

CHECKLIST OF PROCEDURES FOR ROAD ABANDONMENT PETITIONS

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

NAME Jack Schurke M+M PHONE 587-0721

- 1) Determine if petition has sufficient information for processing. (Copy to County Attorney.) It should address all the pertinent information listed in:
  - a) The form petition
  - b) Section 7-14-2602
  - c) Identify owners abutting the road to be <sup>Dedicated</sup> ~~abandoned~~ (7-14-2604)
  - d) Owners of private land to which the road gives access (~~7-14-2615(4)~~)
- 2) Determine if there are sufficient qualified signatures as per 7-14-2601.
- 3) Complete "Report of Qualified Signatures".
- 4) Schedule the first hearing on the petition on Commissioner's agenda. DATE: 5/22/12
  - a) Prepare draft resolution appointing viewing committee and assigning Petition # 834.
  - b) Forward copy to county attorney for review
- 5) Make copies of petition and Report of Qualified Signers. Forward to:
  - County Attorney (attach note of date on Commissioner's agenda) *email*
  - County Road Superintendent (attach note of date on Commissioner's agenda) *email*
  - County Commission (3 copies)
- 6) Commissioners receive petition and assign viewing committee at first hearing via resolution.
- 7) Viewing committee (7-14-2603) completes road report and report is received. DATE: 6/14/12
- 8) County Attorney and other county staff identify owners abutting the road to be abandoned and owners of private land to which the road gives access
- 9) Schedule public hearing on Commissioner's agenda and prepare notices. DATE 6/26/12
- 10) a) Type regular mail envelopes for:
  - 1) All landowners named on the petition
  - 2) All signers on the petition
  - 3) All landowners determined by viewing committee and county staff abutting the road to be abandoned and landowners of private land to which the road gives access.
  - 4) ~~The postmaster of the area~~
 b) Type and prepare certified mail envelopes for:
  - 1) All landowners abutting the road to be abandoned and landowners of private land to which the road gives access.
  - 2) The postmaster of the area
- 11) Publish public hearing legal notice two times in Chronicle for a county road (7-1-2121) and if necessary in another newspaper. DATES 6/17 + 6/24
- 12) Post notice in 5 public places 30 days prior to hearing and prepare affidavit of posting. At least 2 of the postings should be on or near the portion of road to be abandoned on yellow notice signs.
- 13) Post a copy of the viewing committee report and public hearing notice to the following online and with County Commission staff.
- 14) Prepare draft resolution for Commissioners to consider at next public hearing. Email to County Attorney for review.
- 16) Commissioners hold public hearing to grant or deny petition and pass resolution if granted.
- 17) Within 10 days of passage of resolution send copies of resolution to all persons listed in #10b (BY CERTIFIED MAIL) and forward certified copy to County Road Superintendent (per 7-14-2613).
- 18) Type affidavit of mailing for petition file (regarding the boards' decision).
- 19) If the petition is granted, a certified copy of the resolution must be recorded.
- 20) Scan petition file and file away in basement drawer for road petitions.

## PETITION TO OPEN AND ESTABLISH COUNTY ROAD RIGHT-OF-WAY

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

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

1. **The road or portion of the road to be opened and established:** Saddle Creek Road located in Gallatin County, Montana in the NW 1/4, SW 1/4, Section 29, Township 2 South (T2S), Range 6 East (R6E), P.M.M.
2. **The general route of the road or portion of road to be opened and established is described as follows:** *(Please include a map or maps that shows the location of the road or portion of the road and shows all property within a one mile radius.)*

From its intersection with Trooper Trail, Saddle Creek Road proceeds northerly a distance of approximately 0.35 miles to its terminus in a cul-de-sac.

3. **The lands and owners affected by the proposed opening and establishment of the road (include names and addresses of property owners that abut the road or portion of the road or owners of private land to which the road gives access):** *(Do not sign in this section)*

