

ROAD PETITION # 820  
CHURCHILL ROAD ABANDONMENT

Granted Jan. 23, 2007

THE LAW FIRM  
**MOORE, O'CONNELL & REFLING**  
A PROFESSIONAL CORPORATION

PERRY J. MOORE  
MARK D. REFLING  
CINDY E. YOUNKIN  
ALLAN H. BARIS  
MICHAEL J. L. CUSICK  
JENNIFER L. FARVE  
JENIFER S. REECE  
KRISTIN N. HANSEN

BARRY G. O'CONNELL (1947-2006)

601 HAGGERTY LANE  
SUITE 10, LIFE OF MONTANA BUILDING  
BOZEMAN MT 59715

*Reply to*  
P.O. BOX 1288  
BOZEMAN, MONTANA 59771-1288  
TELEPHONE: (406) 587-5511  
FAX: (406) 587-9079  
E-MAIL: cyounkin@qwest.net

November 22, 2006

**HAND DELIVERED**

Gallatin County Clerk & Recorder  
**ATTN:** Eric Semerad  
311 W. Main 203  
Bozeman, MT 59715

RECEIVED  
Date 11/22/06  
Clerk & Recorder  
Gallatin County, Mont.

RE: Abandonment of County Road Easement NW¼,  
Section 26, Township 1 North, Range 3 East  
Our file no: 33011\001

Dear Eric:

Enclosed please find a completed and signed Petition for the abandonment of a county road easement located in Section 26, Township 1 North, Range 3 East, Gallatin County, Montana. I will be submitting additional signatures in support of this Petition from adjacent property owners, Robert Emery on behalf of the Emery Family Trust, and also from Marc Pierce. A copy of this Petition is provided to Emery's attorney, John Glover, as well as to the Gallatin County Road Department.

Please let me know how soon this matter can be scheduled to be on the Commissioners' agenda for its initial report, when you anticipate that the required investigation will occur, when the public notice will be given, and the public hearing conducted.

Thank you for your assistance in this matter.

Sincerely,

  
CINDY E. YOUNKIN

CEY/smk

cc: John Glover (w/encls.)  
Gallatin County Road Dept. (w/encls.)  
Chuck Feddes (w/encls.)

Enc.  
SK2782.WPD

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: 60-foot wide county road easement in the W $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 26, T1N, R3E, Gallatin County, Montana, no actual road exists on the ground.

(Attach additional page if required).

2. The road is commonly known as: former location of Churchill Road; south of Manhattan.

3. The general route of the road is described as follows: follows the east edge of the W $\frac{1}{2}$ NW $\frac{1}{4}$  and the east edge of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 26; sec. 26 then runs due east and west along the northerly section line of sec. 26 to the NW corner of sec. 26.

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

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
1. <u>Chuck Feddes Ranch Inc.</u>	<u>2610 Churchill Road</u> <u>Manhattan, MT 59741</u>
<u>pt. W<math>\frac{1}{2}</math>NW<math>\frac{1}{4}</math> sec. 26, T1N, R3E, pt SW<math>\frac{1}{4}</math> sec. 23, T1N, R3E, SW<math>\frac{1}{4}</math>W<math>\frac{1}{2}</math>SE<math>\frac{1}{4}</math>, sec. 27, T1N, R3E, Tract B COS 1530 in NE<math>\frac{1}{4}</math>, sec. 27, T1N, R3E</u>	
<u>PROPERTY DESCRIPTION</u>	
2. <u>Marc A. Pierce</u> <u>Robert L. and Dana M. Emery</u>	<u>P.O. Box 530</u> <u>Manhattan, MT 59741</u>
<u>E<math>\frac{1}{2}</math>NW<math>\frac{1}{4}</math> and W<math>\frac{1}{2}</math>NE<math>\frac{1}{4}</math> sec. 26, T1N, R3E - agricultural land</u>	
<u>PROPERTY DESCRIPTION</u>	
3. <u>Roelena Venhuizen</u>	<u>3590 Churchill Road</u> <u>Manhattan, MT 59741</u>
<u>Tracts in NW<math>\frac{1}{4}</math>, sec. 35, T1N, R3E</u> <u>Tract 1 in SW<math>\frac{1}{4}</math>, sec. 26, T1N, R3E (COS 1552)</u>	
<u>PROPERTY DESCRIPTION</u>	

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

None.

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

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

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

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>	None.	<u>MAILING ADDRESS</u>
_____		_____
_____		_____
_____		_____
_____		_____
_____		_____
_____		_____
_____		_____
_____		_____
_____		_____
_____		_____

(Use additional pages if required)

8. The necessity for and advantage of the abandonment of the road are as follows: This easement has been physically abandoned for 57 years, since the current Churchill Road was built in 1949. There is no actual road located on this easement, and it has been grazed by livestock since 1949. Further, the road easement is located entirely within Feddes, <sup>es</sup> Verhuizen Emery property and cannot, as a practical matter, be used by anyone else.

