

CHECKLIST OF PROCEDURES FOR ROAD ABANDONMENT PETITIONS

Original signed petition must be submitted to the Clerk and Recorder along with a map showing the entire area of the road under consideration and property within a 1 mile radius (please refer to County GIS if a map is needed). Stamp the date received on the petition. Get name and phone number of contact person for questions.

NAME Lauren Coleman PHONE 763-4735

- 1) Determine if petition has sufficient information for processing. (Copy to County Attorney.) It should address all the pertinent information listed in:
 - a) The form petition
 - b) Section 7-14-2602
 - c) Identify owners abutting the road to be abandoned (7-14-2604)
 - d) Owners of private land to which the road gives access (7-14-2615(4))
- 2) Determine if there are sufficient qualified signatures as per 7-14-2601. 2616
- 3) Complete "Report of Qualified Signatures".
- 4) Schedule the first hearing on the petition on Commissioner's agenda. DATE: 3/20/12
 - a) Prepare draft resolution appointing viewing committee and assigning Petition # 832.
 - b) Forward copy to county attorney for review
- 5) Make copies of petition and Report of Qualified Signers. Forward to: 3/8/12
 - 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 at first hearing via resolution.
- 7) Viewing committee (7-14-2603) completes road report and report is received. DATE: 4/24
- 8) County Attorney and other county staff identify owners abutting the road to be abandoned and owners of private land to which the road gives access See 7-14-2616
- 9) Schedule public hearing on Commissioner's agenda and prepare notices. DATE _____
- 10) a) Type regular mail envelopes for:
 - 1) All landowners named on the petition
 - 2) All signers on the petition
 - 3) All landowners determined by viewing committee and county staff abutting the road to be abandoned and landowners of private land to which the road gives access.
 - 4) The postmaster of the area
- b) Type and prepare certified mail envelopes for:
 - 1) All landowners abutting the road to be abandoned and landowners of private land to which the road gives access.
 - 2) The postmaster of the area
- 11) Publish public hearing legal notice two times in Chronicle for a county road (7-1-2121) and if necessary in another newspaper. DATES _____ *Two consecutive weeks*
- 12) Post notice in 5 public places 30 days prior to hearing and prepare affidavit of posting. At least 2 of the postings should be on or near the portion of road to be abandoned on yellow notice signs.
- 13) Post a copy of the viewing committee report and public hearing notice to the following online and with County Commission staff. *Press releases online*
- 14) Prepare draft resolution for Commissioners to consider at next public hearing. Email to County Attorney for review.
- 16) Commissioners hold public hearing to grant or deny petition and pass resolution if granted.
- 17) Within 10 days of passage of resolution send copies of resolution to all persons listed in #10b (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.
- 20) Scan petition file and file away in basement drawer for road petitions.

Same {

PETITION TO ABANDON COUNTY ROAD

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

COME NOW the undersigned freeholders of the road district consisting of Gallatin County, Montana, in its entirety and petition this Board pursuant to Title 7, Chapter 14, Part 26 MCA, to abandon a county road or right-of-way ("road") located in Gallatin County, Montana and represent as follows:

- 1. The road or portion of the road to be abandoned: ALLEY BETWEEN
S 1/2 of Lots 1+2 Blocks 5 + N 40 feet of Lots 11+12 Block 5 Gallatin Gateway MT
- 2. The general route of the road or portion of road to be abandoned is described as follows (please include a map(s) that shows the location of the road or portion of the road to be abandoned and shows all property within a 1 mile radius):
Alley is currently landscaped ~~as a road~~ Please see map

3. The lands and owners affected by the abandonment (include names and addresses of property owners which abut the road or portion of the road to be abandoned or owners of private land to which the road gives access): (do not sign in this section)

LANDOWNER(S) (please print)	MAILING ADDRESS
1. <u>LAUREN COLEMAN</u>	<u>PO Box 340</u>
Legal Description of Property <u>S 1/2 of Lots 1+2 Block 5 - Gallatin Gateway (Salesville)</u>	<u>Gallatin Gateway MT 59730</u>
	<u>MT</u>

2. <u>BRAD E. CARPENTER</u>	<u>PO Box 696</u>
<u>N 40 feet of Lots 11+12 Block 5</u>	<u>Gallatin Gateway, MT 59730</u>
Legal Description of Property <u>GALLATIN GATEWAY (SALESVILLE)</u>	<u>MT</u>