LANDOWNER(S) (Please Print)	MAILING ADDRESS
1. OP CENTER ENTERPRISES, LLC	4731 Essex Avenue Chevy Chase, MD 20815-5549
<b>Legal Description of Property:</b> Tract 2 of Certificate of Survey No. 350F	
2. RICHARD BELGRAD, MD	9200 Trooper Trail
CAROLYN POWERS	Bozeman, MT 59715-8061
<b>Legal Description of Property:</b> Tract 3A of Certificate of Survey No. 1726	
3. DANIEL R. & NANCY N. JOCHEM	9270 Trooper Trail
	Bozeman, MT 59715-8061
<b>Legal Description of Property:</b> Tract 5 of Certificate of Survey No. 350A	
4. CYNTHIA ZULLO	9410 Trooper Trail
	Bozeman, MT 59715-1762
<b>Legal Description of Property:</b> Tract 6 of Certificate of Survey No. 350A	
5. DAVID M. & KODY LYNN LYONS	350 Saddle Creek Road
	Bozeman, MT 59715
<b>Legal Description of Property:</b> Tract 1A of Certificate of Survey No. 350H	
6. THOMAS R. & LESLIE PETERSON	268 Saddle Creek Road
	Bozeman, MT 59715-8103
<b>Legal Description of Property:</b> Tract 1B of Certificate of Survey No. 350H	
7. ROGER N. FLAIR	170 Saddle Creek Road
	Bozeman, MT 59715
<b>Legal Description of Property:</b> Tract 2A of Certificate of Survey No. 350E	

<b>8. ORVILLE HUNGERFORD MANN III</b> <b>TERESA PATTON MANN</b>	88 Saddle Creek Road Bozeman, MT 59715-8101
<b>Legal Description of Property:</b> Tract 2B of Certificate of Survey No. 350E	

4. **Do all the landowners who abut the road or portion of road or owners of private land to which the road gives access listed in Section 3 above consent to the opening and establishment of the road? YES or  NO (circle one)**

**If no, list those landowners and their reasons for not consenting:**

OP Center Enterprises, LLC did not respond to our attempts to contact him.

Richard Belgrad, MD and Carolyn Powers were contacted but did not sign the petition. They had some concerns with losing their agricultural status. We had Montana Department of Revenue contact him to assure this action did not impact their agricultural tax and agricultural status.

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

All Landowners have been contacted.

6. **The probable cost of the road:** \$477,045.

Improvements proposed through RID with total RID bond amount at \$630,000.

7. **The necessity for and advantage of the opening and establishment is as follows:**

Due to the length of the roadway and the number of properties it serves, it becomes cost prohibitive for the property owners to provide the adequate level of necessary maintenance on the roadway. Through opening and establishing the roadway, the property owners have the ability to create a rural improvement district for improvements to the roadway and the necessary on-going maintenance that it will require.

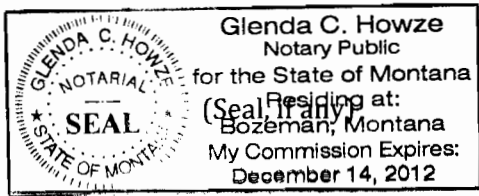
8. **Does the road or a portion of the road contain any utilities?**

Yes.

*Jack Schunke*

State of Montana )  
County of Gallatin ) :SS


I swear that the information contained herein is correct and complete to the best of my knowledge.  
Signed and sworn to (or affirmed) before me on this 9<sup>th</sup> day of May, 2012  
by Jack Schunke, a Notary Public in and for the State of Montana.



*Glenda C. Howze*  
Signature

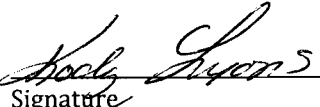
Notary Public in and for the State of \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

The undersigned state that they are freeholders in the Gallatin County Road District and petition to open and establish the road set forth herein. The undersigned individuals are also in general support of the RID to improve Trooper trail, Saddle Creek Road and approximately 400 lf on Kartes Road which provides access to John May Road

1.   
Signature  
DAVE LYONS  
Printed Name  
2-12-12  
Date

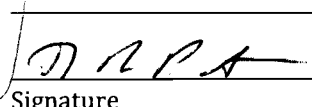
350 SADDLE CREEK ROAD  
Address  
BOZEMAN MT 59715  
City,State,Zip

Legal Description of Property TRACT 1A CERTIFICATE OF SURVEY # 350 H

2.   
Signature  
Tracy Lyons  
Printed Name  
2-02-2012  
Date

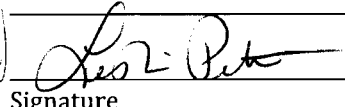
350 Saddle Creek Rd.  
Address  
Bozeman, MT 59715  
City,State,Zip

Legal Description of Property TRACT 1A CERTIFICATE OF SURVEY # 350 H

3.   
Signature  
Thomas R. Peterson  
Printed Name  
2/12/12  
Date

268 Saddle Creek Rd.  
Address  
Bozeman, MT 59715  
City,State,Zip

Legal Description of Property Tract 1B of Certificate of Survey No. 350H

4.   
Signature  
~~Thomas~~ Leslie Peterson  
Printed Name  
2-12-12  
Date

268 Saddle Creek Rd.  
Address  
Bozeman, MT 59715  
City,State,Zip

Legal Description of Property Tract 1B of Certificate of Survey  
No 350H

5. Roger N. Flair ✓  
Signature Address  
ROGER N. FLAIR 170 Saddle Creek Rd  
Printed Name City, State, Zip  
2/12/2012  
Date

Legal Description of Property Tract 2A of C.O.S. No. 350 E.

