

**ROAD PETITION #819**

**ABANDON AN UNCONSTRUCTED ROAD  
DEDICATED ON COS 500**

(1.823 ACRES OF DEDICATED ROADWAY LOCATED  
BETWEEN TRACTS A AND B OF COS #500 IN THE  
S $\frac{1}{2}$  S $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  OF SECTION 35  
T1S R5E)

**GRANTED SEPT. 19, 2006**

**GASTON ENGINEERING  
& SURVEYING, P.C.**

May 19, 2006  
WO# 05-553

Shelly Vance  
Clerk and Recorder's Office  
311 West Main, Room 203,  
Bozeman, MT 59715

RECEIVED  
Date 5-22-06  
Clerk & Recorder  
Gallatin County, Mont.

**RE: Proposed Abandonment of Dedicated County Roadway  
1.823 acres of dedicated roadway located between Tracts A and B  
S ½ S ½ NE ¼ SW ¼ of Sec 35 T1S R5E COS 500**

Dear Shelly,

Please find enclosed a petition to abandon a County roadway. All adjacent property owners have been notified and have no objections to the abandonment. Currently, no road exists on the easement. All surrounding property has alternative access.

Also attached is a site map of the proposed road abandonment. Please call if you have any questions or comments, 586-0588. Thank you!

Sincerely,



Emily Peters  
Gaston Engineering and Surveying, PC

## Petition to Abandon County Road

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: The dedicated 1.823 acres of dedicated roadway located between Tracts A and B in the S ½ S ½ NE ¼ SW ¼ of section 35 Township 1S, Range 5E, COS 500.
2. The road is commonly known as: There is no existing constructed road.
3. The general route of the road is: The dedicated roadway runs east/ west, only potential access would be off of Thomas Road.
4. The lands and owners immediately adjacent to the road are:

1. Owner

K. L. Davenport

Mailing Address

137 E Boulder Road  
Mc Leod, MT 59052-8813

Property Description

1143 Thomas Drive 59715  
Tract A S2S2NE4SW4 Sec 35 1S 5E 4.121 acres COS 500

2. Owner

Kenneth L. Davenport and Jill L. Davenport,  
Trustees of the Davenport Family Trust

Mailing Address

137 E Boulder Road  
Mc Leod, MT 59052-8813

Property Description

1109 Thomas Drive 59715  
Tract B S2S2NE4SW4 Sect 35 1S 5E 4.12 acres COS 500

3. Owner

Kirkpatrick, Larry D and Lanz, Karen S

Mailing Address

6496 Davis Lane  
Bozeman, MT 59718-8863

Property Description

6496 Davis Lane 59715  
S2NW4SW4 SEC 35 1S 5E 16.44AC

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): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: N/A - ALL LANDOWNERS CONSENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

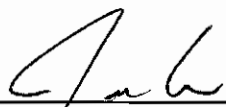
None, the dedicated roadway has yet to be built and if built would not provide access to any property other than that which it is directly adjacent.

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

The intent of the surrounding property is to be annexed into the City of Bozeman and zoned for a high density subdivision. The current location of this dedicated roadway will not have any beneficial function for the proposed use.

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.

OK 1. Dennis L Foreman 325 CREST DRIVE  
Signature Address  
DENNIS L. FOREMAN BOZEMAN, MT 59718  
Printed Name City, State, & Zip  
04/28/06  
Date  
LOT 9, BLOCK 3 MOUNTAIN VIEW SUB. # 2  
Description of Property

