

#797

Road Petition

Cimmeron Road

re-establishment.

No action taken

RECEIVED
Date 10-10-00
Clerk & Recorder
Gallatin County, Mont.

Reestablish
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~~ ^{Reestablish} a county road located in Gallatin County, Montana and ~~represent~~ as follows:

1. The road to be ~~abandoned~~ ^{Reestablish} is particularly described as follows: a portion of Cimмерon Drive in Wheatland Hills Subdivision & Spirit Hills Subdivision 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:

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
1. <u>Mr & Mrs Kirk</u> <u>329 Little Wolf Rd</u> <u>Bozeman, MT 59715</u>	<u>Same</u> <u>Lot 16 Little Wolf Rd</u>

PROPERTY DESCRIPTION

2. <u>Ken Walker</u> <u>2203 Lea Avenue</u> <u>Bozeman 59715</u>	<u>Lot 62 Spirit Hills</u>
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PROPERTY DESCRIPTION

3. <u>Bill Fudge</u>	<u>4862 Itana Circle</u> <u>Bozeman, MT 59715</u>
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Lot 47 Wheatland Hills Subdivision, Gallatin C.

PROPERTY DESCRIPTION

LANDOWNER(S)

MAILING ADDRESS

4. Charles & Corrine HOENIG

4756 Itana Circle
BOZEMAN, MT 59718

LOT 48, WHEELAND HILLS SUBDIVISION

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~~^{Reestablishment}. (If any of the adjacent landowners do not consent identify them in this paragraph)

MR & MRS KIRK 329 Little Wolf Road
CHARLES & CORINE HOENIG 4784 ~~500~~ Itana Circle
Bill & JEANNE FUDGE 4862 Itana Circle

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: _____

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:

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
<u>Tom STONER PHER</u>	<u>4725 Itana Circle B2 5975</u>
<u>JAMES & Carol SUTTON</u>	<u>5028 JUSTIN LANE " "</u>
<u>Alma WEIGHTMAN</u>	<u>5015 JUSTIN LANE " "</u>
<u>Robert T DUBOSE</u>	<u>5020 JUSTIN LANE " "</u>
<u>Michele Dubose</u>	<u>5020 JUSTIN LANE " "</u>
<u>LINDA / JOHN Sherwood</u>	<u>5029 JUSTIN LANE " "</u>
<u>Betty Oyer</u>	<u>5002 JUSTIN LANE " "</u>
<u>Robert & Kathryn Oyer</u>	<u>5014 JUSTIN LANE " "</u>
<u>Stephan & Helen Ollstad</u>	<u>5040 JUSTIN LANE " "</u>
<u>Susan & Gilbert Moore</u>	<u>5138 Cimmeron Drive " "</u>

(Use additional pages if required) - see additional pages

8. The necessity for and advantage of the ~~abandonment~~^{Reestablishment} of the road are as follows:

lots 1 through 62 in Spirit Hills
Are faced with a Health & Safety issue due to only
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 Spirit Hills subdivision in the
event of a catastrophic unknown

Currently there are 27 homes in Spirit Hills. Eventually there will be 94 with only one access plus the residents of Summer Ridge using one one road

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

George & Corinne Kerber	-5280 Cimneron Rd	B2
R. Ross & Ellen King Rogers	4738 Itana Circle	5975
Stanley Rosenberg	4720 Itana Circle	"
Jeffrey S. Poulsen	4732 Itana Circle	"
JAN Paulsen	4732 Itana Circle	"
Gail & John Richardson	5263 Cimneron Drive	
Lorrie & Michael Hansen	5268 Cimneron Drive	
Cworea & Boyd Carson	5269 Cimneron Drive	
Dorothy & Norman Bishop	4898 Itana Circle	
Roper & KASALIN GREEN	4874 Itana Circle	
William & Virginia SAN SOUCE	4868 Itana Circle	
Bryan & Darcee Caperville	5117 Cimneron Drive	
Diana & Lawrence STERNE	5105 Cimneron Drive	
John BRANDON	5123 Cimneron Drive	
DIANE & Tom GARBER	5131 Cimneron Drive	
Larry & Gerry HAWKINS	4937 Itana Circle	
Ronald & Cel JOHNSON	4926 Itana Circle	
Morris M. HATHAWAY	4925 Itana Circle	
MARY & MA MAFIELD	5357 Thatcher Drive	
Larry Carucci	5357 Thatcher Drive	
Gillian & JUANITA Clark	4919 Itana Circle	
MARK & KRISTIE JACOBY	4902 Hooda Circle	

