

ROAD PETITION NO. 823

Resolution #2007-130 to Abandon an Alley  
Located Between First Street and Second Street  
and Adjacent to Lots 19-27 and 43-51 as shown  
on the Plat of Rainbow Subdivision

*Granted Oct. 30, 2007*

Date: April 16<sup>th</sup>, 2007

To: The Board of Gallatin County Commissioners  
c/o Gallatin County Planning & Clerk and Records Office

RECEIVED  
Date 6-6-07  
Clerk & Recorder  
Gallatin County, Mont.

Fr: Montana Craftsman Woodworks c/o Chris Kurowski and Sean Becker  
81341 Gallatin Rd, Bozeman, MT 59718  
Phone: (406) 522-0181  
Fax: (406) 587-9606

Re: Gallatin County Road Abandonment Procedures  
Appendix B: Petition to discontinue street or alley in unincorporated town

Location: Southerly portion of SEC 14 2S 4E, Rainbow Subdivision, Four Corners,  
Gallatin County, MT

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COME NOW the undersigned owners of the lots on the alley in an unincorporated town or town site sought to be discontinued and petition this board pursuant to Section 7-14-2616<sup>1</sup>, MCA, to discontinue the alley and represent as follows:

***1. The street or alley to be discontinued is particularly described as follows:***

The alley runs north/south between Highway 191 / Cherry St. and 1<sup>st</sup> Ave and 2<sup>nd</sup> Ave in Four Corners, Gallatin County, Montana (see maps below).

***2. The general route of the street of or alley is described as follows:***

The specific area of interest is wholly surround by property owners Kurowski, Stouffer, Goodrich and Badura less the Middle Creek Supply Ditch and Gallatin County Right of Way that crosses the block. This block includes 18 lots, spanning nine (9) lots north to south surrounded by 191 to the east, 2<sup>nd</sup> Street to the north, 1<sup>st</sup> Street to the south (nonexistent) and Cherry Street to the west. Specifically, the abandonment relates to the alley between lots 19-27 and 43 to 51 (see maps below).

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<sup>1</sup> **7-14-2616. Procedure to discontinue street.** (1) The county commissioners may discontinue a street or alley or any part thereof in an unincorporated town or town site upon the petition in writing of all owners of lots on the street or alley if it can be done without detriment to the public interest.

(2) Where the street or alley is to be closed for school purposes, a petition signed by 75% of the lot owners on the whole street or alley to be closed will be required.

(3) Before acting upon such petition, a notice must be published or posted in three public places, stating when such petition will be acted on and what street or alley or part thereof is asked to be vacated. Such notice must be published in a newspaper or posted at least 1 week before the petition is acted on.

**History:** (1), (2)En. Sec. 429, 5th Div. Comp. Stat. 1887; amd. Sec. 5030, Pol. C. 1895; re-en. Sec. 3479, Rev. C. 1907; re-en. Sec. 5306, R.C.M. 1921; amd. Sec. 1, Ch. 13, L. 1929; re-en. Sec. 5306, R.C.M. 1935; amd. Sec. 1, Ch. 1, L. 1941; amd. Sec. 1, Ch. 36, L. 1945; Sec. 11-2801, R.C.M. 1947; (3)En. Sec. 429, 5th Div. Comp. Stat. 1887; amd. Sec. 5031, Pol. C. 1895; re-en. Sec. 3480, Rev. C. 1907; re-en. Sec. 5307, R.C.M. 1921; re-en. Sec. 5307, R.C.M. 1935; Sec. 11-2802, R.C.M. 1947; R.C.M. 1947, 11-2801(part), 11-2802.

**Legal descriptions of the lots bisected by the alley requested to be abandoned:**

Deed Book: 2155 Page: 948D

<b>Owner:</b>	Kurowski	Badura	Goodrich	Stouffer	Goodrich
<b>Parcel#:</b>	RGF12198	RGF12169	RGF12025	RGF12196	RGF12025
<b>Levy District:</b>	0363 13 27 Monforton- GGF-GP	0363 13 27 Monforton- GGF-GP	0363 13 27 Monforton- GGF-GP	0363 13 27 Monforton- GGF-GP	0363 13 27 Monforton- GGF-GP
<b>Geocode:</b>	06-0797-14-1-14-01-0000	06-0797-14-1-14-16-0000	06-0797-14-1-14-13-0000	06-0797-14-1-14-11-0000	06-0797-14-1-14-10-0000
<b>Legal:</b>	Rainbow Sub SEC 14 2S 4E Lots 43-44 ✓	Middle Ck Supply Ditch SEC-14 2S 4E Lots 45-47 W of ✓ Rainbow Tracts Sub	Rainbow Sub SEC 14 2S 4E ✓ LOT 48 & 49	Rainbow Sub SEC 14 2S 4E ✓ LOT 50	Rainbow Sub SEC 14 2S 4E ✓ LOT 51

