

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 Melissa Hitzler PHONE (406) 646-9798

- 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: 8/25/09
- 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. 832

- 8) a) Type regular mail envelopes for:
 - All landowners named on the petition
 - All signers on the petition
 - ~~none~~ All individuals named in the petition who could be affected
 - The postmaster of the area
 - Public Lands Access Association
- b) Type and prepare certified mail envelopes for:
 - All owners of land abutting the road
 - ~~none~~ All individuals named in the petition who could be affected
 - The postmaster of the area
 - Public Lands Access Association

- 9) Viewing committee completes road report.
- 10) Schedule public hearing on Commissioner's agenda and prepare notice. DATE 10/6/09
- 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 9-27-09
- 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.
- 16) Commissioners pass resolution
- 17) Within 10 days of passage of resolution send ^{notice of decision} ~~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.

RECEIVED
Date 8/6/09
Clerk & Recorder
Gallatin County, Mont.

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: The last 2 residential lots on the end of each of the following roads - Mule Deer Rd, Black Moose Rd, Bull Elk Rd. all located in Lazy Acres Subdivision in Gallatin County - (See Diagram) south 240' of each road and north 300' of Mule Deer Rd.
(Attach additional page if required). Black Moose Rd

2. The road is commonly known as: Mule Deer Rd. & Bull Elk Rd.

3. The general route of the road is described as follows: All three roads dead end at the edge of Forest Service Property. They are not public access to Forest Service Property.

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

<u>LANDOWNER(S)</u>	<u>MAILING ADDRESS</u>
✓ 1. <u>Robert C. Pierpoint</u> <u>Patricia A. Pierpoint</u>	<u>265 MULE DEER RD.</u> <u>P.O. BOX 2038, WEST YELLOWSTONE</u>
<u>Lazy Acres Sub, S. 21, T13 S, R04 E, Lot 76</u> <u>Lazy Acres Sub, S. 21, T13 S, R04 E, Lot 78</u>	<u>MONTANA 59758</u>
<u>PROPERTY DESCRIPTION</u>	
✓ 2. <u>Gregory Allen Hitzler</u> <u>Melissa Kay Hitzler</u>	<u>PO Box 2102 WY, MT 59758</u>
<u>Lazy Acres Sub, Sec 21, T13 S 4E, Lot 77 & 76</u> <u>Lazy Acres Sub, Sec 21, T13 S 4E, Lot 68 & 69</u>	
<u>PROPERTY DESCRIPTION</u>	
✓ 3. <u>Kathleen (Kim) L. Pierpoint</u> <u>Dean Paul Liscom</u>	<u>265 Mule Deer Rd.</u> <u>West Yellowstone, MT 59758</u>
<u>Lazy Acres Sub, S. 21, T13 S, R04 E, Lot 66 & 78</u>	
<u>PROPERTY DESCRIPTION</u>	

LANDOWNER(S)

MAILING ADDRESS

4. Carl W. Whigin 246 Black Moose Rd
Rosalyn Philippi West Yellowstone, MT 59758

GALLATIN COUNTY, MT - TOWNSHIP 13 SOUTH, RANGE 4 EAST
SECTION 21 & LOTS 72 AND 73 OF THE LAZY ACRES SUBDIVISION

PROPERTY DESCRIPTION

Barry E. Kersna 185 Bear Rd.
Barry E. Kersna West Yellowstone, MT 59758

Lazy Acres Sub. S21, T13 4E Lots 005, 5+8

PROPERTY DESCRIPTION

not adjacent

not adjacent

6. [Signature] 576 N. Lark Ellen Ave
[Signature] Corvina, CA 91722

Lazy Acres Sub, S21, T13S, 4E Lot 6+7 +30

PROPERTY DESCRIPTION

7. Byron E. Johnson 295 Black Moose Rd
Anna B. Johnson West Yellowstone, MT

Lazy Acres Sub, S21, T13S, 4E Lots 70, 71, 74, 72, 75 ⁵⁹⁷⁵⁸

PROPERTY DESCRIPTION

8. _____

PROPERTY DESCRIPTION

9. _____

PROPERTY DESCRIPTION

10. _____

PROPERTY DESCRIPTION

LOT OWNER(S)

LOT DESCRIPTION

✓ 8. Julianne Torres
Julianne Torres

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

15. _____

16. _____

17. _____

18. _____

19. _____

20. _____

21. _____

22. _____

23. _____

06-0061-21-3-03-01-0000
Lazy Acres Sub SEC 21 13S 4E
Plat E-20

(Use additional pages if required)

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)

Not Applicable

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:

LANDOWNER(S)

MAILING ADDRESS


None


(Use additional pages if required)

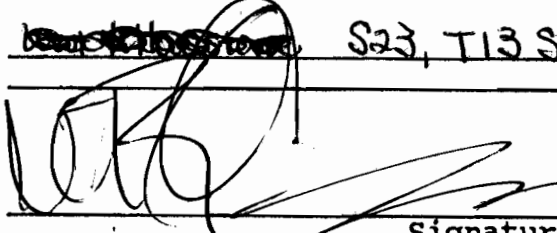
8. The necessity for and advantage of the abandonment of the road are as follows:

These roads are not used for any public access nor do they lead to any out lots. They are dead end roads. At the end of each road the Forest Service has "No Motorized" access posted, but we have problems with ATV's, Motorcycles and snowmobiles constantly trying to use it as an access. The Forest Service is considering construction of a gate or fence to reinforce the no public access restriction. If these roads were abandoned at the point of the last 2 lots of each road it would take care of this problem.

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. ✓  Signature 300 Fishing Ln Address
JOHN GEORGE Printed Name West Yellowstone MT 89758 City, State & Zip
7-30-09 Date P.O. Box 1384
Bear Trap Ranch Subd. 2, S17, T12 S R05 E, Block 004, Lot 13 Description of Property

✓2. ✓  Signature 600 Mooreberry Rd Address
Dan Perry Printed Name West Yellowstone MT 89715 City, State & Zip
7/30/09 Date P.O. Box 875
~~133E 4E 1.00 AC COS 718~~ S23, T13 S, R04 E, Tract A Sese 4 Sec 23 Description of Property

✓3. ✓  Signature 1 Sheriff way Address
W.E. ARHAZO Printed Name West Yellowstone MT 89758 City, State & Zip
7-30-09 Date P.O. Box 833
Horse Butte Acres Sub 3 NE 4 Sec 25 12 S 4 E Lot 30 Description of Property

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. Melissa K. Hitzler Signature 286 Mule Deer Rd. Address
Melissa K. Hitzler Printed Name West Yellowstone, MT 59758 City, State & Zip
July 10, 2009 Date
286 Mule Deer Rd. WY, MT 269 Bull Elk Ad. WY, MT
Grayling Arm Meadow S25E4 Sec 17 125 Lot 13 Description of Property
- ✓ 2. Gregory Allen Hitzler Signature 286 Mule Deer Rd. Address
Gregory Allen Hitzler Printed Name West Yellowstone MT 69768 City, State & Zip
July 10, 2009 Date
286 Mule Deer Rd. WY MT
Lazy Acres Sec 21 135 48 Lot 68, 69, 77, 76 Description of Property
- ✓ 3. Kathleen (Kim) L. Pierpoint Signature 265 Mule Deer Rd. Address
Kathleen (Kim) L. Pierpoint Printed Name West Yellowstone MT 59758 City, State & Zip
7-12-09 Date
265 Mule Deer Ad. WY, MT 59758
Lot 66 Lazy Acres Description of Property

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. ✓ Barry E. Krosmer Signature 185 Bear Rd Address
Barry E. Krosmer Printed Name W. YELLOWSTONE, MT 59758 City, State & Zip
JULY 13, 2009 Date

185 Bear Rd Longview S21, T13S, R04 Lot 5-8
Description of Property

✓ 2. ✓ [Signature] Signature 187 Bear Rd Address
John A. Torres Printed Name W. YELLOWSTONE, MT 59758 City, State & Zip
July 18, 2009 Date

187 Bear Rd. Longview, S21, T13S, R04 Lot 6, 7 & 8
Description of Property

✓ 3. ✓ Byron E. Johnson Signature 295 Black Moose Rd Address
Byron E. Johnson Printed Name West Yellowstone, MT City, State & Zip
July 25, 2009 Date 59758

295 Black Moose Longview Sub. S21, T13S R04 Lot 6, 7 & 8
Description of Property 71.74
6.75

✓ 4. / Julianne Torres
Signature

187 Bear Rd.
Address

Julianne Torres
Printed Name

West Yellowstone, MT 59758
City, State & Zip

7-20-09
Date

Lazy Acres Sub: Sec 21 135 4E Lot 6+7+3D
Description of Property

5.

Signature

Address

Printed Name

City, State & Zip

Date

6.

Signature

Address

Printed Name

City, State & Zip

Date

7.

Signature

Address

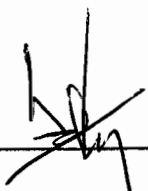
Printed Name

City, State & Zip

Date

Description of Property

✓ 4. ✓

 Richen
Signature

P.O. Box 8210
Address

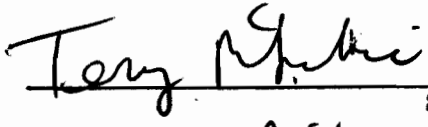
Betty Richen
Printed Name

471 East
WEST YELLOWSTONE MT 5975
City, State & Zip

THURS. 30 JULY 2009
Date

Bear Trap Ranch Subd. No 2, S18 T12 S, R05 E, Block 001
" " " " " NE4SE4 S18, 12.5 SE. Lot 2 Lot 002
Description of Property

✓ 5. ✓

 Terry McLuskie
Signature

P.O. Box 329 (3-3)
Address

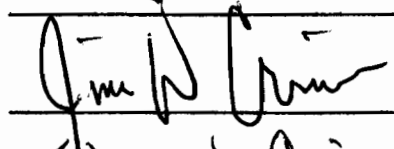
Terry McLuskie
Printed Name

W. Yellowstone MT 59758
City, State & Zip

8-3-09
Date

Grayling Arm Meadows S17 T12 S R05 E Lot 012
Description of Property

✓ 6. No

 Jim W Criner
Signature

P.O. Box 836
Address

Jim W Criner
Printed Name

W. Yellowstone
City, State & Zip

8/3/09
Date

Pat Povah
Signature

Box 924
Address

✓ 7. No
Tros

Pat Povah
Printed Name

W. Yellowstone MT 59758
City, State & Zip

8-3-09
Date

Sec 23 13 South R4E

Description of Property

✓ 4. ✓ Robert C Pierpoint Signature 265 MULE DEER RD. Address
ROBERT C. PIERPOINT Printed Name P.O. BOX 2038 Address
WEST YELLOWSTONE, MT 59738 City, State & Zip
07/11/09 Date

265 Mule Deer Rd.
Description of Property

✓ 5. ✓ Patricia A Pierpoint Signature 265 Mule Deer Rd Address
Patricia A Pierpoint Printed Name P.O. Box 2038 Address
West Yellowstone, MT 59738 City, State & Zip
07/11/09 Date

265 Mule Deer Rd w/ Lazy Acres
Description of Property

✓ 6. ✓ Carl W Philippi Signature 246 Black Moose Rd Address
Carl W. Philippi Printed Name West Yellowstone, MT. 59758 Address
07/13/09 Date
West Yellowstone, MT. 59758 City, State & Zip

Callatin County, MT. Township 13 South Range 4 East.
Section 21: Lots 72 & 73 of Lazy Acres Subdivision
Description of Property

✓ 7. ✓ Rosalynn Philippi Signature 246 BLACK MOOSE RD Address
ROSALYNN PHILIPPI Printed Name WEST YELLOWSTONE, MT Address
7/13/09 Date
WEST YELLOWSTONE, MT City, State & Zip 59758

CALLATIN COUNTY, MT TOWNSHIP 13 SOUTH, RANGE 4 EAST
SECTION 21: LOTS 72 + 73 OF LAZY ACRES SUBDIVISION
Description of Property

[Signature]
Signature

2-14 Main Drive
Address

LAWRENCE M. [unclear]
Printed Name

WEST YELLOWSTONE
City, State & Zip

7-31-09
Date

Lot 21
Description of Property

[Signature]
Signature

2-14 Main Drive
Address

TERICIA A. [unclear]
Printed Name

WEST YELLOWSTONE, MT
City, State & Zip

7-31-09
Date

Long Creek Sec 21 13S 4E Lot 65
Description of Property

6.

[unclear]
Signature

Description of Property

[unclear]
Signature

Address

[unclear]
Printed Name

City, State & Zip

[unclear]
Date

5.

[unclear]
Signature

Description of Property

[unclear]
Signature

Description of Property

7.

[unclear]
Signature

Address

[unclear]
Printed Name

City, State & Zip

[unclear]
Date

[unclear]
Description of Property

[unclear]
City, State & Zip

[unclear]
Date

✓ 8. No Ann R. Johnson 295 Blackmoose Rd.
 Signature Address
Ann R. Johnson West Yellowstone, MT 59728
 Printed Name City, State & Zip
7-25-09
 Date

295 Black Moose Long Acres Sub. S21, T13S, R04 Lot 62.70
 71.74
 Description of Property 75

✓ 9. ✓ Curtis Lefler
 Signature Address
CURTIS LEFLER 219 Bull Elk Rd
 Printed Name PO Box 1102
 W. YELLOWSTONE, MT 59758
 City, State & Zip
July 30, 2009
 Date

Long Acres Sec 21 13S 4E Lot 57

✓ 10. No Michael Coffin
 Signature Address
 LLC Michael COFFIN 1860 Thregee Pass Hwy
 Printed Name W. Yellowstone MT 59758
 City, State & Zip
July 30-09 Box 124
 Date MT

S21, T13S, R04 E. Remainder Tract B NE4
S21, 13S 4E 8.083 AC
 Description of Property

✓ 8.
No

Cornelia S Jves

Signature

P.O. Box 606

Address

CORNELIA S JVES

Printed Name

WY

59758

City, State & Zip

8/3/2009

Date

MADISON Fork Ranch

470 MADISON FORK RD.

S. Fork Sub Phase 1 SONE 4 & 7S 3E Lot 3

Description of Property

9.

Signature

Address

Printed Name

City, State & Zip

Date

Description of Property

10.