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. Kevin J. Feddes 2960 Churchill Rd  
Signature Address  
Kevin J Feddes Manhattan MT 59741  
Printed Name City, State & Zip  
Nov 21 2006  
Date

Tract A, COS 778 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , sec. 26, T1N, R3E

Description of Property

2. Cindy K. Feddes 2960 Churchill Rd  
Signature Address  
Cindy K. Feddes Manhattan MT 59741  
Printed Name City, State & Zip  
Nov 21 2006  
Date

Tract A COS 778

Description of Property

3. John L. Venhuizen 3990 Churchill Rd  
Signature Address  
John L. Venhuizen Manhattan MT 59741  
Printed Name City, State & Zip  
Nov 21, 2006  
Date

SW $\frac{1}{4}$  NW $\frac{1}{4}$  and pt. W $\frac{1}{2}$ SW $\frac{1}{4}$  sec. 35, T1N, R3E

S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , sec. 34, T1N, R3E, Tract A COS 785

plus other property co-owned with  
Roelena Venhuizen listed below

Description of Property

4. Barbara A. Venhuizen Signature 3990 Churchill Address  
Barbara A. Venhuizen Printed Name Manhattan, MT 59741 City, State & Zip  
11/21/06 Date

SW $\frac{1}{2}$  NW $\frac{1}{2}$  and pt. W $\frac{1}{2}$ SW $\frac{1}{2}$  sec. 35, T1N, R3E  
S $\frac{1}{2}$ NE $\frac{1}{2}$ , SE $\frac{1}{2}$ , sec. 34, T1N, R3E, Tract A COS 785

plus other property co-owned with  
 Roelena Venhuizen listed below

5. Eileen Van Dyke Signature 5944 W Dry Creek Rd Address  
Eileen Van Dyke Printed Name Manhattan, MT 59741 City, State & Zip  
11-21-06 Date

45 ac in Tract 2, COS 2069 in NW $\frac{1}{2}$ , sec. 12, T1N, R3E  
314 ac in W $\frac{1}{2}$ , Sec. 33, T2S, R4E & 4.14 ac. in COS 1111 in S $\frac{1}{2}$ SW $\frac{1}{2}$  Sec. 28, T2S, R4E

6. John D. Van Dyke Signature 5944 W DRY CREEK ROAD Address  
JOHN D. VAN DYKE Printed Name Manhattan, MT 59741 City, State & Zip  
11/21/06 Date

45 ac in Tract 2, COS 2069, in NW $\frac{1}{2}$ , sec. 12, T1N, R3E  
314 ac in W $\frac{1}{2}$ , sec. 33, T2S, R4E & 4.14 ac. in COS 1111 in S $\frac{1}{2}$ SW $\frac{1}{2}$ , Sec. 28, T2S, R4E

7. Ron Chaney Signature 2390 Central Pk. Rd. Address  
Ron Chaney Printed Name Belgrade, MT 59714 City, State & Zip  
11/21/06 Date

266 ac in E $\frac{1}{2}$ NW $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{2}$ , sec. 7, T1N, R4E  
70 ac in E $\frac{1}{2}$ NE $\frac{1}{2}$ , sec 12, T1N, R3E  
141 ac in COS 1019A in sec. 7, T1N, R4E Description of Property

8. Lani Chaney Signature 2390 Central Pk. Rd. Address  
Lani Chaney Printed Name Belgrade Mt. 59714 City, State & Zip  
11/21/06 Date

266 ac in E $\frac{1}{2}$ NW $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{2}$ , sec. 7, T1N, R4E  
70 ac in E $\frac{1}{2}$ NE $\frac{1}{2}$ , sec 12, T1N, R3E  
141 ac in COS 1019A in sec. 7, T1N, R4E Description of Property

9. Marvin Feddes & Sons Signature 7980 Meadowview Rd. Address  
by Dan Feddes v.p. Printed Name Manhattan MT. 59741 City, State & Zip  
11/22/06 Date

NE $\frac{1}{2}$  & pt. SE $\frac{1}{2}$ , sec. 22, T1N, R3E, Tract A in NW $\frac{1}{2}$  & NE $\frac{1}{2}$ , sec. 27,  
T1N, R2E (COS 1530)

10. Roelena F. Venhuizen Signature 3590 Churchill Rd Address  
Roelena F. Venhuizen Printed Name Manhattan MT 59741 City, State & Zip  
11/23/06 Date

Tracts in NW $\frac{1}{2}$ , sec. 35, T1N, R3E  
Tract 1 in SW $\frac{1}{2}$ , sec. 26, T1N, R3E (COS 1552) Description of Property