2.   
Signature

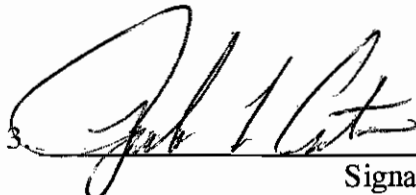
P.O. Box 616  
Address

OK JASON Lea  
Printed Name

Belgrade, MT. 59714  
City, State, & Zip

4-29-06  
Date

TRACT A' COS. 2231C  
Description of Property

OK 3.   
Signature

187 Ghost Canyon Ct.  
Address

JACK CATRON  
Printed Name

Belgrade, MT. 59714  
City, State, & Zip

4-28-06  
Date

Tract A of COS 2231B E2SW4SE4 Sec. 28, 1N. 5E.  
Description of Property

OK 4. Susan M. Brown  
Signature

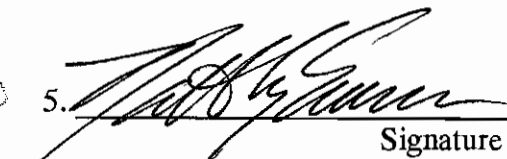
3380 Penwell Bridge Rd.  
Address

Susan M. Brown  
Printed Name

Belgrade, MT 59714  
City, State, & Zip

4/28/06  
Date

3380 Penwell Bridge Rd - Belgrade  
Description of Property

NO 5.   
Signature

402 ANNIE BLADE DR.  
Address

NATHAN M. EMMONS  
Printed Name

BOZEMAN, MT 59715  
City, State, & Zip

5. cont.

5/3/06

Date

~~Lot~~ Lot 23 Elk Grove Sub Phase I

Description of Property

OK 6. Judy Rente  
Signature  
Judy Rente  
Printed Name  
4/30/06  
Date

3701 SPAIN BRIDGE RD  
Address  
BELGRADE, MT. 59714  
City, State, & Zip

Tract 2 of C.O.S. 1113

Description of Property

No 7. [Signature]  
Signature  
SHAWN SHAWAN  
Printed Name  
5/2/06  
Date

8105 Alameda Lane  
Address  
Boreman, MT. 59718  
City, State, & Zip

Lot 36 2nd Pineview Sub.

Description of Property

OK 8. [Signature]  
Signature  
Kenny A. Wood  
Printed Name  
5/2/06  
Date

405 Skyview Dr.  
Address  
Belgrade, MT 59715  
City, State, & Zip

Lot 2 Wood Minor Subdivision

Description of Property

9. 77-74  
Signature

2215 Arrowleaf Hills Dr  
Address

OK Mike Hope  
Printed Name

Bozeman, MT- 59715  
City, State, & Zip

5/2/06  
Date

Lot 2 Arrowleaf Hills #2  
Description of Property

OK 10. Blair DMcGavin  
Signature

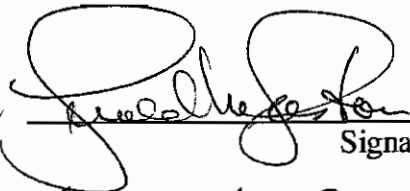
1013 Thomas Drive  
Address

BLAIR G MCGAVIN  
Printed Name

BOZEMAN MT 59718  
City, State, & Zip

5-206  
Date

5252 N2 NE 4 SW4 SEC. 35 15 SE  
Description of Property

ok   
Signature

GERALD M. GASTON  
Printed Name

3055 Brass Lantern CT  
211 HADGETY  
Address

BOZEMAN MT, 59715  
City, State, & Zip

6/28/06  
Date

Tract D NE4 SEC 33 15 6 E 20 AC COS 1154A  
Description of Property

ok   
Signature

Brent Miller  
Printed Name

6690 Frontage Rd.  
Address

Manhattan MT 59741  
City, State, & Zip

6/28/06  
Date

Manor Sub 318 1N N2 SW4 SEC 31 2N 3E  
5 AC LOT 1  
Description of Property



## Consent to Abandon County Road

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

1. The road to be abandoned is particularly described as follows: The dedicated 1.823 acres of dedicated roadway located between Tracts A and B in the S ½ S ½ NE ¼ SW ¼ of section 35 Township 1S, Range 5E, COS 500.
2. The road is commonly known as: There is no existing constructed road.
3. The general route of the road is: The dedicated roadway runs east/ west, only potential access would be off of Thomas Road.
4. The lands and owners immediately adjacent to the road are listed below and have signed below, consenting to the above stated county road abandonment:

✓ 1. Owner Mailing Address  
 K. L. Davenport 137 E Boulder Road  
 Mc Leod, MT 59052-8813

Property Description  
 1143 Thomas Drive 59715  
 Tract A S2S2NE4SW4 Sec 35 1S 5E 4.121 acres COS 500