Signature

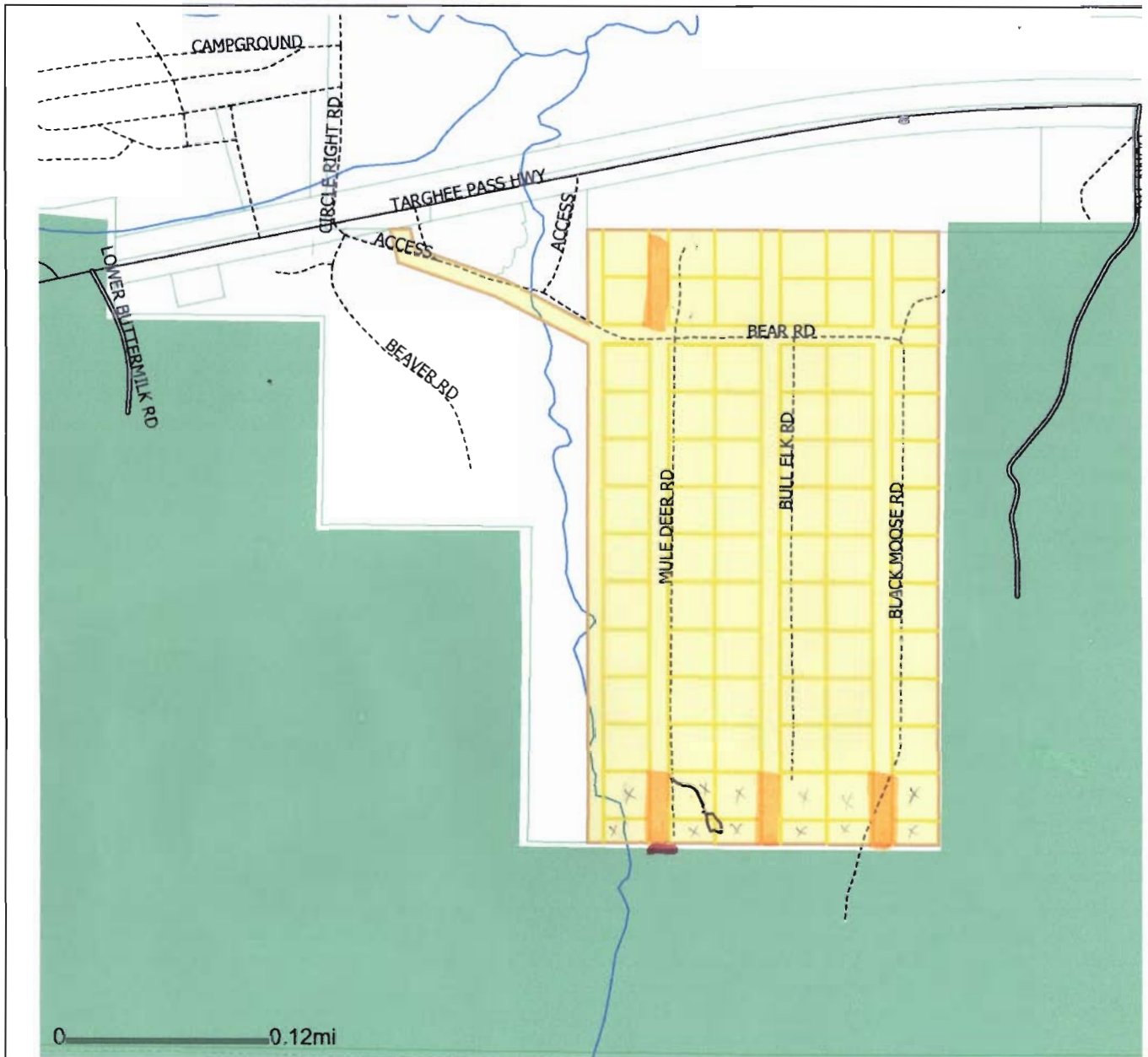
Address

Printed Name



City, State & Zip

Date

Description of Property



Lazy Acres Subdivision

-  proposed abandonment
-  U.S. Forest Service Fence



Mule Deer Road – gravel ending at the beginning of the last two lots.



Forest Service sign at the end of Mule Deer Road.



Bull Elk Road – gravel turns at the beginning of the last two lots.



Black Moose Road – fork in the road is at the beginning of the last two lots.



On 7-14-09 the Forest Service erected this fence at the end of Mule Deer Road to keep ATV's, motorcycles and snowmobiles from using this as a public access.



United States
Department of
Agriculture

Forest
Service

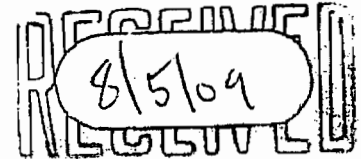
Gallatin National Forest

Hebgen Lake Ranger District
P.O. Box 520
West Yellowstone, MT 59758
Phone: 406-823-6961
Fax: 406-823-6990

File Code: 2309

Date: August 4, 2009

Board of County Commissioners
Gallatin County, Montana
311 W. Main, Room 396
Bozeman, MT 59715




Dear Gallatin County Commissioners,

We are aware of a petition to abandon 3 small segments of county roads at the southern end of Lazy Acres Subdivision, approximately 7 miles west of West Yellowstone Montana. These roads; Mule Deer Road, Bull Elk Road, and Black Moose Road at their southern end adjoin public lands managed by the Gallatin National Forest. We have discovered unauthorized motorized use, namely ATV's in the summer season that leave and enter private lands from these roads and travel into and out-of National Forest Lands. Citizens are using these public lands illegally to connect motorized routes from private lands with other Forest Service system roads and trails. According to the 2006 Gallatin National Forest Travel Plan Environmental Impact Statement, and Record of Decision, cross country travel is prohibited and motorized travel is only allowed on designated routes. The 2009 Motor Vehicle Use Map for Gallatin National Forest is our legal instrument for enforcement and also is the tool for displaying motorized routes open for public use. The area directly south of Lazy Acres Subdivision is not open to public for motorized use and there are no designated motorized routes connecting private lands to the National Forest.

We support this petition to make these road segments non-public because the adjacent land owners to National Forest would then have a greater ability to prevent public motorized use through there private lands by either posting no trespassing signs or installing physical barriers. This would also make our ability to enforce of the 2006 Gallatin National Forest Travel Plan much easier.

If you have any questions or concerns, please contact myself or Rob Davies, 406 823-6971.

Sincerely,

for 
Lauren Turner
District Ranger

cc: *Affected Lazy Acres property owners bordering National Forest.*

Mr. and Mrs. Robert Pierpoint - Lot 66, & 78

Mr. and Mrs. Gregory Allen Hitzler - Lots 68, 69, 76, & 77

Mr. and Mrs. Carl Philippi - Lots 72 & 73

Mr. and Mrs. Byron Johnson - Lots 62, 70, 71, 74, & 75

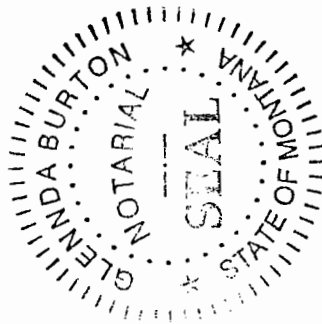


Affidavit of Publication

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 (Road Petition #832 feary) has been

correctly published in the regular and entire issue of every number of said paper for 1 consecutive infention, the first of which publication was made on 9/27/09, and the last on 9/27/09



[Signature]
Subscribed and sworn to before me this 5th day of October 20 09
Glenda 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 23, 2012
Glenda Burton

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on October 6, 2009, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding Road Petition Number 832 to abandon the south 240 feet of Mule Deer Road, Black Moose Road and Bull Elk Road and also the north 900 feet of Mule Deer Road, all in Lazy Acres Subdivision located in Section 21, Township 13 South, Range 4 East, Principal Meridian Montana. All interested parties are encouraged to attend.

Further information may be obtained at the Bozeman County Commissioners Office, 311 West Main, Room 306, Bozeman, Montana 59715, telephone 582-3000.

Dated this 23rd day of September, 2009.

Charlotte Mills
Clerk and Recorder
Gallatin County, Montana



Gallatin County
Clerk & Recorder

September 18, 2009

Melissa Hitzler
P. O. Box 2102
West Yellowstone MT 59758

Dear Melissa,

Here is a copy of the petition you turned in and a blank petition. For the signatures for the new petition, you can fax the pages to the land owners, but they need to send it back with their original signature.

I talked with Commissioner Murdock, and we both agree that as long as the back lots are not aggregated into one lot, we cannot recommend the current petition to abandon the street. However, if you did another petition to abandon the street just for the back lots that border the Forest Service land, we would be willing to recommend that abandonment.

The current petition will have to complete the process. I have scheduled the hearing on the Commissioner's agenda for October 6th, and will recommend that the petition be denied for the reasons stated above.

Let me know if you have further questions.

Sincerely,

A handwritten signature in cursive script that reads "Charlotte Mills".

Charlotte Mills
Gallatin County
Clerk & Recorder/Surveyor
406-582-3055

Mills, Charlotte

From: Kate Seim [kateseim@gmail.com]
Sent: Monday, October 05, 2009 12:48 PM
To: Mills, Charlotte
Subject: Lazy Acres Protest
Attachments: lazyacresprotest.doc

Charlotte.

Thanks for you help this morning. I have quickly put together a letter for your consideration; please find attached.

Regards,
Kate Seim

Kate & Mike Seim
Lazy Acres Subdivision
159 Mule Deer Road
West Yellowstone, MONTANA 59758
October 5, 2009

Charlotte Mills
County Clerk and Recorder
311 West Main
Bozeman, MONTANA 59758

Re: Lazy Acres Forest Service Entitlement

Dear Charlotte:

This letter is in regard to the Forest Service abandonment of land in the Lazy Acres Subdivision.

After zero due diligence in garnering full representation of the Lazy Acres landowners, I am requesting that the Forest Service's request to abandon land in our development be denied. At the very least this meeting should be **postponed** and full disclosure made to all property owners affected by this decision.

The Lands selected

It is my understanding that this negotiation affects the south 240 feet of Mule Deer Road, Black Moose Road, and Bull Elk Road and the north 300 feet of Mule Deer Road. As of today, this public-access land affords all residents and visitors convenient, unobstructed passage to the surrounding national forest. If you allow the proposed abandonment, this land becomes private property and benefits only the homeowners who will adopt this territory and increase their property ownership.

These lands are currently public lands controlled by the forest service. A large percentage of the folks in Lazy Acres live an active lifestyle. If the complaining parties are awarded this "swap" all *public access will be affected*. What prevents these fickle landowners from staking NO TRESPASSING signs to their newly acquired booty? If I can't walk into the forest from the end of my street, what value has been added to my life in Lazy Acres? Am I not entitled to that sort of freedom in Montana?

It has been an unspoken policy in Lazy Acres that all recreational vehicles (primarily ATV's and snowmobiles) refrain from using our main roads for travel. We have encouraged all residents and visitors to access the forest by the very land you suggest closing. This eliminates unnecessary risk to our children and pets and reduces the inherent dangers of accessing trails by the highway.

GIVING this land to the instigating homeowners seems suspicious at best. The implication here is that this land has always been restricted to motorized travel. If this is the case, why must a faction of frustrated property owners submit a petition requesting that the land be restricted to motorized vehicles? Denying public access to these lands would have a significant economical and recreational impact on homeowners in our subdivision. Several homeowners rely on rental income to pay their mortgages and this would be gravely affected by diverting access. We have already experienced your modified "*Public Recreational Lands*" by way of a two-foot door to the forest that no wheelchair or stroller can access comfortably.

Lazy Acres used to be a laid-back, welcoming Montana neighborhood. To allow a few households (some of whom are seasonal at best) to minimize our access to these prime and pristine public lands is nothing short of ludicrous.

The majority of the residents in Lazy Acres are opposed to this *Land Abandonment* by the forest service: had we be given the opportunity to speak, our voices would have been heard.

Best Regards

Kate Seim
Lazy Acres Homeowner

INTERROGATORY NO. 3. Please identify each and every person who participated in the conclusion that “another public road or right-of-way provides substantially the same access” as the rights-of-way purportedly abandoned by the Gallatin County Commission in the Lazy Acres Subdivision in 2009.

INTERROGATORY NO. 4. Please identify the other “public road or right-of-way” that “[p]rovides substantially the same access” as that purportedly abandoned by the County in Lazy Acres Subdivision in 2009.

Mills, Charlotte

From: Commission
Sent: Friday, October 09, 2009 11:59 AM
To: Mills, Charlotte; Commissioners (Distribution Lists)
Subject: FW: Lazy Acres Access

From: Yellowstone Vacation Rental Homes [mailto:yellowstonevacation@fairpoint.net]
Sent: Friday, October 09, 2009 11:54 AM
To: Commission
Cc: Anne Perry; Bill Youngwirth; Carla Phillips; connek@cox.net; Fran Gough; Gayle; Jeff; Judy Dahlberg; Kate Seim; Matt Haeg; Mike Gavagan; Roy Perry; State Rep. Larry Jent; Teresa Hurst; Katie Flynn; SUSAN MCKEVITT
Subject: Lazy Acres Access

County Commissioners,

I am writing to you as a homeowner at the Lazy Acres Subdivision to request that you postpone your final decision to deny access to snowmobiles on the roads leading to Forest Service land in Lazy Acres. The following new information from a local Forest Service Ranger will hopefully persuade you to allow more time for research into this matter as well as an opportunity for public comment:

1. The roads in question adjacent to the Gallatin Forest in the Lazy Acres subdivision are not cul de sacs
2. These road are unmaintained county roads, not county roads
3. Although not preferred or public access, these unmaintained roads are Forest Service land and therefore open to cross-country snowmobiling
4. No one is trespassing by using the locally established foot trails because they aren't private property

I request that more time be allowed for further research and public comment based on this new information. Please postpone your final decision at the meeting on Tuesday, October 13 until you have had the opportunity to study this case in more depth. It is my sincere hope that the final outcome, based on correct information, will be favorable.

Sincerely,
Magdalena Beall
Mailing address: 104 Mule Deer Rd., West Yellowstone, MT 59758
(208) 558-1988
bbeall33@fairpoint.net

USDA Forest Service
Gallatin National Forest
Hebgen Lake Ranger District
PO Box 520
West Yellowstone MT 59758
Phone: 406-823-6961
Fax: 406-823-6990



Gallatin National Forest

FAX

To: Gallatin Co. Clerks Office From: Lauren Turner

Fax: 582-3196 Date: 10/26/09

Phone: _____ Pages (including this page): 2

Subject: Lazy Acres Subdivision

- Urgent
- For Review
- Please Comment
- Please Reply

The following is self-explanatory. Copy was
faxed to Bill Munlock at 582-3003

Signature: Lauren Turner

Phone or Extension: 823-6963



United States
Department of
Agriculture

Forest
Service

Gallatin National Forest

Hebgen Lake Ranger District
P.O. Box 520
West Yellowstone, MT 59758
Phone: 406-823-6961
Fax: 406-823-6990

File Code: 2300

Date: October 26, 2009

RECEIVED
Date 10/26/09
Clerk & Recorder
Gallatin County, Mont.

Bill Murdock
Board of County Commissioners
Gallatin County, Montana
311 W. Main, Room 396
Bozeman, MT 59715

Dear Commissioner Murdock:

I would like to clarify information that was provided to you by my representative Jose Castro, US Forest Service District Ranger, at a County hearing on October 6, 2009. The hearing concerned county road abandonment within the Lazy Acres Subdivision in West Yellowstone. After reviewing the audio recording of the hearing I have determined that some of Mr. Castro's statements were in error.

The roads proposed for abandonment within Lazy Acres Subdivision are at the southern ends of Mule Deer Road, Bull Elk Road, and Black Moose Road. These roads adjoin public lands managed by the Gallatin National Forest. Mr. Castro was incorrect in stating that these roads end at cul-de-sacs, and that private land exists between the end of the roads and the National Forest Boundary.

The second point of clarification concerns motorized use on National Forest. The Gallatin National Forest completed an EIS and Record of Decision implementing its Travel Management Plan in October 2006. At that time, our *Motor Vehicle Use Map* and *Over-Snow Vehicle Use Map* became the legal enforcement tools and summary documents that reflect legal status of motorized vehicle use on public lands managed by the Gallatin National Forest. According to the 2009 Gallatin National Forest *Motor Vehicle Use Map*, public lands bordering the Lazy Acres subdivision are closed to all wheeled motorized vehicles. These lands are open at all times to non-motorized uses such as hiking, horseback riding, and bicycling. In the winter, according to the 2009 Gallatin National Forest's *Over-Snow Vehicle Use Map*, the public lands adjoining the Lazy Acres subdivision are open to cross country travel by snowmobiles. The distinction between summer and winter motorized use was not clear from Mr. Castro's comments at the October 6 hearing. I offer this clarification of the facts for consideration by the Board of County Commissioners in any future discussions about the Lazy Acres county road abandonment.

The Gallatin National Forest still supports the abandonment of these road segments as stated in my August 4, 2009 letter of support because it would facilitate our ability to prevent illegal summer motorized use across the adjacent National Forest lands. If you have any further questions or concerns, please contact me or Rob Davies, 406 823-6971.

Sincerely,

Lauren Turner

Lauren Turner
District Ranger

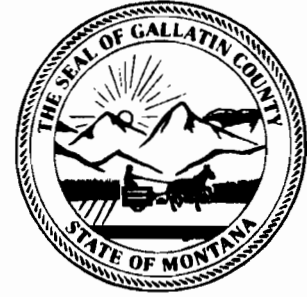
cc: Brian Gallick, Goetz, Gallick & Baldwin, P.C.



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 a Notice of Decision was 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 October 15, 2009.