Shawna Lockhart
RITA & Paul Lockridge

4753 Itana Circle
4713 Itana Circle

MARY CHRISTIANSON
KATHRYN & James Paul

4708 Itana Circle
4750 Itana Circle

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. Glenn A Buss Signature 3465 SENTINEL DRIVE Address
GLENN A. BUSS Printed Name BOZEMAN, MT, 59715 City, State & Zip
OCT. 5, 00 Date
Lot 1 Spirit Hills. — Description of Property

✓ 2. Marlene H. Buss Signature 3465 Sentinel Dr. Address
MARLENE H. BUSS Printed Name Bozeman, MT. 59715 City, State & Zip
10/5/00 Date
Lot 1 Spirit Hills. Description of Property

✓ 3. A. Sue Olson Signature 178 Little Wolf Road Address
A. SUE OLSON Printed Name Bozeman, MT 59715 City, State & Zip
Oct 5, 2000 Date
Lot 22, Spirit Hills Description of Property

✓ 4. Virginia C. Holdeman Signature 118 Little Wolf Rd Address
VIRGINIA A. HOLDEMAN Printed Name BOZEMAN MT 59715 City, State & Zip
10-5-00 Date
Lot 24 Spirit Hills Subdivision Description of Property

✓ 5. Joan M. Muhs Signature 3435 Sentinel Address
Joan Muhs Printed Name Bozeman MT 59715 City, State & Zip
10-5-00 Date
Lot 2, Spirit Hills Description of Property

✓ 6. William F. Muhs Signature 3435 Sentinel Dr. Address
William F. Muhs Printed Name Bozeman, MT 59715 City, State & Zip
10/5/00 Date
Lot # 2 Spirit Hills Subdivision Description of Property

✓ 7. Greg Holdeman Signature 118 LITTLE WOLF ROAD Address
GREG HOLDEMAN Printed Name BOZEMAN, MT 59715 City, State & Zip
10-7-00 Date
Lot 24 Spirit Hills Subdivision Description of Property

✓ 8. Shawn Vetter Signature 169 Little Wolf Rd Address
Shawn Vetter Printed Name Bozeman MT 59715 City, State & Zip
10-7-00 Date
54 (lot)

✓ 9. Tracy Vetter Signature 169 Little Wolf Rd Address
Tracy Vetter Printed Name Bozeman MT 59715 City, State & Zip
10/7/00 Date
lot 54

10. Natalie J. Ely Signature 279 Little Wolf Rd Address
Natalie J. Ely Printed Name Bozeman, MT 59715 City, State & Zip
10-7-00 Date
Lot 61, Spirit Hills

Description of Property

The undersigned state that they are owners of lots on the street or alley in the unincorporated town or townsite. **Note: ALL OWNERS OF THE LOTS ON THE STREET OR ALLEY ARE REQUIRED TO SIGN THIS PETITION. IF THE STREET OR ALLEY IS TO BE CLOSED FOR SCHOOL PURPOSES, 75% OF THE LOT OWNERS ON THE WHOLE STREET OR ALLEY ARE REQUIRED TO SIGN THIS PETITION.**

✓ 11. Matthew A. Ely Signature 279 Little Wolf Road Address
Matthew A. Ely Printed Name Bozeman MT 59715 City, State & Zip
10.7.2000 Date

LOT 61 SPIRIT HILLS SUBDIVISION

Description of Property

✓ 12. Carolyn S. White Signature 95 Little Wolf Address
Carolyn S. White Printed Name Bozeman, MT 59715 City, State & Zip
10/7/00 Date

Lot 40 Spirit Hills Subdivision

Description of Property

✓ 13. Marian D. Summers Signature 3012 SENTINEL DR. Address
MARIAN D. SUMMERS Printed Name BOZEMAN MT 59715 City, State & Zip
Oct 07, 2000 Date

LOT 45 SPIRIT HILLS SUBDIVISION

Description of Property

✓ 14. [Signature] Signature 3012 SENTINEL Address
STEVE SUMMERS Printed Name BOZEMAN, MT 59715 City, State & Zip
10/7/00 Date
Lot 48 Spirit Hills Subdivision
Description of Property

✓ 15. [Signature] Signature 3198 Sentinel Dr. Address
Nancy J. Ockford Printed Name Bozeman, MT. 59715 City, State & Zip
10/7/00 Date
Lot 42 SPIRIT HILLS SUBDIVISION
Description of Property

