

ROAD PETITION #827

Abandon a portion of North State Street
adjacent to Blocks 11, 12, 24, 25, and
Auncotts Park within the plat of the Town
of Three Forks (Old Town)

Granted Feb. 3, 2009

ROEN, INC. PO Box 1231, Bozeman, MT 59771

(406) 580-7975

September 4, 2008

RECEIVED
Date 9/4/08
Clerk & Recorder
Gallatin County, Mont.

Ms. Charlotte Mills
Gallatin County Clerk and Recorder
311 West Main St., Rm. 203
Bozeman, MT 59715

Re: Petition to Discontinue North State Street
Three Forks, MT

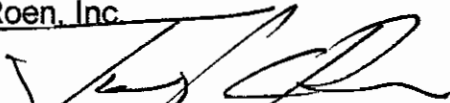
Ms. Mills,

Please see the enclosed original *Petition to Discontinue Street or Alley in Unincorporated Town (Appendix B)* along with a narrative description of the request and a Road Exhibit. We are submitting this package on behalf of our clients, Dean and Lyla Schedel.

Please note that we also mailed a copy of this submittal to Lee Provance, County Road Superintendent.

Please do not hesitate to call if you have any questions or need additional information.

Sincerely,
Roen, Inc.



Jonathan C. Roen, PE, PLS

CC: Lee Provance, County Road Superintendent

**Petition to Discontinue a Portion of North State Street
Located Adjacent to Blocks 11, 12, 24, 25 and Amcotts Park
Within the Plat of the Town of Three Forks (Old Town)**

In accordance with Gallatin County Road Abandonment Procedures (*Procedure for the Abandonment of a County Road or Discontinuance of a Street or Alley in an Unincorporated Town, Gallatin County, Montana*) adopted March 17, 1992, by the Board of Gallatin County Commissioners, we hereby petition to discontinue all that part of North State Street lying north and east of Old Town Road, as now traveled, beginning at the north side of the intersection of North State Street (Old Town Road) and Main Street and running north to its termination at the north side of the plat. Refer to the enclosed drawing.

No traveled way was constructed within the original platted right-of-way of North State Street. No other land owners of platted townsite lots will be affected by the abandonment. The former railroad property has legal and physical access to County Road No. 324 (Old Town Road) where the county road crosses the former railroad alignment approximately 400 feet southwest of the dead-end of North State Street.

Dean and Lyla Schedel own all of the land surrounding the proposed abandonment, south of the former Milwaukee Railroad right-of-way and grade. The former Milwaukee Railroad right-of-way and grade is owned by MCL Land and Cattle (formerly Huem Holding, Inc.). The Scofield's own all the adjoining property north of the former Milwaukee Railroad right-of-way and grade.

The Scofield property currently accesses Old Town Road at numerous points north of the platted townsite. Please refer to Page 1 of the Appendix B petition for ownership details. The un-constructed Utah & Northern Railroad right-of-way and the former Milwaukee Railroad right-of-way (and grade) pass through North State Street as originally platted. No physical allowances were made for direct access to these rights-of-way via State Street in light of the fact that the original plat shows an area reserved for a railway station. The Utah & Northern railroad was not constructed within the platted area reserved on the plat and the station was eventually constructed within Three Forks. The former Milwaukee Railroad property has legal and physical access to County Road No. 324 (Old Town Road) where the county road crosses the former railroad alignment. As such, State Street was never constructed and portions of the Schedel's home and out buildings are constructed within the North State Street right-of-way. The Schedels wish to gain clear title of the property under their home and out buildings through discontinuance of the un-used road.

Please refer to the enclosed application, Petition to Discontinue Street or Alley in Unincorporated Town (Appendix B) – page #1 and #3 only.

Enclosures: Appendix B application (page #1 and #3) and a Road Exhibit drawing.

**PETITION TO DISCONTINUE STREET OR ALLEY IN UNINCORPORATED TOWN
(APPENDIX B)**

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

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

1. The street or alley to be discontinued is particularly described as follows: That portion of North State Street lying north and east of Old Town Road and lying north of Main Street.
(See enclosed Petition to Discontinue narrative and enclosed drawing.)
(Attach additional page if required).

