

Road Petition #836  
Abandon Maudlow Road

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 Lyle Jordan PHONE 388-4951

- 1) Determine if petition has sufficient information for processing. (Copy to County Attorney.) It should address all the pertinent information listed in:
  - a) The form petition
  - b) Section 7-14-2602
  - c) Identify owners abutting the road to be abandoned (7-14-2604)
  - d) Owners of private land to which the road gives access (7-14-2615(4))
- 2) Determine if there are sufficient qualified signatures as per 7-14-2601.
- 3) Complete "Report of Qualified Signatures".
- 4) Schedule the first hearing on the petition on Commissioner's agenda. DATE: 10/2/12
  - a) Prepare draft resolution appointing viewing committee and assigning Petition # 836
  - 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)
  - County Road Superintendent (attach note of date on Commissioner's agenda)
  - County Commission (3 copies)
- 6) Commissioners receive petition and assign viewing committee at first hearing via resolution.
- 7) Viewing committee (7-14-2603) completes road report and report is received. DATE: 1/8/13
- 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 2/5/13
- 10) a) Type regular mail envelopes for: Mailed 1/22/13
  - 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 areab) 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 1/20 1/27/13 Boligrade News 1/25/13
- 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.

RECEIVED

SEP 13 2012

PETITION TO ABANDON COUNTY ROAD

Clerk & Recorder  
Gallatin County, Mont.

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

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

1. The road or portion of the road to be abandoned: Maudlow Rd #357

2. The general route of the road or portion of road to be abandoned is described as follows (please include a map(s) that shows the location of the road or portion of the road to be abandoned and shows all property within a 1 mile radius):

Maudlow Rd #357 starting east end of main st Maudlow, running east to 1/4 corner common to sections 7 & 18 4N SE, also that additional portion of Maudlow Rd, being 1/2 mile, from Dry Cr Rd to intersection of old Rd.

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

LANDOWNER(S) (please print)

MAILING ADDRESS

1. Lyle R Jordan

351 Maudlow Rd

Belgrade, MT 59714

Legal Description of Property Sec. 12 4N 4E & Sec 7 4N SE. south of old RR grade

2. SJ Ryan 1, LLC

4311 50th Ave. NE

Seattle, WA 98105

(Sally Jo Ryan)

Legal Description of Property Section 13, T4N, R4E, PMM, Gallatin County, MT

3. Preacher's Reach, LLC

7200 Springhill Rd.

Belgrade, MT 59714

(Dunbar Hill)

Legal Description of Property Sec. 17: SW 1/4 NW 1/4 NW 1/4, W 1/2 SW 1/4 NW 1/4

Sec 18: All

All in T4N, R5E, PMM Gallatin County, MT

4. \_\_\_\_\_

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

5. \_\_\_\_\_

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

**LANDOWNER(S) (please print)**

**MAILING ADDRESS**

6. \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

7. \_\_\_\_\_  
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Legal Description of Property \_\_\_\_\_  
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8. \_\_\_\_\_  
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Legal Description of Property \_\_\_\_\_  
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9. \_\_\_\_\_  
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Legal Description of Property \_\_\_\_\_  
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10. \_\_\_\_\_  
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Legal Description of Property \_\_\_\_\_  
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11. \_\_\_\_\_  
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Legal Description of Property \_\_\_\_\_  
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12. \_\_\_\_\_  
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Legal Description of Property \_\_\_\_\_  
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13. \_\_\_\_\_  
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Legal Description of Property \_\_\_\_\_  
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14. \_\_\_\_\_  
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Legal Description of Property \_\_\_\_\_  
\_\_\_\_\_

15. \_\_\_\_\_

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

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

This road only gives service, if you will, to myself + Duncan Hill. It has not been maintained for over 60 yrs it is a dead end besides. I + Duncan cannot see any reason for the county to be responsible for a waste road that leads to no where. There is no utilities or public property any where along it that needs access.

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

NO  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

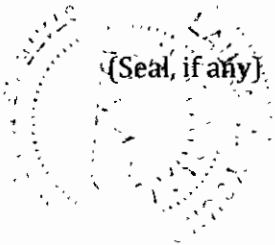
NO  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

State of Montana  
County of Gallatin

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

Dyle R. Jordan  
(Signature of petition gatherer.)

Signed and sworn to (or affirmed) before me on September 18, 2012  
by Dyle R. Jordan.