✓ 16. [Signature] Signature 3198 Sentinel Dr. Address
Richard M. Ockford Printed Name Bozeman MT 59715 City, State & Zip
10/7/00 Date
Lot 42 Spirit Hills Subdivision
Description of Property

✓ 17. [Signature] Signature 3240 Sentinel Dr Address
JENNIFER LOOMIS Printed Name Boz MT 59715 City, State & Zip
10-17-2000 Date
Lot 41. Spirit Hills
Description of Property

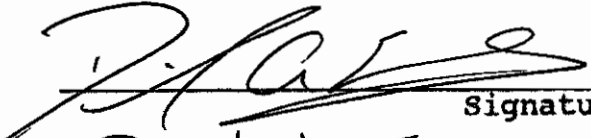
The undersigned state that they are owners of real property in the Gallatin County road district which is taxable for the county general road tax. If more than 10 freeholders sign, use additional pages.

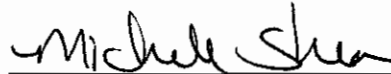
✓ 18 Michael F. Loomis Signature 376 SENTINEL DR Address
MICHAEL F. LOOMIS Printed Name BOZ, MT 59715 City, State & Zip
10/7/00 Date
Lot 4, Spirit Hills Description of Property

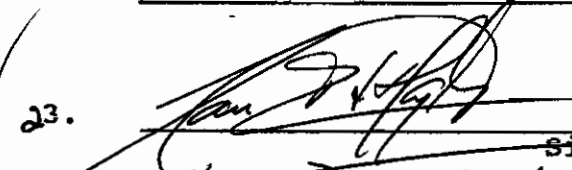
✓ 19. Wahvita M. Russell Signature 330 Evening Star Ln Address
WAHVITA M. RUSSELL Printed Name BOZEMAN, MT. City, State & Zip
10-7-00 Date
Lot 88, Spirit Hills Description of Property

✓ 20 James O Russell Signature 330 Evening Star Ln Address
JAMES O RUSSELL Printed Name BOZEMAN, MT. City, State & Zip
10-7-00 Date
Lot 88 Spirit 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.

✓ 21.  Signature
Daniel A Evans Printed Name
323 Evening Star LN Address
Bozeman, MT 59915 City, State & Zip
10-7-00 Date
Lot 68 Spirit Hills Description of Property

22.  Signature
michele shea Printed Name
2999 Sentinel Dr. Address
Bozeman, MT 59715 City, State & Zip
10/7/00 Date
lot 39 Spirit Hills Description of Property

✓ 23.  Signature
Karen Diaz de MAGALHAES Printed Name
36 RED CLOUD PLACE Address
BOZEMAN, MT 59718 City, State & Zip
10/7/00 Date
Lot 57 Spirit 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.

✓ 24 Michael R. Olson Signature 178 Little Wolf Rd. Address
Michael R. Olson Printed Name Bozeman MT City, State & Zip
10/7/00 Date

Lot 22 Spirit Hills

Description of Property

✓ 25 Glenn Colclough Signature 294 Evening Star Ln Address
Glenn Colclough Printed Name Bozeman, MT 59715 City, State & Zip
10/7/00 Date

Lot 84 Spirit Hills

Description of Property

✓ 26 Yoshi Colclough Signature 294 Evening Star Ln. Address
Yoshi Colclough Printed Name Bozeman MT 59715 City, State & Zip
10/7/00 Date

Lot 84 Spirit 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.

✓ 27. Kathleen A. Koerber 2965 SENTINEL
Signature Address
KATHLEEN A. KOEBER BOZEMAN, MT. 59715
Printed Name City, State & Zip
10/7/00
Date
Lot 40 Spirit Hills
Description of Property

✓ 28. Jeff Koerber 2965 SENTINEL
Signature Address
Jeff Koerber BOZEMAN, MT. 59715
Printed Name City, State & Zip
10/7/00
Date
Lot 40 Spirit Hills
Description of Property

29. _____
Signature Address

Printed Name City, State & Zip

Date

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

SCALE: 1" = 200'

APRIL 1997
BOZEMAN, MONTANA

NOTES

1. 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 TOP-SIDE REPLACEMENT HAVE BEEN COMPLETED.

