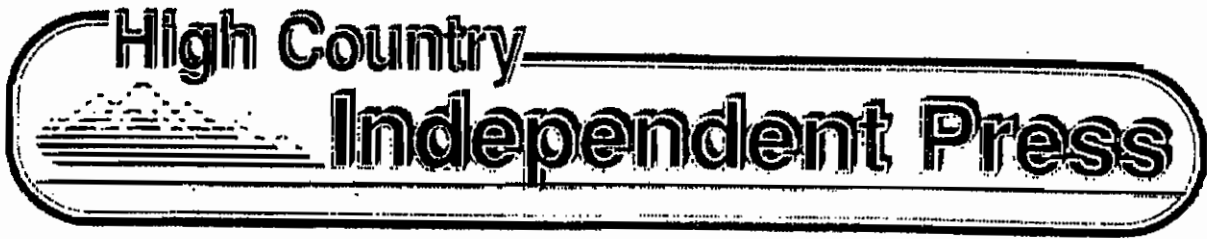
Dated this 23<sup>rd</sup> day of August, 2000.

*Shelley Vance*

Shelley Vance  
Clerk and Recorder  
Gallatin County, Montana

Please bill the Clerk & Recorder.  
Please publish on August 31, 2000.

|                   |              |         |                  |            |   |
|-------------------|--------------|---------|------------------|------------|---|
| Post-it® Fax Note | 7671         | Date    | 8-24-00          | # of pages | 1 |
| To                | Devon Sorlie | From    | Clerk + Recorder |            |   |
| Co./Dept.         |              | Co.     | Mary             |            |   |
| Phone #           |              | Phone # | 582-3053         |            |   |
| Fax #             |              | Fax #   |                  |            |   |



## AFFIDAVIT OF PUBLICATION

Melissa Hinchee, residing at Bozeman, Montana, County of Gallatin, State of Montana, being duly sworn, says she is the Principal Clerk of the High Country Independent Press, a newspaper published weekly at Belgrade, Montana, State of Montana and the annexed notice was published in the said High Country Independent Press each week for 1 week(s), commencing on the 31 day of Aug, 2000.

Melissa Hinchee, Principal Clerk  
Melissa Hinchee

Sworn to before me this 31 day of August 2000

Devon Ann Sorlie, Notary Public, Gallatin County, Montana  
Devon Ann Sorlie

Residing at Gallatin County, State of Montana.

My Commission expires 7-7-2003

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on September 12, 2000, at 9:00 A.M., in the Community Room, 3rd Floor of the Gallatin County Courthouse, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a petition to abandon a portion of Cimmeron Drive located in Wheatland Hills Subdivision and Spirit Hills Subdivision. All interested parties are encouraged to attend.

Further information may be obtained from Gallatin County Commissioners Phil Olson, Jennifer Smith Mitchell, or Bill Murdock, at 311 W. Main, Room 301, Bozeman, Montana 59715, telephone 582-3000.

Dated this 23rd day of August, 2000.

Shelley Vance  
Clerk and Recorder  
Gallatin County, Montana

Published 8/31/2000





RECEIVED  
Date 9-11-00  
Clerk & Recorder  
Gallatin County, Mont.

## *Belgrade Rural Fire District*

205 EAST MAIN • BELGRADE, MONTANA 59714  
(406) 388-4480

September 7, 2000

TO: Wheatland Hills #1

FROM: Brett M. Waters  
Fire Chief/Fire Marshal *Bmw.*

RE: Road Closure of Cimмерon Drive between Itana Circle and Little Wolf.

To Whom It May Concern:

The Belgrade Rural Fire District is not opposed to the closure of the above unimproved road.





**RESOLUTION NO. 2000- 092**

**DECISION CONCERNING PETITION TO ABANDON A PORTION  
OF CIMMARON DRIVE IN WHEATLAND HILLS AND SPIRIT HILLS  
SUBDIVISION**

This Resolution was introduced by Susan Swimley, Chief Deputy County Attorney; moved by Commissioner Murdock and seconded by Commissioner \_\_\_\_\_ . The Resolution was adopted \_\_\_\_\_ . This Resolution died for the lack of a second.