11 #. Chuck Feddes Panel Inc. 2610 Churchill Rd  
 Signature Address  
 by Charles M. Feddes Manhattan, MT 59741  
 Printed Name City, State & Zip  
11-22-06  
 Date

pt. W $\frac{1}{2}$ NW $\frac{1}{4}$ , sec 26, T1N, R3E, pt. SW $\frac{1}{4}$ , sec. 23, T1N, R3E, SW $\frac{1}{4}$ , W $\frac{1}{2}$   
SE $\frac{1}{4}$ , sec. 27, T1N, R3E, Tract B, COS 1530 in NE $\frac{1}{4}$ , sec. 27, T1N, R3E  
 Description of Property

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

\_\_\_\_\_ Description of Property

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

\_\_\_\_\_ Description of Property



THE LAW FIRM  
**MOORE, O'CONNELL & REFLING**  
A PROFESSIONAL CORPORATION

PERRY J. MOORE  
MARK D. REFLING  
CINDY E. YOUNKIN  
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MICHAEL J. L. CUSICK  
JENNIFER L. FARVE  
JENIFER S. REECE  
KRISTIN N. HANSEN  
TODD A. STUBBS

\_\_\_\_\_  
BARRY G. O'CONNELL (1947-2006)

RECEIVED  
Date 12-8-06  
Clerk & Recorder  
Gallatin County, Mont.

601 HAGGERTY LANE  
SUITE 10, LIFE OF MONTANA BUILDING  
BOZEMAN MT 59715

*Reply to*  
P.O. BOX 1288  
BOZEMAN, MONTANA 59771-1288  
TELEPHONE: (406) 587-5511  
FAX: (406) 587-9079  
E-MAIL: cyounkin@qwest.net

December 8, 2006

Gallatin County Clerk & Recorder

**HAND DELIVERED**

**ATTN:** Eric  
311 W. Main 203  
Bozeman, MT 59715

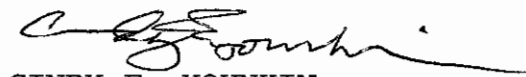
RE: Our file no: 33011\001

Dear Eric:

Enclosed please find the original signature pages to accompany the Petition to Abandon County Road which I submitted to you in regard to a county right-of-way in the E $\frac{1}{2}$ NW $\frac{1}{4}$  and the W $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 26, Township 1 North, Range 3 East. The enclosed signature page includes that of Marc and Sherrie Pierce who are co-owners of a portion of the property through which this easement traverses. There is an additional signature page with other landowners in the neighborhood also consenting to this abandonment. With this, I believe you should have all of the signatures of the adjacent property owners. John Glover was going to send you the signature page for Robert and Dana Emery (a copy of which I have also enclosed). You may end up with two of these; however, I wanted to make sure that you had it.

I believe you now have everything to proceed with the process for inspection and public hearing on this abandonment. Please contact me if you require any further information. You may also contact John Glover, Dana and Bob Emery's attorney, at the Berg Law Firm, 587-3181.

Sincerely,



CINDY E. YOUNKIN

CEY/smk  
cc: John Glover (w/encls.)  
Chuck Feddes (w/encls.)

Encs.  
SK2951.WPD

8. Sherrie Pierce Signature 7354 Meadow View Rd Address

SHERRIE PIERCE Printed Name Manhattan MT 59741 City, State & Zip

12-2-06  
E 1/2 NW 1/4 and W 1/2 NE 1/4 Sec 26 1N 3E  
Lot 1 Miner Sub 304 (West 1/2 SE 1/4 Sec 23 1N 3E)

Description of Property

9. [Signature] Signature 7354 Meadow View Rd. Address

Marc Pierce Printed Name Manhattan MT 59741 City, State & Zip

12-2-06  
E 1/2 NW 1/4 + W 1/2 NE 1/4 Sec 26 1N 3E  
Lot 1 Miner Sub 304 (West 1/2 SE 1/4 Sec 23 1N 3E)

Description of Property

10. \_\_\_\_\_ Signature \_\_\_\_\_ Address

\_\_\_\_\_ Printed Name \_\_\_\_\_ City, State & Zip

\_\_\_\_\_ Date

\_\_\_\_\_ Description of Property

8. Taryn DeBoer Signature 4740 Churchill Rd Address  
Taryn DeBoer Printed Name Manhattan, MT 59741 City, State & Zip  
11/28/06 Date  
Tract 1 COS 1049 (Sec 35 IN 3E)

9. [Signature] Signature 4740 Churchill Rd Description of Property Address  
Craig DeBoer Printed Name Manhattan MT 59741 City, State & Zip  
11/28/06 Date  
Tract 1 COS 1049 (Sec 35 IN 3E)

10. Michael K White Signature 7508 White White Rd Description of Property Address  
Michael K White Printed Name Manhattan MT. 59741 City, State & Zip  
Nov 28, 06 Date  
SW 1/4 SW 1/4 less right of way sec 26 IN 3E

NW 1/4 NW 1/4 Less ROW Description of Property  
Sec 35 IN 3E

RECEIVED  
Date 12-8-06  
Clerk & Recorder  
Gallatin County, Mont.