2. The general route of the street or alley is described as follows: A traveled way has not been constructed in this portion of State Street.

3. All of the owners on the street or alley are identified as follows:

<u>LOT OWNER(S)</u>	<u>LOT DESCRIPTION</u>
1. <u>Dean and Lyla Schedel</u> <u>360 Old Town Road</u> <u>Three Forks, MT 59752</u>	<u>P/O Block 11: Film 120 Page 2217</u> <u>Block 12, All: Film 75 Page 1914</u> <u>Film 83 Page 2479</u> <u>Block 24; All: Film 55 Page 1259</u> <u>P/O Block 25: Film 34 Page 1706</u>
X. _____	_____
X. _____	<u>Amcotts Park: Film 120 Page 2217</u>
X. <u>ADJACENT LAND OWNERS</u>	_____
2. <u>MCL Land + Livestock</u> <u>(Formerly Huem Holding, Inc.)</u> <u>525 Jackleg Lane, Bozeman, MT 59715</u>	<u>Railroad Right-of-Way: Film 115 page 3187</u> <u>Railroad Right-of-Way: Doc. 2288005</u>
3. X. <u>Don F. Scoffield + Patsy D. Scoffield, Trustees</u> <u>Don F. Scoffield + Patsy D. Scoffield Revocable</u> <u>Living Trust</u>	<u>Doc. No. 2268821</u> <u>Parcel A</u>
X. <u>350 Old Town Rd.</u> <u>Three Forks, MT 59752</u>	_____

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

1. *Dean Schedel* Signature 360 Old Town Road Address
Dean Schedel Printed Name Three Forks, MT 59752 City, State & Zip
8-22-08 Date

See "Lot Description" of "Lot Owner #1" on page 1
of this application. Description of Property

2. *Lyla Schedel* Signature 360 Old Town Road Address
Lyla Schedel Printed Name Three Forks, MT 59752 City, State & Zip
Aug. 22nd, 08 Date

Same as Dean Schedel listed above.
Description of Property

3. *MCL Land & Livestock* Signature Box 988 Address
by Michael Blumgren Partner AND INDIVIDUALLY
MCL Land & Livestock Enterprises Bozeman MT 59715 City, State & Zip
Formerly Haven Holding LLC Printed Name
9/4/08 Date

See "Lot Description" of "Lot owner #2" on page 1
of this application. Description of Property

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

4. X. Don F. Scoffield _____ 350 Old Town Rd.
 Don F. Scoffield, Trustee Signature Address
Don F. Scoffield + Patsy D. Scoffield Revocable Living Trust _____ Three Forks, MT 59752
 Printed Name City, State & Zip
 _____ 1-1-09 _____
 Date

See "Lot Description" of Adjacent Land Owner #3 on page 1
of this application. _____
 Description of Property

5 X. Patsy D. Scoffield _____ 350 Old Town Rd.
 Patsy D. Scoffield, Trustee Signature Address
Don F. Scoffield + Patsy D. Scoffield Revocable Living Trust _____ Three Forks, MT 59752
 Printed Name City, State & Zip
 _____ 1-1-09 _____
 Date