WHEREAS, on May 2, 2000, the Gallatin County Clerk and Recorder presented a Petition to Abandon that portion of Cimmaron Drive located between Itana Circle and Little Wolf Road in Wheatland Hills Subdivision and Spirit Hills Subdivision in Gallatin County, Montana; and

WHEREAS, on May 2, 2000, 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 May 2, 2000, the Gallatin County Commissioners appointed a viewing committee consisting of one county commissioner, the county surveyor and the representative the Gallatin County Road Department to investigate the feasibility and desirability of abandoning the road; and

WHEREAS, on September 12, 2000, the Gallatin County Commissioners conducted a public hearing, after notice, on the petition and the results of the investigation; and

WHEREAS, the Gallatin County Commissioners voted to grant the petition and abandon of that portion Cimmaron Drive located between Itana Circle and Little Wolf Road in Wheatland Hills Subdivision and Spirit Hills Subdivision in Gallatin County, Montana; and

WHEREAS, the homeowners of Wheatland Hills offered to secure and maintain a 10 foot pedestrian path located in the vacated road; and

WHEREAS, the County Commission determined, based upon the fact that the portion of Cimmaron between Little Wolf and Itana was dedicated by the filing of the Wheatland Hills Subdivision plat, filed in the Office of Clerk and Recorder in 1975 and the Spirit Hills Subdivision plat filed in 1997, and the plats granted and dedicated the roads to the public forever; and the basis for the petition is public safety and the road was unbuild and not used.

**NOW, THEREFORE BE IT RESOLVED:**

1. On September 12, 2000, based on the petition, the results of the investigation, and the public testimony, the Gallatin County Commissioners conclude that the decision made herein is in the best interests of the county.

2. The road described as that portion Cimmaron Drive located between Itana Circle and Little Wolf Road in Wheatland Hills Subdivision and Spirit Hills Subdivision in Gallatin County, Montana, as requested in the Petition is abandoned.

3. The property shall be divided equally between Wheatland Hills Lots 47 and 48 and Spirit Hills Lots 62 and 16.

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.

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

DATED this 17<sup>th</sup> day of October, 2000.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

\_\_\_\_\_  
Phil Olson, Chairman

ATTEST:

\_\_\_\_\_  
Shelley Vance  
Clerk and Recorder  
Gallatin County

**RESOLUTION NO. 2000-108**

**DECISION CONCERNING PETITION TO ABANDON A PORTION  
OF CIMMERON DRIVE IN WHEATLAND HILLS AND SPIRIT HILLS  
SUBDIVISION**

This Resolution was introduced by Susan Swimley, Chief Deputy County Attorney; moved by Commissioner Murdock and seconded by Commissioner Olson. The Resolution was adopted 2 to 1. Murdock and Olson voting in favor. Mitchell voting nay.

WHEREAS, on May 2, 2000, the Gallatin County Clerk and Recorder presented a Petition to Abandon that portion of Cimмерon Drive located between Itana Circle and Little Wolf Road in Wheatland Hills Subdivision and Spirit Hills Subdivision in Gallatin County, Montana; and

WHEREAS, on May 2, 2000, 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 May 2, 2000, the Gallatin County Commissioners appointed a viewing committee consisting of one county commissioner, the county surveyor and the representative the Gallatin County Road Department to investigate the feasibility and desirability of abandoning the road; and

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WHEREAS, the Gallatin County Commissioners voted to grant the petition and abandon of that portion Cimмерon Drive located between Itana Circle and Little Wolf Road in Wheatland Hills Subdivision and Spirit Hills Subdivision in Gallatin County, Montana; and

WHEREAS, the homeowners of Wheatland Hills offered to secure and maintain a 10 foot pedestrian path located in the vacated road; and

WHEREAS, the County Commission determined, based upon the fact that the portion of Cimмерon between Little Wolf and Itana was was dedicated by the filing of the Wheatland Hills Subdivision plat, filed in the Office of Clerk and Recorder in 1975 and the Spirit Hills Subdivision plat filed in 1997, and the plats granted and dedicated the roads to the public forever; and the basis for the petition is public safety and the road was unbuild and not used.

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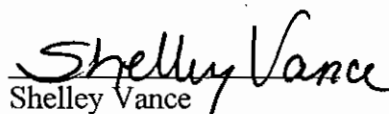
5. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of this resolution to the supervisor.

DATED this 14<sup>th</sup> day of November, 2000.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

  
Phil Olson, Chairman

ATTEST:

  
Shelley Vance  
Clerk and Recorder  
Gallatin County

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



NOT DELIVERABLE  
AS ADDRESSED -  
UNABLE TO FORWARD

BOZEMAN, MT 59715-4574  
PB METER  
7201664  
U.S. POSTAGE  
0553

DATE: 6/24/00 Initial gok  
Route # \_\_\_\_\_

TEMPORARILY AWAY  
 REFUSED  
 NO RECEIPTACLE  
 VACANT

Mark O'Boyle  
4862 Itana Circle  
Bozeman, MT 59715

980Y802 597152033 IN 07 06/20/00  
RETURN TO SENDER

NO FORWARD ORDER ON FILE  
UNABLE TO FORWARD  
RETURN TO SENDER

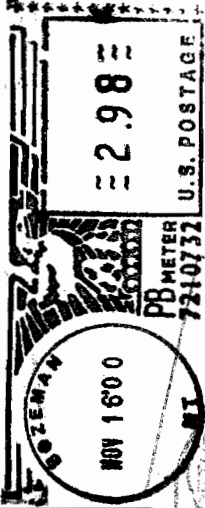
*R-112*

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

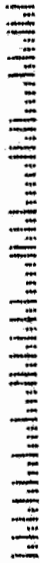
RETURNED TO SENDER  
NOT DELIVERABLE  
AS ADDRESSED -  
UNABLE TO FORWARD

**CERTIFIED**  
P 787 054 886  
**MAIL**

Mark O'Boyle  
4862 Itana Circle  
Bozeman, MT 59715



RETURNED TO SENDER  
 TEMPORARILY AWAY  
 REFUSED  
 NO RECEIPTABLE  
 VACANT  
DATE: 11/22  
Route # \_\_\_\_\_ Initial \_\_\_\_\_



59715-9331 12

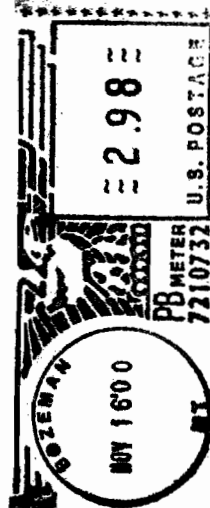
**CERTIFIED**  
P 787 055 242  
**MAIL**

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

RETURNED TO SENDER  
REASON CHECKED  
Unclaimed

NAME \_\_\_\_\_  
1st Notice \_\_\_\_\_  
2nd Notice 11/22  
Reason 121

Spirit Hills, Inc.  
& Ken Walker  
4533 Walker Road  
Bozeman, MT 59715



RETURNED TO SENDER  
REASON CHECKED  
Unclaimed



Put return address on front of envelope

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

**3. Article Addressed to:**

Mark O'Boyle  
4862 Itana Circle  
Bozeman, MT 59715

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

*Shelley Vance*  
X

PS Form 3811, December 1994

102595-97-B-0179

**Domestic Return Receipt**

Thank you for using Return Receipt Service.

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

- Addressee's Address
  - Restricted Delivery
- Consult postmaster for fee.

**4a. Article Number**

P 787 054 886

**4b. Service Type**

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

**7. Date of Delivery**

11/21/00

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

Put return address on front of envelope

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

**3. Article Addressed to:**

Spirit Hills, Inc.  
% Ken Walker  
4533 Walker Road  
Bozeman, MT 59715

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

X

PS Form 3811, December 1994

102595-97-B-0179

**Domestic Return Receipt**

Thank you for using Return Receipt Service.

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

- Addressee's Address
  - Restricted Delivery
- Consult postmaster for fee.

**4a. Article Number**

P 787 055 242

**4b. Service Type**

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

**7. Date of Delivery**

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

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**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):

1.  Addressee's Address

2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Graham Enterprises, Inc.  
 F/K/A Graham Molzahn Const.  
 10010 Pine Butte Road  
 Bozeman, MT 59715

4a. Article Number

P 787 055 241

4b. Service Type

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

7. Date of Delivery

NOV 23 2000

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

5. Received By: (Print Name)

W. H. Fairhurst

X *[Signature]*

PS Form 3811, December 1994

102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

**SENDER:**

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- Complete items 3, 4a, and 4b.
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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.

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

1.  Addressee's Address

2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Public Land Access Assoc.  
 & Bill Fairhurst  
 105 3rd Avenue East  
 Three Forks, MT 59752

4a. Article Number

P 787 055 240

4b. Service Type

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

7. Date of Delivery

11-17-00

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

5. Received By: (Print Name)

W. H. Fairhurst

X *[Signature]*

PS Form 3811, December 1994

102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

**SENDER:**

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- 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):

1.  Addressee's Address

2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Charles & Corrine Hoenig  
 4756 Itana Circle  
 Bozeman, MT 59715

4a. Article Number

P 787 054 885

4b. Service Type

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

7. Date of Delivery

NOV 23 2000

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

5. Received By: (Print Name)

X *[Signature]*

PS Form 3811, December 1994

102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

**SENDER:**

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- Complete items 3, 4a, and 4b.
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- 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):

1.  Addressee's Address

2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

U.S. Post Master  
 5711 Baxter Lane  
 Bozeman, MT 59718

4a. Article Number

P 787 054 888

4b. Service Type

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

7. Date of Delivery

11/18/00

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

5. Received By: (Print Name)

W. H. Fairhurst

X *[Signature]*

PS Form 3811, December 1994

102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.