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. Robert L. Emery \* 3150 Churchill Rd  
 Signature Address  
ROBERT L. EMERY Manhattan MT 59741  
 Printed Name City, State & Zip  
12/1/06  
 Date

\* as Trustee of the Robert L. Emery and Dana M. Emery Family Trust U/T/A Dated 6-22-98

(See attached page)  
Description of Property

2. Dana M. Emery \* 3150 Churchill Rd  
 Signature Address  
Dana M. Emery Manhattan MT 59741  
 Printed Name City, State & Zip  
12-4-06  
 Date

\* as Trustee of the Robert L. Emery and Dana M. Emery Family Trust U/T/A Dated 6-22-98

(See attached page)  
Description of Property

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

Emery/Pierce Property:

The E $\frac{1}{2}$ NW $\frac{1}{4}$  and the W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 26, Township 1 North, Range 3 East, P.M.M., Gallatin County, Montana.

8. *Sherrie Pierce* Signature 7354 Meadow View Rd Address  
SHERRIE PIERCE Printed Name Manhattan MT 59741 City, State & Zip

12-2-06 Date  
E 1/2 NW 1/4 and W 1/2 NE 1/4 Sec 26 IN 3E  
Lot 1 Minor Sub 304 (West 1/2 SE 1/4 Sec 23 IN 3E)

9. *[Signature]* Signature 7354 Meadow View Rd. Address  
Marc Pierce Printed Name Manhattan MT 59741 City, State & Zip

12-2-06 Date  
E 1/2 NW 1/4 + W 1/2 NE 1/4 Sec 26 IN 3E  
Lot 1 Minor Sub 304 (West 1/2 SE 1/4 Sec 23 IN 3E)

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

8. Taryn DeBoer Signature 4740 Churchill Rd Address  
Taryn DeBoer Printed Name Manhattan, MT 59741 City, State & Zip  
11/28/06 Date  
Tract 1 COS 1049 (Sec 35 IN 3E)

9. [Signature] Description of Property 4740 Churchill Rd Address  
Craig DeBoer Printed Name Manhattan MT 59741 City, State & Zip  
11/28/06 Date  
Tract 1 COS 1049 (Sec 35 IN 3E)

10. Michael White Signature 7508 White White Rd Address  
Michael K White Printed Name Manhattan MT. 59741 City, State & Zip  
Nov 28, 06 Date  
SW 1/4 SW 1/4 less right of way Sec 26 IN 3E

NW 1/4 NW 1/4 Less ROW Description of Property Sec 35 IN 3E

Client \_\_\_\_\_  
File No. 33011  
Subfile \_\_\_\_\_  
Date REC'D DEC - 7 2006

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. Robert L Emery Signature 3150 Churchill Rd Address  
ROBERT L. EMERY Printed Name Manhattan MT 59741 City, State & Zip  
12/1/06 Date

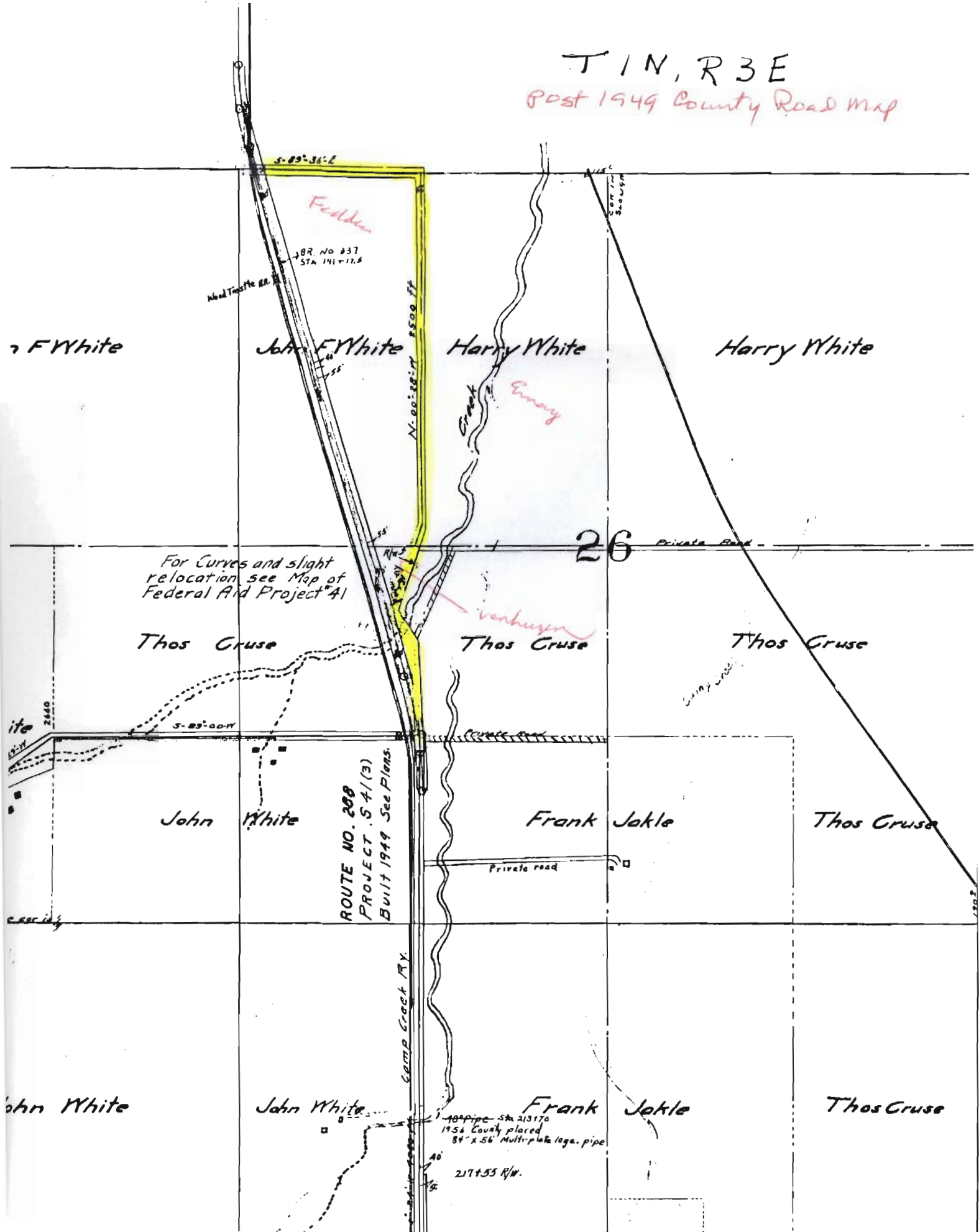
2. Dana M. Emery Signature 3150 Churchill Rd Address  
Dana M. Emery Printed Name Manhattan MT 59741 City, State & Zip  
12-4-06 Date