F.C.P. = FENCE CORNER POST
(R) = RADIUS

BASIS OF BEARING

WEST LINE OF SECTION 13 AS SHOWN ON WHEATLAND HILLS SUBDIVISION - BEARING IS N 08°10'43" W

AREA

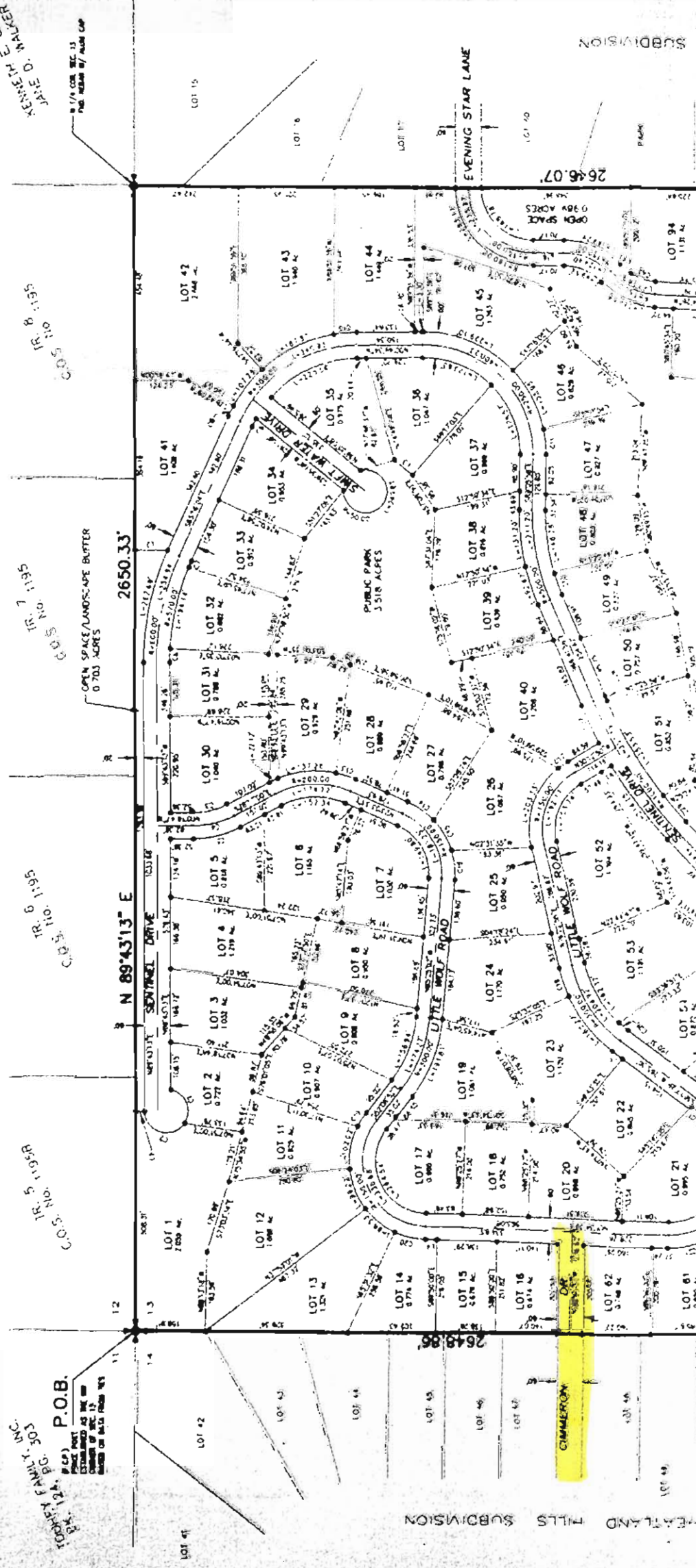
TOTAL AREA: 163.311 ACRES
PUBLIC PARK AREA: 27.545 ACRES
OPEN SPACE AREA: 8.287 ACRES
ROAD AREA: 21.025 ACRES
LOT AREA: 105.454 IN 98 LOTS