3. <u>GWEN RUBIN ALLEN</u>	
Legal Description of Property <u>Lots 7-10 Block 5 GALLATIN GATEWAY (SALESVILLE)</u>	<u>MT</u>

4. <u>VERA E. SPRING</u>	
<u>Lots 3-6 Block 5</u>	
Legal Description of Property <u>GALLATIN GATEWAY (SALESVILLE)</u>	<u>MT</u>

5. _____	_____
Legal Description of Property _____	_____

RECEIVED

MAR 01 2012

Clerk & Recorder

15. _____

Legal Description of Property _____

4. Do all the landowners who abut the road to be abandoned or owners of private land to which the road gives access listed in Section 3 above consent to the abandonment? yes If no, list those landowners and their reasons for not consenting:

5. If an abutting landowner listed in Section 3 cannot be found to determine the landowner's consent, identify the landowner and state the efforts made to locate the landowner:

6. The necessity for and advantage of the abandonment is as follows:

I, Lauren Coleman, have lived here 25 years and the alley between myself and my neighbor was always landscaped since I moved here. There are two mature spruce trees on my property which have grown over into the alley space and which I would not want to lose. Brad Carpenter on the other side of the alley has an outbuilding which is ^{built} partially on the alley. Our properties are small and our houses are built near the alley and we would like to conserve that space as yard. Our adjoining neighbors have no problem with our abandoning our portion of the alley.
(Currently the alley behind us is also landscaped + has a building)

7. Is the road providing access to public lands or waters? If yes, explain and provide location of public lands and waters on the attached map.

NO

8. Does the road or portion of the road contain any utilities?

Gas line

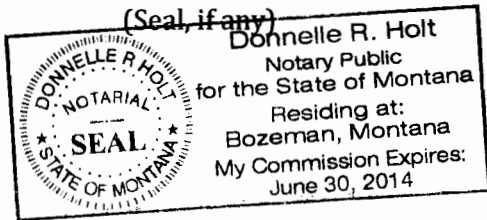
State of Montana
County of Gallatin

I swear that the information contained herein is correct and complete to the best of my knowledge.

Lauren Coleman

(Signature of petition gatherer.)

Signed and sworn to (or affirmed) before me on March 7th 2012
by Lauren Coleman



Donnelle R. Holt

Signature of notarial officer

Donnelle R. Holt

Name - typed, stamped, or printed

Notary

Title (and Rank)

Bozeman, Montana

Residing at

My commission expires: June 30, 2014

The undersigned state that they are freeholders in the Gallatin County Road District and petition to abandon the road set forth herein. If more than 10 freeholders sign, use additional pages.

1. Lauren Coleman PO Box 340 Adams St, 2 hrs N of Bible Church
Signature LAUREN COLEMAN Address Gallatin Gateway MT 59730
Printed Name 2-15-12 City, State, Zip
Date
Legal Description of Property 5 1/2 of Lots 1 + 2 Block 5 Salesville

2. Brian E. Carpenter 217 North Adams Street
Signature Brian E. Carpenter Address PO Box 696 Galletta Gateway
Printed Name February 15, 2012 City, State, Zip Gallatin Gateway, MT 59730
Date
Legal Description of Property N 40 feet of Lots 11-12 Block 5 Salesville

3. Swen Otter 309 Bozeman St / P.O. Box 753
Signature Swen Otter Address Gallatin Gateway, MT
Printed Name 2-16-12 City, State, Zip 59730
Date
Legal Description of Property Lots 7-10 Block 5 Gallatin Gateway (Salesville) MT 59730

4. Vera E. Spring 209 Bozeman St. (P.O. Box 270)
Signature VERA E. SPRING Address GALLATIN GATEWAY, MONT 59730
Printed Name 2-28-12 City, State, Zip
Date
Legal Description of Property Lots 3-6 Block 5 Gallatin Gateway (Salesville) MT 59730

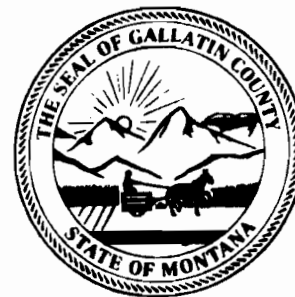
5. _____
Signature _____ Address _____
Printed Name _____ City, State, Zip _____
Date _____
Legal Description of Property _____

6. _____
Signature _____ Address _____
Printed Name _____ City, State, Zip _____
Date _____
Legal Description of Property _____

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 the alley in Block 5 of Gallatin Gateway (Salesville).