← South

North →

<b>Owner:</b>	Kurowski	Kurowski	Kurowski	Kurowski
<b>Parcel#:</b>	RGF12198	RGF11950	RGF12198	RGF46812
<b>Levy District:</b>	0363 13 27 Monforton- GGF-GP	0363 13 27 Monforton- GGF-GP	0363 13 27 Monforton- GGF-GP	0363 13 27 Monforton- GGF-GP
<b>Geocode:</b>	06-0797-14-1-14-01-0000	06-0797-14-1-14-19-0000	06-0797-14-1-14-03-0000	06-0797-14-1-14-09-0000
<b>Legal:</b>	Rainbow Sub SEC 14 2S 4E LOTS 26-27 ✓	Rainbow Tracts Sub SEC 14 2S 4E LOTS 45-47 E of ✓ Middle Ck Supply Ditch	Rainbow Sub SEC 14 2S 4E ✓ LOT 25	Rainbow Sub SEC 14 2S 4E ✓ LOTS 19 - 24

***The necessity for and advantage of the abandonment of the road are as follow:***

**1) Public safety:**

- a. The Middle Creek Supply Ditch and Maintenance Easement run the length of the existing alley and are utilized May through September. The ditch drops between 4 and 10 feet to its rocky bottom with little protection from accidents, especially from children and/or physically challenged entering the ditch without being able to get out. In addition, there could be problems with vehicles entering the ditch and/or other obstructions entering the ditch resulting in flooding, contamination of water, etc.
- b. Currently the right of way includes noxious weeds, trash, abandoned tires, large dead trees and other hazardous obstructions. Ownership would result in neighborhood and individual landowner accountability for these hazards and their clean up.
- c. The potential, future entrance/exit of the alley is less than 100 feet from Highway 191 where vehicles enter and exit the State Highway at high speeds. Potential vehicular conflicts may exist, as well as pedestrian/vehicular/large equipment conflicts.
- d. There are two homes and one business on the 18 lots that make up this block. An increase in alley access, could allow a higher density build-out contributing to "the worst continuing problem in Gallatin County" – septic pollution.
  - i. *"The Four Corners location was once again of concern due to the density of septic systems in the area. With this high effluent loading next to the river one installer expressed concern about the possibility of inadequate treatment to reduce pathogen*

transport. He stated that the lots, primarily behind Bozeman Hotsprings in Rainbow Subdivision, were too small for wells and septic systems. Older lots can be as small as 1/2 to 1/4 acre in size with one to three trailers on a lot. Wells are as shallow as 35 ft deep. The installer concluded that with wells too shallow and a high concentration of septic systems, this area is the worst continuing problem in the Gallatin Valley.<sup>2</sup>

2) Economic development

- a. By allowing the alley to be abandoned, Gallatin County citizens have additional employment opportunities with proper utilization of this land and will capture additional taxes on real property, land improvements, labor, equipment and other value added industry products.
  - i. Holding on to land that will unlikely ever be used for right of way is unnecessarily reducing the potential tax base of Gallatin County. In this case, the land is already privately used although remains untaxed.

3. All the owners on the alley are identified as follow:

Lot Owners:	Lot Description
<b>Owner(s):</b> KUROWSKI, CHRIS  <b>Mailing Address:</b> 81341 GALLATIN RD. BOZEMAN, MT 59718  <i>Chris L. Kurowski</i>	<b>PARCEL_ID</b> 46104 <b>CLASS</b> MAJOR SUBDIVISION <b>SUBCLASS</b> PARCEL <b>RECORD</b> D-41 <b>SUB_NAME</b> RAINBOW SUBDIVISION OF BOZEMAN HOT SPRINGS TRACT  <b>LOT</b> Lots 45-47 E of Middle Ck ✓ Lots 43-44 ✓ Lots 19-27 ✓  <b>DATE_SURV</b> 11/26/1913 <b>GEOCODE</b> 06-0797-14-1-14-09-0000 06-0797-14-1-14-03-0000 06-0797-14-1-14-01-0000 06-0797-14-1-14-19-0000  <b>TAXCODE</b> RGF12198
<b>Owner(s):</b> GOODRICH ELSIE ROMA & JUDY DIANE  <b>Mailing Address:</b> 2031 LOMINA AVE LONG BEACH, CA 90815-3215	<b>PARCEL_ID</b> 46071 <b>CLASS</b> MAJOR SUBDIVISION <b>SUBCLASS</b> PARCEL <b>RECORD</b> D-41 <b>SUB_NAME</b> RAINBOW SUBDIVISION OF BOZEMAN HOT SPRINGS TRACT <b>LOT</b> LOT 49 ✓ <b>DATE_SURV</b> 11/26/1913 <b>GEOCODE</b> 06079714114130000 <b>TAXCODE</b> RGF12025
	<b>PARCEL_ID</b> 46084 <b>CLASS</b> MAJOR SUBDIVISION <b>SUBCLASS</b> PARCEL <b>RECORD</b> 4 FM 987 <b>SUB_NAME</b> RAINBOW SUBDIVISION OF BOZEMAN HOT SPRINGS TRACT  <b>LOT</b> LOT 51 <b>DATE_SURV</b> 11/26/1913 <b>GEOCODE</b> 06079714114100000 <b>TAXCODE</b> RGF12025
	<b>PARCEL_ID</b> 46064 <b>CLASS</b> MAJOR SUBDIVISION <b>SUBCLASS</b> PARCEL <b>RECORD</b> D-41 <b>SUB_NAME</b> RAINBOW SUBDIVISION OF BOZEMAN HOT SPRINGS TRACT