Same as Don F. Scoffield, Trustee listed above. _____

 Description of Property

X. _____
 _____ Signature Address

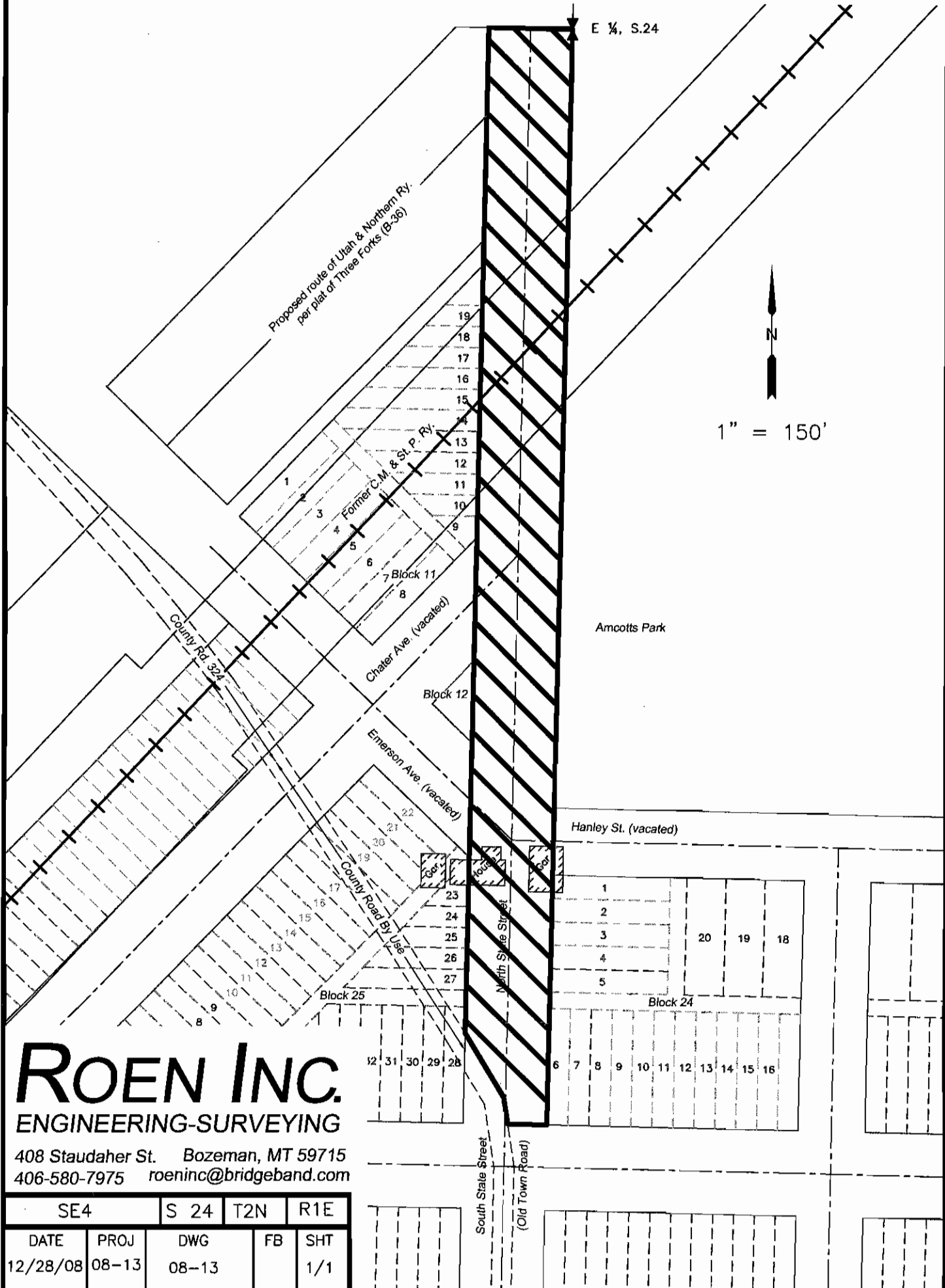
 _____ Printed Name City, State & Zip

 _____ Date

_____ Description of Property

ROAD EXHIBIT

FOR THE VACATION OF A PORTION OF NORTH STATE STREET,
 LOCATED ADJACENT TO BLOCKS 11, 12, 24, 25, AMCOTT'S PARK
 AND THE RIGHT OF WAY FOR THE PROPOSED ROUTE OF THE UTAH AND
 NORTHERN RAILWAY,
 ACCORDING TO THE PLAT OF THE TOWN OF THREE FORKS (OLD TOWN),
 GALLATIN COUNTY, MONTANA