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

Description of Property



TIN, R3E  
Post 1949 County Road map



S-89-36-E  
Fadden  
RR NO 237  
STA 141+12.8  
Wood Tract RR

John F White

John F White

Harry White

Harry White

For Curves and slight  
relocation see Map of  
Federal Aid Project #41

26

Private Road

Thos Cruse

Thos Cruse

Thos Cruse

John White

Frank Jokle

Thos Cruse

ROUTE NO. 208  
PROJECT S 41(3)  
BUILT 1949 See Plans.

Private road

John White

John White

Frank Jokle

Thos Cruse

10" pipe Sta 213170  
1956 County placed  
8" x 56" Multi-plate loga. pipe  
2174.55 R/W.

Camp Creek Ry.

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.

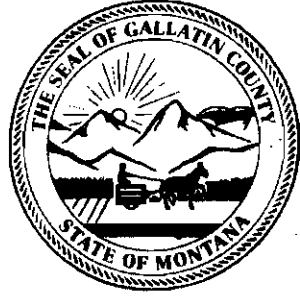
NAME Cindy Younkin PHONE 587-5511

- 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: 12-20-06
- 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. 820
  
- 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 1-23-07
- 11) Publish public hearing notice one time. DATE 1-19-07
  
- 12) Send a copy of the viewing committee report and public hearing notice to the following: 1-16-07
  - 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 a 60-foot wide county road easement in the W $\frac{1}{2}$ NW $\frac{1}{4}$  Section 26 T1N, R3E.

**Legal Description:**

The road follows the east edge of the W $\frac{1}{2}$ NW $\frac{1}{4}$  and the east edge of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 26, then runs due west along the northerly section line of section 26 to the NW corner of Section 26.

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. 2005, it contains the signatures of at least 10 qualified freeholders in Gallatin County.

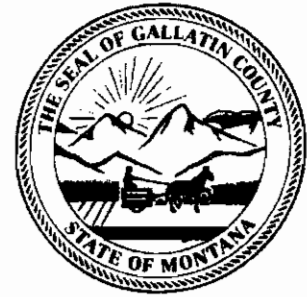
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of my office at Bozeman, the County Seat of Gallatin County, State of Montana, this 11th day of December 2006, A.D.

*Shelley Vance*  
Shelley Vance  
Clerk and Recorder  
Gallatin County, Montana

State of Montana

*County of Gallatin*

Bozeman



January 5, 2007

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: Abandonment of county road easement located in Section 26, Township 1 North, Range 3 East, P.M.M. Gallatin County, Montana

Dear Board,

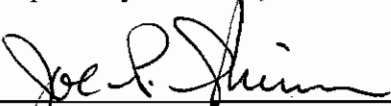
According to 7-14-2603 M.C.A., the Board of County Commissioners shall cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the petition. The investigation shall be sufficient to properly determine the merits or demerits of the petition.