Laura A. Young  
Signature of notarial officer

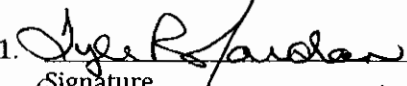
Laura A. Young  
Name - typed, stamped, or printed


Secretary  
Title (and Rank)

Bozeman, MT  
Residing at

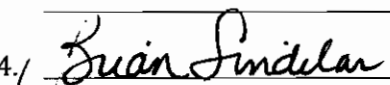
My commission expires: August 8, 2013

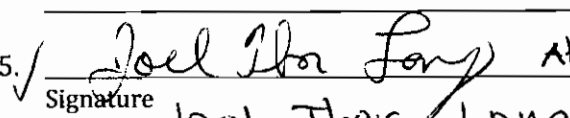
The undersigned state that they are freeholders in the Gallatin County Road District and petition to abandon the road set forth herein. If more than 10 freeholders sign, use additional pages.

1.  351 Meadow Rd  
Signature Address  
L Jordan (Lyle) Belgrade, MT 59714  
Printed Name City, State, Zip  
July 30<sup>th</sup>, 2012  
Date  
Legal Description of Property S12 T04N, R04E + S7 4N0.5 East

2.  7200 Springhill Rd.  
Signature Address  
Sterling Duncan Hill Belgrade, MT. 59714  
Printed Name City, State, Zip  
Aug 27, 2012 for Teachers Reach, LLC  
Date Township 4 North, Rge 5 East, P.M.M., Gallatin Co.  
Legal Description of Property Sec 17: SWNW, W2SWNW; Sec 18: ALL

3. \_\_\_\_\_  
Signature Address  
\_\_\_\_\_  
Printed Name City, State, Zip  
\_\_\_\_\_  
Date  
Legal Description of Property \_\_\_\_\_

4.  23833 Dry Creek Road  
Signature Address  
BRIAN SINDELAR Belgrade MT 59714  
Printed Name City, State, Zip  
7/25/12  
Date  
Legal Description of Property S 24; T 04N; R 4E C.O.S. 155

5.  AKA "Long family Ptr."  
Signature Address  
Joel Thor Long 41 Heatherwood Lane  
Printed Name City, State, Zip  
7/26/12 Billings MT 59102  
Date 406 259-214 # 618 3504 cell  
Legal Description of Property S12, T04N, R04E, S2SW4, PT  
SW4SE4, NE4SW4, NW4SW4

6. \_\_\_\_\_

✓ Signature [Signature] Address 14950 Dry Cr Rd  
Printed Name Dennis R Bigg City,State,Zip Belgrade, MT 59714  
Date 7-27-12  
Legal Description of Property NE 1/4 of NE 1/4 Sec 2 2 N SE

7. ✓ Signature [Signature] Address 26055 Rocky Mtn Rd  
Printed Name WADE MORGAN City,State,Zip Belgrade, MT 59714  
Date 7-27-12  
Legal Description of Property 24 - 2 S 4 E

8. ✓ Signature [Signature] Address 31000 Francis rd  
Printed Name Frank B Anderson City,State,Zip Belgrade, MT 59714  
Date 7-27-12  
Legal Description of Property See 7 4ND SE  
North of old RR grade

9. ✓ Signature [Signature] Address 3811 WEST DRY CREEK ROAD  
Printed Name ANDY DOUMA City,State,Zip BELGRADE, MT 59714  
Date 7-29-12  
Legal Description of Property ALL SEC 8 4N 6E 639 AC

10. ✓ Signature [Signature] Address 27080 Rocky Mtn Rd.  
Printed Name CRAIG MORGAN City,State,Zip BELGRADE, MT 59714  
Date 8-3-12  
Legal Description of Property NE 1/4 S4 3N SE  
NE 1/4



11. House Shoe Hills LLC  
Signature Edwin D. Brainard  
Printed Name Edwin D. Brainard  
Date 7-27-12

550 Cow Chip  
Address Belgrade, MT 59714  
City, State, Zip

Legal Description of Property Sec 34, 35, 27, + 22 4N 4E

12. Richard J. Morgan  
Signature  
Printed Name RICHARD J. MORGAN  
Date 8/2/012

27600 Rocky Mt Rd.  
Address Belgrade, MT 59714  
City, State, Zip

Legal Description of Property 32 - 4N 5E

13. Carolyn Morgan  
Signature  
Printed Name CAROLYN L. MORGAN  
Date 8/4/12

27600 Rocky Mt Rd.  
Address Belgrade, MT 59714  
City, State, Zip

Legal Description of Property 32 - 4N 5E

14. BRAINARD TROY CREEK Trust  
Signature Lynn Brainard  
Printed Name LYNN BRAINARD  
Date 8-12-12

3070 THORPE RD  
Address BELGRADE, MT 59714  
City, State, Zip

Legal Description of Property Sec 35, T 4N R 6E

15. Dick Perry  
Signature  
Printed Name DICK PERRY  
Date 15 AUG 2012

107 PRAIRIE DOG RD  
Address LIVINGSTON MT 59742  
City, State, Zip

Legal Description of Property S 13 T 4N, R 04E acres 0.217  
Trac #7 in NW 4 NE 4 (Meadow)