Postmaster-West Yellowstone Post Office 209 Grizzly Ave West Yellowstone, MT 59758
Public Lands Access Association C/O Mayor Gene Townsend City of Three Forks
PO BOX 187 Three Forks, MT 59752
Byron E & Ann R Johnson 295 Black Moose Rd West Yellowstone, MT 59758
Carl W & Rosalynn Philippi 246 Black Moose Rd West Yellowstone MT 59758
Kathleen L Pierpoint & Dean Paul Liscom 265 Mule Deer Rd West Yellowstone 59758
Gregory Allen & Melissa Kay Hitzler PO Box 2102 West Yellowstone MT 59758
Robert C & Patricia A Pierpoint PO Box 2038 West Yellowstone MT 59758

Charlotte Mills

Charlotte Mills
Clerk and Recorder
Gallatin County, Montana



- [New Search](#)
- [History](#)
- [Payoff](#)
- [Help](#)

Tax ID: RRF23849

Status: Current

Receipt: 23849

Owner(s):
 PIERPOINT ROBERT & PATRICIA & KIM &
 LISCOM PAUL

Mailing Address:

1032 CALLE SASTRE APT A
 SANTA BARBARA, CA 931055483

Levy District:

2373-49, 69R W Yellowstn(R)HBF-GP

2009 Value:

Market: \$18,112.00
Taxable: \$531.00

2009 Taxes:

First Half: \$119.26
Second Half: \$119.24
Total: \$238.50
City Taxes: \$0.00

2009 Payments:

First Half: \$0.00
Second Half: \$0.00
Total: \$0.00

Legal Records:

Geo Code: 06-0061-21-3-06-03-0000 **Deed Book:** 203 **Page:** 913D **Date:** 09/21/1999
Property address: DEER ST
Subdivision: (LAZ) Lazy Acres Subdivision **Lot:** 066
TRS: T13 S, R04 E, Sec. 21
Legal: LAZY ACRES SUBD, S21, T13 S, R04 E, Lot
 066, LAZY ACRES SUB SEC 21 13S 4E LOT
 66

Note: Only one search criterion is required (e.g. Parcel # or Owner Name). Entering additional criteria will result in an incomplete search.

ATTENTION: For Owner Name Searches, you must search LastName FirstName.

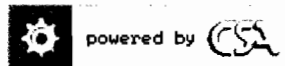
Property Tax data was last updated 10/28/2009

Payments can be sent to:

Gallatin County Treasurer
 311 West Main, Room 103
 Bozeman, MT 59715

Please direct any questions to:

(406)582-3030 or treasurer@gallatin.mt.gov





[New Search](#) [History](#) [Payoff](#) [Help](#)

Tax ID: RRF17589

Status: Current

Receipt: 17589

Owner(s):
 PHILIPPI LIVING TRUST DTD 6/5/09
 PHILIPPI CARL W & ROSALYNN TRUSTEES

Mailing Address:
 5003 E RANCHO DEL ORO DR
 CAVE CREEK, AZ 853315934

Levy District:
 2373-49, 69R W Yellowstn(R)HBF-GP

2009 Value:

Market: \$92,341.00
Taxable: \$2,705.00

2009 Taxes:

First Half: \$633.82
Second Half: \$628.79
Total: \$1,262.61
City Taxes: \$0.00

2009 Payments:

First Half: \$0.00
Second Half: \$0.00
Total: \$0.00

Legal Records:

Geo Code: 06-0061-21-4-03-10-0000 **Date:** 07/22/2009
Property address: 246 BLACK MOOSE RD
Subdivision: (LAZ) Lazy Acres Subdivision
TRS: T13 S, R04 E, Sec. 21
Legal: LAZY ACRES SUBD, S21, T13 S, R04 E, LAZY ACRES SUB SEC 21 13S 4E LOT 72 & 73

Note: Only one search criterion is required (e.g. Parcel # or Owner Name). Entering additional criteria will result in an incomplete search.

ATTENTION: For Owner Name Searches, you must search LastName FirstName.

Property Tax data was last updated 10/28/2009

Payments can be sent to:

Gallatin County Treasurer
 311 West Main, Room 103
 Bozeman, MT 59715

Please direct any questions to:
 (406)582-3030 or treasurer@gallatin.mt.gov





New Search

History

Payoff

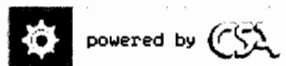
Help

Tax ID: RRF27469**Status:** Current**Receipt:** 27469**Owner(s):**
JOHNSON BYRON**Mailing Address:**2724 E HANGMAN VALLEY RD
SPOKANE, WA 992239573**Levy District:**

2373-49, 69R W Yellowstn(R)HBF-GP

2009 Value:**Market:** \$18,112.00
Taxable: \$531.00**2009 Taxes:****First Half:** \$119.26
Second Half: \$119.24
Total: \$238.50
City Taxes: \$0.00**2009 Payments:****First Half:** \$0.00
Second Half: \$0.00
Total: \$0.00**Legal Records:****Geo Code:** 06-0061-21-4-04-03-0000 **Deed Book:** 186 **Page:** 4273D **Date:** 07/09/1998**Property address:** MOOSE ST**Subdivision:** (LAZ) Lazy Acres Subdivision **Lot:** 062**TRS:** T13 S, R04 E, Sec. 21**Legal:** LAZY ACRES SUBD, S21, T13 S, R04 E, Lot
062, LAZY ACRES SUB SEC 21 13S 4E LOT
62**Note:** Only one search criterion is required (e.g. Parcel # or Owner Name). Entering additional criteria will result in an incomplete search.**ATTENTION:** For Owner Name Searches, you must search LastName FirstName.

Property Tax data was last updated 10/28/2009

Payments can be sent to:Gallatin County Treasurer
311 West Main, Room 103
Bozeman, MT 59715**Please direct any questions to:**(406)582-3030 or treasurer@gallatin.mt.gov

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 Resolution #2009-141, a Resolution and Order to Abandon Portions of Mule Deer Road, Black Moose Road and Bull Elk Road in Lazy Acres Subdivision According to Road Petition Number 832, was mailed to the following landowners on October 28, 2009:

- Robert C. and Patricia A. Pierpoint**, PO Box 2038, West Yellowstone, MT 59758
- Gregory Allen & Melissa Kay Hitzler**, PO Box 2102, West Yellowstone, MT 59758
- Kathleen L. Pierpoint & Dean Paul Liscom**, 1032 Calle Sastre, Apt. A, Santa Barbara, CA 93105-5483
- Carl W. & Rosalynn Philippi**, 5003 E. Rancho Del Oro Dr, Cave Creek, AZ 85331-5934
- Byron E. & Ann R. Johnson**, 2724 E. Hangman Valley Rd, Spokane, WA 99223-9573
- Public Lands Access Assoc., c/o Mayor Gene Townsend, City of Three Forks**, PO Box 187, Three Forks, MT 59752
- Postmaster, U.S. Postal Service**, 209 Grizzly Ave, West Yellowstone, MT 59758

Charlotte Mills

CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana

By: *Veniece Lindemulder*

Veniece Lindemulder, Deputy





Gallatin County Clerk and Recorder
311 W. Main Room 203
Bozeman MT 59715

Lazy Acres Subdivision Road Abandonment

A copy of the signed resolution for the road abandonments within the Lazy Acres Subdivision is attached. However, due to following pending litigation, this resolution has not been recorded.

Cause No. DV09-1018A

STEVE KIRKPATRICK, CONNIE KIRKPATRICK, MATT HAEG, JEAN HAEG, KATE SEIM, MIKE SEIM, JEFF JONES, BRUCE BEALL, MAGDALENA BEALL, FRANK GOUGH, ROY PERRY, ANNIE PERRY, JUDY DAHLBERG, SUSAN MCKEVITT, BILL YOUNGWIRTH, LARRY JENT, PEGGY MOORE, WILLIAM MOORE, BILL SELVAGE, CAMERON PHILIPS, CARLA PHILLIPS, MIKE GAVAGAN, GAIL GAVAGAN, KEITH HURST, THERESA HURST, MICHAEL KEATOR, AND KATIE FLYNN, Plaintiffs,

vs.

GALLATIN COUNTY, MONTANA, a Political Subdivision of the State of Montana, by and through DEFENDANT GALLATIN COUNTY COMMISSION, GREGORY HITZLER, AND MELISSA HITZLER, Defendants.

RESOLUTION NO. 2009-141

A RESOLUTION AND ORDER TO ABANDON PORTIONS OF MULE DEER ROAD, BLACK MOOSE ROAD AND BULL ELK ROAD IN LAZY ACRES SUBDIVISION ACCORDING TO ROAD PETITION NUMBER 832.

This Resolution and Order was introduced by Charlotte Mills, Clerk & Recorder; moved by Commissioner Murdock and seconded by Commissioner Skinner. The Resolution was adopted 2 to 1, Commissioner Skinner opposed.

WHEREAS, on August 6, 2009, the Gallatin County Clerk and Recorder received a Petition, signed by adjacent landowners in Gallatin County, to abandon portions of Mule Deer Road, Black Moose Road and Bull Elk Road in Lazy Acres Subdivision, 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 August 13, 2009, 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 832, MCA; and

WHEREAS, on August 25, 2009, the Gallatin County Clerk and Recorder presented the Petition to Abandon the portions of Mule Deer Road, Black Moose Road and Bull Elk Road in Lazy Acres Subdivision 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, 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 the south 240 feet of Mule Deer Road, Black Moose Road and Bull Elk Road and also the north 300 feet of Mule Deer Road all in Lazy Acres Subdivision located in Section 21, Township 13 South, Range 4 East, Principal Meridian Montana; and

WHEREAS, on September 22, 2009, the viewing committee reported to the Commission that they met to view the roads being petitioned to be discontinued on Wednesday September 9, 2009. The report is attached as Exhibit A to this resolution; and

WHEREAS, a Notice of Public Hearing was published in the Bozeman Daily Chronicle on September 27, 2009; and

WHEREAS, on October 6, 2009, the Commission conducted a public hearing and accepted protests, after notice, on the Petition and the results of the viewing committee's investigation; and

WHEREAS, on October 6, 2009, evidence was presented that satisfies the requirements of Sec. 7-14-2615, MCA for granting the Petition abandoning portions of Mule Deer Road, Black Moose Road and Bull Elk Road in Lazy Acres Subdivision; and

WHEREAS, the Commission determined the portions of Mule Deer Road, Black Moose Road and Bull Elk Road in Lazy Acres Subdivision would no longer be used for public purposes, and no person would be denied access or become land-locked, and that abandonment of that portion of right-of-way is feasible; and

WHEREAS, the Commission determined that another public road or right-of-way provides substantially the same access to the adjacent Forest Service land; and

WHEREAS, the Commission voted two to one to grant the Petition and abandon those portions of Mule Deer Road, Black Moose Road and Bull Elk Road in Lazy Acres Subdivision, Gallatin County, Montana.

NOW, THEREFORE BE IT RESOLVED AND ORDERED:

1. Those portions described as the south 240 feet of Mule Deer Road, Black Moose Road and Bull Elk Road and also the north 300 feet of Mule Deer Road all in Lazy Acres Subdivision located in Section 21, Township 13 South, Range 4 East, Principal Meridian Montana, Gallatin County, Montana, as requested in the Petition, is hereby abandoned.

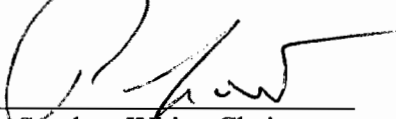
2. All right, title, and interest to the abandoned road rights-of-way shall vest in the appropriate owners in accordance with Montana law;

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

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

DATED this 27th day of October 2009.

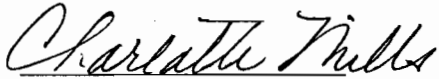
BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY



R. Stephen White, Chairman

10-27-09
Date

ATTEST:

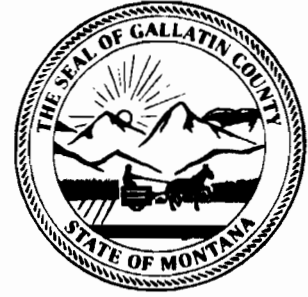


Charlotte Mills
Clerk and Recorder
Gallatin County

State of Montana

County of Gallatin

Bozeman



NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners conducted a public hearing on October 6, 2009, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana to consider a petition to abandon the south 240 feet of Mule Deer Road, Black Moose Road and Bull Elk Road and also the north 300 feet of Mule Deer Road all in Lazy Acres Subdivision located in Section 21, Township 13 South, Range 4 East, Principal Meridian Montana.

At the hearing, the Board of County Commissioners decided to grant the petition as presented to abandon those portions of the above named roads.

Dated this 15th day of October, 2009,

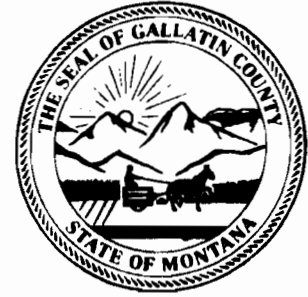
Charlotte Mills

Charlotte Mills
Clerk and Recorder
Gallatin County, Montana

State of Montana

County of Gallatin

Bozeman



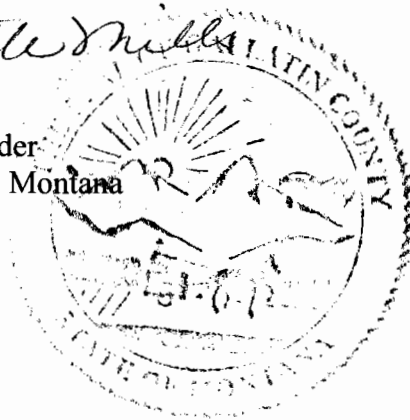
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on October 6, 2009, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding Road Petition Number 832 to abandon the south 240 feet of Mule Deer Road, Black Moose Road and Bull Elk Road and also the north 300 feet of Mule Deer Road all in Lazy Acres Subdivision located in Section 21, Township 13 South, Range 4 East, Principal Meridian 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 23rd day of September, 2009.

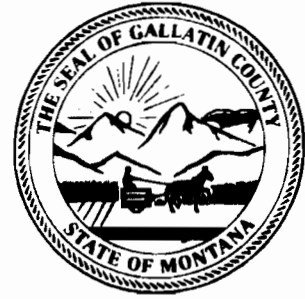
Charlotte Mills
Charlotte Mills
Clerk and Recorder
Gallatin County, Montana



State of Montana

County of Gallatin

Bozeman



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

Statement of Purpose: Petition to abandon portions of various roads in Lazy Acres Subdivision.

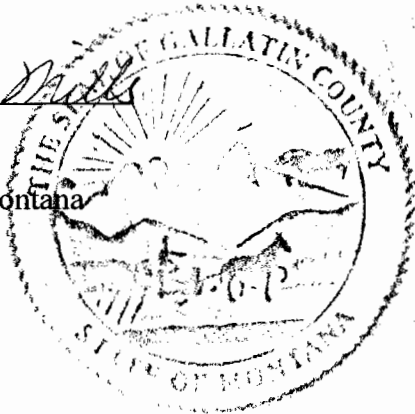
Legal Description: The south 240 feet of Mule Deer Road, Black Moose Road and Bull Elk Road and also the north 300 feet of Mule Deer Road all in Lazy Acres Subdivision located in Section 21, Township 13 South, Range 4 East, Principal Meridian Montana,

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 7-14-2601 M.C.A. 2007, 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 13th day of August 2009, A.D.

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 petition to abandon a portion of Mule Deer Road, Black Moose Road and Bull Elk Road, described as the south 240 feet and north 300 feet of Mule Deer Road, the south 240 feet of Black Moose Road and the south 240 feet of Bull Elk Road, all in Lazy Acres Subdivision located in Section 21, Township 13 South, Range 4 East, Principal Meridian Montana, County of Gallatin, State of Montana, was mailed to the following landowners on September 24, 2009.