<sup>2</sup> Analysis of Septic System Failure in Gallatin County, Montana. Montana State University Extension Service. May 1998.

**Lot Owners:**

**Owner(s):**  
STOUFFER MARSHALL K

**Mailing Address:**  
PO BOX 11062  
BOZEMAN, MT 59719-1062

**Owner(s):**  
BADURA CAROLYN R & CHRISTIE L  
PANTOJA COLLETTE

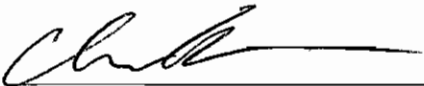
**Mailing Address:**  
715 BLACKMORE PL  
BOZEMAN, MT 59715-2711


**Lot Description**

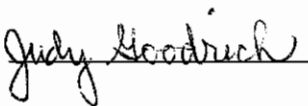
<b>PARCEL_ID</b>	46055
<b>CLASS</b>	MAJOR SUBDIVISION
<b>SUBCLASS</b>	PARCEL
<b>RECORD</b>	D-41
<b>SUB_NAME</b>	RAINBOW SUBDIVISION OF BOZEMAN HOT SPRINGS TRACT
<b>LOT</b>	LOT 50
<b>DATE_SURV</b>	11/26/1913
<b>GEOCODE</b>	06079714114110000
<b>TAXCODE</b>	RGF12196
<b>LOT</b>	PORTION LOT 47
<b>DATE_SURV</b>	07/29/1987
<b>GEOCODE</b>	06079714114160000
<b>TAXCODE</b>	RGF12169
<b>PARCEL_ID</b>	46091
<b>CLASS</b>	MAJOR SUBDIVISION
<b>SUBCLASS</b>	PARCEL
<b>RECORD</b>	4 FM 987
<b>SUB_NAME</b>	RAINBOW SUBDIVISION OF BOZEMAN HOT SPRINGS TRACT
<b>BLOCK</b>	
<b>LOT</b>	PORTION LOT 46
<b>DATE_SURV</b>	11/26/1913
<b>GEOCODE</b>	06079714114160000
<b>TAXCODE</b>	RGF12169
<b>PARCEL_ID</b>	46097
<b>CLASS</b>	MAJOR SUBDIVISION
<b>SUBCLASS</b>	PARCEL
<b>RECORD</b>	4 FM 987
<b>SUB_NAME</b>	RAINBOW SUBDIVISION OF BOZEMAN HOT SPRINGS TRACT
<b>BLOCK</b>	
<b>LOT</b>	PORTION LOT 45
<b>DATE_SURV</b>	07/29/1987
<b>GEOCODE</b>	06079714114160000
<b>TAXCODE</b>	RGF12169


**Petition to discontinue street or alley in unincorporated town**

The undersigned state that they are owners of the lots on the alley in the unincorporated town or town site.

OK 1.  81341 Gallatin Rd.  
*Signature* *Address*  
Chris Kurowski Bozeman, MT 59718  
*Printed Name* *City, State & Zip*  
4/16/07  
*Date*  
Lots 45-47 E of Middle Ck, 43-44, 19-27, SEC 14 2S 4E, Rainbow Sub, Four Corners, Gallatin County, MT  
*Description of Property*

2.  715 Blackmore Pl.  
*Signature* *Address*  
Carolyn Badura Bozeman, MT 59715  
*Printed Name* *City, State & Zip*  
6/5/07  
*Date*  
Lots 45-47 Westerly Portions, SEC 14 2S 4E, Rainbow Sub, Four Corners, Gallatin County, MT  
*Description of Property*