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

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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. Sally Ryan  
Signature  
Sally Ryan  
Printed Name  
  
\_\_\_\_\_  
Date

4311 50<sup>th</sup> Ave NE  
Address  
Seattle WA 98105  
City, State & Zip

Description of Property owned: 615<sup>+</sup> 89 ACRES  
Sec 13 Twn 4N Rng 4E Sec 24 Twn 4N Rng 4E 396 acres  
SEC 14 Twn Rng 4E 320 acres, Sec 12 Twn 4N Rng 4E 10.7 ACRES  
Sec 9 Twn 4N Rng 4E 530.54 Acres

2. \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State & Zip

Description of Property owned:

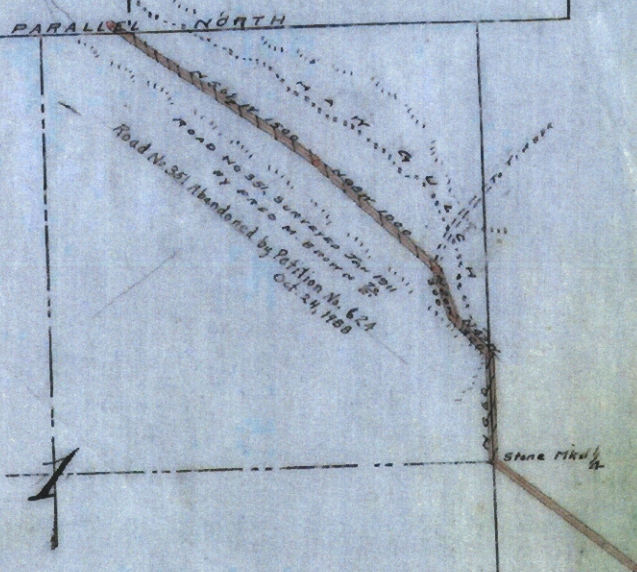
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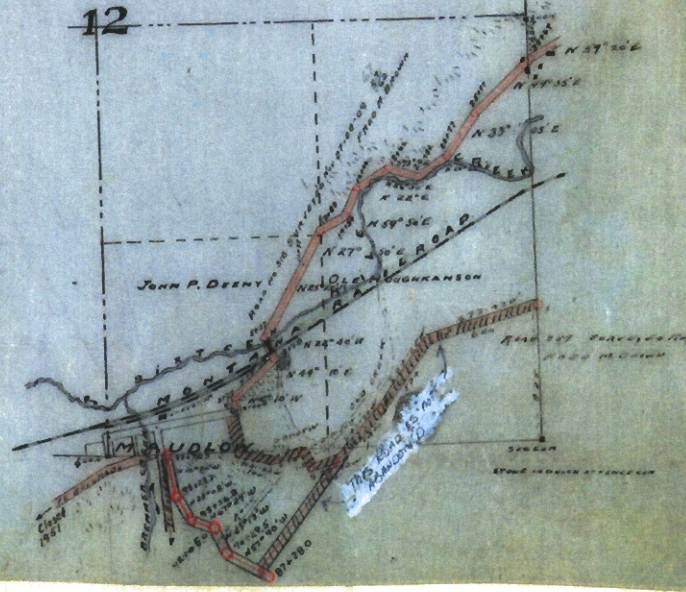
TOWNSHIP 4 NORTH, RANGE 4 EAST.