OK *[Signature]* *July 8, 2006*  
 \_\_\_\_\_  
 Name Date

OK *[Signature]* *July 8, 2006*  
2. Owner Mailing Address  
 Kenneth L. Davenport and Jill L. Davenport, 137 E Boulder Road  
 Mc Leod, MT 59052-8813  
 Trustees of the Davenport Family Trust

Property Description  
 1109 Thomas Drive 59715  
 Tract B S2S2NE4SW4 Sect 35 1S 5E 4.12 acres COS 500

*See Above*  
 \_\_\_\_\_  
 Name Date

3. Owner Mailing Address  
 Kirkpatrick, Larry D and Lanz, Karen S 6496 Davis Lane  
 Bozeman, MT 59718-8863

Property Description  
 6496 Davis Lane 59715  
 S2NW4SW4 SEC 35 1S 5E 16.44AC

\_\_\_\_\_  
 Name Date

## Consent to Abandon County Road

TO: THE BOARD OF COUNTY COMMISSIONERS, GALLATIN COUNTY,  
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Mailing Address

137 E Boulder Road  
Mc Leod, MT 59052-8813

Property Description

1143 Thomas Drive 59715  
Tract A S2S2NE4SW4 Sec 35 1S 5E 4.121 acres COS 500

---

Name

Date

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Kenneth L. Davenport and Jill L. Davenport,  
Trustees of the Davenport Family Trust

Mailing Address

137 E Boulder Road  
Mc Leod, MT 59052-8813

Property Description

1109 Thomas Drive 59715  
Tract B S2S2NE4SW4 Sect 35 1S 5E 4.12 acres COS 500

---

Name

Date

3. Owner

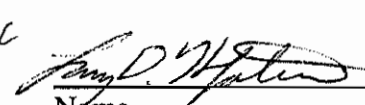

Kirkpatrick, Larry D and Lanz, Karen S

Mailing Address

6496 Davis Lane  
Bozeman, MT 59718-8863

Property Description

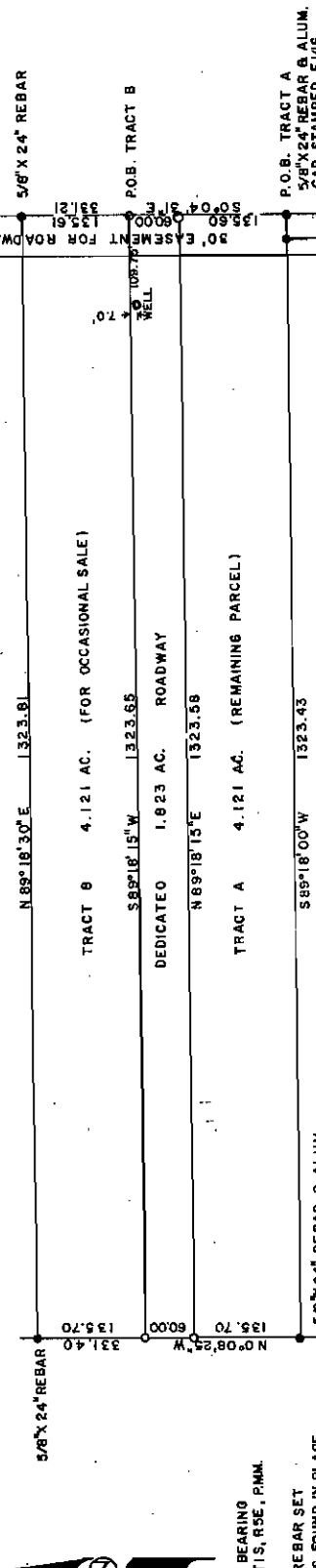
6496 Davis Lane 59715  
S2NW4SW4 SEC 35 1S 5E 16.44AC

OK   7 JULY 06

---

Name Date

**CERTIFICATE OF SURVEY NO. 500**  
**Z-41ELACRE TRACTS IN T10 S1/2 S1/2 NE1/4, SW1/4, S. 35, T15, R5E, PMM.**  
**GALLATIN COUNTY MONTANA**