- Robert C. and Patricia A. Pierpoint, 265 Mule Deer Road, PO Box 2038, West Yellowstone, MT 59758**
- Gregory Allen & Melissa Kay Hitzler, PO Box 2102, West Yellowstone, MT 59758**
- Kathleen L. Pierpoint & Dean Paul Liscom, 265 Mule Deer Rd, West Yellowstone, MT 59758**
- Carl W. & Rosalynn Philippi, 246 Black Moose Rd, West Yellowstone, MT 59758**
- Barry E. Kraemer, 185 Bear Rd, West Yellowstone, MT 59758**
- Byron E. & Ann R. Johnson, 295 Black Moose Rd, West Yellowstone, MT 59758**
- John A Torres, 576 N. Lark Ellen Ave, Covina, CA 91722**
- Julianne Torres, 187 Bear Rd, West Yellowstone, MT 59758**
- John Georgio, 300 Fishing Ln, PO Box 1384, West Yellowstone, MT 59758**
- Don Perry, 60 Mooseberry Rd, PO Box 875, West Yellowstone, MT 59758**
- William E. Arnado, PO Box 833, West Yellowstone, MT 59758**
- Betty Richey, PO Box 826, West Yellowstone, MT 59758**
- Terry McLuskie, PO Box 323, West Yellowstone, MT 59758**
- Jim W. Criner, PO Box 836, West Yellowstone, MT 59758**
- Pat Povah, PO Box 924, West Yellowstone, MT 59758**
- Curtis Lefler, PO Box 1102, West Yellowstone, MT 59758**
- Michael Coffin, PO Box 124, West Yellowstone, MT 59758**
- Cornelia S. Ives, PO Box 606, West Yellowstone, MT 59758**
- Lawrence M. & Patricia A. Gentry, 244 Mule Deer Road, West Yellowstone, MT 59758**
- Hebgen Lake Ranger District, PO Box 520, West Yellowstone, MT 59758**
- Public Lands Access Assoc., c/o Mayor Gene Townsend, City of Three Forks, PO Box 187, Three Forks, MT 59752**
- Postmaster, U.S. Postal Service, 209 Grizzly Ave, West Yellowstone, MT 59758**

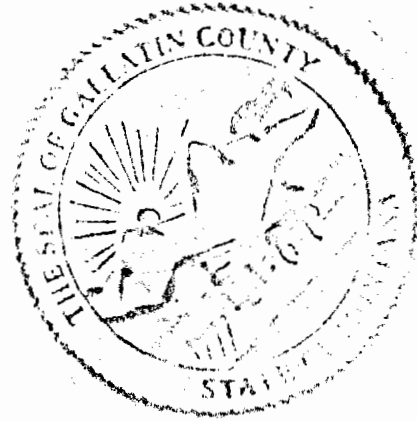
Charlotte Mills

CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana

By:

Veniece Lindemulder, Deputy

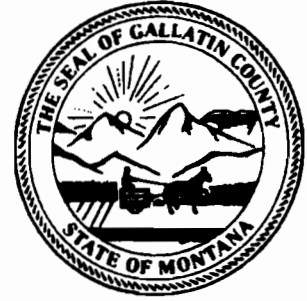
Veniece Lindemulder, Deputy



State of Montana

County of Gallatin

Bozeman



September 22, 2009

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

Legal Description: The south 240 feet of Mule Deer Road, Black Moose Road and Bull Elk Road and also the north 300 feet of Mule Deer Road all in Lazy Acres Subdivision located in Section 21, Township 13 South, Range 4 East, Principal Meridian 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 viewed the area described on September 9, 2009.

The petition is asking that the south 240 feet of Mule Deer, Black Moose, and Bull Elk roads and the north 300 feet of Mule Deer Road be abandoned. These roads are within the Lazy Acres Subdivision which is west of West Yellowstone on Targhee Pass Highway.

The south 240 feet of Mule Deer, Black Moose, and Bull Elk roads has two parcels (a front and back lot which is owned by the same landowner) on either side of each of these roads with the back lot bordering Forest Service land. The lots on the north 300 feet of Mule Deer has the same situation with a front and back lot on either side of the road, and each set of the two lots is owned by the same land owner. Those back lots border private property.

Abandoning these roads would land lock all back lots. If one of the land owners decides to sell their back lot, access would have to be granted with an easement through the front lot.

We have determined there are three options for the abandonment of these roads. The first option is to approve the petition as it is.

The second option is to deny this petition and have the land owners aggregate the front and back lot on each side of the road into one parcel. Then a new petition could be presented to abandon the roads. The aggregation could be done, but would be costly and take time.

The third option is to deny this petition and have the landowners present a new petition which abandons only that portion of each road between the back lots. Then the back lots would be accessible from the end of the road.

Recommendation:

By abandoning the portions of each road described in this petition, access to the public Forest Service land will not be denied because there is a recreational access to the same area within a quarter of a mile of these roads.

7-14-2615 M.C.A. states that you cannot abandon a county road or right-of-way used to access private land if the access benefits two or more landowners unless all of the landowners agree to the abandonment.

In this situation, every back lot that would be land locked is owned by the owner of the front lot which is accessible, and every land owner has signed the petition. Also, we have received a letter from the Forest Service supporting the abandonment of these roads.

Therefore, the viewing committee believes that it is feasible and desirable to grant the petition.

Respectfully submitted,


Bill Murdock, County Commissioner


Charlotte Mills, Clerk & Recorder

Mills, Charlotte

From: teamrev@integra.net
Sent: Monday, October 05, 2009 1:36 PM
To: Mills, Charlotte
Subject: [Fwd: Lazy Acres Protest]
Attachments: untitled-2

----- Original Message -----

Subject: Lazy Acres Protest
From: "Katie Flynn" <katie@yellowstonevacationcabins.com>
Date: Mon, October 5, 2009 11:47 am
To: "Roy Perry" <roytherealtor@yahoo.com>
"Fran Gough" <fnmgough@enter.net>
"Matt Haeg" <teamrev@integraonline.com>
"Judy Dahlberg" <judydahlberg@tlpinc.com>
connek@cox.net
"Kate" <kateseim@gmail.com>
"Bill Youngwirth" <cabinets@3riversdbs.net>
"Mike Gavagan" <mike@bar-n-ranch.com>
"Jeff" <jjonz@dc.rr.com>
montanan_763@yahoo.com

Dear Homeowners, Please fill in the blanks and forward (or print and fax to 406-582-3068) this email to Charlotte Mills, County Clerks office. email: Charlotte.Mills@gallatin.mt.gov before 4:00 pm mountain time today, to be read at the hearing in Bozeman tomorrow morning. Please make any comments at the bottom and if you want to change any part of this letter for personal reasons, please feel free. It is your letter!

Name Matt and Jean Haeg

Address:
210 Mule Deer Rd.
Lazy Acres Subdivision
West Yellowstone,
MONTANA 59758

October 5, 2009

Ã

Ã

Charlotte Mills email: Charlotte.Mills@gallatin.mt.gov Phone:

406-582-3050 Fax: 406-582-3068

County Clerk and Recorder

311 West Main

Bozeman, MONTANA 59758

Ã

Re: Lazy Acres Forest Service EntitlementÃ Ã Ã

Ã

Ã

Dear Charlotte:

Ã

This letter is in regard to the Forest Service abandonment of land in the Lazy Acres Subdivision.Ã

Ã

After zero due diligence in garnering full representation of the Lazy Acres landowners, I am requesting that the Forest Service's request to abandon land in our development be denied.Ã At the very least this meeting should be postponed and full disclosure made to all property owners affected by this decision.

Ã

The Lands selected

It is my understanding that this negotiation affects the south 240 feet of Mule Deer Road, Black Moose Road, and Bull Elk Road and the north 300 feet of Mule Deer Road.Ã As of today, this public-access land benefits all residents and visitors to convenient, unobstructed passage to the surrounding national forest.Ã If you allow the proposed abandonment, this land becomes private property and benefits only the homeowners who will adopt this territory and increase their property ownership.

Ã

These lands are currently public lands controlled by the forest service. A large percentage of the folks in Lazy Acres live an active lifestyle. If the complaining parties are awarded this "swap" all public access will be affected.Ã What prevents these fickle land owners from staking NO TRESPASSING signs to there newly acquired booty?Ã If I can't walk into the forest from the end of my street, what value has been added to my life in Lazy Acres?Ã Am I not entitled to that sort of freedom in Montana?

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It has been an unspoken policy in Lazy Acres that all recreational vehicles (primarily ATV's and snowmobiles) refrain from using our main roads for travel.Ã We have encouraged all residents and visitors to access the forest by the very land you suggest closing.Ã This

eliminates unnecessary risk to our children and pets and reduces the inherent dangers of accessing trails by the highway.Â

Â

GIVING this land to the instigating homeowners seems suspicious at best.Â The implication here is that this land has always been restricted to motorized travel.Â If this is the case, why must a faction of frustrated property owners submit a petition requesting that the land be restricted to motorized vehicles?Â Denying public access to these lands would have a significant economical and recreational impact on homeowners in our subdivision. Several homeowners rely on rental income to pay their mortgages and this would be gravely affected by diverting access.Â We have already experienced your modified "Public Recreational Lands" by way of a two-foot door to the forest that no wheelchair or stroller can access comfortably.Â

Â

Lazy Acres used to be a laid-back, welcoming Montana neighborhood. To allow a few households (some of whom are seasonal at best) to minimize our access to these prime and pristine public lands is nothing short of ludicrous.

Â

The majority of the residents in Lazy Acres are opposed to this Land Abandonment by the forest service: had we be given the opportunity to speak, our voices would have been heard.

Â

Best Regards

Â

Â

Â

Signature_Matt & Jean Haeg_____Phone #406-646-7863

Lazy Acres Homeowner

Personal Comments:

Mills, Charlotte

From: Katie Flynn [katie@yellowstonevacationcabins.com]
Sent: Monday, October 05, 2009 2:00 PM
To: Mills, Charlotte
Subject: RE: Email Test

Hi Charlotte,

Since we had less than 7 hours to accomplish our "mission", we wrote one letter that each homeowner could send to you from their personal email. They were invited to make any changes that they wanted and add any comments.

These people are all over the Mid-West and West coast, some are local, but at work and not having a ton of time to compose a letter of this nature in a short period of time -hitting all the important topics.

I believe the confusion of the petitioner was because the Forest Service is supporting this project. Does it really matter, or can they be submitted as is? It will take a long time to get everyone to resubmit.

We now have several more people contacted that will be sending you their comments.

Thank you!

Katie Flynn
Yellowstone Vacation Cabins LLC
PO Box 1427
West Yellowstone, MT 59758

(406) 646-1104
Toll Free (866) 646-1105

www.yellowstonevacationcabins.com

--- On **Mon, 10/5/09**, **Mills, Charlotte** <Charlotte.Mills@gallatin.mt.gov> wrote:

From: Mills, Charlotte <Charlotte.Mills@gallatin.mt.gov>
Subject: RE: Email Test
To: "Katie Flynn" <katie@yellowstonevacationcabins.com>
Date: Monday, October 5, 2009, 12:22 PM

Just so it says Lazy Acres somewhere is good.

I do want to clear up a misconception in three exactly duplicated letters that I received today. The Forest Service is not the petitioner. They sent a letter of support, but they are not one of the signers on the petition.

Thanks,

Charlotte

From: Katie Flynn [mailto:katie@yellowstonevacationcabins.com]
Sent: Monday, October 05, 2009 1:10 PM
To: Mills, Charlotte
Subject: RE: Email Test

HI Charlotte,

I am sorry, earlier we said Lazy Acres Protest, so that is what I told them to say. It was short notice, but I personally contacted 10 homeowners that will be sending an email or fax. I have 4 homeowners that will come out from CA, MN, and NV to attend a hearing if we can get this one postponed. Everyone is very upset that they were not notified.

Thank you for your assistance. We greatly appreciate you getting these letters / comments to the hearing tomorrow.

Katie Flynn
Yellowstone Vacation Cabins LLC
PO Box 1427
West Yellowstone, MT 59758

(406) 646-1104
Toll Free (866) 646-1105

www.yellowstonevacationcabins.com

--- On **Mon, 10/5/09, Mills, Charlotte** <Charlotte.Mills@gallatin.mt.gov> wrote:

From: Mills, Charlotte <Charlotte.Mills@gallatin.mt.gov>
Subject: RE: Email Test
To: "Katie Flynn" <katie@yellowstonevacationcabins.com>
Date: Monday, October 5, 2009, 11:45 AM

I received your email. If you have people that are going to send emails, would you please ask that the subject line say "Lazy Acres Road Abandonment." They will be easier to spot in my email.

Thanks,

Charlotte Mills

From: Katie Flynn [mailto:katie@yellowstonevacationcabins.com]
Sent: Monday, October 05, 2009 12:41 PM
To: Mills, Charlotte
Subject: Email Test

Thank you - just a test.

Katie Flynn
Yellowstone Vacation Cabins LLC
PO Box 1427
West Yellowstone, MT 59758

(406) 646-1104
Toll Free (866) 646-1105

www.yellowstonevacationcabins.com

Mills, Charlotte

From: Lynn Philippi [lynnphilippi@gmail.com]
Sent: Thursday, October 15, 2009 5:57 PM
To: Mills, Charlotte
Subject: Letter for the Commissioners
Attachments: Gallatin County Commissioners.doc

Dear Charlotte,

Firstly, thank you so much for all the time you have put into this thankless effort in Lazy Acres. We are so sorry that you and other innocent parties are having to deal with the anger, etc. Carl and I composed a letter of gratitude for the Commissioners and appreciate your offer to forward it to them ASAP since I've had trouble accessing them on the website. Again, know that some of us are grateful for your time and efforts.

Lynn Philippi

Gallatin County Commissioners
311 West Main Street
Bozeman, MT 59715

October 15, 2009

RE: Lazy Acres Subdivision Road Abandonment Petition Decision

Dear Commissioners White, Murdock and Skinner,

Since 1984 we have been residents of Lazy Acres Subdivision, West Yellowstone, Mt. and would like to take a moment of your time to personally thank all of you for the time spent evaluating the Resolution to Abandon Portions of Mule Deer Road, Black Moose Road and Bull Elk Road in Lazy Acres Subdivision According to Road Petition Number 832. More importantly, we wish to thank you for the majority decision you reached and voting to pass it.

Many Lazy Acres residents bought here to enjoy the serenity and take in the natural beauty that only Montana can offer. Not all made this choice for the purpose of accessing the forest on our snowmobiles or other motorized vehicles. Over the years the numbers of residents and renters abusing privileges on these user-built trails, as well as on private property while accessing them, has increased and activities are becoming more concerning. Legal access to the forest and trails via Lower Buttermilk Road (Forest Service Route 1720) for these activities is right at the edge of our subdivision and, in many cases, closer for the residents and renters to reach than these user-built trails that are being abused and accessed illegally. Petitioning the Commission to help rectify the situation by abandoning these trails was not an easy decision to make but it has reached a point where there was no choice. Please stand resolute in your decision to support the Abandonment.

Again, thank you for your time, consideration and your service.

Respectfully,

Carl and Rosalynn Philippi
Lazy Acres Subdivision
Gallatin County, MT

PS. Please call at anytime if you have any questions or would like to speak to us personally.

AZ home 480/488-1170
Cellphone 602/617-1614

Fax Cover

To: **Charlotte Mills**

Date: 10/05/09

Fax: 406-582-3068

3 Pages faxed including cover.

Subject: Lazy Acres Protest

Thank you for submitting this letter for me at tomorrow's meeting,

Bill Youngwirth

Phone # 406-646-4254

RECEIVED OCT 0 5 2009

Bill Youngwirth
Lazy Acres Subdivision
Address _____
West Yellowstone, MONTANA 59758
October 5, 2009

Charlotte Mills
County Clerk and Recorder
311 West Main
Bozeman, MONTANA 59758

Re: Lazy Acres Forest Service Entitlement

Dear Charlotte:

This letter is in regard to the Forest Service abandonment of land in the Lazy Acres Subdivision.

After zero due diligence in garnering full representation of the Lazy Acres landowners, I am requesting that the Forest Service's request to abandon land in our development be denied. At the very least this meeting should be **postponed** and full disclosure made to all property owners affected by this decision.

The Lands selected

It is my understanding that this negotiation affects the south 240 feet of Mule Deer Road, Black Moose Road, and Bull Elk Road and the north 300 feet of Mule Deer Road. As of today, this public-access land benefits all residents and visitors to convenient, unobstructed passage to the surrounding national forest. If you allow the proposed abandonment, this land becomes private property and benefits only the homeowners who will adopt this territory and increase their property ownership.

These lands are currently public lands controlled by the forest service. A large percentage of the folks in Lazy Acres live an active lifestyle. If the complaining parties are awarded this "swap" *all public access will be affected*. What prevents these fickle land owners from staking NO TRESPASSING signs to their newly acquired booty? If I can't walk into the forest from the end of my street, what value has been added to my life in Lazy Acres? Am I not entitled to that sort of freedom in Montana?

It has been an unspoken policy in Lazy Acres that all recreational vehicles (primarily ATV's and snowmobiles) refrain from using our main roads for travel. We have encouraged all residents and visitors to access the forest by the very land you suggest closing. This eliminates unnecessary risk to our children and pets and reduces the inherent dangers of accessing trails by the highway.