3.  2031 Lomina Ave.  
*Signature* *Address*  
Judy Goodrich Long Beach, CA 90815  
*Printed Name* *City, State & Zip*  
4-16-07  
*Date*  
Lots 48,49,51, SEC 14 2S 4E, Rainbow Sub, Four Corners, Gallatin County, MT  
*Description of Property*

OK 4.  PO Box 11062  
*Signature* *Address*  
Marshall Stouffer Bozeman, MT 59719  
*Printed Name* *City, State & Zip*  
05/17/07  
*Date*  
Lot 50, SEC 14 2S 4E, Rainbow Sub, Four Corners, Gallatin County, MT  
*Description of Property*


## SIGNATURE ADDENDUM: GOODRICH


1. Judy Goodrich *Signature* 2031 Lomina Ave. *Address*  
Judy Goodrich *Printed Name* Long Beach, CA 90815 *City, State & Zip*  
July 20, 2007 *Date*  
Lots 48,49,51, SEC 14 2S 4E, Rainbow Sub, Four Corners, Gallatin County, MT *Description of Property*


2. Elsie Goodrich *Signature* 2031 Lomina Ave. *Address*  
Elsie Goodrich *Printed Name* Long Beach, CA 90815 *City, State & Zip*  
July 20, 2007 *Date*  
Lots 48,49,51, SEC 14 2S 4E, Rainbow Sub, Four Corners, Gallatin County, MT *Description of Property*

This addendum is to be attached to the request dated May 14, 2007 requesting the alley in an unincorporated town or town site to be discontinued. The alley runs north to south between Highway 191 and Cherry Street from 1st Avenue to 2nd Avenue in Four Corners, Gallatin County, Montana. Specially this addendum is for the abandonment to the alley between lots 19-27 and 43 to 51.

# SIGNATURE ADDENDUM: BADURA, PANTOJA

1.  715 Blackmore Pl.  
*Signature* *Address*  
Carolyn Badura Bozeman, MT 59715  
*Printed Name* *City, State & Zip*  
8-6-07  
*Date*  
Lots 45-47 Westerly Portions, SEC 14 2S 4E, Rainbow Sub, Four Corners, Gallatin County, MT  
*Description of Property*

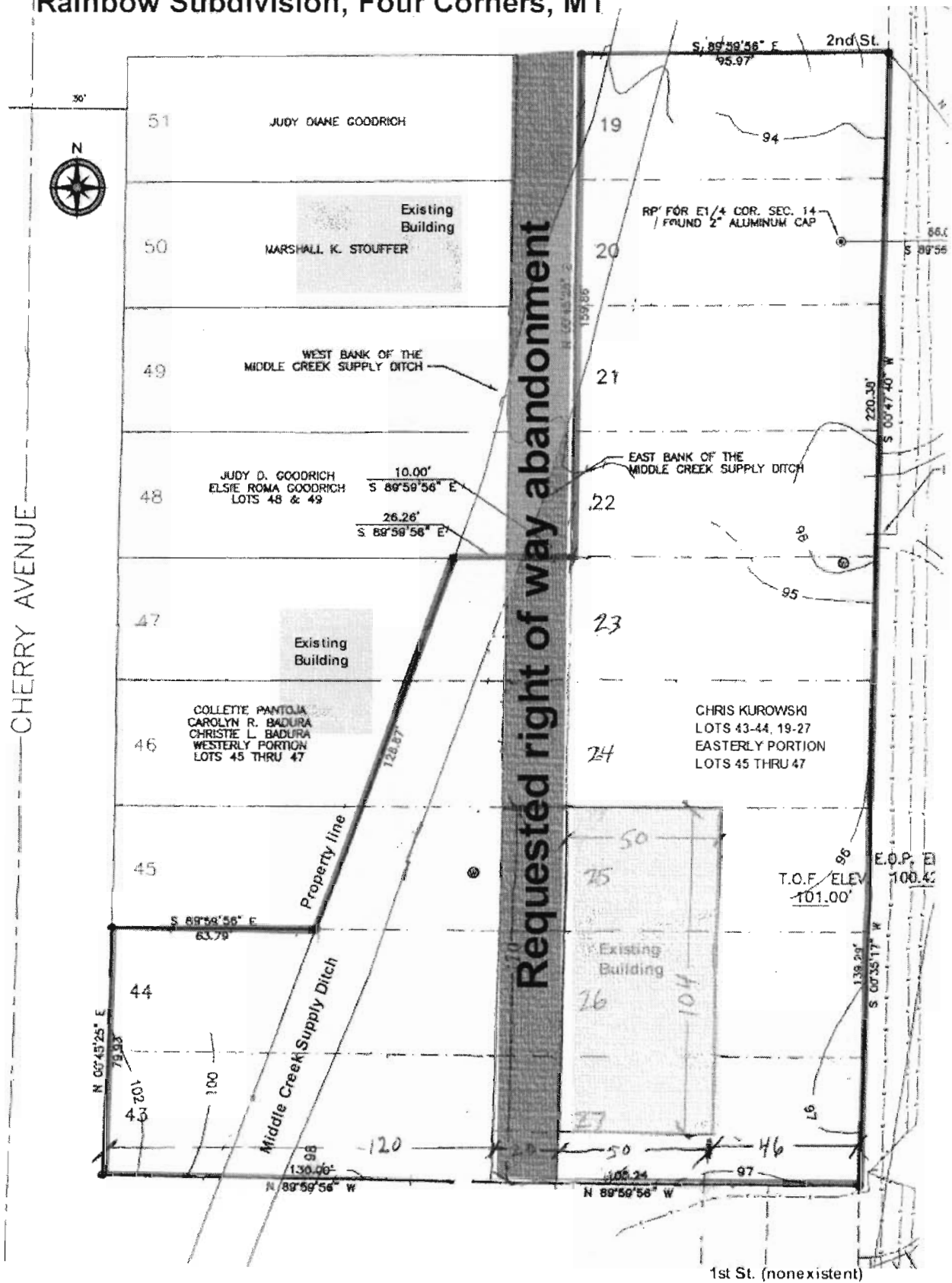
2.  512 West Main  
*Signature* *Address*  
Christie Badura Hansen Bozeman MT 59715  
*Printed Name* *City, State & Zip*  
8-6-07  
*Date*  
Lots 45-47 Westerly Portions, SEC 14 2S 4E, Rainbow Sub, Four Corners, Gallatin County, MT  
*Description of Property*