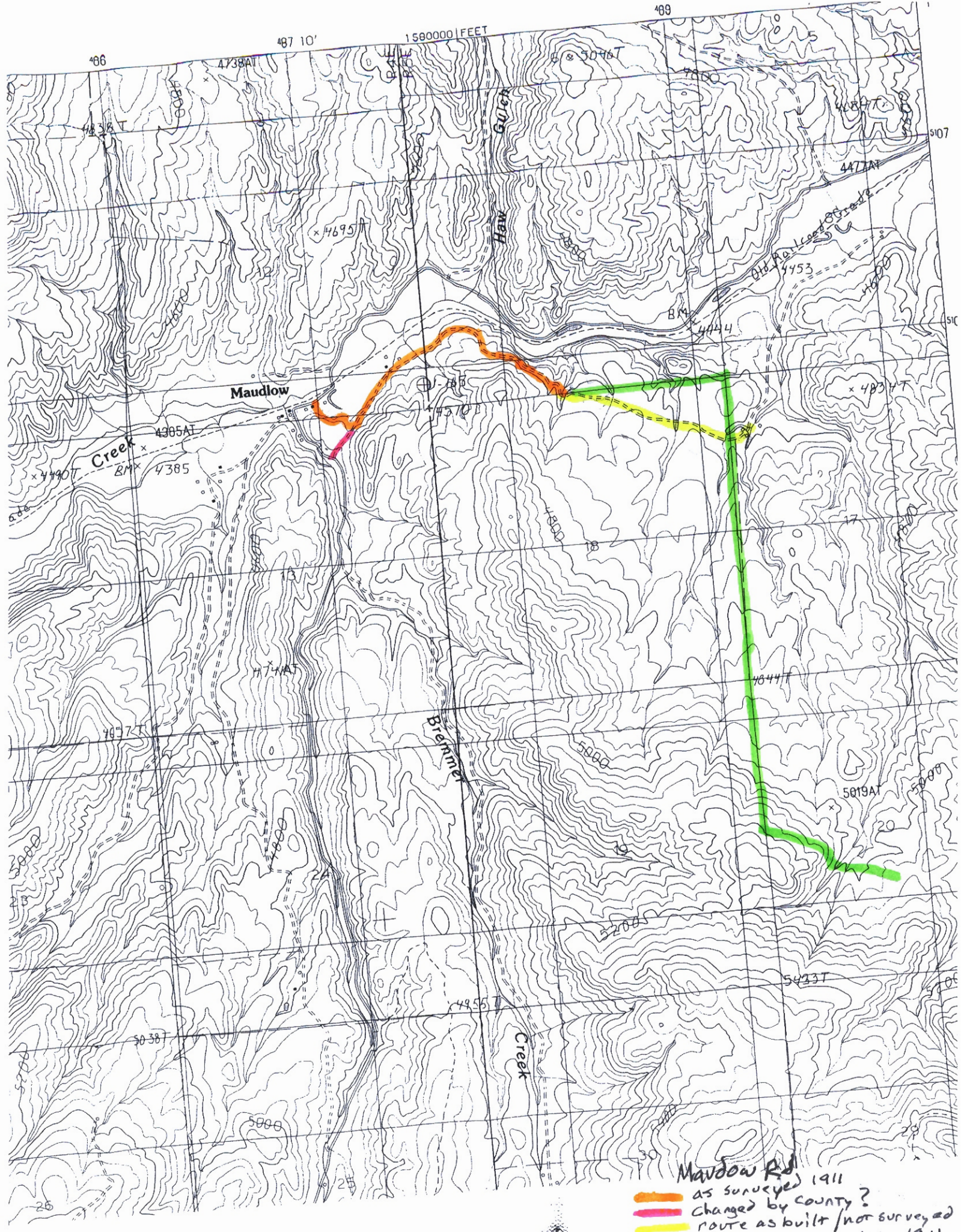
SHEET NO. 1

FIRST STANDARD PARALLEL NORTH



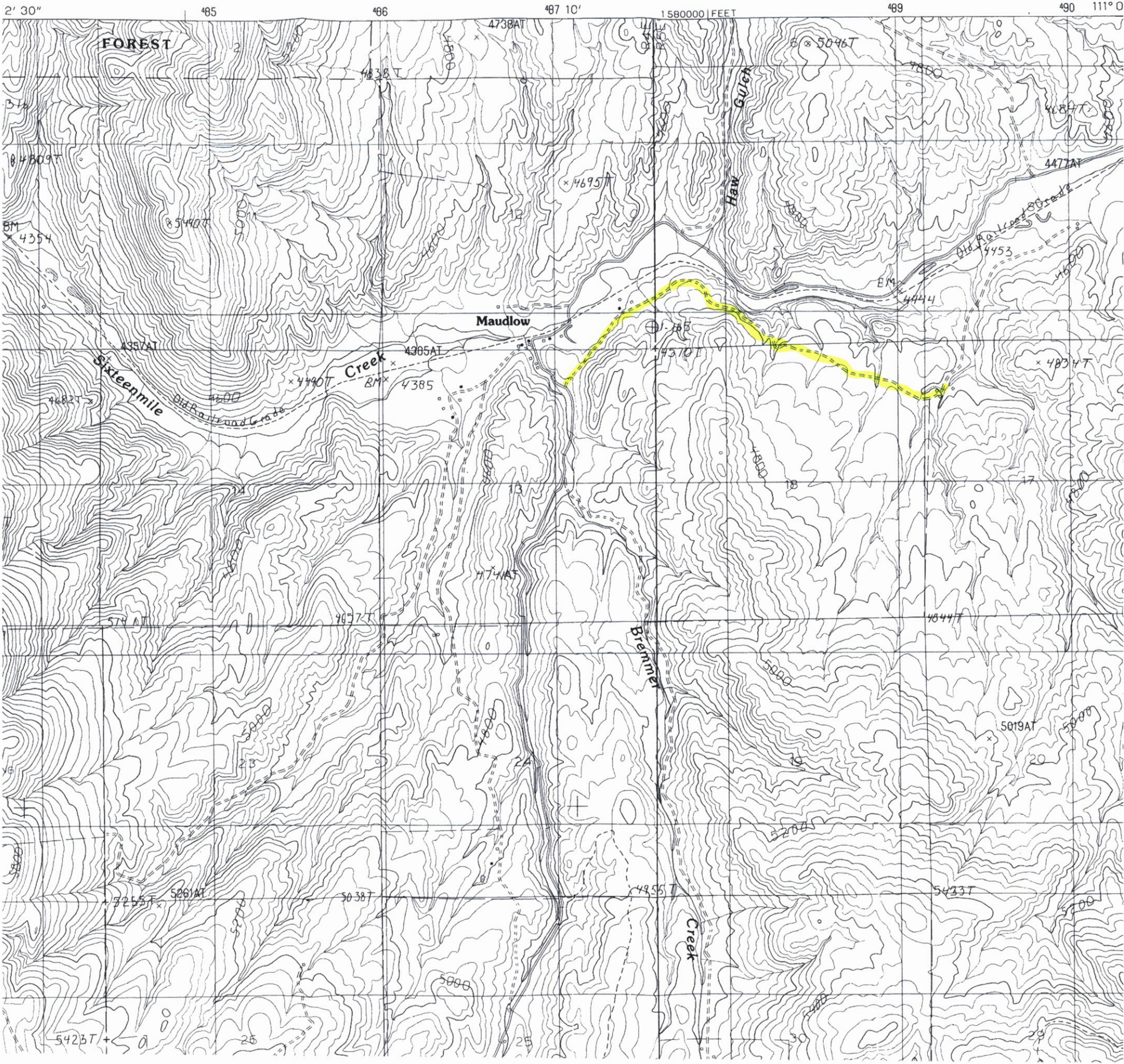
12





- Maudlow Rd**
- as surveyed 1911
  - changed by county?
  - route as built / not surveyed
  - route as per petition 1911

MAUDLOW QUADRANGLE  
MONTANA-GALLATIN CO.  
7.5 MINUTE SERIES (TOPOGRAPHIC)



No. 357

PETITIONER

Arthur C. Martin et al

Petition filed March 20 1911

Viewers appointed 1911

Report filed 1911

Date of hearing 1911

Report approved 1911

Order of survey 1911

Surveyor's Report filed May 29 1911  
re placed

Declared County Road 1911

order placed 6-9-11

Board of County

Commissioners looked

up the matter and survey  
to go out on lay in mid fall.

Referred to Mr. Cox, German & Co.

7-18-11 - 47 - 5. E. June 8, 1911

With David Shannon

See Book Commissioners Proceedings.

page

See Book

County Clerk

# Petition for Road

To The Hon. Board of County Commissioners, of Gallatin County, Mont.:

THE UNDERSIGNED, Your petitioners, Citizens of the United States, respectfully show and represent that they are residents and freeholders in Road District No. 6, in the County of Gallatin, State of Montana, and taxable therein for road purposes, when the road, hereinafter petitioned for, is to be located, laid out and established, if this petition be granted; that the proposed road is a public convenience, and, we think, the public good requires it.

Your petitioners do respectfully ask and petition that a County Road 40 feet in width, to be a public highway, to be laid out, located and established.

And show

- (a) The general route of the proposed road.
- (b) Over what lands it is proposed to be established.
- (c) Who are the owners thereof.
- (d) Whether such of them as can be found, consent thereto.
- (e) Who of them do not consent.
- (f) The probable cost of such right-of-way where such consent is not had.
- (g) The necessity for and advantages of the proposed road as follows, to-wit:

Commencing at Main Street (Wardlaw) Crossing Lots 16 & 17 to South Line of Section Twelve (12) Thence East about one Quarter Mile to line between David Bayly & Ole Houghton Thence follow said line to line between Sections 17 & 18 Thence South to North West Corner of Section 18 - Thence South between Sections 17 & 18 one Mile, Thence South about half Mile between Sections 19 & 20. Thence South East about one half Mile, Thence South East about one Quarter Mile to Albert Morgans home on Section Twenty - Township 4 - R 5 - East Gallatin Co. Merit - Road goes through lands of J. P. Deeny - Ole Houghton - Arthur Martin N.P. Ry. Co, Ole Brumans J. S. Morgan and Oliver DeYoung -

Land all donated but N.P. Ry and look for us protest from them as it goes on Section line.