The undersigned met with Chuck Feddes, adjacent land owner, and Mike Lapp, Gaston Engineering to view the dedicated roadway being petitioned for abandonment. We drove down the entire length of the section of road being considered for abandonment.

The road does show that it was once paved, but has not been maintained for many years. On the north side of the road is a fence separating the Feddes and Pierce/Emery land with open fields on either side of the road.

It is our conclusion that 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,

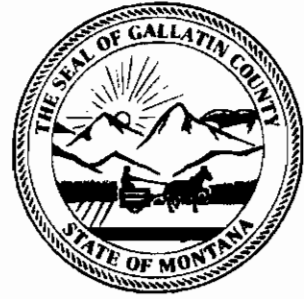
  
\_\_\_\_\_  
Joe V. Skinner, County Commissioner

  
\_\_\_\_\_  
Charlotte Mills, 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, 2007, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a petition to abandon a 60-foot wide county road easement in the W $\frac{1}{2}$ NW $\frac{1}{4}$  Section 26 T1N, R3E. All interested parties are encouraged to attend.

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

Dated this 11<sup>th</sup> day of January, 2007.

*Charlotte Mills*

Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana

Please publish: January 19, 2007  
Please Bill: Clerk & Recorder

**NOTICE OF PUBLIC HEARING**

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Dated this 11th day of January, 2007.

Charlotte Mills  
Clerk and Recorder  
Gallatin County,  
Montana

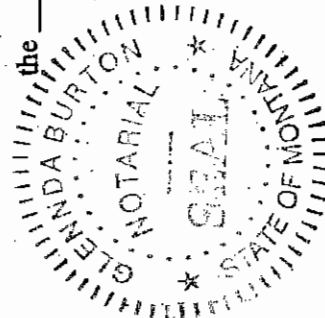
# Affidavit of Publication

STATE OF MONTANA, }  
County of Gallatin } SS.

Ann L. Harms

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 1-23-07 9am

(Ann L. Harms) 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 19th day of January 2007, and the last on the 19th day of January 2007.



Subscribed and sworn to before me this

19th day of January 2007

Glennida Burton

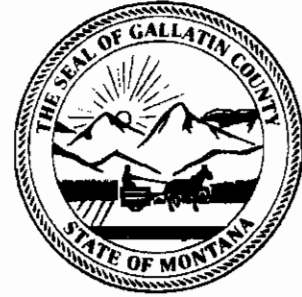
Notary Public for the State of Montana,  
residing at Bozeman, Montana.

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

State of Montana

*County of Gallatin*

Bozeman



**AFFIDAVIT OF MAILING**

STATE OF MONTANA)

)ss

COUNTY OF GALLATIN)

**CHARLOTTE MILLS, 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 a copy of the notice of public hearing and viewing committee report of a petition to abandon a 60-foot wide county road easement in the W $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 26, Township 1N, Range 3E, was mailed to the following land owners on: January 16, 2007.

**Robert L. & Dana M. Emery**, 3150 Churchill Road, Manhattan, MT 59741

**Michael K. White**, 7508 White Road, Manhattan, MT 59741

**Taryn & Craig DeBoer**, 4740 Churchill Road, Manhattan, MT 59741

**Marvin Feddes & Sons**, 7480 Meadow View Road, Manhattan, MT 59741

**Ron & Lani Chaney**, 2390 Central Park Road, Belgrade, MT 59714

**Elleen & John D. Van Dyke**, 5944 W. Dry Creek Road, Manhattan, MT 59741

**John L. & Barbara A. Venhuizen**, 3990 Churchill Road, Manhattan, MT 59741

**Kevin J. & Cindy K. Feddes**, 2960 Churchill Road, Manhattan, MT 59741

**Roelena Venhuizen**, 3590 Churchill Road, Manhattan, MT 59741

**Marc A. & Sherrie Pierce**, 7354 Meadow View Road, Manhattan, MT 59741

**Chuck Feddes Ranch, Inc**, 2610 Churchill Road, Manhattan, MT 59741

**John Glover**, 1 West Main Street, Bozeman, MT 59715

**Cindy Youkin**, P.O. Box 1288, Bozeman, MT 59715

**US Post Master**, 201 N. Railroad East, Manhattan, MT 59741

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

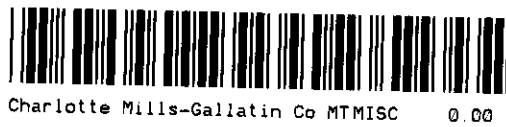
*Charlotte Mills*

CHARLOTTE MILLS

Clerk and Recorder

Gallatin County, Montana

Certified to be a full, true and correct copy of document containing 3 pages. Dated at Bozeman, MT, JANUARY 23 2007. Charlotte Mills, Clerk and Recorder for Gallatin County, State of Montana.