ROEN INC.
 ENGINEERING-SURVEYING

408 Staudaer St. Bozeman, MT 59715
 406-580-7975 roeninc@bridgeband.com

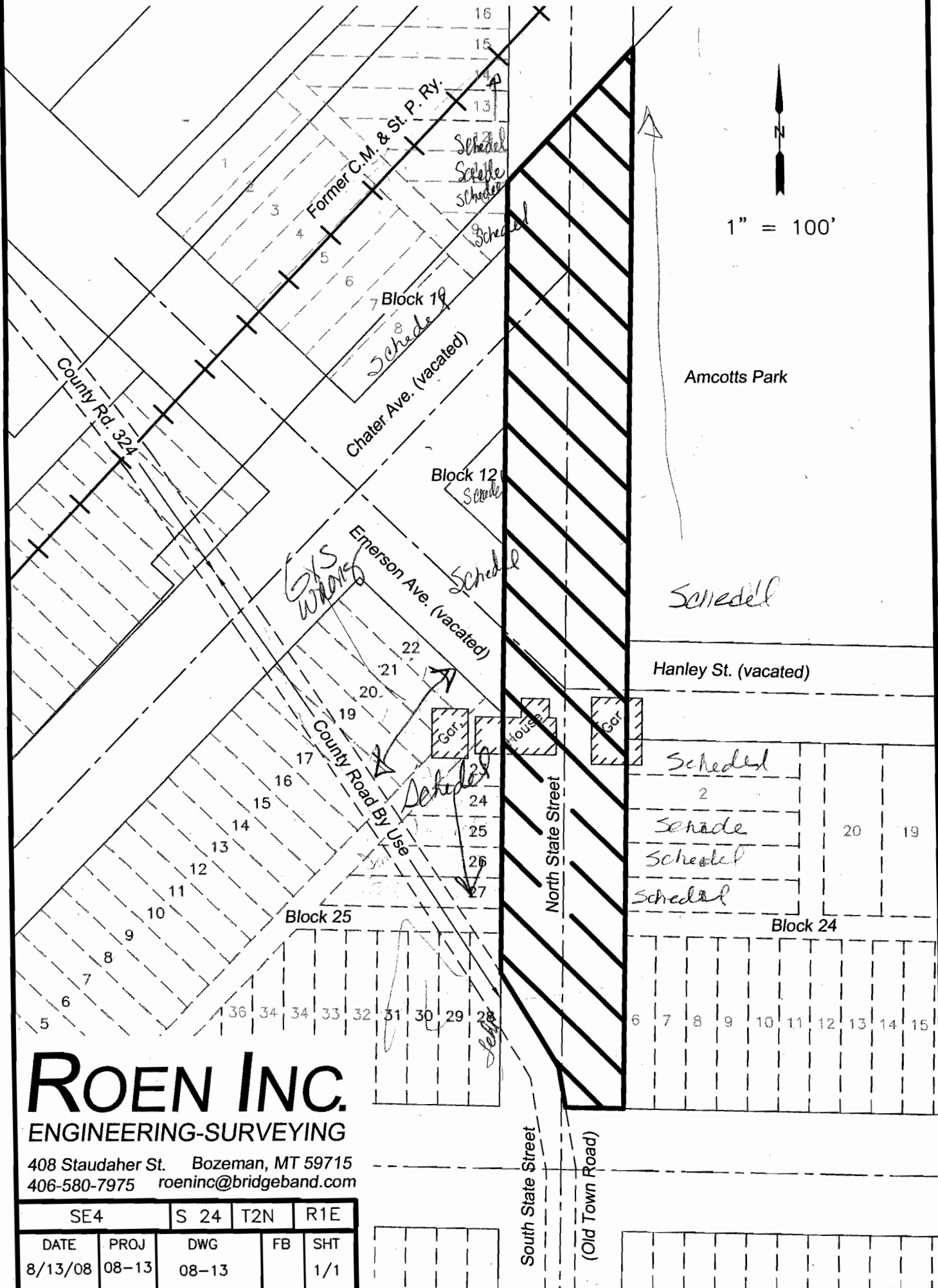
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DATE	PROJ	DWG	FB	SHT	
12/28/08	08-13	08-13		1/1	



type in title

ROAD EXHIBIT

FOR THE VACATION OF A PORTION OF NORTH STATE STREET,
 LOCATED ADJACENT TO BLOCKS 11, 12, 24, 25, AND AMCOTTS PARK,
 WITHIN THE PLAT OF THE TOWN OF THREE FORKS (OLD TOWN),
 GALLATIN COUNTY, MONTANA



ROEN INC.
 ENGINEERING-SURVEYING

408 Staudaher St. Bozeman, MT 59715
 406-580-7975 roeninc@bridgeband.com

SE4		S 24	T2N	R1E
DATE	PROJ	DWG	FB	SHT
8/13/08	08-13	08-13		1/1

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.