Necessary to have road to get in and out to our farms and get threshing Machine in -

Ole Houghton donated land in consideration of County agreeing to fence road over his land and putting in stock pass -

No. 257

Road Petition

*Arthur C. Martin*

*Arthur C. Martin*

*Arthur C. Martin*

Filed

1911

**FILED**

MAR 30 1911

...*Arthur C. Martin*...  
...*Arthur C. Martin*...  
...*Arthur C. Martin*... Deputy

NAMES

- 1 *Arthur C. Martin*
- 2 *G. H. Brainerd*
- 3 *J. P. Deery*
- 4 *Oliver DeYoung*
- 5 *T. Bayley*

NAMES

- 6 *B. J. ...*
- 7 *C. H. Stanley*
- 8 *H. D. Brainerd*
- 9 *J. S. Morgan*
- 10 *W. A. Durr*



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Your petitioners do respectfully ask and petition that a County Road 40 feet in width, to be a public highway, to be laid out, located and established.

And show

- (a) The general route of the proposed road.
- (b) Over what lands it is proposed to be established.
- (c) Who are the owners thereof.
- (d) Whether such of them as can be found, consent thereto.
- (e) Who of them do not consent.
- (f) The probable cost of such right-of-way where such consent is not had.
- (g) The necessity for and advantages of the proposed road as follows, to-wit:

Starts at east end of Main Street at intersection where  
 where British Crosses Sixteen Mile Creek - follows C.M. & P. Ry.  
 1/2 mile then takes south easterly course till it strikes line  
 between sections 7 & 18. Then to N.E. corner of section 18.  
 Then south on section line between sections 7 & 18 one  
 mile and south nearly 1/2 mile between sections 19 & 20  
 then south east about 1/2 mile. Then south 1/4 mile -  
 To Albert Morgan's house on section 20 - towards H. R. S. East  
 Road goes through lands of J. P. Deery - Ole Houghton  
 Arthur Martin - M. C. Ry. Co. Mrs. Brainard - J. S. Morgan  
 Lewis Pace - Oliver DeYoung - Albert Morgan -  
 Owners and parties given above

The only one that will not consent is Ole Houghton  
 the road goes over his land about one mile. The only  
 land of any value is about 1/2 acre of meadow land  
 joining C.M. & P.S. right of way.

It is necessary to have said road as an outlet for  
 Arthur Martin, Mrs. Brainard, J. S. Morgan for section 19  
 Albert Morgan for same about Lewis Pace Miss Tracy Bradburn  
 Ole Oliver DeYoung - These parties have no public  
 road and now reach main roads only by going





County of Gallatin  
State of Montana

X

Office of

Fred M. Brown, Surveyor

Hazeman, Montana,

May 29, 1911.

Honorable Board of County Commissioners,  
Gallatin County,  
Montana.

Gentlemen:-

As directed by you I have surveyed and  
platted Road No. 357 from Maudloe to the quarter corner common to sections  
7 & 8 Township 4 North, Range 5 East; the next half mile of the road as des-  
cribed in the petition is quite impracticable and I believe a new pete-  
tion will be necessary for the extension of the road.

Yours very truly,

*Fred M. Brown*

County Surveyor.

OFFICE OF  
**County Clerk and Recorder**  
BOZEMAN, GALLATIN COUNTY,  
MONTANA

E. H. SCHUMACHER, CLERK  
CLARK WRIGHT, DEPUTIES  
J. A. MICHELS, DEPUTIES

April.6th.1911.

Fred M. Brown Esq.

County Surveyor-

Bozeman, Montana.

Dear Sir:

At the adjourned regular April meeting of the Board of County Commissioners, viz: April the 4th 1911, the Board took up the matter of establishing road # 357, as prayed for by Arthur C. Martin and others, and instructed me to notify you, to lay out the proposed route, as two members of the Board had gone over the route and viewed the same and thought it feasible.

Of this please take notice and govern yourself accordingly.

County Clerk as Clerk to the Board

State of Montana

*County of Gallatin*

Bozeman



January 8, 2013

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: Petition to abandon a portion of the Maudlow Road know as Maudlow Road No. 357.

**Legal Description:** The Road described as Maudlow Rd. #357 starting at the east end of Main St., Maudlow, running east to the  $\frac{1}{4}$  corner common to Sections 7 and 18, T4N, R5E; also that portion of Maudlow Rd., .2 miles from Dry Creek Rd. to the intersection with the old Maudlow Rd.

Dear Board,

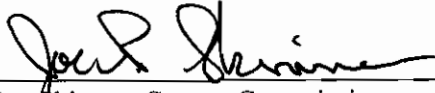
According to M.C.A. §7-14-2603 the Board of County Commissioners shall cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the petition. The investigation shall be sufficient to properly determine the merits or demerits of the petition.