GIVING this land to the instigating homeowners seems suspicious at best. The implication here is that this land has always been restricted to motorized travel. If this is the case, why must a faction of frustrated property owners submit a petition requesting that the land be restricted to motorized vehicles? Denying public access to these lands would have a significant economical and recreational impact on homeowners in our subdivision. Several homeowners rely on rental income to pay their mortgages and this would be gravely affected by diverting access. We have already experienced your modified "Public Recreational Lands" by way of a two-foot door to the forest that no wheelchair or stroller can access comfortably.

Lazy Acres used to be a laid-back, welcoming Montana neighborhood. To allow a few households (some of whom are seasonal at best) to minimize our access to these prime and pristine public lands is nothing short of ludicrous.

The majority of the residents in Lazy Acres are opposed to this *Land Abandonment* by the forest service: had we be given the opportunity to speak, our voices would have been heard.

Best Regards

Signature William Youngworth

Signature _____

Phone# 406-646-4254

Lazy Acres Homeowner

Personal Comments:

For over 30 years family have accessed the 2 Top trail via the end of mule den Rd. The only other route is to go along Hwy 20. This is a dangerous situation. I'm in favor of leaving this route open. For safety reasons.

Thank you.

Bill Youngworth

RECEIVED OCT 05 2009

Mills, Charlotte

From: Cameron Phillips [cpggfd@gmail.com]
Sent: Monday, October 05, 2009 3:55 PM
To: Mills, Charlotte
Cc: Bill Youngwirth
Subject: This letter is in regard to the Forest Service abandonment of land in the Lazy Acres Subdivision.

Dear Charlotte:

Dear Charlotte

This letter is in regard to the Forest Service abandonment of land in the Lazy Acres Subdivision.

After zero due diligence in garnering full representation of the Lazy Acres landowners, I am requesting that the Forest Service's request to abandon land in our development be denied. At the very least this meeting should be **postponed** and full disclosure made to all property owners affected by this decision.

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Lazy Acres used to be a laid-back, welcoming Montana neighborhood. To allow a few households (some of whom are seasonal at best) to minimize our access to these prime and pristine public lands is nothing short of ludicrous.

The majority of the residents in Lazy Acres are opposed to this *Land Abandonment* by the forest service: had we be given the opportunity to speak, our voices would have been heard.

Best Regards

Regards,
Cameron Phillips

Semerad, Eric

From: Commission
Sent: Thursday, December 17, 2009 10:31 AM
To: Semerad, Eric; Turner, Crystal
Subject: FW: Road closure

Not sure who all this should go to??

-----Original Message-----

From: Patrick Povah [mailto:patpinyellow@wyellowstone.com]
Sent: Thursday, December 17, 2009 9:28 AM
To: bgallik@goetzlawfirm.com; Commission
Subject: Road closure

To Whom it may concern,

I would like to have my name removed from the petition filed by the Hitzler's in Lazy Acres that would close some county roads near their property. I was under the belief that the roads ended at private property driveways, which appears to not be the case. My understanding is that the roads provide access directly to USFS land and trails. With this being the case, I do not believe that I would ever have signed the petition.

Thank you for your consideration.

Pat Povah
Box 924
W. Yellowstone, Mt 59758
646-9290

RECEIVED OCT 05 2009

Mills, Charlotte

From: jjonz [jjonz@dc.rr.com]
Sent: Monday, October 05, 2009 1:44 PM
To: Mills, Charlotte
Subject: Potential Lazy Acres land turnover

To: Charlotte Mills

email: Charlotte.Mills@gallatin.mt.gov

Phone: 406-582-3050

Fax: 406-582-3068

County Clerk and Recorder

311 West Main

Bozeman, MONTANA 59758

Re: Lazy Acres Forest Service Entitlement

Dear Charlotte Mills:

This letter is in regard to the Forest Service abandonment of land in the Lazy Acres Subdivision.

After zero due diligence in garnering full representation of the Lazy Acres landowners, I am requesting that the Forest Service's request to abandon land in our development be denied. At the very least this meeting should be *postponed* and full disclosure made to all property owners affected by this decision.

/The Lands selected /

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These lands are currently public lands controlled by the forest service.

A large percentage of the folks in Lazy Acres live an active lifestyle.

If the complaining parties are awarded this "swap" /all public access will be affected. /What prevents these fickle land owners from staking NO TRESPASSING signs to their newly acquired land? If I can't walk into the forest from the end of my street, what value has been added to my life in Lazy Acres? And what has been taken away?

It has been an unspoken policy in Lazy Acres that all recreational vehicles (primarily ATV's and snowmobiles) refrain from using our main roads for travel. We have encouraged all residents and visitors to access the forest by the very land you suggest closing. This

eliminates unnecessary risk to our children and pets and reduces the inherent dangers of accessing trails by the highway.

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*/ /*Lazy Acres used to be a laid-back, welcoming Montana neighborhood. To allow a few households (some of whom are seasonal at best) to minimize our access to these prime and pristine public lands is nothing short of ludicrous.

The majority of the residents in Lazy Acres are opposed to this /Land Abandonment/ by the forest service: had we be given the opportunity to speak, our voices would have been heard.

Thank you for your attention in this matter,

Jeffrey A. Jones (owner of the property at the address below) 120 Mule Deer St.
West Yellowstone, MT 59758
mobile phone (760) 413-8136

Lazy Acres Homeowner

Personal Comments: I spent much of August, 2009 at my home listed above and used the access to forest service land at the end of Mule Deer St. on a daily basis for hiking and bicycling. I strongly object to the possible prohibition of access to forest service land from the end of Mule Deer St. Such a prohibition would greatly decrease the value of the property to me and should I wish to sell in the future, I believe the value of my property will be decreased as well. Please feel free to call me during any meeting on this matter on the mobile telephone number listed above.

Howze, Glenda

From: jjonz [jjonz@dc.rr.com]
Sent: Monday, October 05, 2009 7:14 PM
To: Commission
Subject: Agenda item 5 - road abandonment for October 6, 2009
Attachments: Lazy Acres.jpg

To whom it may concern,

I have already sent one email to County Clerk Charlotte Mills on the matter of road abandonment in the unincorporated area of Gallatin County known as Lazy Acres. That email was written by one of the property owners in the area. I added my comments and forwarded it along as time was short. One of the issues I addressed was the decrease in my property value (both in terms of resale value and rental income) by limiting my easy access to National Forest land at the end of my street - Mule Deer St.

During a subsequent telephone conversation with Ms. Mills, she said the road on the west side of Yellowstone Rentals provided equivalent access as required in Montana Code **7-14-2615** which is quoted below:

7-14-2615. Abandonment or vacation of county roads. (1) *All county roads once established must continue to be county roads until abandoned or vacated by:*

- (a) *operation of law;*
- (b) *judgment of a court of competent jurisdiction; or*
- (c) *the order of the board.*

(2) *An order to abandon a county road is not valid unless preceded by notice and public hearing.*

(3) *The board may not abandon a county road or right-of-way used to provide existing legal access to public land or waters, including access for public recreational use as defined in 23-2-301 and as permitted in 23-2-302, unless another public road or right-of-way provides substantially the same access.*

(4) *The board may not abandon a county road or right-of-way used to access private land if the access benefits two or more landowners unless all of the landowners agree to the abandonment.*

History: *En. Sec. 8-214, Ch. 197, L. 1965; R.C.M. 1947, 32-4014; amd. Sec. 3, Ch. 107, L. 1999; amd. Sec. 1, Ch. 168, L. 2005.*

I do not believe the road Ms. Mills spoke of grants "substantially the same access." as required in subsection (c)(3) above. In particular, after snow storms and subsequent plowing on Hwy 20, access to this road from Hwy 20 will be blocked by a tall, uneven berm of unstable plowed snow. This road is bordered on the east side by a private business - Yellowstone Rentals - and by a mountain on the west side.

I have attached a satellite image copied from Google Earth that accurately represents the area. NFS route 1720 in the image is the equivalent access identified by Ms. Mills. As you can see in the image, the only way to access that road by snowmobile once Hwy 20 has been plowed will be by trespassing across private property or by riding a snowmobile on the highway and then trying to cross the plowed berm.

Thank you for taking the time to review this information.

Jeff Jones

property owner of 160 Mule Deer St., West Yellowstone, MT 59758



Google

© 2009

Eye alt 11889 ft

Image © 2009 DigitalGlobe
© 2009 Tele Atlas

44°41'00.28" N 111°14'48.84" W elev. 6730 ft

20

NFS Route 1720

Teche Rd

Bear Ave

Deer St

Elk St

Moose St



Howze, Glenda

From: Bruce Beall [bbeall33@fairpoint.net]
Sent: Tuesday, October 06, 2009 12:02 AM
To: Commission
Cc: Yellowstone Vacation; Roy Perry; Judy Dahlberg; Matt Haeg; connek@cox.net; Bill Youngwirth; Mike Gavagan; montanan_763@yahoo.com; jjonz
Subject: The current access to public lands and trails via the path at the end of Mule Deer Rd. in the Lazy Acres subdivision, West Yellowstone

Gallatin County Commissioners,

I am strongly opposed to attempts that are being made by the small minority in Lazy Acres to close the safe access to public lands that we now enjoy via the trail that connects the end of Mule Deer Rd. to the public trail system in the Gallatin National Forest. My wife and I own a home at 104 Mule Deer Rd. We have enjoyed hiking on those public trails via that access many times. We also rent out our home to vacationers who use that access to snowmobile, cross-country ski, and hike on the public trails. We have many repeat customers who rent our home each winter and either bring their own snowmobiles or rent them locally for the week. I know for certain that they rent our home primarily because of the easy and safe public trail access. Therefore, to remove this safe and convenient access would diminish the rentability of my property greatly. It would also diminish the resale value of my property. Our vacation renters generally snowmobile for only one day in Yellowstone Park during their stay because repeated daily guided excursions into Yellowstone become prohibitively expensive. Therefore most of their riding is done on the extensive public trail system in West Yellowstone and on into Island Park.

I admit that I do not fully understand the details of the issue at hand because no one from the county has informed me of this issue or of any meetings at which this has been or will be discussed by the commissioners. I have learned of the controversy only today via word of mouth. Please be sure to add my name, address and email to your database. I want to be notified promptly about any future issues that affect my property in Lazy Acres. Thank you.

It is definitely in the interest of Gallatin County to retain a safe and legal motorized and non-motorized access from the Lazy Acres subdivision to the public trail system for the use of the permanent residents of Lazy Acres as well as the numerous vacation rental home guests staying in Lazy Acres homes. (There are at least 11 vacation rental homes in the neighborhood.) This access is extensively utilized and enjoyed during all times of the year. The access has been in place and taken for granted as an amenity of the neighborhood for many years. If this access is withdrawn there must be a safe new access created that everyone in the neighborhood can use. I understand that Greg Hitzler is a proponent of closing the current access. His motives are questionable in my opinion. He owns both a home and a vacation rental home located at the extreme south end of Mule Deer Rd. and Bull Elk Rd. His properties both directly border Forest Service land and the trail system. He seems to want to deny access to everyone else but himself and his own rental guests, thus making his own property more valuable and his rental property more desirable by comparison with other rentals (if guests at the other rentals are denied safe access to the trails). Currently there is no other safe and legal access for all Lazy Acres residents. It is ludicrous to assume that snowmobilers from Lazy Acres could safely drive a quarter of a mile in the narrow deep gully between a private fence and the south shoulder of Route 20 to access the trail system. They could be literally buried by the ice, snow, sand, etc. thrown into that gully by snowplows driving at high speeds. The plow drivers may not even be able to see them down below the road behind the high snow pile the plows create as the winter progresses. There could be no trail well established there because it would be dumped upon repeatedly throughout the winter by the plows. Also there would not be room for snowmobiles to pass one another side by side traveling in opposite directions. Additionally, it would be dangerous for them to cross the driveway of the business located along that route, Yellowstone Rental and Sports. They would be in a deep gully and then need to rise abruptly to cross the driveway, then go abruptly back down into the gully. Would drivers turning off of Route 20 into that

driveway be able to detect snowmobilers abruptly rising there in time to avoid hitting them? (Remember the high snow banks created by the plows blocking visibility. Also remember that there are no turning lanes anywhere along this stretch of highway. Traffic moves at 65 mph and drivers turning off the highway often slow down minimally when making their turns if other vehicles are coming fast behind them.) The vacation rental guests come from all over the USA and the world. Although some are repeat guests, most are very new to the area. It would be a very small minority of these guests who wouldn't be horrified to be forced to try to find the trail system via that dangerous and narrow gully. Our vacation rental homes would soon lose their appeal to our winter guests. They might well decide to stay in Island Park, Idaho or other areas in the USA where there is safer access to snowmobile trails for themselves and their children.

Vacation renters currently and historically avail themselves of numerous goods and services in West Yellowstone during their stays.

They often eat at restaurants, buy gifts, gas, and clothing, rent recreational equipment, take guided excursions into Yellowstone Park, etc. These vacation home renters do not want to stay in motels. They want a close and comfortable family experience in a rented private home away from town. These tourists have a very positive impact on the local economy of Gallatin County in general. Do we really want to turn enthusiastic vacationers into disgruntled and disappointed vacationers? They will decide to vacation elsewhere in the future and our local economy will suffer.

If the current motorized and non-motorized public trail access at the end of Mule Deer Rd. is taken out of public use there must be another convenient, legal and safe access provided to take its place. Otherwise, the local economy and the property values of all Lazy Acres owners will be severely and negatively impacted.

Sincerely,

Bruce and Magdalena Beall

Mailing address: 104 Mule Deer Rd., West Yellowstone, MT 59758

(208) 558-1988

bbeall33@fairpoint.net

**Name: Bruce and Magdalena Beall
Address: P.O. Box 331
Island Park, ID 83429**

RECEIVED OCT 05 2009

**Homeowners of:
104 Mule Deer Road,
Lazy Acres, West Yellowstone, MT 59758**

**Charlotte Mills
Email: Charlotte.Mills@gallatin.mt.gov
Phone: 406-582-3050
Fax: 406-582-3068
County Clerk and Recorder
311 West Main
Bozeman, MT 59715**

October 5, 2009

Re: Lazy Acres Forest Service Entitlement

Dear Charlotte:

This letter is in regard to the Forest Service abandonment of land in the Lazy Acres Subdivision.

After zero due diligence in garnering full representation of the Lazy Acres landowners, I am requesting that the Forest Service's request to abandon land in our development be denied. At the very least this meeting should be postponed and full disclosure made to all property owners affected by this decision.

The Lands selected

It is my understanding that this negotiation affects the south 240 feet of Mule Deer Road, Black Moose Road, and Bull Elk Road and the north 300 feet of Mule Deer Road. As of today, this public-access land benefits all residents and visitors to

convenient, unobstructed passage to the surrounding national forest. If you allow the proposed abandonment, this land becomes private property and benefits only the homeowners who will adopt this territory and increase their property ownership.

These lands are currently public lands controlled by the forest service. A large percentage of the folks in Lazy Acres live an active lifestyle. If the complaining parties are awarded this "swap" all public access will be affected. What prevents these fickle land owners from staking NO TRESPASSING signs to their newly acquired booty? If I can't walk into the forest from the end of my street, what value has been added to my life in Lazy Acres? Am I not entitled to that sort of freedom in Montana?

It has been an unspoken policy in Lazy Acres that all recreational vehicles (primarily ATV's and snowmobiles) refrain from using our main roads for travel. We have encouraged all residents and visitors to access the forest by the very land you suggest closing. This eliminates unnecessary risk to our children and pets and reduces the inherent dangers of accessing trails by the highway.

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Lazy Acres used to be a laid-back, welcoming Montana

neighborhood. To allow a few households (some of whom are seasonal at best) to minimize our access to these prime and pristine public lands is nothing short of ludicrous.

The majority of the residents in Lazy Acres are opposed to this Land Abandonment by the forest service: had we be given the opportunity to speak, our voices would have been heard.