**5/8" X 24" REBAR**  
 N 89° 18' 30" E 1323.81  
 TRACT 9 4.121 AC. (FOR OCCASIONAL SALE)  
 S 89° 18' 15" W 1323.65  
 DEDICATED 1.823 AC. ROADWAY  
 N 63° 18' 15" E 1323.58  
 TRACT A 4.121 AC. (REMAINING PARCEL)  
 S 89° 18' 00" W 1323.43  
**5/8" X 24" REBAR & ALUM.**  
**CAP STAMPED C/16.**  
**SW 1/4, S 35, T15, R5E.**  
**779 E9**

**DESCRIPTION OF TRACT A**  
 A Tract of land in the S1/2 of the S1/4 of the NW1/4 of Section 35, T15, R5E, P.M.M., Gallatin County, Montana, and being more particularly described as follows: Beginning at the East 1/16 corner of the SW1/4 of Section 35, T15, R5E, thence South 89° 18' 00" West a distance of 1323.43 feet to the corner of the East 1/16 corner of the SW1/4 of said Section 35, thence North 00° 00' 31" East, a distance of 1324.58 feet, thence South 00° 00' 31" East, a distance of 135.60 feet to the East 1/16 corner of said SW1/4, the point of beginning, and containing 4.121 acres, along with and subject to any and all existing Easements.

**DESCRIPTION OF TRACT B**  
 A Tract of land in the S1/2 of the NE1/4 of Section 35, T15, R5E, P.M.M., Gallatin County, Montana, and being more particularly described as follows: Beginning at the East 1/16 corner of the NE1/4 of Section 35, T15, R5E, thence North 00° 00' 31" West, a distance of 197.50 feet from the East 1/16 corner of the SW1/4 of said Section 35, thence from the point of beginning, bearing South 00° 00' 31" West, a distance of 1325.07 feet, thence North 00° 00' 31" West, a distance of 135.70 feet, thence North 89° 18' 00" East, a distance of 1323.61 feet, thence South 00° 00' 31" West along said East line, a distance of 135.61 feet to the point of beginning, containing 4.121 acres, along with and subject to all existing Easements, including all rights to the water well within the dedicated roadway.

**CERTIFICATE OF COURT COMMISSIONERS**  
 I, the Chairman of the Board of County Commissioners, Gallatin County, Montana, do hereby certify that the accompanying plat has been duly examined and has found the same to conform to the requirements of the law and has caused the same to be recorded in the public records of this county as being dedicated to public use of any and all lands shown on this plat as being dedicated to such use.

Dated this 16th day of September, A.D., 1977  
 [Signature]  
 Clerk, Board of County Commissioners

**CERTIFICATE OF DEDICATION**  
 We, Perry E. McCall, and Betty J. McCall, husband and wife, do hereby certify that we are the owners, and as such have owned that all lands included in the dedicated roadway as shown by this plat to be granted, donated and dedicated to the use of the public for roadway and public utilities.

[Signature]  
 Betty J. McCall, Witness

On this 16th day of September, A.D., 1977, before me, a Notary Public for the State of Montana, personally appeared Perry E. McCall and Betty J. McCall, known to me to be the persons whose names are subscribed to the foregoing Certificate of Dedication, and acknowledged to me that they executed the same for the uses and purposes set forth therein.

[Signature]  
 Notary Public for the State of Montana  
 My Commission Expires 01-19

**45100** CERTIFICATE OF COUNTY CLERK AND RECORDER

I, Carl L. Stucky, County Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument filed as my official record of this county on the 16th day of September, 1977, is a true and correct copy of the original as recorded in the public records of this county.

[Signature]  
 Carl L. Stucky  
 County Clerk and Recorder, Gallatin County, Montana

RECORD OF SURVEY INSTRUMENTS  
 Vol. 41, Page 1963  
 5/16, SW 1/4  
 S. 35, T15, R5E

**CERTIFICATE OF EXAMINING LAND SURVEYOR**  
 Examined for errors and objections by Donald R. Baxter, Montana Registration No. 29222E3  
 Dated this 23rd day of December, 1977  
 [Signature]  
 Donald R. Baxter

**CERTIFICATE OF SURVEYOR**  
 I, Carl R. Baxter, a registered professional Engineer and Land Surveyor, Montana Registration # 779 E9, do hereby certify that I have made the survey of the above described parcels, that the survey was made in accordance with the rules and regulations governing Certificates of Survey of the Montana Subdivision and Platting Act, 11-455 through 11-4976, R.C.M. 1947, as amended.  
 Dated this 12th day of December, 1977  
 [Signature]  
 Montana Registration # 779 E9