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



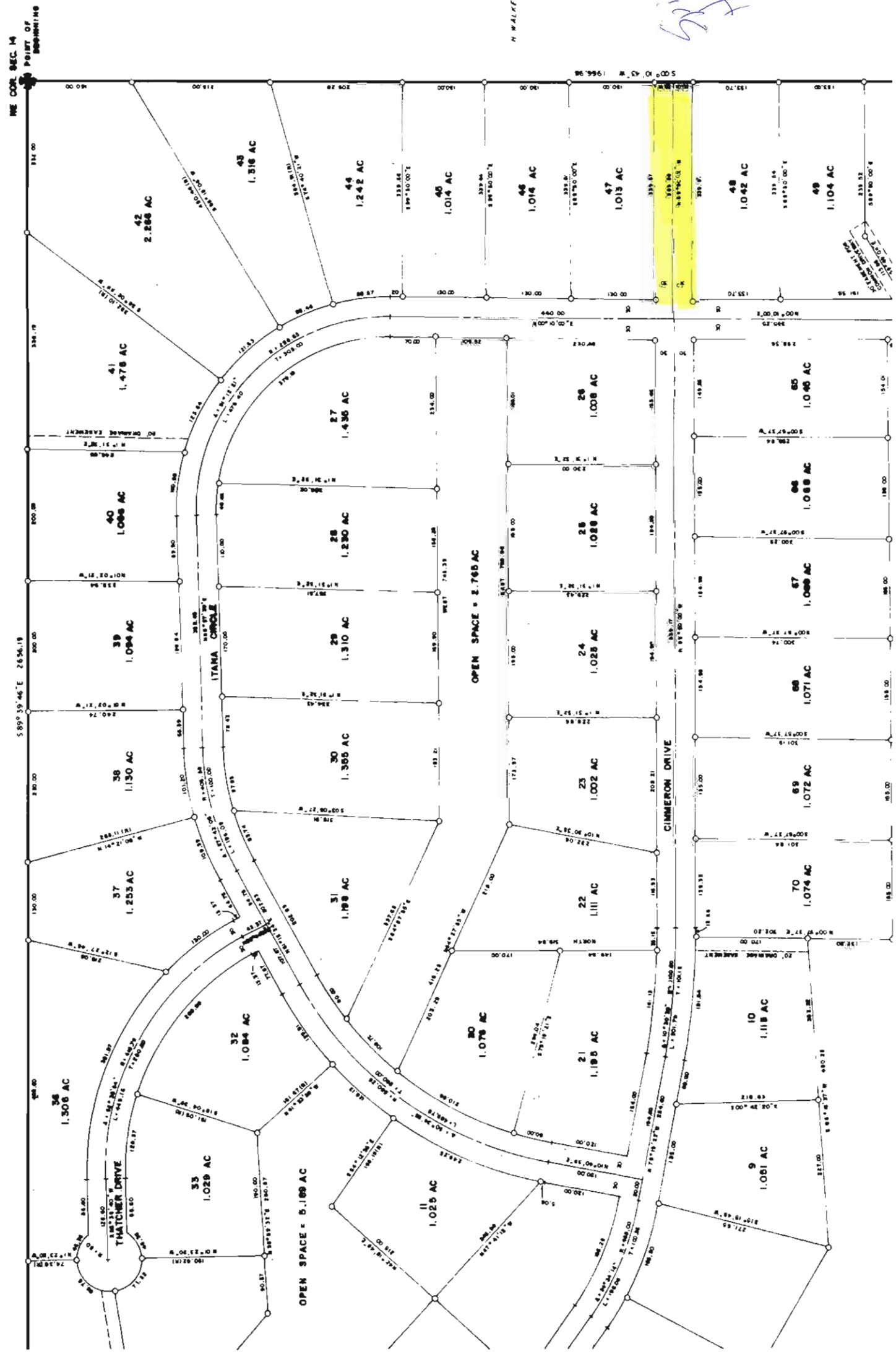
11-P

2-11

WHEATLANDS HILLS

A SUBDIVISION
 LOCATED IN THE NE 1/4 & NW 1/4 OF SEC. 14
 T18 R5E M2M.
 GALLATIN COUNTY, MONTANA
 TRACTS 1-10 OF CERTIFICATE OF SURVEY 184
 GALLATIN COUNTY RECORDS

TOONEY FAMILY INC.



Handwritten: 11/15/11

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 Sue Olson PHONE 582-0078

- 1) Determine if there are sufficient qualified signatures.
- 2) Complete "Report of Qualified Signatures".
- 3) Schedule petition on Commissioner's agenda. DATE: 10-31-00
- 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. 797
- 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 _____
- 10) Publish public hearing notice one time. DATE _____
- 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



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

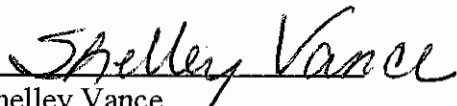
Statement of Purpose: Petition to reestablish a portion of Cimneron Drive in Wheatland Hills Subdivision and Spirit Hills Subdivision.