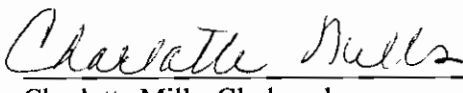
On Thursday, December 13, 2012, the undersigned met to view the road being petitioned for abandonment. To access Maudlow Rd. #357, you must go through a closed gate on the Lyle Jordan property.

Duncan Hill and Sally Ryan own properties adjacent to the Lyle Jordan property and use the road to access their property. Lyle Jordan has entered into an easement agreement with Sally Ryan and Duncan Hill so that both properties would not be landlocked. The easement agreements have been drawn up by an attorney and will be recorded as soon as the abandonment has been approved.

Therefore, it is our conclusion that because the easement agreements have been signed and will be recorded, the Ryan and Hill properties will not be landlocked. No public lands are in this area, and therefore no one will be denied access to public lands if the abandonment of this road is granted. The viewing committee believes that it is feasible and desirable to grant the petition.

Respectfully submitted,

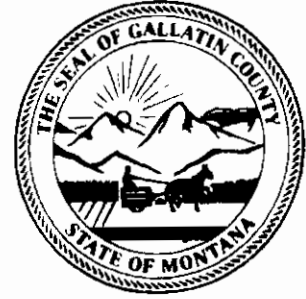
  
\_\_\_\_\_  
Joe Skinner, County Commissioner

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

State of Montana

*County of Gallatin*

Bozeman



**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on February 5, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a petition to abandon Maudlow Rd. #357 starting at the east end of Main St., Maudlow, running east to the  $\frac{1}{4}$  corner common to Sections 7 and 18, T4N,R 5E; also that portion of Maudlow Rd., .2 miles from Dry Creek Rd. to the intersection with the old Maudlow Rd. 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 11<sup>th</sup> day of January, 2013.

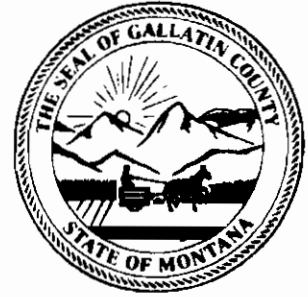
*Charlotte Mills*

Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana

State of Montana

County of Gallatin

Bozeman



AFFIDAVIT OF MAILING

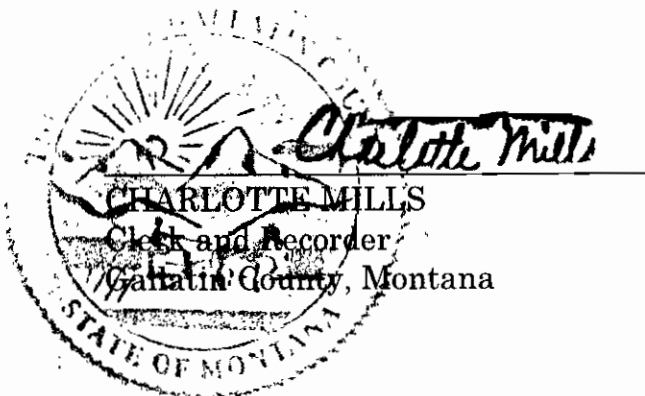
STATE OF MONTANA )  
 ) ss  
COUNTY OF GALLATIN )

**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 Notice of Public Hearing to abandon Maudlow Rd, and the viewing Committee report regarding abandoning Maudlow Rd., according to Road Petition Number 836, was mailed to the following landowners on January 22, 2013.

- Lyle R Jordan, 351 Maudlow Road, Belgrade, MT 59714
- Sally Jo Ryan, 4311 50<sup>th</sup> Ave. NE, Seattle, WA 98105
- Preacher's Reach, LLC, 7200 Springhill Rd, Belgrade, MT 59714
- Postmaster, Belgrade, MT 59714
- Dick Perry, 107 Prairie Dog Rd, Livingston, MT 59742
- Lynn Brainard, 3070 Thorpe Rd, Belgrade, MT 59714
- Richard J Morgan, 27600 Rocky Mtn Rd, Belgrade, MT 59714
- Edwin D Brainard, 550 Cow Chip, Belgrade, MT 59714
- Craig Morgan, 27080 Rocky Mtn Rd, Belgrade, MT 59714
- Andy Douma, 3811 West Dry Creek Rd, Belgrade, MT 59714
- Frank B Anderson, 31000 Francis Rd, Belgrade, MT 59714
- Wade Morgan, 26055 Rocky Mtn Rd, Belgrade, MT 59714
- Dennis R Bigg, 14950 Dry Creek Rd, Belgrade, MT 59714
- Joel Thor Long, 41 Heatherwood Lane, Billings, MT 59102
- Brian Sindelar, 23833 Dry Creek Road, Belgrade, MT 59714