2254610 Page: 1 of 3 01/23/2007 12:43P

Charlotte Mills-Gallatin Co MTMISC 0.00

By: *Stephanie Puno*

Deputy

RESOLUTION NO. 2007-004

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION NO. 820 TO ABANDON A 60-FOOT WIDE COUNTY ROAD EASEMENT IN THE W 1/2 NW 1/4 SECTION 26 T1N, R3E, COMMONLY KNOWN AS THE FORMER LOCATION OF CHURCHILL ROAD

This Resolution was introduced by CLERK & RECORDER CHARLOTTE MILLS; moved by Commissioner MURDOCK and seconded by Commissioner SKINNER. This Resolution was adopted 2:0, COMMISSIONER WHITE WAS EXCUSED.

WHEREAS, the Gallatin County Clerk and Recorder received a Petition to abandon a 60-foot wide county road easement in the W1/2 NW1/4 Section 26 T1N, R3E (hereinafter referred to as the "Road"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated; and

WHEREAS, the Road is located in the W1/2 NW 1/4 Section 26, T1N,R3E, and is commonly known as the former location of Churchill Road and is generally located south of the Town of Manhattan; and,

WHEREAS, upon acceptance of the Petition, the Clerk & Recorder assigned the Number 820 to the Petition; and,

WHEREAS, the Petition states "this easement has been physically abandoned for 57 years, since the current Churchill Road was built in 1949. There is no actual road located on this easement, and it has been grazed by livestock since 1949. Further, the road easement is located entirely within Feddes, Venhuizen or Emery property and cannot, as a practical matter, be used by anyone else;" and

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

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

WHEREAS, the Road follows the east edge of the W1/2 NW1/4 and the east edge of the NW1/4 SW1/4 Section 26, then runs due west along the northerly section line of Section 26 to the NW corner of Section 26; and

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION NO. 820 TO ABANDON A 60-FOOT WIDE COUNTY ROAD EASEMENT IN THE W 1/2 NW 1/4 SECTION 26 T1N, R3E, COMMONLY KNOWN AS THE FORMER LOCATION OF CHURCHILL ROAD



WHEREAS, on December 11, 2006, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2601, MCA; and

WHEREAS, according to Section 7-14-2603, MCA, 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; and

WHEREAS, on December 20, 2006, the Gallatin County Clerk and Recorder presented the Petition to abandon the road to the Commission and the Commission appointed a viewing committee consisting of County Commissioner Joe P. Skinner and the County Surveyor, Charlotte Mills, as required by Section 7-14-2603(1), MCA; and

WHEREAS, on January 5, 2007, the viewing committee reported to the County Commission they viewed the Road being petitioned for abandonment and they drove the entire length of the section of Road being considered for abandonment; and

WHEREAS, on January 5, 2007, the viewing committee determined the Road does show that it was once paved, but has not been maintained for many years and that on the north side of the Road is a fence separating the Feddes and Pierce/Emery land with open fields on either side of the Road; and,

WHEREAS, on January 5, 2007, the viewing committee also reported that no one would be 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, all the landowners immediately adjacent to the Road to be abandoned have consented to its abandonment; and

WHEREAS, a Notice of Public Hearing to be held on January 23, 2007, was published in the Bozeman Daily Chronicle on January 19, 2007; and

WHEREAS, on January 23, 2007, the Gallatin County Commissioners conducted a public hearing, after notice, on the Petition and the results of the investigation; and

WHEREAS, on January 23, 2007, the Gallatin County Commissioners found that granting the Petition and abandoning the Road in the W1/2 NW1/4 Section 26 T1N, R3E in Gallatin County, Montana would serve the best interests of Gallatin County.

NOW THEREFORE BE IT RESOLVED:

1. The Road located in Section 26, Township 1 North, Range 3 East, P.M.M., Gallatin County, Montana, as requested in the Petition, is hereby abandoned;

2254610  
Page: 2 of 3  
01/23/2007 12:43P



0.00  
Charlotte Mills-Gallatin Co MTMISC

2254610  
Page: 3 of 3  
01/23/2007 12:43P  
Charlotte Mills-Gallatin Co MTMISC 0.00

2. The Road is located within land owned in fee by Chuck Feddes Ranch, Inc., said land being located in the SW ¼ of Section 23 and the west half of the NW ¼ of Section 26, and Chuck Feddes Ranch, Inc. shall hold all right, title and interest to the Road now abandoned that lies within said property;
3. The Road is also located within certain land owned in fee as tenants in common by Marc A. Pierce, an individual, and Robert L. Emery and Dana M. Emery, Trustees of the Robert L. Emery and Dana M. Emery Family Trust, said land being located in the east half of the NW ¼ of Section 26 and Marc A. Pierce, an individual and Robert L. Emery and Dana M. Emery, as Trustees of the Robert L. Emery and Dana M. Emery Family Trust shall hold all right, title and interest to the Road now abandoned that lies within said property;
4. 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 and abutting on the abandoned road. The owners shall be those listed on the last county assessment roll; and
5. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of this Resolution to the supervisor.