3.  310 W Granite  
*Signature* *Address*  
Collette Pantoja Butte MT 59701  
*Printed Name* *City, State & Zip*  
8-6-07  
*Date*  
Lots 45-47 Westerly Portions, SEC 14 2S 4E, Rainbow Sub, Four Corners, Gallatin County, MT  
*Description of Property*



Survey:

# Rainbow Subdivision, Four Corners, MT



**Aerial Photos:**



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 Sean Becker PHONE \_\_\_\_\_

- 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: 9/19/07
- 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. 823
- 8) a) Type regular mail envelopes for: 10/19/2007
  - 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 Oct 30
- 11) Publish public hearing notice one time. DATE Oct 21
- 12) Send a copy of the viewing committee report and public hearing notice to the following:
  - Persons listed in #8a
  - County Road Superintendent (certified copy per 7-14-2613)
  - County Attorney
  - County Commissioners (3 copies) -
- 13) Prepare affidavit of mailing for petition file (regarding the viewers report). Prepared 10/19/2007
- 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) and forward certified copy to County Road Superintendent (per 7-14-2613).
- 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 alley located between First Street and Second Street in Rainbow Subdivision.

Legal Description: That alley located between First Street and Second Street and adjacent to Lots 19-27 and 43-51 as shown on the plat of Rainbow Subdivision.

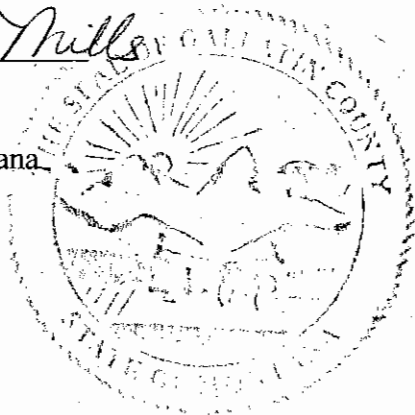
STATE OF MONTANA )  
 )ss  
COUNTY OF GALLATIN)

I, Charlotte Mills, 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 7-14-2616 M.C.A. 2005, it contains the signatures of all the owners of lots on the alley to be closed.

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 7<sup>th</sup> day of August 2007, A.D.

*Charlotte Mills*

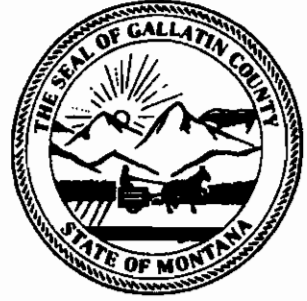
Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana



State of Montana

*County of Gallatin*

Bozeman



October 3, 2007

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: Abandonment of an alley located between First Street and Second Street and adjacent to Lots 19-27 and 43-51 as shown on the plat of Rainbow Subdivision, Gallatin County, Montana


Dear Board,

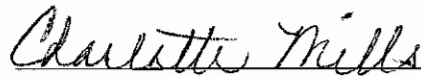
According to 7-14-2603 M.C.A., the Board of County Commissioners shall cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the petition. The investigation shall be sufficient to properly determine the merits or demerits of the petition.