Legal Description: A parcel of land formerly being a portion of Cimneron Drive which lies east of Itana Circle in the Wheatland Hills Subdivision and west of Little Wolf Road in the Spirit Hills Subdivision as shown on those respective plats.

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 13th day of October, 2000, A.D.



Shelley Vance
Clerk and Recorder
Gallatin County, Montana



GALLATIN COUNTY

311 West Main, Rm. 301 • Bozeman, MT 59715

County Commission

William A. Murdock
Phil Olson
Jennifer Smith Mitchell

Phone (406) 582-3000
FAX (406) 582-3003

M E M O R A N D U M

DATE: December 13, 2000
TO: Shelley Vance, Clerk and Recorder
CC: Lee Provance, Road and Bridge Superintendent
FROM: Gallatin County Commission *PO Wm Olson*
RE: Cimmeron Drive

Attached please find a request by homeowners in the Spirit Hills subdivision to delay the petition to re-establish a portion of Cimmeron Drive until the third week in January 2001.

Upon review and consideration, Commissioners Olson and Mitchell voted to approve this request at their office meeting on December 11. Hence, this item has been placed on the public meeting agenda for January 23, 2001. It is our understanding that the Clerk and Recorder's office will send notification of this rehearing to all petitioners, adjoining landowners, etc.

Please call us if you have any questions.

December 6, 2000

Gallatin County Commissioners
311 West Main
Bozeman, MT 59715

Dear Commissioners:

The following are homeowners in the Spirit Hills subdivision who are requesting that the petition to reestablish a portion of Cimmaron Drive be delayed until the third week of January because of holiday plans or the holiday work schedule makes it impossible for them to attend in December.

1. *William Mabe*
Lot # *2*

2. *Joan M. Mabe*
Lot # *2*

3. *Steve A. Buss*
Marilyn H. Buss
Lot # *1*

4. *Terrence & Lana O'Donoghue*
Lot # *6*

5. *Jay O'Neil*
Lot #

6. *[Signature]*
Lot #

7. *Virginia C. Holdeman*
Lot # *24*

8. *[Signature]*
Lot # *24*

9. *[Signature]*
Lot #

10. *22*
Lot #

State of Montana

County of Gallatin

Bozeman



December 15, 2000

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

RE: re-establishment of a portion of Cimmeron Drive in Wheatland Hills Subdivision and Spirit Hills Subdivision.

Dear Board,

The undersigned, being appointed as viewing committee, viewed the area described to be re-established in Road Petition No. 797 on November 29, 2000. Gallatin County Road Superintendent Lee Provance accompanied the viewing committee as a consultant.

Homes have been constructed on Lots 47 and 48 of Wheatland Hills Subdivision and Lot 16 of Spirit Hills Subdivision. Trees have been planted next to the southerly edge of the 60' easement of Cimmeron Drive on Lot 48 of Wheatland Hills Subdivision. A hedge has been planted next to the northerly edge of the 60' easement of Cimmeron Drive on Lot 47 of Wheatland Hills Subdivision.

Since our last viewing of August 2, 2000, the ground is covered with snow, and a pathway exists due to people walking between the two subdivisions. A fence has been constructed on Lot 47, which starts at the southwest corner of the house, extends to the northern edge of the old 60' easement, then runs easterly along the old 60' easement and surrounds the backyard of Lot 47. A 3' evergreen tree and a bird house have been planted along the southern edge of the old 60' easement on Lot 16 of Spirit Hills Subdivision. Lot 62 of Spirit Hills Subdivision is still a vacant lot. Two signs, approximately 12"x 18", have been erected within the old 60' easement and are located next to Itana Circle in Wheatland Hills Subdivision and Little Wolf Road in Spirit Hills Subdivision. We drove on Little Wolf Road and Sentinel Drive through Spirit Hills Subdivision and observed several new homes under construction.

Spirit Hills Subdivision has 97 platted lots. Directly to the east of Spirit Hills Subdivision is Summer Ridge Subdivision which has 104 platted lots. Directly to the west of Spirit Hills Subdivision is Wheatland Hills Subdivision I which has 84 platted lots and Wheatland Hills Subdivision II which has 27 platted lots.