Best Regards,

Signature *Bruce H. Beall*

Signature *Maryolinda Beall*

Phone # 208-558-1988

Lazy Acres Homeowners

We own a vacation rental home in Lazy Acres at the above address, and preventing access to Forest Service land at the end of our street would seriously affect our winter rentals. Snowmobiles pass our home there, which is what happens during the winter. Why should a small group of homeowners prevent all the others from enjoying this great winter recreational access?

The Bealls

Howze, Glenda

From: teresa [montanan_763@yahoo.com]
Sent: Monday, October 05, 2009 9:33 PM
To: Commission
Cc: katie@yellowstonevacationcabins.com
Subject: Lazy Acres

To Whom It May Concern,

In regards to the public land access to the forest service property.

We as homeowners are concerned with our 5 childrens safety when having to hike, ski or snowmobile and having to cross highway 20 to do so. When it is illegal to have snowmobiles on highway 20.

Why should we be punished for a few greedy homeowners that only are here in the summer. Why is it up to these select few to lower my property values as well as dictate and not let the rest of us homeowners know what is going on and make these rash decisions without our consent or knowledge.

We have 2 daughters and 1 son on the ski team who will not be able to practice as well because the access is being denied and crossing highway 20 is not a safe alternative to there practice needs.

All 7 of us have been through snowmobile safety classes and passed but we still would not feel safe having to ride along side highway 20 to get to the snowmobile trails.

We are highly against any of this absurd nonsense to take our public access away from us and our chance to enjoy the vast beauty of the state of Montana.

Thanks for letting us express are concerns for us and our family,

Teresa and Keith Hurst
282 Bear Road
West Yellowstone, MT, 59758

Mills, Charlotte

RECEIVED OCT 05 2009

From: Conne [connek@cox.net]
Sent: Monday, October 05, 2009 2:22 PM
To: Mills, Charlotte
Subject: Fw: Lazy Acres Protest

Names: Stephen and Constance Kirkpatrick

Address: 211 Mule Deer Road **We own two lots**

Lazy Acres Subdivision

West Yellowstone, MONTANA 59758

October 5, 2009

Charlotte Mills

email: Charlotte.Mills@gallatin.mt.gov

Phone: 406-582-3050

Fax: 406-582-3068

County Clerk and Recorder

311 West Main

Bozeman, MONTANA 59758

Re: Lazy Acres Forest Service Entitlement

Dear Charlotte:

This letter is in regard to the Forest Service abandonment of land in the Lazy Acres Subdivision. After zero due diligence in garnering full representation of the Lazy Acres landowners, I am requesting that the Forest Service's request to abandon land in our development be denied. At the very least this meeting should be **postponed** and full disclosure made to all property owners affected by this decision.

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Respectfully,

Stephen Kirkpatrick

Constance Kirkpatrick

Lazy Acres Homeowners

Name LeRoy & Anne PerryAddress 551 Spring Creek Pkwy
Spring Creek, Nv 89815Lots in Lazy acres: 27 Mule Deer
228 Bull ElkLazy Acres Subdivision
West Yellowstone, MONTANA 59758
October 5, 2009

RECEIVED OCT 05 2009

Charlotte Mills
email: Charlotte.Mills@gallatin.mt.gov
Phone: 406-582-3050
Fax: 406-582-3068
County Clerk and Recorder
311 West Main
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Happy Trails,

Signature LeRoy Perry

Signature Anne Perry

Phone # 775-934-8186

Lazy Acres Homeowner

RECEIVED OCT 05 2009

Name Gordon A. & Judy A. DahlbergAddress 233 Bull Elk Rd. (1 lot)

(please include # of lots owned)

Lazy Acres Subdivision

West Yellowstone, MONTANA 59758

October 5, 2009

To:

Charlotte Mills
email: Charlotte.Mills@gallatin.mt.gov
Phone: 406-582-3050
Fax: 406-582-3068
County Clerk and Recorder
311 West Main
Bozeman, MONTANA 59758

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10/5/2009

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Best Regards

Signature Judy A. Dahlberg
Signature [Handwritten Signature]
Phone # 651-238-1728 (cell) 406-646-1043 (cabin)
Lazy Acres Homeowner

Personal Comments:

10/5/2009

RECEIVED OCT 0 5 2009

Lazy Acres Protest

Page 1 of 3

From: "Katie Flynn" <katie@yellowstonevacationcabins.com>
Subject: Lazy Acres Protest
Date: Mon, October 5, 2009 11:47 am
To: "Roy Perry" <roytherealtor@yahoo.com>,"Fran Gough" <fnmgough@enter.net>,"Matt Haeg" <teamrev@integraonline.com>,"Judy Dahlberg" <judydahlberg@tlpinc.com>,"connek@cox.net","Kat <kateseim@gmail.com>,"Bill Youngwirth" <cabinets@3riversdbs.net>,"Mike Gavagan" <mike@baranch.com>,"Jeff" <jjonz@dc.rr.com>,"montanan_763@yahoo.com

Dear Homeowners, Please fill in the blanks and forward (or print and fax to 406-582-3068) this email to Charlotte Mills, County Clerks office. email: Charlotte.Mills@gallatin.mt.gov before 4:00 pm mountain time today, to be read at the hearing in Bozeman tomorrow morning. Please make any comments at the bottom and if you want to change any part of this letter for personal reasons, please feel free. It is your letter!

Name

MATT HAEG

Address 210 Mule Deer Rd (please include # of lots owned) Lazy Acres
Subdivision

West Yellowstone,
MONTANA 59758

October 5, 2009

Charlotte Millsemail: Charlotte.Mills@gallatin.mt.gov Phone: 406-582-3050 Fax:
406-582-3068

County Clerk and Recorder

311 West Main

Bozeman, MONTANA 59758

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Best Regards

Signature 
210 Mills Deer Rd

Signature 

Lazy Acres Homeowner

Personal Comments:

Attachments:

untitled-2
Size: 30 k
Type: text/html

Mills, Charlotte

From: Commission
Sent: Tuesday, October 27, 2009 8:16 AM
To: Commissioners (Distribution Lists); Mills, Charlotte
Subject: FW: LAZY ACRES_Petition to abandon county road

From: Kon McLuskie [mailto:mckonart@hotmail.com]
Sent: Monday, October 26, 2009 6:03 PM
To: Commission; bgallik@goetzlawfirm.com
Cc: terrym@wyellowstone.com
Subject: LAZY ACRES_Petition to abandon county road

Please remove my name from Lazy Acre petition filed by Greg Hitzler to close a county roads by his property. The roads are commonly know as Black Moose, Mule Deer and Bull Elk road.

I was not fully informed regarding the closure. I was told it was to keep snowmobilers from trespassing on his property. I did not understand that these roads went right to Forest Service property and did not infringe on his property. People should have access to Forest Service trails.

Thank you
Terry McLuskie

Windows 7 : It helps you do more. Explore Windows 7.

RECEIVED OCT 05 2009

Mills, Charlotte

From: Fran Gough [fnmgough@enter.net]
Sent: Monday, October 05, 2009 1:52 PM
To: Mills, Charlotte
Subject: Lazy Acres Issue

Fran
Gough

Lazy
Acres
Subdiv
ision

October 5,
2009

Charlotte Mills

email: Charlotte.Mills@gallatin.mt.gov

Phone: 406-582-3050

Fax: 406-582-3068

County Clerk and Recorder

311 West Main

Bozeman, MONTANA 59758

Re: Lazy Acres Forest Service Entitlement

Dear Charlotte:

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Best Regards,

Fran Gough

Phone #: 610-377-7530 or 406-646-5131 (summer)

Lazy Acres Homeowner

Personal Comments: Charlotte if anything this land should be deeded to the Lazy Acres Homeowners Association so that it will allow public access to Forest Service property in perpetuity.

Howze, Glenda

From: Jean & Matt Haeg [teamrev@integra.net]
Sent: Monday, October 05, 2009 9:26 PM
To: Commission
Subject: Public Hearing and Decision on Road Abandonment for Lazy Acres Subdivision (Charlotte Mills, Clerk & Recorder).

October 5, 2009

Dear County Commissioners:

We respectfully ask that the decision to abandon the Lazy Acres road access to the National Forest be denied. We heard of the meeting being held October 6 just today, one day prior to the meeting. We are unable to attend on such a short notice due to work commitments.

We object to the road abandonment. The current access road is approximately 200 feet from our property. We have enjoyed easy access to the National Forest, in fact that was the primary decision for the purchase of our property. We feel that our property value would be reduced if we lost our current and long-standing access to the forest. Lazy Acres residents have had access to Gallatin National Forest since 1956. It was a well used access at the time those who now object to the access, purchased their properties. Outdoor activities is one of the major attractions of West Yellowstone area. What would happen if we closed off all access to the trails because someone living next to the trail didn't want it in their backyard any longer? We don't imagine that a decision of this magnitude should happen to appease a handful of residents leaving the rest of us closed off to the forest and the recreation opportunities we've been enjoying for years. We do not think the alternative access proposed *offers substantially the same access....*we now enjoy. While the current access allows all of Lazy Acre residents to safely and easily access the trail system the proposed alternative access would result in having to use the ditch along the busy Highway 20 to gain entrance to the trail system in our backyards. Please do not make this change allowing those living right next to the trail system access and making the rest of find access elsewhere.

We thank you for your careful consideration.

Sincerely,
Matt and Jean Haeg
210 Mule Deer Road
West Yellowstone, Montana 59758

**7-14-2615. Abandonment or vacation of county roads. *(1) All county roads once established must continue to be county roads until abandoned or vacated by:*

(a) operation of law;

(b) judgment of a court of competent jurisdiction; or

(c) the order of the board.

(2) An order to abandon a county road is not valid unless preceded by notice and public hearing.

(3) The board may not abandon a county road or right-of-way used to provide existing legal access to public land or waters, including access for public recreational use as defined in 23-2-301 <../23/2/23-2-301.htm> and as permitted in 23-2-302 <../23/2/23-2-302.htm>, unless another public road or right-of-way provides substantially the same access.

(4) The board may not abandon a county road or right-of-way used to access private land if the access benefits two or more landowners unless all of the landowners agree to the abandonment.

To Charlotte Millsemail

Re: Oct. 6th Meeths

Co. Commissioner

Mills, Charlotte

From: SUSAN MCKEVITT [suzeh9@bozeman.mt.gov] RECEIVED OCT 5 2009
Sent: Monday, October 05, 2009 9:06 PM
To: Mills, Charlotte
Subject: Snowmobiles passing through Lazy Acres

Name: Susan McKeVitt
Address: 1506 W Lincoln St
Bozeman, MT 59715

Homeowners of:
113 Bull Elk Road,
Lazy Acres, West Yellowstone, MT 59758

Charlotte Mills
Email: Charlotte.Mills@gallatin.mt.gov
Phone: 406-582-3050
Fax: 406-582-3068
County Clerk and Recorder
311 West Main
Bozeman, MT 59715

October 5, 2009

Re: Lazy Acres Forest Service Entitlement Dear Charlotte:

This letter is in regard to the Forest Service abandonment of land in the Lazy Acres Subdivision.

After zero due diligence in garnering full representation of the Lazy Acres landowners, I am requesting that the Forest Service's request to abandon land in our development be denied. At the very least this meeting should be postponed and full disclosure made to all property owners affected by this decision.

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The majority of the residents in Lazy Acres are opposed to this Land Abandonment by the forest service: had we be given the opportunity to speak, our voices would have been heard.

Best Regards,

Signature__Susan McKevitt

Phone #406-522-3850

Lazy Acres Homeowners

We own a vacation rental home in Lazy Acres at the above address, and preventing access to Forest Service land at the end of our street would seriously affect our winter rentals. Snowmobiles pass our home there, which is what happens during the winter. Why should a small group of homeowners prevent all the others from enjoying this great winter recreational access?

We are talking about a VERY small number of snowmobiles!

RECEIVED OCT 05 2009

Mills, Charlotte

From: Mike Gavagan [mike@bar-n-ranch.com]
Sent: Monday, October 05, 2009 12:53 PM
To: Mills, Charlotte
Subject: Lazy Acres Protest
Attachments: lazyacresprotest.doc

Good Afternoon Charlotte.

The attached letter is in response to the proposed Land Abandonment in Lazy Acres. Please add us to the list of opposed parties.

Regards,
Mike and Gayle Gavagan
Black Moose Road
West Yellowstone Montana

Mike & Gayle Gavagan
Lazy Acres Subdivision
52 Black Moose Road
West Yellowstone, MONTANA 59758
October 5, 2009

Charlotte Mills
County Clerk and Recorder
311 West Main
Bozeman, MONTANA 59758

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Lazy Acres used to be a laid-back, welcoming Montana neighborhood. To allow a few households (some of whom are seasonal at best) to minimize our access to these prime and pristine public lands is nothing short of ludicrous.

The majority of the residents in Lazy Acres are opposed to this *Land Abandonment* by the forest service: had we be given the opportunity to speak, our voices would have been heard.

Best Regards

Mike Gavagan
Lazy Acres Homeowner

RECEIVED OCT 05 2009
P. 2

100500108 VACATION LAB1 9065461104

Fax Cover

To: Charlotte Mills

Date: 10/05/09

Fax: 406-582-3068

3 Pages faxed including cover.

Subject: Lazy Acres Protest

Thank you for submitting this letter for me at tomorrow's meeting,

Teresa Hurst

Phone # 406-646-7050

RECEIVED OCT 05 2009

Keith and Teresa Hurst
Lazy Acres Subdivision
Address 282 Bear Rd
West Yellowstone, MONTANA 59758
October 5, 2009

Charlotte Mills
County Clerk and Recorder
311 West Main
Bozeman, MONTANA 59758

Re: Lazy Acres Forest Service Entitlement

Dear Charlotte:

This letter is in regard to the Forest Service abandonment of land in the Lazy Acres Subdivision.

After zero due diligence in garnering full representation of the Lazy Acres landowners, I am requesting that the Forest Service's request to abandon land in our development be denied. At the very least this meeting should be postponed and full disclosure made to all property owners affected by this decision.

The Lands selected

It is my understanding that this negotiation affects the south 240 feet of Mule Deer Road, Black Moose Road, and Bull Elk Road and the north 300 feet of Mule Deer Road. As of today, this public-access land benefits all residents and visitors to convenient, unobstructed passage to the surrounding national forest. If you allow the proposed abandonment, this land becomes private property and benefits only the homeowners who will adopt this territory and increase their property ownership.

These lands are currently public lands controlled by the forest service. A large percentage of the folks in Lazy Acres live an active lifestyle. If the complaining parties are awarded this "swap" *all public access will be affected*. What prevents these fickle land owners from staking NO TRESPASSING signs to their newly acquired booty? If I can't walk into the forest from the end of my street, what value has been added to my life in Lazy Acres? Am I not entitled to that sort of freedom in Montana?

It has been an unspoken policy in Lazy Acres that all recreational vehicles (primarily ATV's and snowmobiles) refrain from using our main roads for travel. We have encouraged all residents and visitors to access the forest by the very land you suggest closing. This eliminates unnecessary risk to our children and pets and reduces the inherent dangers of accessing trails by the highway.

GIVING this land to the instigating homeowners seems suspicious at best. The implication here is that this land has always been restricted to motorized travel. If this is the case, why must a faction of frustrated property owners submit a petition requesting that the land be restricted to motorized vehicles? Denying public access to these lands would have a significant economical and recreational impact on homeowners in our subdivision. Several homeowners rely on rental income to pay their mortgages and this would be gravely affected by diverting access. We have already experienced your modified "Public Recreational Lands" by way of a two-foot door to the forest that no wheelchair or stroller can access comfortably.

Lazy Acres used to be a laid-back, welcoming Montana neighborhood. To allow a few households (some of whom are seasonal at best) to minimize our access to these prime and pristine public lands is nothing short of ludicrous.

The majority of the residents in Lazy Acres are opposed to this *Land Abandonment* by the forest service: had we be given the opportunity to speak, our voices would have been heard.