20 EASEMENT FOR ROADWAY  
 30' DEEDED FOR ROADWAY  
 CONTROL BEARING = N 0° 04' 31" W 1324.83  
**5/8" X 24" REBAR & ALUM.**  
**CAP STAMPED C/16.**  
**SW 1/4, S 35, T15, R5E.**  
**779 E9**

ROAD NO 52  
 EAST BAXTER

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.

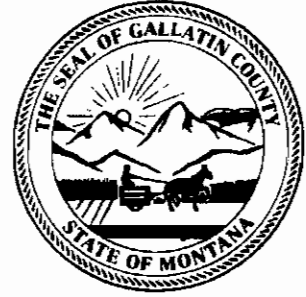
NAME Emily Peters PHONE 586-0588

- 1) Determine if there are sufficient qualified signatures as per 7-14-2601 MCA.
- 2) Check list of adjacent landowners for completeness and that they consent as per 7-14-2602(4) and 7-4-2615(4) MCA.
- 3) Complete "Report of Qualified Signatures".
- 4) Schedule petition on Commissioner's agenda. DATE: 8/1/06
- 5) 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)
  
- 6) Commissioners receive petition and assign viewing committee.
- 7) Assign Road Petition Number. 819
- 8) a) 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 Associationb) Type 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
  
- 9) Viewing committee completes road report.
- 10) Schedule public hearing on Commissioner's agenda and prepare notice. DATE 9/19/06
- 11) Publish public hearing notice one time. DATE 9/10/06
  
- 12) Send a copy of the viewing committee report and public hearing notice to the following:
  - Persons listed in #8a
  - County Road Superintendent
  - County Attorney
  - County Commissioners (3 copies)
  
- 13) Prepare affidavit of mailing for petition file (regarding the viewers report).
- 14) Commissioners hold public hearing to grant or deny petition.
- 15) County Attorney drafts resolution for Commissioners to consider at next public hearing.
- 16) Commissioners pass resolution
- 17) Within 10 days of passage of resolution send copies of resolution to all persons listed in #8b (BY CERTIFIED MAIL)
  
- 18) Type affidavit of mailing for petition file (regarding the boards decision).
- 19) 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 abandon an unnamed road dedicated on Certificate of Survey 500.

**Legal Description:**

That 1.823 acres of dedicated roadway located between Tracts A and B in the S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 35 Township 1 South Range 5 East Certificate of Survey 500.

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 instruction by the Gallatin County Commission, it contains the signatures of at least 10 qualified freeholders in Gallatin County.

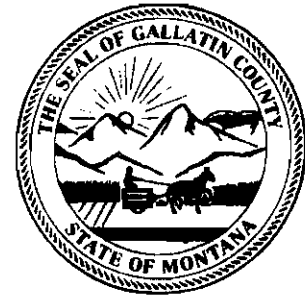
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of my office at Bozeman, the County Seat of Gallatin County, State of Montana, this 14th day of July, 2006, A.D.

Shelley Vance  
Shelley Vance  
Clerk and Recorder  
Gallatin County, Montana

State of Montana

*County of Gallatin*

Bozeman



August 17, 2006

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: abandonment of an unnamed road dedicated to the public and shown on COS 500, located in Section 35, Township 1 South, Range 5 East, P.M.M. Gallatin County, Montana

Dear Board,

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.

The undersigned met with Bozeman City Engineer Bob Murray and County Road Engineer George Durkin to view the dedicated roadway being petitioned for abandonment. We found the Northeast and Southeast corners of the dedicated roadway that Dennis Foreman, Gaston Engineering and Surveying, had set for us.

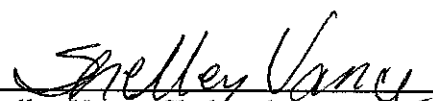
In our discussion Bozeman City Engineer Bob Murray stated that the City of Bozeman would not utilize the current dedicated road as a connector or for further growth in the area. County Road Engineer George Durkin stated that the county would defer to the City of Bozeman in this area because of its close proximity to the city, stating that all of this area would be inside the city limits soon.