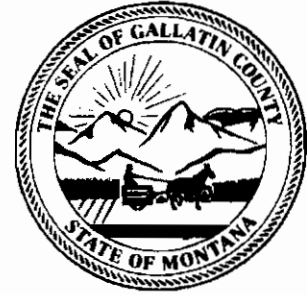
NAME Jonathan Roen PHONE 580-7975

- 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 7-14-2615(4) MCA.
- 3) Complete "Report of Qualified Signatures".
- 4) Schedule petition on Commissioner's agenda. DATE: 9/30/08
- 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. 827
- 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 2/3/09
- 11) Publish public hearing notice one time for a county road (7-14-2615 MCA) or two times for a street or alley (7-14-2616 MCA). DATES 1/25 - 2/1/09
- 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).
- 14) Commissioners hold public hearing to grant or deny petition.
- 15) County Attorney drafts resolution for Commissioners to consider at next public hearing. *Draft to Chris Gray 1/26/09*
- 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 a portion of North State Street adjacent to Blocks 11, 12, 24, 25 and Amcotts Park within the plat of the Town of Three Forks (Old Town).

Legal Description: That portion of North State Street adjacent to Blocks 11, 12, 24, 25 and Amcotts Park within the plat of the Town of Three Forks (Old Town) lying North and East of Old Town Road and lying North of Main Street and South of the former Chicago, Milwaukee and St. Paul Railway, Gallatin County, Montana.

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. 2007, it contains the signatures of all the owners of lots on the street 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 9th day of September 2008, A.D.

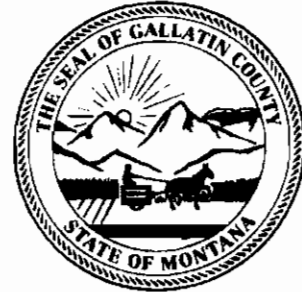
Charlotte Mills
Charlotte Mills
Clerk and Recorder
Gallatin County, Montana



State of Montana

County of Gallatin

Bozeman



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

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Upon the viewing of the road on November 26, 2008, the viewing committee saw that the street right-of-way was adjacent to property north of Old Town. The original petition did not include the signatures of these landowners as our plat book did not show the street touching their property. The petition has been amended to include the additional length of North State Street, and the signatures of all the adjacent landowners.

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 7th day of January 2009, A.D.

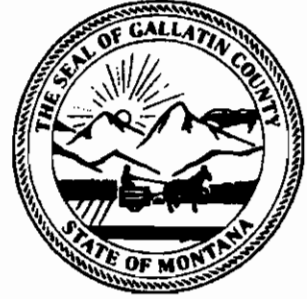
Charlotte Mills
Charlotte Mills
Clerk and Recorder
Gallatin County, Montana



State of Montana

County of Gallatin

Bozeman



January 21, 2009

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

RE: Petition to abandon a portion of North State Street adjacent to Blocks 11, 12, 24, 25, and Amcotts Park within the plat of the Town of Three Forks (Old Town.)

Legal Description: That portion of North State Street adjacent to Blocks 11, 12, 24, 25, and Amcotts Park within the plat of the Town of Three Forks (Old Town) lying North and East of Old Town Road and lying North of Main Street, 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.

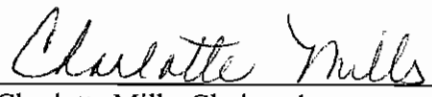
On Wednesday, November 26, 2009, the undersigned met to view the street being petitioned for abandonment. We drove to Old Town Three Forks to view where North State Street should have been located. A house has been built in the center of the street on the plat. We also observed an old railroad right-of-way being used as a road to access adjoining lands. Upon further investigation, we determined that an additional landowner was affected, and that more signatures were necessary on the petition. Now, all adjacent landowners have signed the petition which was recertified on January 7, 2009, and accepted by the Board of County Commissioners on January 20, 2009.

Therefore, 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,



Joe Skinner, County Commissioner

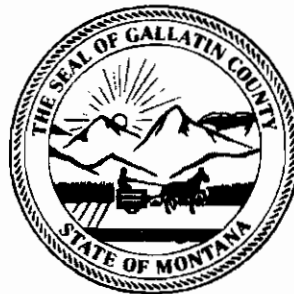


Charlotte Mills, Clerk and
Recorder/Surveyor

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 February 3, 2009, at 9:30 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a petition to abandon that portion of North State Street adjacent to Blocks 11, 12, 24, 25 and Amcotts Park within the plat of the Town of Three Forks (Old Town) lying North and East of Old Town Road and lying North of Main Street, Gallatin County, 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 21st day of January, 2009.