6. Cynthia L. Zuclo ✓  
Signature Address  
Cynthia L. Zuclo 9410 Trooper TR  
Printed Name City, State, Zip  
2.14.12  
Date

Legal Description of Property TRACT 6 COS No 350A

7. Deville H. Mann III ✓  
Signature Address  
DEVILLE H. MANN III 88 SADDLE CREEK RD  
Printed Name City, State, Zip  
2/15/12  
Date

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

8. Terisa Mann ✓  
Signature Address  
TERESA MANN 88 SADDLE CREEK RD  
Printed Name City, State, Zip  
2-16-12  
Date

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

9. Daniel R. Jochen ✓  
Signature Address  
Daniel R. Jochen 9270 Trooper Trail  
Printed Name City, State, Zip  
2-17-12  
Date

Legal Description of Property Tract 5 of COS 350A

10/ Nancy N. Jochem 9270 Trooper Trail  
Signature Address

Nancy N. Jochem Bozeman, MT 59715  
Printed Name City, State, Zip

2-17-12  
Date

Legal Description of Property Tract 5 of COS 350A

11/ Don Gannon 9325 Trooper Trail  
Signature Address

Don Gannon Bozeman, MT 59715  
Printed Name City, State, Zip

2/20/12  
Date

Legal Description of Property Tract 9 COS 350A

12 \_\_\_\_\_  
Signature Address

Printed Name City, State, Zip

\_\_\_\_\_ Date

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

13 \_\_\_\_\_  
Signature Address

Printed Name City, State, Zip

\_\_\_\_\_ Date

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

14 \_\_\_\_\_  
Signature Address

Printed Name City, State, Zip

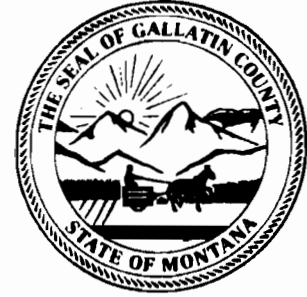
\_\_\_\_\_ Date

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

State of Montana

*County of Gallatin*

Bozeman



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

Statement of Purpose: Petition to open and establish Saddle Creek Road as a public road right-of-way.

Legal Description: Saddle Creek Road as shown as the eastern leg of Saber Circle on COS 350C.

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. 2011, it contains the signatures of 10 qualified freeholders of the Gallatin County road district.

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 15<sup>th</sup> day of May 2012, A.D.

*Charlotte Mills*  
Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana

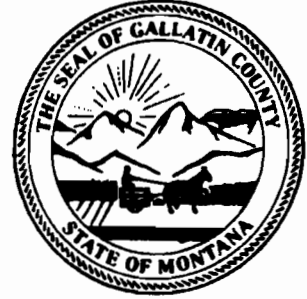




State of Montana

*County of Gallatin*

Bozeman



June 13, 2012

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: Petition to create Saddle Creek Road.

**Legal Description:** The Road is described as starting from its intersection with Trooper Trail it proceeds northerly a distance of approximately 0.35 miles to its terminus in a cul-de-sac located in the SE¼ of Section 29 Township 2 South, Range 6 East, Gallatin County, Montana.

Dear Board,

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

On Tuesday, June 12, 2012, the undersigned, along with Lee Provance, Gallatin County Road Supervisor and Bob Lee from Morrison-Maierle, met to view the road being petitioned for creation.

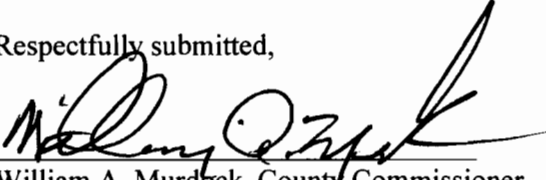
The road already exists as a dirt/gravel private road. By making this private road a public road, an RID can be created to pave the road which would better serve the landowners and provide better access for emergency vehicles. The RID will provide the revenue necessary to maintain the new road.


It appears that no additional land will be required to create this public road. It is our understanding that a certificate of survey that shows the extent and width of the road will be prepared by Morrison-Maierle, Inc, and filed in the office of the Gallatin County Clerk and Recorder at the time the road is created.

At the public hearing scheduled on June 26, 2012, Jack Shunke from Morrison-Maierle can provide his analysis to show no additional land is required for the public road with no additional cost to Gallatin County.