Best Regards

Signature Teresa Hurst

Signature Keith Hurst

Phone# 406-646-7050

Lazy Acres Homeowner

Personal Comments:

We own 2 lots at lazy Acres and enjoy hiking, Skiing & snowmobiling in the area. Why IS it that because of the Ignorance of some ppl this is something that we cant enjoy. Perhaps they need to go back where they came from if they dont like the vast beauty we have here + others enjoy. ^{we} ~~we~~ are here against what is going on. Thanks

Howze, Glenda

From: Kate Seim [kateseim@gmail.com]
Sent: Monday, October 05, 2009 9:16 PM
To: Commission
Subject: Lazy Acres Land Abandonment
Attachments: lazyacresabandonment.doc

Commissioners:

My name is Kate Seim and I am a property owner in the Lazy Acres subdivision of West Yellowstone. In the past 12 hours it has come to my attention that I am in danger of losing immediate access to the national forest that surrounds my home. This is of great concern to many of the homeowners in Lazy Acres and we are attempting to be heard in this matter.

Many of our points are addressed in the attached letter. I do hope that you will read this letter thoroughly and give consideration to our opposition. That said, if you do not take the time to read this letter in detail, please do make note of the points indicated in boldface.

Please understand that we were not given adequate time or information to respond as we may have wished. It seems that a letter was mailed on September 24th (per your office) but that letter failed to reach any relevant party. A petition was circulated to select property owners but has not been made available to our neighborhood as a whole. A notice in the Bozeman Chronicle may have fulfilled what was required of you by law, but it seems remiss that you would not post a similar notice in the West Yellowstone News: the paper that speaks to the community at hand.

This leads me to a few additional questions:

- In the future, where in the Bozeman Chronicle should we look to know if our rights are in danger? Is a complimentary subscription to this publication available to us since it is your only means of keeping us informed?
- How do I get added to the random list of recipients who received notification regarding the Lazy Acres Land Abandonment? The list of names was reiterated to me by someone in your office and none of those people live in Lazy Acres, nor do they probably care what's happening here.
- If the Land Abandonment is approved tomorrow (despite our opposition and representation), what is our recourse?
- Is there any way for us to prevent the homeowners who will graciously receive the forest service land from posting no trespassing signs?
- Are we correct in assuming that this is the second meeting regarding this issue or has some other secret communication passed us by?
- It was explained to me by a representative of your office that the land in question has always been restricted to motorized vehicles. If that's the case, why does the forest service need to gift land to enforce a rule that's already in place? Why don't they just post a few signs and collect fines from violators?

I can't help but wonder if the steps taken in this instance are standard bureaucratic practice or if there is another underlying issue. Regardless, I am quite disheartened to learn how vulnerable we are to government indiscretions.

Regards,
Kate Seim

Lazy Acres Homeowner

Mills, Charlotte

RECEIVED OCT 05 2009

From: Kate Seim [kateseim@gmail.com]
Sent: Monday, October 05, 2009 12:48 PM
To: Mills, Charlotte
Subject: Lazy Acres Protest
Attachments: lazyacresprotest.doc

Charlotte.

Thanks for you help this morning. I have quickly put together a letter for your consideration; please find attached.

Regards,
Kate Seim

Kate & Mike Seim
Lazy Acres Subdivision
159 Mule Deer Road
West Yellowstone, MONTANA 59758
October 5, 2009

Charlotte Mills
County Clerk and Recorder
311 West Main
Bozeman, MONTANA 59758

Re: Lazy Acres Forest Service Entitlement

Dear Charlotte:

This letter is in regard to the Forest Service abandonment of land in the Lazy Acres Subdivision.

After zero due diligence in garnering full representation of the Lazy Acres landowners, I am requesting that the Forest Service's request to abandon land in our development be denied. At the very least this meeting should be **postponed** and full disclosure made to all property owners affected by this decision.

The Lands selected

It is my understanding that this negotiation affects the south 240 feet of Mule Deer Road, Black Moose Road, and Bull Elk Road and the north 300 feet of Mule Deer Road. As of today, this public-access land affords all residents and visitors convenient, unobstructed passage to the surrounding national forest. If you allow the proposed abandonment, this land becomes private property and benefits only the homeowners who will adopt this territory and increase their property ownership.

These lands are currently public lands controlled by the forest service. A large percentage of the folks in Lazy Acres live an active lifestyle. If the complaining parties are awarded this "swap" all *public access will be affected*. What prevents these fickle landowners from staking NO TRESPASSING signs to their newly acquired booty? If I can't walk into the forest from the end of my street, what value has been added to my life in Lazy Acres? Am I not entitled to that sort of freedom in Montana?

It has been an unspoken policy in Lazy Acres that all recreational vehicles (primarily ATV's and snowmobiles) refrain from using our main roads for travel. We have encouraged all residents and visitors to access the forest by the very land you suggest closing. This eliminates unnecessary risk to our children and pets and reduces the inherent dangers of accessing trails by the highway.

GIVING this land to the instigating homeowners seems suspicious at best. The implication here is that this land has always been restricted to motorized travel. If this is the case, why must a faction of frustrated property owners submit a petition requesting that the land be restricted to motorized vehicles? Denying public access to these lands would have a significant economical and recreational impact on homeowners in our subdivision. Several homeowners rely on rental income to pay their mortgages and this would be gravely affected by diverting access. We have already experienced your modified "*Public Recreational Lands*" by way of a two-foot door to the forest that no wheelchair or stroller can access comfortably.

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The majority of the residents in Lazy Acres are opposed to this *Land Abandonment* by the forest service: had we be given the opportunity to speak, our voices would have been heard.

Best Regards

Kate Seim
Lazy Acres Homeowner

Mills, Charlotte

From: Provance, Lee
Sent: Friday, October 09, 2009 1:26 PM
To: Mills, Charlotte
Subject: RE: Need some documentation

No problem, the question is asked frequently.

From: Mills, Charlotte
Sent: Friday, October 09, 2009 1:08 PM
To: Provance, Lee
Cc: Murdock, Bill; White, Steve; Skinner, Joe
Subject: RE: Need some documentation

Thanks Lee. This week has been a learning week for me. Makes my job more interesting.
Charlotte

From: Provance, Lee
Sent: Friday, October 09, 2009 1:01 PM
To: Mills, Charlotte
Cc: Murdock, Bill; White, Steve; Skinner, Joe
Subject: RE: Need some documentation

Char,

We don't look at the roads as being unmaintained, it's just that the responsibility is that of the homeowners association (whether one has been formed or not). If she wants documentation, she should look at the findings of fact, covenants (if there are any) and the final plat.

Thanks- Lee

From: Mills, Charlotte
Sent: Friday, October 09, 2009 12:21 PM
To: Provance, Lee
Cc: Murdock, Bill; White, Steve; Skinner, Joe
Subject: FW: Need some documentation

Lee,

Here is an email that came from a resident of the Lazy Acres Subdivision which is out of West Yellowstone close to the Idaho border. I don't know if you have any documentation on "unmaintained" roads.

There was a hearing on Tuesday which abandoned a portion of three roads in this subdivision. If you need more information, you may want to talk with the Commissioners.

Charlotte

From: Mills, Charlotte
Sent: Friday, October 09, 2009 12:13 PM
To: 'Katie Flynn'
Subject: RE: Need some documentation

Katie,

Our Road and Bridge Supervisor is Lee Provance. His office, 582-3250, may be able to help you.
Charlotte

From: Katie Flynn [mailto:katie@yellowstonevacationcabins.com]

Sent: Friday, October 09, 2009 11:17 AM

To: Mills, Charlotte

Subject: Need some documentation

Hi Charlotte,

Who should I contact to get information about the roads out here in the Lazy Acres Subdivision of West Yellowstone? I know they are county roads, but they are *unmaintained* County roads. I would like some documentation to that fact and the definition of unmaintained county roads, and I am not sure who to contact.

Thank you,

Katie Flynn

Yellowstone Vacation Cabins LLC

PO Box 1427

West Yellowstone, MT 59758

(406) 646-1104

Toll Free (866) 646-1105

www.yellowstonevacationcabins.com

Mills, Charlotte

From: Commission
Sent: Thursday, October 08, 2009 8:09 AM
To: Commissioners (Distribution Lists); Mills, Charlotte
Subject: FW: A note from the Hitzler's - Lazy Acres Subdivision

-----Original Message-----

From: Greg & Melissa Hitzler [mailto:sage0812@wildblue.net]
Sent: Wednesday, October 07, 2009 8:20 PM
To: Commission
Subject: A note from the Hitzler's - Lazy Acres Subdivision

Greg and I would like to Thank You for your time and serious consideration concerning our Petition of the Road Abandonment in Lazy Acres Subdivision.

As full time residents and property owners (since 2005) in the Lazy Acres Subdivision (a true Wild West scenario) we have tried many avenues in dealing with the people who ride ATV's, motorcycles and snowmobiles all over our property while accessing the National Forest. We have had people ride through our yard in the summer and the winter, destroy our trees, bushes, well and propane tank lids, tearing down our property signs, wake us up at all hours of the night, yelling on our property while intoxicated, riding around and around our home or vehicles, destroy our telephone wire box (affecting our telephone lines) and on and on! Unfortunately, reasoning with these people hasn't worked (give them an inch they will take a mile) and the county sheriff doesn't want to deal with them either, after one or two calls over four years we quit calling. The National Forest Service however was helpful by erecting a fence this summer at the end of Mule Deer Rd. It just seemed that the longer we lived in the subdivision the more it was drawn to our attention the number of residents in Lazy Acres that felt as we did about the situation. Keep in mind there is a difference between property owners that reside on their property and property owners that have businesses (rental homes) and don't reside on their property!

There are actually 24 legal residential property owners; comprising 30 out of the 78 lots in Lazy Acres Subdivision that share our view on this Petition. Most of these property owners have lived in Lazy Acres for over 2 decades and have seen neighbors come and go over this issue!

Unfortunately, most of these 24 property owners were reluctant to sign anything or speak up do to fear of retaliation of the protesting neighbors! All of these landowners bought their property expecting a quiet mountain subdivision no matter what the season!

We were hoping that with this Petition the law would prevail, knowing the access used in the past from the county road to the National Forest was illegal on two counts. One - being it was not a "Legal Access" for any motorized vehicle to travel to the National Forest and, Two - being that it is illegal for snowmobiles to travel on a plowed county road.

With the legal National Forest Service access being the same distance or closer for these protesters the decision seems fair!

We admit that we have not been a fan of the legal system, but on Tuesday, October 6th, the legal system worked - Thank You, in time we know our "residence" will seem calmer and more peaceful because of your decision!!

Greg and Melissa Hitzler
(406) 646-9798

Mills, Charlotte

From: Katie Flynn [katie@yellowstonevacationcabins.com]
Sent: Wednesday, October 28, 2009 10:47 AM
To: Lauren Russel
Cc: Mills, Charlotte; Carol
Subject: Incorrect statements by Charlotte Mills

<http://bozemandailychronicle.com/articles/2009/10/28/news/300suit.txt>

Dear Lauren,

After reading today's article (link above) about the Lazy Acres Land Abandonment, I notice several incorrect statements that I'm not sure are errors or are real statements:

According to Charlotte Mills, county clerk and recorder, only 10 landowners were required to sign the petition seeking county action, and that all of the landowners who signed own land directly adjacent to the roads in question. Mills said she received no protest before commissioners voted to close the roads. She said the proposal was advertised in the Bozeman Daily Chronicle and in mailings to property owners before commissioners took a vote.

#1. Charlotte received signatures from the landowners benefiting the land abandonment;

6 landowners (and all their family members) representing 8 lots.

She received 2 landowner signatures from two residents of Lazy Acres. Both friends of the Hitzlers. One claims he didn't even know what he was signing and it will affect his property values.

That equals 8.

There were 13 signatures representing only a total of 6 "benefiting" lots.

There were 3 signatures for 2 adjacent lots.

The final 9 people on the petition do not live anywhere near our neighborhood, but signed as "Freeholders".

Most of them, too, did not know what they were signing.

All of the Lazy Acres people signed as Freeholders also.

All of those people were indeed sent letters, but they already knew what was going on. Why weren't letters sent to the owners of the other 70 lots out here that did not know what was going on?

#2 Charlotte did receive protest by email, fax and phone from 11:00 am 10/ 5 to 9:00 am on 10/6. As as many as could be reached, immediately sent protest. We reacted as soon as we heard about this meeting "through the grapevine". I personally represented a large group at the meeting.

#3 Why wasn't this posted in the West Yellowstone News? That is our newspaper.

Katie Flynn
Yellowstone Vacation Cabins LLC
PO Box 1427
West Yellowstone, MT 59758

(406) 646-1104
Toll Free (866) 646-1105

www.yellowstonevacationcabins.com

Mills, Charlotte

From: Commission
Sent: Tuesday, October 13, 2009 8:13 AM
To: Commissioners (Distribution Lists); Mills, Charlotte
Subject: FW: Road Abandonment

-----Original Message-----

From: William Moore [mailto:wjmpjm@earthlink.net]
Sent: Saturday, October 10, 2009 11:53 AM
To: Commission
Subject: Road Abandonment

Commissioners,

We are property owners in Lazy Acres and we would like to Thank You for upholding the law and protecting the National Forest and our Personal Property.

Keep up the Good Work.

Sincerely,

Robert and Joanne Hitchcock
132 Bull Elk Rd.
West Yellowstone, MT 59758

Mills, Charlotte

From: Commission
Sent: Friday, October 09, 2009 11:10 AM
To: Commissioners (Distribution Lists); Mills, Charlotte
Subject: FW: Lazy Acres Road Abandonment

-----Original Message-----

From: William Moore [mailto:wjmpjm@earthlink.net]
Sent: Friday, October 09, 2009 11:07 AM
To: Commission
Subject: Lazy Acres Road Abandonment

Gentlemen,

We are writing to commend the Commission for its action on October 10th to facilitate closure of illegal entrance to Forest Service Lands through the South ends of Mule Deer Rd, Bull Elk Rd, and Black Moose Rd in the Lazy Acres subdivision. The decades-long practice of motorized vehicle users gaining forest access through these "user- built trails" has constituted a continuing nuisance to adjacent property owners. It is unfortunate that the Forest Service for so long neglected its responsibility to enforce its own regulations. Now, by its abandonment action this week, the County Commissioners have corrected a problem that was overdue for solution.

As property owners and residents of Lazy Acres, we thank you.

William J. Moore
Peggy J. Moore

Mills, Charlotte

From: Commission
Sent: Friday, October 09, 2009 2:06 PM
To: Commissioners (Distribution Lists); Mills, Charlotte
Subject: FW: Lazy Acres Abandonment

From: Kate Seim [mailto:kateseim@gmail.com]
Sent: Friday, October 09, 2009 12:23 PM
To: Commission
Subject: Lazy Acres Abandonment

Commissioners.

Your recent decision to abandon roads in Lazy Acres is in the spotlight. Inherent oversights regarding this hasty ruling are coming to the surface and it seems remiss that you move forward with your current judgment.

As a resident of Lazy Acres, I am asking you to postpone your final ruling until all new information can be reviewed and all interested parties can be heard. Please consider the following points:

- Lazy Acres roads are *unmaintained* county roads, not maintained county roads, which affects their usage.
- Residents want to be guaranteed non-motorized access without anyone's permission to run, hike, walk their dogs, ski, mountain bike, etc. to the end of their streets to access our National Forest.
- Ideally, this land should be deeded to the Lazy Acres Homeowners Association, not to any individual(s), to allow public access to Forest Service land in perpetuity.
- The vast majority of homeowners in Lazy Acres do not support your recent decision.

Please make your decision with all of the facts at hand. The more time we have, the more we uncover. Delay your final ruling on the Road Abandonment in Lazy Acres until a judicious decision may be reached. You do represent all of us.

Regards,

Kate Seim

Mills, Charlotte

From: Commission
Sent: Friday, October 09, 2009 11:59 AM
To: Mills, Charlotte; Commissioners (Distribution Lists)
Subject: FW: Lazy Acres Access

From: Yellowstone Vacation Rental Homes [mailto:yellowstonevacation@fairpoint.net]
Sent: Friday, October 09, 2009 11:54 AM
To: Commission
Cc: Anne Perry; Bill Youngwirth; Carla Phillips; connek@cox.net; Fran Gough; Gayle; Jeff; Judy Dahlberg; Kate Seim; Matt Haeg; Mike Gavagan; Roy Perry; State Rep. Larry Jent; Teresa Hurst; Katie Flynn; SUSAN MCKEVITT
Subject: Lazy Acres Access

County Commissioners,

I am writing to you as a homeowner at the Lazy Acres Subdivision to request that you postpone your final decision to deny access to snowmobiles on the roads leading to Forest Service land in Lazy Acres. The following new information from a local Forest Service Ranger will hopefully persuade you to allow more time for research into this matter as well as an opportunity for public comment:

1. The roads in question adjacent to the Gallatin Forest in the Lazy Acres subdivision are not cul de sacs
2. These road are unmaintained county roads, not county roads
3. Although not preferred or public access, these unmaintained roads are Forest Service land and therefore open to cross-country snowmobiling
4. No one is trespassing by using the locally established foot trails because they aren't private property

I request that more time be allowed for further research and public comment based on this new information. Please postpone your final decision at the meeting on Tuesday, October 13 until you have had the opportunity to study this case in more depth. It is my sincere hope that the final outcome, based on correct information, will be favorable.