On Friday, September 28, 2007, the undersigned met to view the dedicated alley being petitioned for abandonment. A large ditch full of water runs through the middle of the alley.

It is our conclusion that no one would be land-locked, nor denied access to public lands if the abandonment of this alley were granted. The viewing committee believes that it is feasible and desirable to grant the petition.

Respectfully submitted,

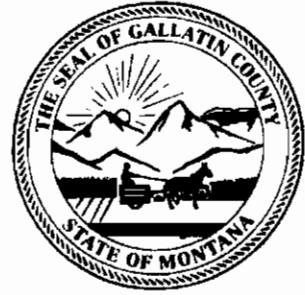
  
\_\_\_\_\_  
Steve White, County Commissioner

  
\_\_\_\_\_  
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 October 30, 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 the entire alleyway located between First Street and Second Street and adjacent to Lots 19-27 and 43-51 as shown on the plat of Rainbow Subdivision, Section 14, T2S, R4E, County of Gallatin, State of Montana. 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 12<sup>th</sup> day of October, 2007.

*Charlotte Mills*

Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana

Please publish: October 21, 2007  
Please Bill: Clerk & Recorder

# Affidavit of Publication

STATE OF MONTANA; }  
County of Gallatin } SS.

Matt Rose, being duly sworn, deposes and

says: That he 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 10/30/07 Public Hearing Re: Abandon Alleyway 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 21st day of October 2007, and the last on the 21st day of October 2007.

Matt Rose  
Subscribed and sworn to before me this  
22nd day of October 2007  
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

## NOTICE OF PUBLIC HEARING

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Dated this 12th day of October, 2007.  
Charlotte Mills  
Clerk and Recorder  
Gallatin County,  
Montana

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:

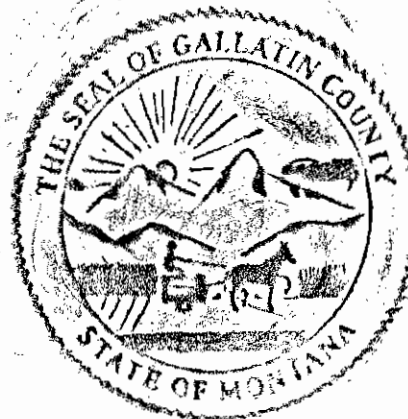
That she is the duly elected, qualified and acting County Clerk and Recorder of Gallatin County,
Montana.

I hereby certify that a copy of the notice of public hearing and viewing committee report of a petition
to abandon a portion of an alleyway located between First Street and Second Street and adjacent to Lots 19-
27 and 43-51 as shown on the plat of Rainbow Subdivision, Section 14, Township 2 South, Range 4 East, County of
Gallatin, State of Montana, was mailed to the following landowners on October 19, 2007.

- Carolyn Badura, 715 Blackmore Place, Bozeman, MT 59715
Christie Badura Hansen, 512 W. Main Street, Bozeman, MT 59715
Bill Fairhurst, Public Land Access Association, 105 3rd Avenue East, Three Forks, MT 59752
Chris Kurowski, 81341 Gallatin Road, Bozeman, MT 59718
Elsie & Judy Goodrich, 2031 Lomina Ave, Long Beach, CA 90815-3215
Marshall K. Stouffer, PO Box 11062, Bozeman, MT 59719-1062
Collette Pantoja, 310 W. Granite, Butte, MT 59701
US Postmaster, 2201 Baxter Lane, Bozeman, MT 59718

Charlotte Mills

CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana





RESOLUTION NO. 2007- 130

A RESOLUTION TO ABANDON AN ALLEY LOCATED BETWEEN FIRST STREET AND SECOND STREET AND ADJACENT TO LOTS 19-27 AND 43-51 AS SHOWN ON THE PLAT OF RAINBOW SUBDIVISION

This Resolution was introduced by Charlotte Mills; moved by Commissioner White and seconded by Commissioner Murdock. This Resolution was adopted unanimously.