We believe the road is feasible and desirable to the land owners using this road, and there will be no additional cost to Gallatin County. Therefore, we recommend this petition to establish Saddle Creek as a public road right-of-way be granted.

Respectfully submitted,

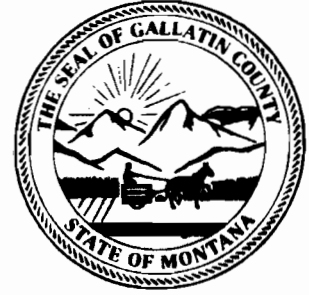
  
\_\_\_\_\_  
William A. Murdock, County Commissioner

  
\_\_\_\_\_  
Charlotte Mills, Clerk and  
Recorder/Surveyor

State of Montana

*County of Gallatin*

Bozeman



**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on June 26, 2012, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a petition to create and establish Saddle Creek Road as a public road right of way that is described as starting from its intersection with Trooper Trail it proceeds northerly a distance of approximately 0.35 miles to its terminus in a cul-de-sac located in the SE¼ of Section 29 Township 2 South, Range 6 East, Gallatin County, Montana. All interested parties are encouraged to attend.

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

Dated this 14<sup>th</sup> day of June, 2012.

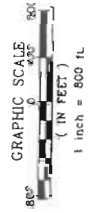
*Charlotte Mills*

Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana



BOZEMAN

KAGY LN  
SADDLE CREEK ROAD



VERIFY SCALE!  
THESE PRINTS MAY BE  
REDUCED. LINE BELOW  
MEASURES ONE INCH ON  
ORIGINAL DRAWING.

MODIFY SCALE ACCORDINGLY!  
N:\0928\Trooper Trail\ACAD\Exhibits\Road Petition-Exhibits.dwg Plotted by tom eastwood on Dec/7/2011

NO.	DESCRIPTION	DATE	BY

**MORRISON MAIERLE, INC.**  
An Employee-Owned Company

Engineers  
Surveyors  
Planners

901 Technology Blvd.  
Bozeman, MT 59718  
Phone: (406) 587-0721  
Fax: (406) 587-1176  
Copyright © MorrisonMaierle, Inc. 2011

DRAWN BY: TEE  
CHKD BY: JRS  
APPR BY: JRS  
DATE: 12/2011  
BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

Q.A. REVIEW

PETITION TO OPEN AND ESTABLISH COUNTY ROAD RIGHT-OF-WAY  
GALLATIN COUNTY MONTANA

SADDLE CREEK ROAD - VICINITY MAP

PROJECT NUMBER  
0928

DRAWING NUMBER  
EX-A

RESOLUTION NO. 2012-040

A RESOLUTION MADE TO ASSIGN THE VIEWING COMMITTEE AND  
PETITION NUMBER FOR A ROAD PETITION TO OPEN AND ESTABLISH  
SADDLE CREEK ROAD AS A PUBLIC ROAD RIGHT OF WAY

This Resolution was introduced by Eric Semerad; moved by  
Commissioner Murdock and seconded by Commissioner Skinner.  
This Resolution was adopted unanimously.

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on May 9, 2012, to open and establish Saddle Creek Road as a public road right of way (hereinafter referred to as the "Road"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated; and

WHEREAS, the Road is described as starting from its intersection with Trooper Trail it proceeds northerly a distance of approximately 0.35 miles to its terminus in a cul-de-sac located in the SE¼ of Section 29 Township 2 South, Range 6 East, Gallatin County, Montana; and,

WHEREAS, on May 15th, 2012, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2601, MCA; and

WHEREAS, according to Section 7-14-2603, MCA, the Board of County Commissioners shall cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the Petition. The investigation shall be sufficient to properly determine the merits or demerits of the Petition. No more than one member of the board and the county surveyor shall make the investigation; and

NOW THEREFORE BE IT RESOLVED:

1. The Board hereby accepts the petition to open and establish Saddle Creek Road as a public road right of way for consideration.
2. The petition is assigned Road Petition Number 834.
3. Commissioner Murdock and County Surveyor Charlotte Mills are assigned to investigate the feasibility, desirability, and cost of granting the prayer of the Petition, and to report their findings back to the Board.

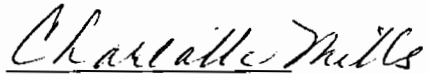
DATED this 22nd day of May, 2012.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY



\_\_\_\_\_  
R. Stephen White, Chairman

ATTEST:



\_\_\_\_\_  
Charlotte Mills  
Clerk and Recorder  
Gallatin County