The dedicated road as shown on the survey has not been constructed. We observed that a fence has been constructed on approximately the centerline of the road. Located south of the fence, on the dedicated road, was lawn. Located north of the fence, on the dedicated road, we found a wellhead, a shed, shrubs, lawn, and another fence running north/south. Approximately, the west 650 feet of the dedicated road, north and south of the fence line is pasture.

No one would be land-locked, nor denied access to public lands if the abandonment were granted. The viewing committee believes that it is feasible and desirable to grant the petition.

Respectfully submitted,

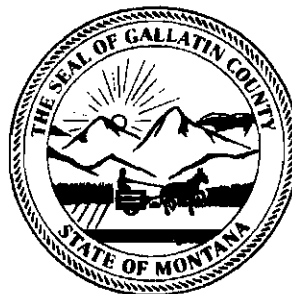
  
\_\_\_\_\_  
Joe Skinner, County Commissioner

  
\_\_\_\_\_  
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 September 19, 2006, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a petition to abandon that 1.823 acre dedicated roadway located between Tracts A and B in the S1/2S1/2NE1/4SW1/4 of Section 35, Township 1 South, Range 5 East, Certificate of Survey 500. All interested parties are encouraged to attend.

Further information may be obtained from Gallatin County Commissioners Bill Murdock, Joe Skinner, or John Vincent at 311 W. Main, Room 306, Bozeman, Montana 59715, telephone 582-3000.

Dated this 29<sup>th</sup> day of August 2006.

  
Shelley Vance  
Clerk and Recorder  
Gallatin County, Montana

Please publish: September 10, 2006  
Please Bill: Clerk & Recorder

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Board of Gallatin Commissioners will conduct a public hearing on September 19, 2006 at 9:00 A.M. in the Community Room, W. Main, Bozeman, Montana. Publication shall be had regarding a petition to abandon that 1.6 dedicated road located between and B in S1/2S1/2NE1/4 of Section 35, T11 South, Range Certificate of 500. All interested parties are encouraged to attend.

Further information may be obtained by contacting Gallatin Commissioners Murdock, Joe or John Vincel W. Main, Room Bozeman, 59715, telephone 3000.

Dated this 20th day of August

She Clerk and Gallatin

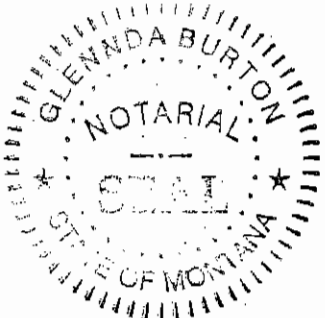
# Affidavit of Publication

STATE OF MONTANA, }  
County of Gallatin } SS.

Ann L Harms, being duly sworn, deposes and says: That she is Legal Ad Clerk of the Bozeman Daily Chronicle, a newspaper of general circulation, printed and published Bozeman, Gallatin County, Montana; and that the notice here unto annexed Hearing 9-19-06 9am

\_\_\_\_\_ ) has been correctly published in the regular and entire issue of every number of said paper for 1 consecutive insertion the first of which publication was made on the 10th day of September 2006, and the last on the 10th day of September 2006

Ann L Harms  
Subscribed and sworn to before me this 12th day of September 2006  
Glennnda Burton  
Notary Public for the State of Montana,  
residing at Bozeman, Montana.



Notary Public for the State of Montana  
Residing at Bozeman, Montana  
My Commission Expires June 27, 2008



**RESOLUTION NO. 2006-098**

**A RESOLUTION TO ABANDON AN UNCONSTRUCTED ROAD  
DEDICATED ON CERTIFICATE OF SURVEY 500**

This Resolution was introduced by COMMISSIONER SKINNER; moved by Commissioner SKINNER and seconded by Commissioner MURDOCK. The Resolution was adopted UNANIMOUSLY.