WHEREAS, the Gallatin County Clerk and Recorder received a Petition to abandon an alley located between First Street and Second Street and adjacent to Lots 19-27 and 43-51 as shown on the plat of Rainbow Subdivision, Gallatin County, Montana; and

WHEREAS, the specific area of interest is wholly surrounded by property owners Kurowski, Stouffer, Goodrich and Badura less the Middle Creek Supply Ditch and Gallatin Right of Way that crosses the block. This block includes 18 lots, spanning nine (9) lots north to south surrounded by 191 to the east, 2<sup>nd</sup> Street to the north, 1<sup>st</sup> Street to the south (nonexistent) and Cherry Street to the west. Specifically, the abandonment relates to the alley between lots 19-27 and 43 to 51; 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

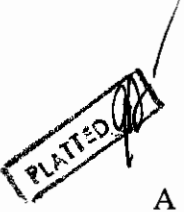
WHEREAS, Section 7-14-2616, MCA, authorizes the Gallatin County Board of County Commissioners ("Commissioners") to discontinue a street or alley or any part of a street or alley in an unincorporated town or town site upon the petition in writing of all owners of lots on the street or alley if it can be done without detriment to the public interest; and

WHEREAS, on August 7, 2007, at a public meeting before the Commission 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 Commission 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 September 18, 2007, the Gallatin County Clerk and Recorder presented the Petition to discontinue an alley located between First Street and Second Street in Rainbow Subdivision to the Commission and the Commission appointed a viewing committee consisting of County Commissioner Steve White and the County Surveyor, Charlotte Mills, as required by Section 7-14-2603(1), MCA; and

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Charlotte Mills-Gallatin Co MTMISC 0.00



WHEREAS, on September 28, 2007, the Viewing Committee viewed the area described above; and

WHEREAS, on October 3, 2007, said Viewing Committee issued a Report; and

WHEREAS, the Report stated a large ditch full of water runs through the middle of the alley; and

WHEREAS, the Report stated that no one would be land-locked, or denied access to public lands if the abandonment of this alley were granted. It is the recommendation of the viewing committee that this is in the best interest of the public; and

WHEREAS, on October 30, 2007, a public hearing was held to consider the petition; and

WHEREAS, the Commission finds that abandoning an alley between First Street and Second Street and adjacent to Lots 19-27 and 43-51 as shown on the plat of Rainbow Subdivision is appropriate; and

WHEREAS, abandoning the alley between First Street and Second Street in Rainbow Subdivision would benefit the surrounding property owners and is in the best interest of the entire community.

NOW THEREFORE BE IT RESOLVED:

1. That the entire alleyway located between First Street and Second Street and adjacent to Lots 19-27 and 43-51 as shown on the plat of Rainbow Subdivision, Section 14, T2S, R4E, running north/south between Highway 191/Cherry St. and 1<sup>st</sup> Ave., and 2<sup>nd</sup> Ave., in Four Corners, Gallatin County, Montana as requested in the Petition, is hereby abandoned.
2. Chris Kurowski owns Lots 19-27 Section 14, Township 2 South, Range 4 East and shall obtain all right, title, and interest to the adjacent east ten (10) feet of said unnamed alleyway.
3. Chris Kurowski owns Lots 43-44 of Rainbow Subdivision, Section 14, Township 2 South, Range 4 East, and Lots 45-47 of Rainbow Subdivision, East of Middle Creek Supply Ditch, Section 14, Township 2 South, Range 4 East and shall obtain all right, title, and interest to the adjacent west ten (10) feet of said unnamed alleyway.
4. Elsie Roma Goodrich and Judy Diane Goodrich own Lots 48, 49 and 51 of Rainbow Subdivision, Section 14, Township 2 South, Range 4 East and shall obtain all right, title, and interest to the adjacent west ten (10) feet of said unnamed alleyway.
5. Marshall K. Stouffer owns Lot 50 of Rainbow Subdivision, Section 14, Township 2 South, Range 4 East and shall obtain all right, title, and interest to the adjacent west ten (10) feet of said unnamed alleyway.

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Charlotte Mills-Gallatin Co MTMISC

6. Carolyn R. Badura and Christie L. Pantoja Collette own Lots 45-47 West of Middle Creek Supply Ditch, Rainbow Subdivision, Section 14, Township 2 South, Range 4 East. This property is not adjacent to the alley and does not acquire title to any portion of the alleyway.

7. 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.

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

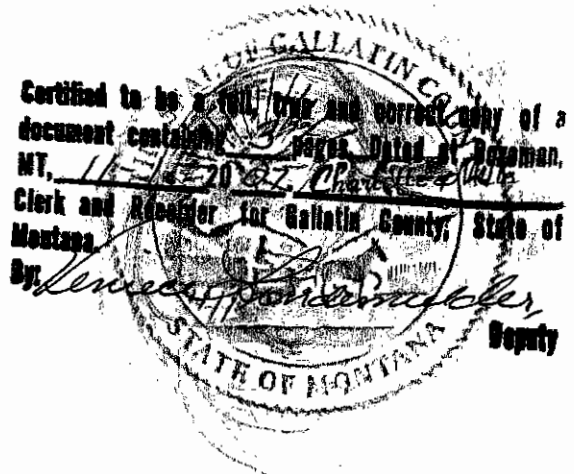
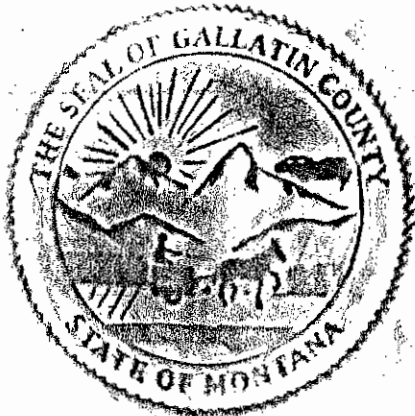
DATED this 30<sup>th</sup> day of October, 2007.