According to Gallatin County Subdivision Regulation Section 7.A.3. *"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."* In addition, Subdivision Regulation Section 7.A.8. states: *"Second or emergency access: To facilitate traffic, the provision of emergency services, and the placement of utility easements, the subdivider shall provide all subdivisions 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."*

According to the petition submitted, the necessity for and advantage of the re-establishment of Cimmeron Drive is as follows: "Lots 1 through 62 in Spirit Hills are faced with a health and safety issue due to only 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 Spirit Hills Subdivision in the event of a catastrophic unknown. Currently, there are 27 homes in Spirit Hills. Eventually, there will be 94 with only one access, plus the residents of Summer Ridge using one road."

According to 7-14-2603 M.C.A., the Board of County Commissioners shall cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the petition. The investigation shall be sufficient to properly determine the merits or demerits of the petition.

Today, it is feasible and desirable to re-establish this portion of Cimmeron Drive. The viewing committee believes that it is necessary for Cimmeron Drive to be re-established so that the residents have access to their property as well as Emergency Services having access to them in the event that Sentinel Drive is impassable for any reason (accidents, weather conditions, road maintenance, etc.).

The viewing committee believes that if the road is not re-established, that the County is compromising the integrity of the subdivision regulations which are to protect and ensure the public health, safety, and welfare of it's residents. In addition, the County would be jeopardizing the enforcement of Sections 7.A.3. and 7.A.8. for these subdivisions, and future subdivisions.

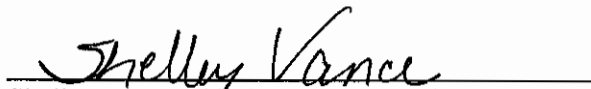
By not establishing Cimmeron Drive, a precedent will be set that creates increased risk and potential liability against the County.

The "cost of granting the prayer of the petition" far out-weigh the potential cost of liability against the County as it relates to public health, safety, and welfare issues, and future enforcement of any county regulations.

Respectfully submitted,



Jennifer Smith Mitchell, County Commissioner



Shelley Vance, Clerk and Recorder/Surveyor

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 January 23, 2001, 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 re-establish 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 Jennifer Smith Mitchell, Bill Murdock, or John Vincent at 311 W. Main, Room 301, Bozeman, Montana 59715, telephone 582-3000.

Dated this 2nd day of January, 2001.

Shelley Vance
Shelley Vance
Clerk and Recorder
Gallatin County, Montana

State of Montana

County of Gallatin

Bozeman



AFFIDAVIT OF MAILING

STATE OF MONTANA)
)ss
COUNTY OF GALLATIN)

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

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

I hereby certify that copies of the notice of public hearing and viewing committee report to re-establish a portion of Cimmon Drive as petitioned in Road Petition #797 were mailed to all signers of the petition; landowners named on the petition; individuals named in the petition who could be affected; the postmaster of the area; and the Public Lands Access Association on January 10, 2001.

Shelley Vance

Shelley Vance
Clerk and Recorder
Gallatin County, Montana

Minutes of 1/23/01 —

JANUARY 19, 2001

- The Commissioners attended a special meeting for the purpose of considering signing a DUI Task Force Grant Proposal. In attendance were Commissioners Mitchell and Murdock, Jeff Linkenbach of MSU and the DUI Task Force, and Commission Secretary Glenda Noyes. The traffic safety grant proposal would allow the DUI Task Force to participate in social norms focus groups and provide information and education to the public regarding DUI matters. Commissioner Murdock made a motion to sign the grant application as presented, finding that Fiscal Officer Ed Blackman and Deputy County Attorney Chris Gray have recommended approval. Commissioner Mitchell seconded the motion, noting that the grant requires no County match. All voted aye. Motion carried unanimously 2-0.

The following items were on the consent agenda:

1. Approval of claims presented by Auditor dated January 12, 2001 through January 18, 2001, for P.O. #72693 for \$20,316.80 and P.O. #61045 for \$775.00 totaling \$21,091.80.
2. Consideration of Contract(s): Agreement with Touch America for 3rd Floor Eastside Cabling, Phase II Construction; Amendment to Contract #2001-075 with Bailey Paving, Change Order #1; Amendment to Contract #2000-072 with Teton Communications; Amendment to Contract #1998-029 with Qwest (formerly US West); and Snowplowing Services Agreement with Figgins Sand & Gravel for RIDs 308, 309, 315, 317, 321, 326, 332, 341, and 343.
3. Request for Final Plat Approval for Genesis Business Park Major Subdivision. Preliminary plat approval was granted December 14, 1999. A staff report submitted by Gallatin County Planner Jennifer Madgic states that the conditions for final plat approval have been met.
4. Request for Boundary Relocation Exemption for William and Linda Young located in, SE ¼ Section 14, T2S, R4E. Gallatin County Planner Jennifer Koozer reported the exemption appears to meet the criteria allowed under Montana Subdivision and Platting Act.
5. Request for Boundary Relocation Exemption for Chris and Karen Lunt and Mark Tedsen located in, SE ¼ Section 34, T6S, R3E. Gallatin County Planner Jennifer Koozer reported the exemption appears to meet the criteria allowed under Montana Subdivision and Platting Act.