Legal Description: That portion of the alley in Block 5 directly adjacent to Lots 1, 2, 11 and 12 located in the Townsite of Gallatin Gateway (Salesville), Gallatin County, Montana.

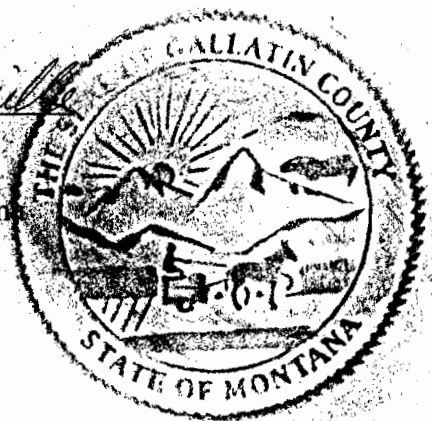
STATE OF MONTANA)
)ss
COUNTY OF GALLATIN)

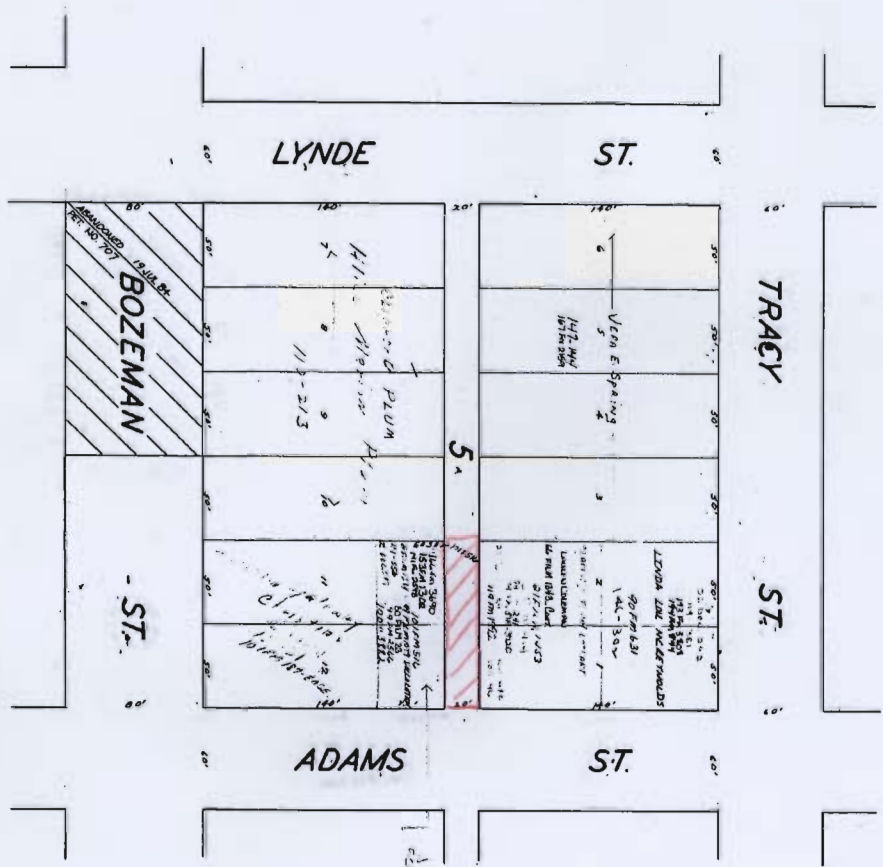
I, Charlotte Mills, do hereby certify that I am the qualified and acting County Clerk and Recorder for Gallatin County, State of Montana; that I have examined the petition to which this certificate is attached, and that pursuant to Section 7-14-2616 M.C.A. 2011, it contains the signatures of all the owners of lots on the street or 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 7th day of March 2012, A.D.

Charlotte Mills

Charlotte Mills
Clerk and Recorder
Gallatin County, Montana





DISCLAIMER: This plan is a visual representation only and does not represent a survey. No liability is assumed as to the accuracy of the plan.