WHEREAS, on May 22, 2006, the Gallatin County Clerk and Recorder received a Petition, signed by at least ten freeholders in Gallatin County, to abandon an unnamed road dedicated on Certificate of Survey 500, pursuant to Title 7, Chapter 14, Part 26, Montana Code Annotated; and

WHEREAS, Section 7-14-2601(2)(b), MCA, defines the term "abandonment" to mean the cessation of use of a right-of-way (easement) or activity thereon with no intention to reclaim or use again; and

WHEREAS, the landowners immediately adjacent to the unnamed road have consented to its abandonment; and

WHEREAS, Section 7-14-2603, MCA, authorizes the Gallatin County Board of County Commissioners ("Commission") after considering the Petition and the results of an investigation, to make an entry on the minutes regarding its decision of whether to grant a Petition to abandon a county road; and

WHEREAS, the unnamed road is described as that 1.823 acres of dedicated roadway located between Tracts A and B of Certificate of Survey 500 in the S1/2 S1/2 NE1/4 SW1/4 of Section 35, Township 1 South, Range 5 East, P.M.M., Gallatin County Montana; and

WHEREAS, on July 14, 2006, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2601, MCA; and

WHEREAS, on August 1, 2006, the Gallatin County Clerk and Recorder presented the Petition to Abandon the unnamed road dedicated on Certificate of Survey 500 to the Commission and the Commission appointed a viewing committee consisting of one County Commissioner and the County Surveyor, as required by Section 7-14-2603(1), MCA; and

WHEREAS, on August 17, 2006, the viewing committee reported to the Commission that in looking at Certificate of Survey No. 500, the committee found the northeast and southeast corners of the property; and

WHEREAS, on August 17, 2006, the viewing committee reported to the Commission that the City of Bozeman would not utilize the current dedicated road as a

connector for further growth in the area and the County would defer to the City of Bozeman in this area because of its close proximity to the City and that all of this area would be inside City limits soon; and

WHEREAS, on August 17, 2006, the viewing committee determined the dedicated road on the survey has not been constructed, and a fence has been constructed on approximately the centerline of the road and lawn was located south of the fence on the dedicated road. In addition, north of the fence, on the dedicated road, a wellhead, shed, shrubs, lawn and another fence running north/south was found. Approximately 650 feet west of the dedicated road, north and south of the fence line is pasture; and

WHEREAS, on August 17, 2006, the viewing committee reported no one would become landlocked nor denied access to public lands if the Petition were granted and that the viewing committee believes it is feasible and desirable to grant the Petition; and

WHEREAS, a Notice of Public Hearing was published in the Bozeman Daily Chronicle on September 10, 2006; and

WHEREAS, on September 19, 2006, the Commission conducted a public hearing, after notice, on the Petition and the results of the viewing committee's investigation; and

WHEREAS, on September 19, 2006, the Commission found that granting the Petition and abandoning the unnamed road dedicated on Certificate of Survey 500 in Gallatin County, Montana would serve the best interests of Gallatin County; and

WHEREAS, the Commission determined the unnamed road dedicated on Certificate of Survey 500 would no longer be used for public purposes, abandonment will not create a public safety hazard, and no person would be denied access or become land-locked, and that abandonment of that portion of right-of-way is feasible; and

WHEREAS, the Commission voted unanimously to grant the Petition and abandon the unnamed road dedicated on Certificate of Survey 500, which consists of 1.823 acres of dedicated roadway located between Tracts A and B in the S1/2 S1/2 NE1/4 SW1/4 of Section 35, Township 1 South, Range 5 East, Certificate of Survey 500, P.M.M., Gallatin County, Montana.

NOW, THEREFORE BE IT RESOLVED:

1. The unnamed road dedicated on Certificate of Survey 500, which consists of 1.823 acres of dedicated roadway located between Tracts A and B in the S1/2 S1/2 NE1/4 SW1/4 of Section 35, Township 1 South, Range 5 East, Certificate of Survey 500, P.M.M., Gallatin County, Montana, as requested in the Petition, is hereby abandoned.

2. The owner(s) of Tract B of Certificate of Survey 500 shall obtain all right, title, and interest to the north thirty (30) feet of said unnamed roadway; the owner(s) of Tract

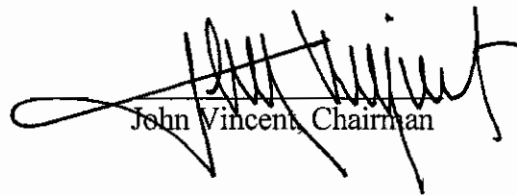
A of Certificate of Survey 500 shall obtain all right, title and interest to the southern thirty (30) feet of said unnamed roadway.