Sincerely,
Magdalena Beall
Mailing address: 104 Mule Deer Rd., West Yellowstone, MT 59758
(208) 558-1988
bbeall33@fairpoint.net

Mills, Charlotte

From: Commission
Sent: Friday, October 09, 2009 11:10 AM
To: Mills, Charlotte
Subject: FW: Lazy Acres Issue

From: Fran Gough [mailto:fnmgough@enter.net]
Sent: Friday, October 09, 2009 10:09 AM
To: Commission
Subject: Lazy Acres Issue

Dear Mr. Skinner-

It goes without saying that your recent decision to abandon the roads in Lazy Acres has become quite controversial. Each day more information about this situation comes to light.

I am asking you as a taxpayer and resident of Lazy Acres to table your final decision on this road abandonment until this new information can be investigated, so that an enlightened final decision can be made.

That information includes:

1. These neighborhood roads are not cul de sacs.
2. These roads are *unmaintained* county roads, not maintained county roads, which affects their usage.
3. Residents want to be guaranteed non-motorized access without anyone's permission to run, hike, walk their dogs, ski and mountain bike to the end of their streets to access our National Forest.
4. Ideally, this land should be deeded to the Lazy Acres Homeowners Association, not to any individual(s), to allow public access to Forest Service land in perpetuity.
5. The vast majority of homeowners in Lazy Acres do not support your recent decision.

Again, because of these facts, I am asking you to delay your final ruling on the road abandonment in Lazy Acres until this situation is further studied to insure that a fair, knowledgeable final decision is made.

Thank you in advance,

Fran Gough
80 Mule Deer St.
West Yellowstone, MT 59758
fnmgough@enter.net
406-646-5131

Sir- Thank you for your support on this issue last Tuesday.

Mills, Charlotte

From: Katie Flynn [katie@yellowstonevacationcabins.com]
Sent: Friday, October 09, 2009 11:17 AM
To: Mills, Charlotte
Subject: Need some documentation

Hi Charlotte,

Who should I contact to get information about the roads out here in the Lazy Acres Subdivision of West Yellowstone? I know they are county roads, but they are *unmaintained* County roads. I would like some documentation to that fact and the definition of unmaintained county roads, and I am not sure who to contact. Thank you,

Katie Flynn
Yellowstone Vacation Cabins LLC
PO Box 1427
West Yellowstone, MT 59758

(406) 646-1104
Toll Free (866) 646-1105

www.yellowstonevacationcabins.com

Mills, Charlotte

From: Commission
Sent: Friday, October 09, 2009 11:43 AM
To: Commissioners (Distribution Lists); Mills, Charlotte
Subject: FW: Lazy Acres, Forest Service Corrections to 10/6 meeting

From: Katie Flynn [mailto:katie@yellowstonevacationcabins.com]
Sent: Friday, October 09, 2009 11:37 AM
To: Commission
Subject: Lazy Acres, Forest Service Corrections to 10/6 meeting

Dear Commissioners,

I have spoken with District Ranger Lauren Turner and Ranger Rob Davies of the Hebgen Lake Ranger District today.

They will be making note of the things District Ranger Castro said at last Tuesdays meeting that were incorrect. They will be notifying your office of the corrections.

I was present, and I think a lot of the things he commented on affected your 2 -1 decision to approve the petition. Unfortunately he was representing an area he was unfamiliar with and many of his pertinent comments were incorrect.

Please let me state what Rangers Lauren, Rob and I discussed this morning:

1. This neighborhood is not a cul-de-sac.

No one is trespassing by using that locally established foot trail.

(The FS has already stricken this statement from the record)

2. That these roads are unmaintained county roads, not county roads. That makes a BIG difference and snowmobiling on them is perfectly legal. We pay for all of our own maintenance and plowing.

3. Snowmobiling on that land in question is not illegal. It is not a preferred or public access, but it is not illegal. It is forest service land and is open to cross country snowmobiling.

4. We are in agreement, the neighborhood as a whole, does not want summer motorized vehicles on that trail.

The opposition to this petition has many reasons why this decision should be reversed.

Ultimately:

We would like that property given to our association, not private interests, for all to have in the future.

Thank you, and please reconsider your decision based on this new information.

Katie Flynn
Yellowstone Vacation Cabins LLC
PO Box 1427
West Yellowstone, MT 59758

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Toll Free (866) 646-1105

www.yellowstonevacationcabins.com

Same as above
Gallatin National Forest

Mills, Charlotte

From: Jean & Matt Haeg [teamrev@integra.net]
Sent: Monday, October 05, 2009 9:36 PM
To: Mills, Charlotte
Subject: FW: Public Hearing and Decision on Road Abandonment for Lazy Acres Subdivision (Charlotte Mills, Clerk & Recorder).

From: Jean & Matt Haeg [mailto:teamrev@integra.net]
Sent: Monday, October 05, 2009 10:26 PM
To: 'commission@gallatin.mt.gov'
Subject: Public Hearing and Decision on Road Abandonment for Lazy Acres Subdivision (Charlotte Mills, Clerk & Recorder).

October 5, 2009

Dear County Commissioners:

We respectfully ask that the decision to abandon the Lazy Acres road access to the National Forest be denied. We heard of the meeting being held October 6 just today, one day prior to the meeting. We are unable to attend on such a short notice due to work commitments.

We object to the road abandonment. The current access road is approximately 200 feet from our property. We have enjoyed easy access to the National Forest, in fact that was the primary decision for the purchase of our property. We feel that our property value would be reduced if we lost our current and long-standing access to the forest. Lazy Acres residents have had access to Gallatin National Forest since 1956. It was a well used access at the time those who now object to the access, purchased their properties. Outdoor activities is one of the major attractions of West Yellowstone area. What would happen if we closed off all access to the trails because someone living next to the trail didn't want it in their backyard any longer? We don't imagine that a decision of this magnitude should happen to appease a handful of residents leaving the rest of us closed off to the forest and the recreation opportunities we've been enjoying for years. We do not think the alternative access proposed *offers substantially the same access....*we now enjoy. While the current access allows all of Lazy Acre residents to safely and easily access the trail system the proposed alternative access would result in having to use the ditch along the busy Highway 20 to gain entrance to the trail system in our backyards. Please do not make this change allowing those living right next to the trail system access and making the rest of find access elsewhere.

We thank you for your careful consideration.

Sincerely,
Matt and Jean Haeg
210 Mule Deer Road
West Yellowstone, Montana 59758

**7-14-2615. Abandonment or vacation of county roads. *(1) All county roads once established must continue to be county roads until abandoned or vacated by:*

(a) operation of law;

(b) judgment of a court of competent jurisdiction; or

(c) the order of the board.

(2) An order to abandon a county road is not valid unless preceded by notice and public hearing.

(3) The board may not abandon a county road or right-of-way used to provide existing legal access to public land or waters, including access for public recreational use as defined in 23-2-301 <../23/2/23-2-301.htm> and as permitted in 23-2-302 <../23/2/23-2-302.htm>, unless another public road or right-of-way provides substantially the same access.

(4) The board may not abandon a county road or right-of-way used to access private land if the access benefits two or more landowners unless all of the landowners agree to the abandonment.

Mills, Charlotte

From: Katie Flynn [katie@yellowstonevacationcabins.com]
Sent: Monday, October 05, 2009 1:10 PM
To: Mills, Charlotte
Subject: RE: Email Test

Hi Charlotte,

I am sorry, earlier we said Lazy Acres Protest, so that is what I told them to say.

It was short notice, but I personally contacted 10 homeowners that will be sending an email or fax.

I have 4 homeowners that will come out from CA, MN, and NV to attend a hearing if we can get this one postponed. Everyone is very upset that they were not notified.

Thank you for your assistance. We greatly appreciate you getting these letters / comments to the hearing tomorrow.

Katie Flynn
Yellowstone Vacation Cabins LLC
PO Box 1427
West Yellowstone, MT 59758

(406) 646-1104
Toll Free (866) 646-1105

www.yellowstonevacationcabins.com

--- On **Mon, 10/5/09, Mills, Charlotte** <Charlotte.Mills@gallatin.mt.gov> wrote:

From: Mills, Charlotte <Charlotte.Mills@gallatin.mt.gov>
Subject: RE: Email Test
To: "Katie Flynn" <katie@yellowstonevacationcabins.com>
Date: Monday, October 5, 2009, 11:45 AM

I received your email. If you have people that are going to send emails, would you please ask that the subject line say "Lazy Acres Road Abandonment." They will be easier to spot in my email.

Thanks,

Charlotte Mills

From: Katie Flynn [mailto:katie@yellowstonevacationcabins.com]
Sent: Monday, October 05, 2009 12:41 PM
To: Mills, Charlotte
Subject: Email Test

Thank you - just a test.

Katie Flynn
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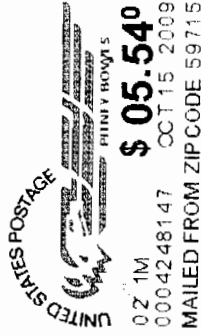


Gallatin County Clerk and Recorder
 Recording Department
 311 West Main, Room 203
 Bozeman, Montana 59715-4574

CERTIFIED MAIL™



7005 1160 0001 9971 1800



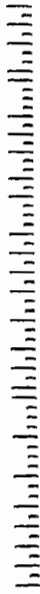
BYRON E JOHNSON
 ANN R JOHNSON
 295 BLACK MOOSE RD
 WEST YELLOWSTONE MT 59758

IA

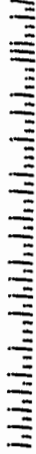
NIXIE 591 SE 1 00 10/17/09

RETURN TO SENDER
 INSUFFICIENT ADDRESS
 UNABLE TO FORWARD

BC: 59715457453 *1636-06457-15-43



5975878371504574

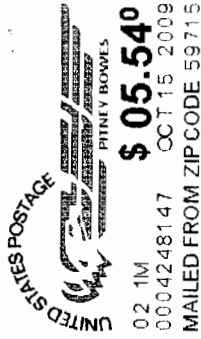


Gallatin County Clerk and Recorder
 Recording Department
 311 West Main, Room 203
 Bozeman, Montana 59715-4574

CERTIFIED MAIL™



7005 1160 0001 9971



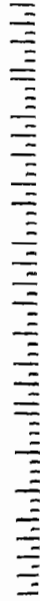
KATHLEEN L PIERPOINT
 DEAN PAUL LISCOM
 265 MULE DEER RD
 WEST YELLOWSTONE MT 59758

IA

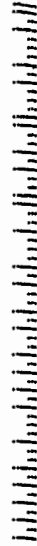
NIXIE 591 SE 1 00 10/17/09

RETURN TO SENDER
 INSUFFICIENT ADDRESS
 UNABLE TO FORWARD

BC: 59715457453 *1636-11558-15-43



5975878371504574



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:

CARL W PHILIPPI
 ROSALYNN PHILIPPI
 246 BLACK MOOSE RD
 WEST YELLOWSTONE MT 59758

2. Article Number
 (Transfer from service label)

7005 1160 0001 9971 1956

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

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:

POSTMASTER
 WEST YELLOWSTONE PO
 209 GRIZZLY AVE
 WEST YELLOWSTONE MT 59758

2. Article Number
 (Transfer from service label)

7005 1160 0001 9971 1826

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

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:

PUBLIC LANDS ACCESS ASSOCIATION
 C/O MAYOR GENE TOWNSEND
 CITY OF THREE FORKS
 PO BOX 187
 THREE FORKS MT 59752

2. Article Number
 (Transfer from service label)

7005 1160 0001 9971 1819

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* Agent
 Addressee

B. Received by (Printed Name)

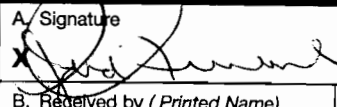
C. Date of Delivery

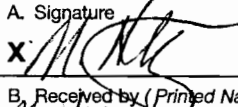
D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

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 THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee 	
	B. Received by (Printed Name)	C. Date of Delivery 10/31/09
1. Article Addressed to: ROBERT C PIERPOINT PATRICIA A PIERPOINT PO BOX 2038 WEST YELLOWSTONE MT 59758	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7005 1160 0001 9970 7720	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee 	
	B. Received by (Printed Name) M Hitzler	C. Date of Delivery 10-24-09
1. Article Addressed to: GREGORY ALLEN HITZLER MELISSA KAY HITZLER PO BOX 2102 WEST YELLOWSTONE MT 59758	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7005 1160 0001 9971 1789	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		

7005 1160 0001 9971 1789

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OFFICIAL USE

Postage	\$	<i>clerk & recorder</i> Postmark Here 15
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
GREGORY & MELISSA HITZLER
 Street, Apt. No., or PO Box No. **PO BOX 2102**
 City, State, ZIP+4
WEST YELLOWSTONE MT 59758 (832)
 PS Form 3800, June 2002 See Reverse for Instructions

7005 1160 0001 9971 1802

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OFFICIAL USE

Postage	\$	<i>clerk & recorder</i> Postmark Here 15
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
BYRON & ANN JOHNSON
 Street, Apt. No., or PO Box No. **285 BLACK MOOSE RD**
 City, State, ZIP+4
WEST YELLOWSTONE MT 59758 (832)
 PS Form 3800, June 2002 See Reverse for Instructions

7005 1160 0001 9971 1956

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OFFICIAL USE

Postage	\$	<i>clerk & recorder</i> Postmark Here 15
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
CARL & ROSALYNN PHILIPPI
 Street, Apt. No., or PO Box No. **246 BLACK MOOSE RD**
 City, State, ZIP+4
WEST YELLOWSTONE MT 59758 (832)
 PS Form 3800, June 2002 See Reverse for Instructions

7005 1160 0001 9970 7720

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OFFICIAL USE

Postage	\$	<i>clerk & recorder</i> Postmark Here 15
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
ROBERT & PATRICIA PIERPOINT
 Street, Apt. No., or PO Box No. **PO BOX 2038**
 City, State, ZIP+4
WEST YELLOWSTONE MT 59758 (832)
 PS Form 3800, June 2002 See Reverse for Instructions

7005 1160 0001 9971 1796

U.S. Postal Service™
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OFFICIAL USE

Postage	\$	<i>clerk & recorder</i> Postmark Here 15
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
KATHLEEN PIERPOINT & DEAN LISCOM
 Street, Apt. No., or PO Box No. **265 MULE DEER RD**
 City, State, ZIP+4
WEST YELLOWSTONE MT 59758 (832)
 PS Form 3800, June 2002 See Reverse for Instructions

7005 1160 0001 9971 1826

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$	<i>clerk & recorder</i> Postmark Here 15
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
POSTMASTER-WEST YELLOWSTONE PO
 Street, Apt. No., or PO Box No. **209 GRIZZLY AVE**
 City, State, ZIP+4
WEST YELLOWSTONE MT 59758 (832)
 PS Form 3800, June 2002 See Reverse for Instructions

7005 1160 0001 9971 1819

U.S. Postal Service™
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(No Insurance Coverage Provided)
Visit our website at www.usps.com

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

Clerk & recorder

Postmark Here
11 15

Sent To PUBLIC LANDS ACCESS ASSOC
C/O MAYOR GENE TOWNSEND
Street, Apt. No., or PO Box No. CITY OF THREE FORKS
PO BOX 187
City, State, ZIP+4 THREE FORKS MT 59752 (832)

PS Form 3800, June 2002 See Reverse for Instructions

7005 1160 0001 9970 6631

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

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

Postmark Here
Health dept

Sent To _____
Street, Apt. No., or PO Box No. _____
City, State, ZIP+4 _____

PS Form 3800, June 2002 See Reverse for Instructions