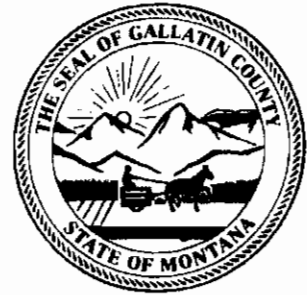
Charlotte Mills

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.

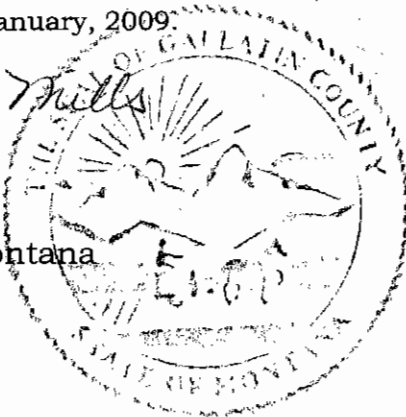
I hereby certify that a copy of the notice of public hearing of a petition to abandon a portion of North State Street adjacent to Blocks 11, 12, 24, 25, and Amcotts Park within the plat of the Town of Three Forks (Old Town), lying North and East of Old Town Road and lying North of Main Street and South of the former Chicago, Milwaukee and St. Paul Railway, Gallatin County, Montana, and a copy of the viewing committee report was mailed to the following land owners on: January 23rd, 2009.

Public Land Access Association, %Bill Fairhurst-105 3rd Ave East, Three Forks, MT 59752
Jonathan C. Roen-c/o Roen, Inc PO Box 1231, Bozeman, MT 59771
Dean & Lyla Schedel-360 Old Town Road, Three Forks, MT 59752
MCL Land & Livestock-PO Box 988, Bozeman, MT 59715
Postmaster-9 East Front St, Three Forks, MT 59752
Don F. & Patsy D. Scoffield-350 Old Town Road, Three Forks, MT 59752

Done this 23rd day of January, 2009.

Charlotte Mills

CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana



RESOLUTION NO. 2009- 022

A RESOLUTION TO ABANDON A PORTION OF NORTH STATE STREET IN THE OLD TOWN OF THREE FORKS ACCORDING TO ROAD PETITION NUMBER 827.

This Resolution was introduced by Clerk & Recorder Charlotte Mills; moved by Commissioner Skinner and seconded by Commissioner Murdock. The Resolution was adopted unanimously.

WHEREAS, on September 4, 2008, the Gallatin County Clerk and Recorder received a Petition, signed by adjacent landowners in Gallatin County, to abandon a portion of North State Street located in the Old Town of Three Forks, 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, on September 9, 2008, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2616(1) and the Petition was assigned County Road petition Number 827, MCA; and

WHEREAS, on September 30, 2008, the Gallatin County Clerk and Recorder presented the Petition to Abandon the portion North State Street in the Old Town of Three Forks 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 Wednesday November 26, 2009 the viewing committee met to view the street being petitioned for abandonment. They drove to the Old Town of Three Forks to view where North State Street should have been located. Upon further investigation, they determined that an additional landowner was affected, and that more signatures were necessary on the Petition; and

WHEREAS, on January 5, 2009, the Gallatin County Clerk and Recorder received the updated Petition, signed by all of the adjacent landowners in Gallatin County, to abandon a portion of North State Street located in the Old Town of Three Forks, pursuant to Title 7, Chapter 14, Part 26, Montana Code Annotated; and

WHEREAS, on January 7, 2009, the Gallatin County Clerk and Recorder recertified that the Petition contained sufficient signatures as required by Section 7-14-2616(1), MCA; and

A RESOLUTION TO ABANDON A PORTION OF NORTH STATE STREET IN OLD TOWN THREE FORKS

Certified to be a true and correct copy of a document containing 2 pages. Dated at Bozeman, MT, Feb 11, 2009. Charlotte Mills, Clerk and Recorder, Gallatin County, State of Montana. By: [Signature] Deputy