3. The Commission hereby requests the Clerk and Recorder, within ten (10) days from the date of passage of this Resolution of Abandonment, to send a copy of this Resolution by certified mail to all owners of land abutting on the abandoned road. The owners shall be those listed on the last county assessment roll.

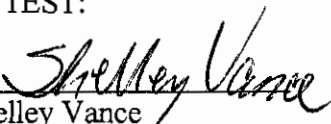
4. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of this Resolution to the supervisor.

DATED this 19TH day of September 2006.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

  
John Vincent, Chairman      Sept. 19/06  
Date

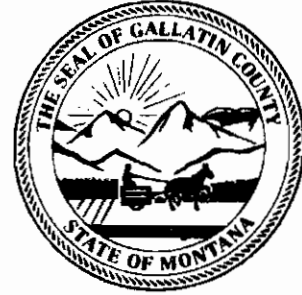
ATTEST:

  
Shelley Vance  
Clerk and Recorder  
Gallatin County

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 Resolution 2006-098 were sent certified mailed to all owners of land abutting the road; all individuals named in the petition who could be affected; the postmaster of the area; and the Public Lands Access Association on September 19, 2006.

**K.L. Davenport**, 137 E. Boulder Road, McLeod, MT 59052-8813

**Larry D. Kirkpatrick & Karen S. Lanz**, 6496 Davis Lane, Bozeman, MT 59718-8863

**Dennis L. Foreman**, 325 Crest Drive, Bozeman, MT 59718

**Jason Lea**, PO Box 616, Belgrade, MT 59714

**Jack Catron**, 187 Ghost Canyon Ct, Belgrade, MT 59714

**Susan M. Brown**, 3380 Penwell Bridge Rd, Belgrade, MT 59714

**Nathan M. Emmons**, 402 Annie Glade Dr, Bozeman, MT 59715

**Judy Rente**, 3701 Spain Bridge Rd, Belgrade, MT 59714

**Shaun Shahan**, 8105 Alamosa Ln, Bozeman, MT 59718

**Kenny A. Wood**, 405 Skyview Dr, Belgrade, MT 59714

**Mike Hope**, 2215 Arrowleaf Hills Dr, Bozeman, MT 59715

**Blair G. McGavin**, 1013 Thomas Dr, Bozeman, MT 59718

**Gerald M. Gaston**, 3055 Brass Lantern CT, Bozeman, MT 59715

**Brent Miller**, 6690 Frontage Rd, Manhattan, MT 59741

**Gaston Engineering**, 211 Haggerty Ln, Bozeman, MT 59715

**Public Land Access Association**, Bill Fairhurst, 105 3<sup>rd</sup> Avenue East, Three Forks, MT 59752

**US Post Master**, 5711 Baxter Lane, Bozeman, MT 59719

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

Shelley Vance

Clerk and Recorder

Gallatin County, Montana

7002 3150 0004 3917 0967

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 City, State, ZIP+4 **MCLEOD, MT 59052-8813**

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 Street, Apt. No., or PO Box No. **106 3RD AVENUE EAST**  
 City, State, ZIP+4 **THREE FORKS, MT 59752**

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 Street, Apt. No., or PO Box No. **6496 DAVIS LANE**  
 City, State, ZIP+4 **BOZEMAN MT 59718-9863**

PS Form 3800, June 2002 See Reverse for Instructions

276E 4000 05TE 2002

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

UNITED STATES POSTAL SVC  
 ATTN: POSTMASTER  
 5711 BAXTER LANE  
 BOZEMAN, MT 59719

819

2. Article Number  
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 Sel Baxter 9/27/06

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

89TT 276E 4000 05TE 2002

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BILL FAIRHURST  
 PUBLIC LAND ACCESS ASSOC  
 105 3<sup>RD</sup> AVENUE EAST  
 THREE FORKS, MT 59752

819

2. Article Number  
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery  
 WILLIAM H FAIRHURST 9/27/06

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540