DATED this 23<sup>rd</sup> day of January, 2007.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

Joe P. Skinner      1/23/07  
Joe P. Skinner      Date

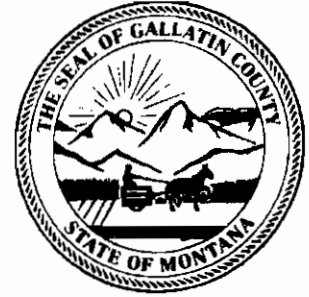
ATTEST:

Charlotte Mills      1/23/07  
Charlotte Mills  
Clerk and Recorder  
Gallatin County

State of Montana

*County of Gallatin*

Bozeman



**AFFIDAVIT OF MAILING**

**STATE OF MONTANA)**

)ss

**COUNTY OF GALLATIN)**

**CHARLOTTE MILLS, 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 2007-004 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 January 23, 2007.

**Chuck Feddes Ranch, Inc,** 2610 Churchill Road, Manhattan, MT 59741

**Roelena Venhuizen,** 3590 Churchill Road, Manhattan, MT 59741

**Marc A. & Sherrie Pierce,** 7354 Meadow View Road, Manhattan, MT 59741

**Robert L. & Dana M. Emery,** 3150 Churchill Road, Manhattan, MT 59741

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

**US Post Master,** 201 N Railroad Ease, Manhattan, MT 59741

*Charlotte Mills*

Charlotte Mills

Clerk and Recorder

Gallatin County, Montana

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Sent To Raelena Venhuizen  
 Street, Apt. No., or PO Box No. 3590 Churchill Rd  
 City, State, ZIP+4 Manhattan MT 59741

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 Street, Apt. No., or PO Box No. P.O. Box 530  
 City, State, ZIP+4 Manhattan, MT 59741

PS Form 3800, June 2002 See Reverse for Instructions

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Return Receipt Fee (Endorsement Required)	
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Total Postage & Fees	\$

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Sent To Chuck Feddas Ranch, Inc  
 Street, Apt. No., or PO Box No. 2610 Churchill Rd  
 City, State, ZIP+4 Manhattan MT 59741

PS Form 3800, June 2002 See Reverse for Instructions

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 City, State, ZIP+4 Manhattan, MT 59741

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To Robert L. & Dana M. Emera  
 Street, Apt. No., or PO Box No. 3150 Churchill Rd.  
 City, State, ZIP+4 Manhattan, MT 59741

PS Form 3800, June 2002 See Reverse for Instructions

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent To Bill Fairhurst  
 Street, Apt. No., or PO Box No. 105 3rd Ave E.  
 City, State, ZIP+4 Three Forks, MT 59752

PS Form 3800, June 2002 See Reverse for Instructions

7002 3150 0004 3917 1205

7002 3150 0004 3917 1236

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:

Marc A. & Sherrie Pierce  
 7354 Meadow View Rd  
 P O Box 530  
 Manhattan, MT 59741

Rd. Ret # 820

2. Article Number  
 (Transfer from service label) 7002 3150 0004 3917 1212

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *Marc A. Pierce*  Agent  Addressee
- B. Received by (Printed Name) *Marc A. Pierce* C. Date of Delivery *1-24-07*
- D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes  No

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

Rd. Ret # 820

2. Article Number  
 (Transfer from service label) 7002 3150 0004 3917 1236

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *William A. Fairhurst*  Agent  Addressee
- B. Received by (Printed Name) *WILLIAM FAIRHURST* C. Date of Delivery *1-24-07*
- D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes  No

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:

Robert L. & Dana M. Emery  
 3150 Churchill Rd  
 Manhattan, MT 59741

Rd. Ret # 820

2. Article Number  
 (Transfer from service label) 7002 3150 0004 3917 1199

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *Robert L. Emery*  Agent  Addressee
- B. Received by (Printed Name) *PO Box 530* C. Date of Delivery *1-25-07*
- D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes  No

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:

Manhattan Post Office  
 201 N Railroad East  
 Manhattan, MT 59741

Rd. Ret # 820

2. Article Number  
 (Transfer from service label) 7002 3150 0004 3917 1229

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *Terrell M. Sedlak*  Agent  Addressee
- B. Received by (Printed Name) *Terrell M. Sedlak* C. Date of Delivery *1-24-07*
- D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes  No

**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:

Chuck Feddes Ranch, Inc  
 Attn: Charles M. Feddes  
 2610 Churchill Rd  
 Manhattan, MT 59741

Rd. Pet #820

2. Article Number  
(Transfer from service label)

7002 3150 0004 3917 1205

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Chuck Feddes*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
 1-25-07

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

**SENDER: COMPLETE THIS SECTION**

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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:

Roelena Venhuizen  
 3590 Churchill Rd  
 Manhattan, MT 59741

Rd Pet #820

2. Article Number  
(Transfer from service label)

7002 3150 0004 3917 1182

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *R. Venhuizen*  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery  
 1-25-07

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