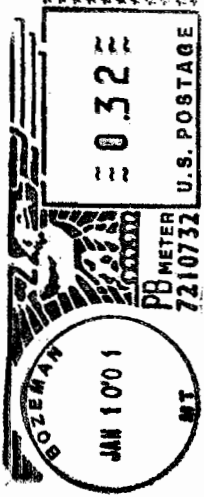
Commissioner Murdock read the consent agenda. There was no public comment. Commissioner Vincent moved to approve the consent agenda as read. Seconded by Commissioner Murdock. None voting nay. Motion carried.

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Commissioner Mitchell announced that the public hearing on Cimmeron Drive was removed from the regular agenda at the advice of the County Attorney.

Susan Swimley reported on the consideration of a resolution of intent to create the Painted Hills Subdivision RID No. 376. Ms. Swimley stated the Commission would need to consider whether it was in the public's best interest or a benefit to create the RID, and decide if they would allow the RID bond sale to be backed by the revolving fund. Greg Stratton, Morrison-Maierle, representing the Painted Hills Homeowners, prepared the petition to create the RID, and addressed the criteria for backing the bonds with the revolving fund. The proposed public hearing will be held February 13, 2001. There was no public comment. Commissioner Murdock moved to pledge the use of the revolving fund to secure this rural improvement district, with the finding that it is in the public interest and it best serves the interest of both the county and district. He added that the testimony presented: the estimated market value of the property is increased by more than the special assessment; shows diversity in the ownership that would not put the revolving fund at risk; only 35 lots of the 103 lots are unimproved; no special assessments are due; no mortgage backed bonds; the tax delinquencies in the district are not significant; there is adequate proof on the improved tax rolls of the increase in property value that would occur with the improvement; and the public would receive the benefit of the improved road surface with this project as shown in Exhibits "A", "B" and "C" attached to the RID. Seconded by Commissioner Vincent. None voting nay. Motion carried. Commissioner Murdock stated he would find the rural improvement district serves the public's interest in convenience and moved to adopt the Resolution of Intention RID-01-376A, to create RID No. 376 located in the Painted Hills Subdivision in Gallatin

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

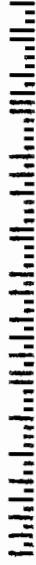
**TEMP-RETURN
SERVICE REQUESTED**



Gillian & Juanita Clark
4919 Itana Circle
Bozeman, MT 59715

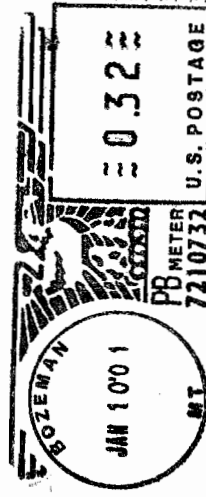
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SHELLEY VANCE
CLERK & RECORDER, GALLATIN COUNTY
311 WEST MAIN, ROOM 204
BOZEMAN, MT 59715-4574

**TEMP-RETURN
SERVICE REQUESTED**



Alma Weightman
5015 Justin Lane
Bozeman, MT 59715

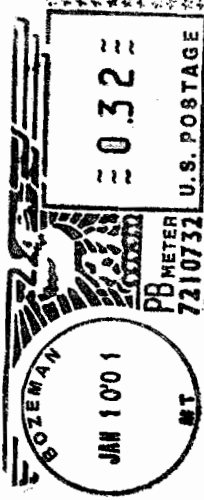
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SHELLEY VANCE
CLERK & RECORDER, GALLATIN COUNTY
311 WEST MAIN, ROOM 204
BOZEMAN, MT 59715-4574

TEMP-RETURN
SERVICE REQUEST

PRESON
FIRST CL



John Brandon
5123 Cimmeron Drive
Bozeman, MT 59715

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BRANDON
27 VELVA DR
KALISPELL MT 59901-6327
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