PAID \$1

2320444 Page: 1 of 4 02/04/2009 11:39:15 AM Fee: \$0.00 MISC Charlotte Mills - Gallatin County, MT

WHEREAS, all the landowners immediately adjacent to the portion of the road to be abandoned 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 road is described as that portion of North State Street adjacent to Blocks 11, 12, 24, 25 and Amcotts Park within the plat of the Town of Three Forks (Old Town) lying North and East of Old Town Road and lying North of Main Street, Gallatin County, Montana; and

WHEREAS, on January 20, 2009, the Gallatin County Clerk and Recorder presented the updated Petition to Abandon the portion North State Street in the Old Town of Three Forks to the Commission, as required by Section 7-14-2603(1), MCA; and

WHEREAS, on January 21, 2009, the viewing committee reported to the Commission that they met to view the street being petitioned to be discontinued on Wednesday November 26, 2009. They drove to the Old Town of Three Forks to view where North State Street should have been located. A house has been built in the center of the street on the plat. They also observed an old railroad right-of-way being used as a road to access adjoining lands; and

WHEREAS, on January 21, 2009, 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 January 25 and February 1, 2009; and

WHEREAS, on February 3, 2009, the Commission conducted a public hearing, after notice, on the Petition and the results of the viewing committee's investigation; and

WHEREAS, on February 3, 2009, the Commission found that granting the Petition and abandoning the portion North State Street in the Old Town of Three Forks would serve the best interests of Gallatin County; and

WHEREAS, the Commission determined the portion of North State Street in the Old Town of Three Forks 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 landlocked, and that abandonment of that portion of right-of-way is feasible; and

WHEREAS, the Commission voted unanimously to grant the Petition and abandon that portion of North State Street adjacent to Blocks 11, 12, 24, 25 and Amcotts Park

within the plat of the Town of Three Forks (Old Town) lying North and East of Old Town Road and lying North of Main Street, Gallatin County, Montana.

NOW, THEREFORE BE IT RESOLVED:

1. The portion of North State Street adjacent to Blocks 11, 12, 24, 25 and Amcotts Park within the plat of the Town of Three Forks (Old Town) lying North and East of Old Town Road and lying North of Main Street, Gallatin County, Montana, as requested in the Petition, is hereby abandoned.

2. All right, title, and interest to the one hundred (100) foot North State Street Right-of-Way lying south of the former Chicago, Milwaukee, St. Paul and Pacific Railway Right-of-Way adjacent to the lots in Blocks 11, 12, 24, 25 and Amcotts Park lying south of the former Chicago, Milwaukee, St. Paul and Pacific Railway Right-of-Way shall vest in the appropriate owners in accordance with Montana law;

3. All right, title, and interest to the one hundred (100) foot North State Street Right-of-Way lying within the bounds of the former Chicago, Milwaukee, St. Paul and Pacific Railway Right-of-Way shall vest in the appropriate owners in accordance with Montana law;

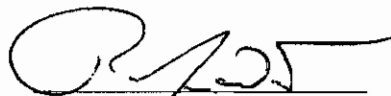
4. All right, title, and interest to the one hundred (100) foot North State Street Right-of-Way lying north of the northwesterly boundary of the former Chicago, Milwaukee, St. Paul and Pacific Railway Right-of-Way in the S1/2 of Section 24 Township 2 North, Range 1 East P.M.M. shall vest in the appropriate owners in accordance with Montana law;

5. 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 street. The owners shall be those listed on the last county assessment roll.

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

DATED this 3rd day of February 2009.

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY



R. Stephen White, Chairman

2/3/09
Date

ATTEST:

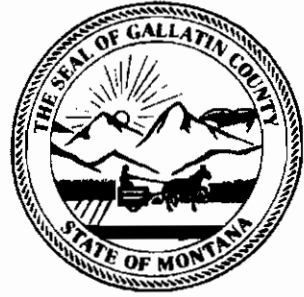
Charlotte Mills

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 2009-022 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 February 4, 2009.