BOARD OF COUNTY COMMISSIONERS  
OF GALLATIN COUNTY

Joe P. Skinner 10/30/07  
Joe P. Skinner Date

ATTEST:

Charlotte Mills 10/30/07  
Charlotte Mills Date  
Clerk and Recorder  
Gallatin County



2283362

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11/01/2007 01:32P



Charlotte Mills-Gallatin Co MTMISC 0.00

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 2007-130 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 November 1, 2007.

- Carolyn Badura, 715 Blackmore Place, Bozeman, MT 59715
- Christie Badura Hansen, 512 W. Main Street, Bozeman, MT 59715
- Bill Fairhurst, Public Land Access Association, 105 3<sup>rd</sup> Avenue East, Three Forks, MT 59752
- Chris Kurowski, 81341 Gallatin Road, Bozeman, MT 59718
- Elsie & Judy Goodrich, 2031 Lomina Ave, Long Beach, CA 90815-3215
- Marshall K. Stouffer, PO Box 11062, Bozeman, MT 59719-1062
- Collette Pantoja, 310 W. Granite, Butte, MT 59701
- US Postmaster, 2201 Baxter Lane, Bozeman, MT 59718

*Charlotte Mills*

Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana

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:

Christie Badura Hansen  
512 W. Main Street  
Bozeman, MT 59715

2. Article Number  
(Transfer from service label)

7005 1160 0001 9972 4826  
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]*  Agent  
 Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *7-2-07*

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

- 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

2. Article Number

(Transfer from service label)  
7005 1160 0001 9972 4888  
PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]*  Agent  
 Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *11/02/07*

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

- 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:

Elsie Goodrich  
Judy Goodrich  
2031 Lomina Ave  
Long Beach, CA 80915-3215

2. Article Number  
(Transfer from service label)

7005 1160 0001 9972 4857  
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]*  Agent  
 Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *11/5/07*

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

- 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:

Bozeman Post Office  
Attn: Postmaster  
2201 Baxter Ln  
Bozeman, MT 59718

2. Article Number  
(Transfer from service label)

7005 1160 0001 9972 4871  
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]*  Agent  
 Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *11/2/07*

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**

- 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:

Collette Pantoja  
310 W. Granite  
Butte, MT 59701



**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *Collette Pantoja*  Agent  Addressee

B. Received by (Printed Name) *Collette Pantoja* C. Date of Delivery *11-7*

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

2. Article Number **7005 1160 0001 9972 4833**

(Transfer from service label)  
Domestic Return Receipt

102595-02-M-1540

PS Form 3811, February 2004

**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:

Chris Kurowski  
81341 Gallatin Rd.  
Bozeman, MT 59718

2. Article Number **7005 1160 0001 9972 4864**

(Transfer from service label)  
Domestic Return Receipt

102595-02-M-1540

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *Sean Becker*  Agent  Addressee

B. Received by (Printed Name) *Sean Becker* C. Date of Delivery *11/5/07*

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

2. Article Number **7005 1160 0001 9972 4864**

(Transfer from service label)  
Domestic Return Receipt

102595-02-M-1540

PS Form 3811, February 2004

**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:

Carolyn Badura  
715 Blackmore Pl  
Bozeman, MT 59715

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *Carolyn Badura*  Agent  Addressee

B. Received by (Printed Name) *Carolyn R. Badura* C. Date of Delivery *11/6/07*

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

2. Article Number **7005 1160 0001 9972 4819**

(Transfer from service label)  
Domestic Return Receipt

102595-02-M-1540

PS Form 3811, February 2004

**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:

Marshall K. Stouffer  
PO Box 11062  
Bozeman, MT 59719-1062

2. Article Number **7005 1160 0001 9972 4840**

(Transfer from service label)  
Domestic Return Receipt

102595-02-M-1540

PS Form 3811, February 2004

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *Marshall Stouffer*  Agent  Addressee

B. Received by (Printed Name) *MARSHALL STOFFER* C. Date of Delivery *11/6/07*

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

2. Article Number **7005 1160 0001 9972 4840**

(Transfer from service label)  
Domestic Return Receipt

102595-02-M-1540

PS Form 3811, February 2004