GALLATIN GATEWAY

area of proposed abandonment

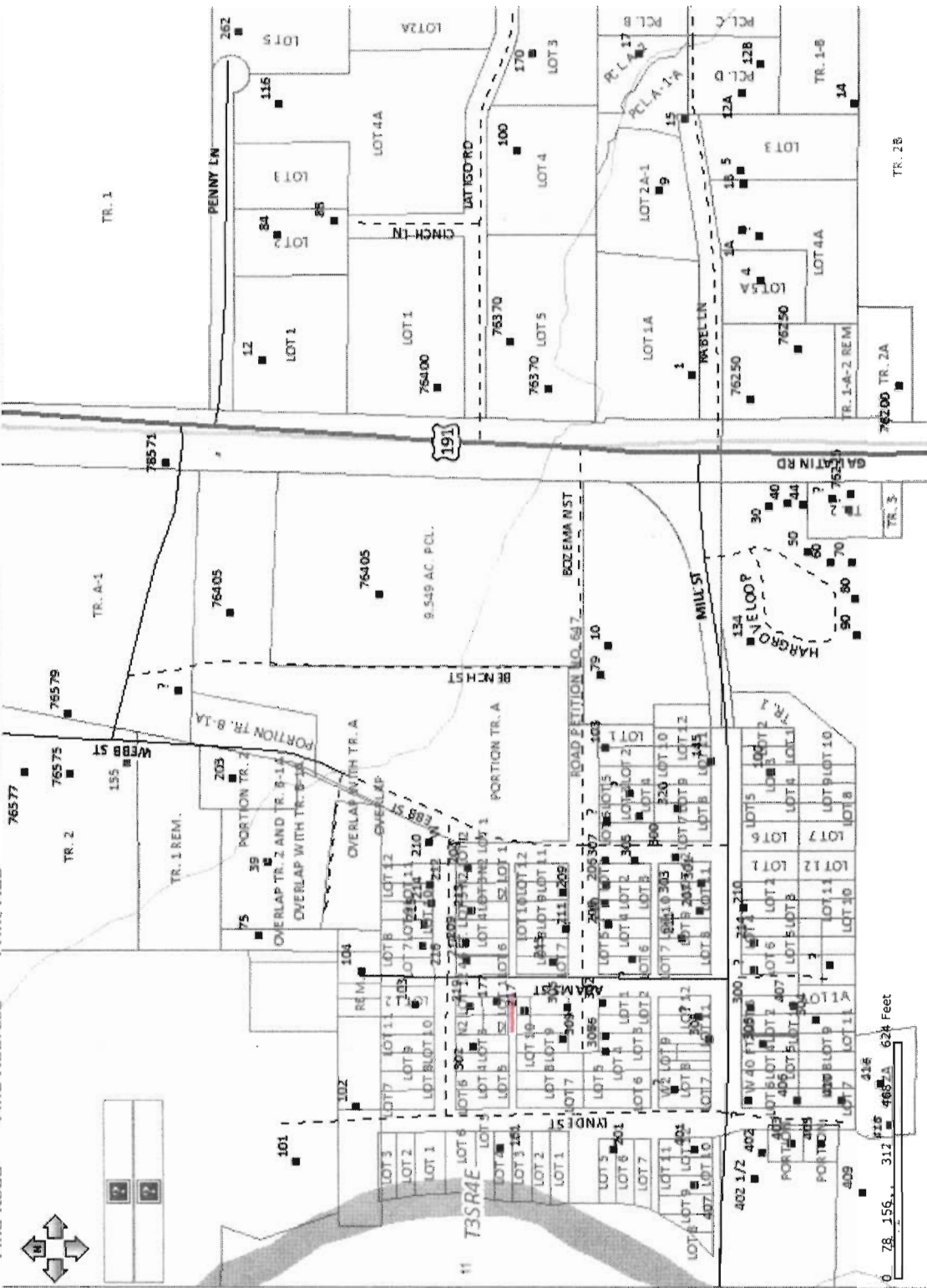
Gallatin County GIS Map Viewer

Find Road Find Address Find Subdivision

Print Map 1:4,689

Co

- Parcel Queries 7 Find Subdivision
- Results
- Map Contents
- basic_viewer
 - Recent Addresses
 - Structure Addresses
 - Numbered Highways
 - Roads
 - Roads
 - Rail Line
 - Fire Districts
 - Parcel
 - House Districts
 - Voting Precincts
 - School Districts
 - Subdivisions
 - Sections
 - Townships
 - Water Layers
 - Zipcodes
 - Land Owner
 - City Boundaries
 - Gallatin County
 - Shaded Relief
 - Gallatin National Forest Vis
 - NAIP Airphoto 2011
 - NAIP Color Infrared 2009



Red line shows proposed abandonment