Public Land Access Association, %Bill Fairhurst-105 3rd Ave East, Three Forks, MT 59752

Jonathan C. Roen-c/o Roen, Inc PO Box 1231, Bozeman, MT 59771

Dean & Lyla Schedel-360 Old Town Road, Three Forks, MT 59752

Michael Huempfer-PO Box 988, Bozeman, MT 59715

Postmaster-9 East Front St, Three Forks, MT 59752

Don F. & Patsy D. Scofield-350 Old Town Road, Three Forks, MT 59752

Charlotte Mills

Charlotte Mills
Clerk and Recorder
Gallatin County, Montana

7005 1160 0001 9970 6471

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 Street, Apt. No.; or PO Box No. **PO BOX 988**
 City, State, ZIP+4 **BOZEMAN, MT 59715**

PS Form 3800, June 2002 See Reverse for Instructions

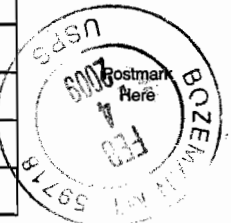
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DEAN & LYLA SCHEDEL *L48*
 Street, Apt. No.; or PO Box No. **360 OLD TOWN ROAD**
 City, State, ZIP+4 **THREE FORKS, MT 59752**

PS Form 3800, June 2002 See Reverse for Instructions

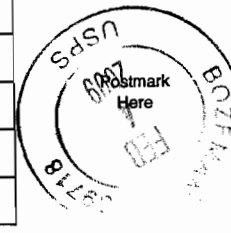
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BILL FAIRHURST *L48*
 Street, Apt. No.; or PO Box No. **105 3RD AVE EAST**
 City, State, ZIP+4 **THREE FORKS, MT 59752**

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



Sent To
JONATHAN ROEN *L48*
 Street, Apt. No.; or PO Box No. **PO BOX 1231**
 City, State, ZIP+4 **BOZEMAN, MT 59771**

PS Form 3800, June 2002 See Reverse for Instructions

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



Sent To
Don F & Patsy D Scoffield *L48*
 Street, Apt. No.; or PO Box No. **350 Old Town Road**
 City, State, ZIP+4 **Three Forks, MT 59752**

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	\$



Sent To
POSTMASTER *L48*
 Street, Apt. No.; or PO Box No. **9 EAST FRONT ST**
 City, State, ZIP+4 **THREE FORKS, MT 59752**

PS Form 3800, June 2002 See Reverse for Instructions

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:

DEAN & LYLA SCHEDEL
360 OLD TOWN ROAD
THREE FORKS, MT 59752

2. Article Number

(Transfer from service label)

7005 1160 0001 9970 6495

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Lyla Schedel*
 Agent
 Addressee

B. Received by (Printed Name)

Lyla Schedel

C. Date of Delivery

*2-5-09*D. Is delivery address different from item 1? YesIf 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 ASSOCIATION
105 3RD AVE EAST
THREE FORKS, MT 59752

2. Article Number

(Transfer from service label)

7005 1160 0001 9970 6518

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *William H Fairhurst*
 Agent
 Addressee

B. Received by (Printed Name)

WILLIAM H FAIRHURST

C. Date of Delivery

*2-5-09*D. Is delivery address different from item 1? YesIf 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:

POSTMASTER
9 EAST FRONT ST
THREE FORKS, MT 59752

2. Article Number

(Transfer from service label)

7005 1160 0001 9970 6488

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Lenna Wester*
 Agent
 Addressee

B. Received by (Printed Name)

Lenna Wester

C. Date of Delivery

*02-05-09*D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No*Po Box 9998**Three Forks MT 59752*

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:

JONATHAN ROEN
PO BOX 1231
BOZEMAN, MT 59771

2. Article Number

(Transfer from service label)

7005 1160 0001 9970 6501

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

JONATHAN ROEN

C. Date of Delivery

2-6-09

D. Is delivery address different from item 1? YesIf 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:

Don F & Patsy D Scoffield
350 Old Town Road
Three Forks, MT 59752

2. Article Number

(Transfer from service label)

7005 1160 0001 9970 7676

PS Form 3811, February 2004

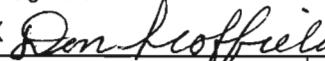
Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

DON SCOFFIELD

C. Date of Delivery

02-09-09

D. Is delivery address different from item 1? YesIf 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