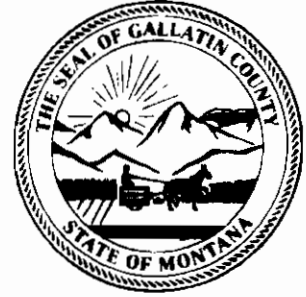


By: Cathy Bender, Deputy  
Cathy Bender, Deputy

State of Montana

*County of Gallatin*

Bozeman



**AFFIDAVIT OF POSTING**

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 attached Notice of Hearing and Exhibit A has been posted on January 18, 2013 at the following public locations:

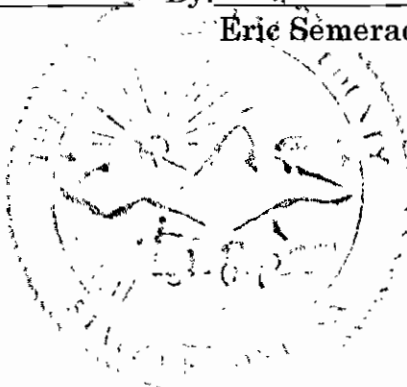
1. The intersection of Dry Creek Road with Maudlow Road.
2. The intersection of Lyle Jordan's driveway with Sixteen Mile Creek Road.
3. The Pass Creek Community Center.
4. The Belgrade Post Office.
5. Gallatin County Courthouse lobby.

*Charlotte Mills*

CHARLOTTE MILLS  
Clerk and Recorder  
Gallatin County, Montana

By: *Eric Semerad*

Eric Semerad, Deputy





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OCT 2 2012

Clerk & Recorder  
Gallatin County, Mont.

October 1<sup>st</sup>, 2012

To whom it Concerns,

I, Lyle R. Jordan, am amending  
The petition to abandon road #357 to  
include another affected land owner,  
Morgan lands LLC, Dick Morgan,

Lyle R. Jordan



County Commissioners Office  
Bozeman, Montana.

The Honorable Board of County Commissioners met pursuant to adjournment at above named office at 9 o'clock A. M.

All of the members of the Board being present as on the preceding days, the following proceedings were had and done, to-wit:

Road #329 The Petition of J. A. Forwall and others for a Road to be changed in sec. 18. T. 1 N. R. 6 E. was allowed by the Board and ordered surveyed & platted.

#  
Road #350 The Petition of Nelson Spaulding and others for a Road in sec. 32. T. 2 N. R. 4 E. was taken up and ordered that the petition be granted and the surveyor plat same after survey.

#  
Road #353 The Petition of James Scollard and others for a Road in sec. 30 & 31. T. 2 p. R. E. was considered and granted and the surveyor ordered to survey and plat the same.

#  
Road #354 The Petition of E. L. Blackwood and others for a change in Road in sec. 29. T. 2. p. R. S. E. was granted and the surveyor ordered to survey and plat the same.

#  
Road #355 The Petition of L. C. Revier and others for a change of road in section 14. T. 2. N. R. 2. E. was granted and the surveyor ordered to survey and plat the same.

#  
Road #357 The Petition of Arthur C. Martin and others for Road was granted to the quarter corner common to sec. 7 & 18 T. 4 N. R. S. E. and ordered that the surveyor plat the same as surveyed.

#  
Road #360 The Petition of N. Briggs & others for a Road to Dry Creek was granted as per miners Report on Road # 358 and the surveyor ordered to survey and plat the same.

#  
Road #361 The Petition of J. T. Lux & others for a change of Road in section 13. T. 1. S. R. S. E. was granted and the surveyor ordered to survey and plat the same.

RESOLUTION NO. 2013- 012

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION  
NO. 836 TO ABANDON MAUDLOW ROAD

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

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on  
September 18, 2012, to abandon Maudlow Road located in Sections 12 and 13, Township  
4 North, Range 4 East, P.M.M. and Section 7, Township 4 North, Range 5 East P.M.M.  
(hereinafter referred to as the "Road"), pursuant to Title 7, Chapter 14, Part 26 Montana  
Code Annotated;

WHEREAS, the Road that is to be abandoned is described as Maudlow Rd. #357  
starting at the east end of Main St., Maudlow, running east to the ¼ corner common to  
Sections 7 and 18, T4N,R 5E; also that portion of Maudlow Rd., .2 miles from Dry Creek  
Rd. to the intersection with the old Maudlow Rd.;

WHEREAS, the Road Petition #357 was originally submitted to be created on  
March 1, 1911 and the petition was granted and ordered platted by the Gallatin County  
Commission on June 8, 1911;

WHEREAS, upon acceptance of the Petition, the Clerk & Recorder assigned the  
Number 836 to the Petition;

WHEREAS, the Petition states the necessity or advantage of the abandonment as:  
"This road only gives service, if you will, to myself (Lyle Jordan) and Duncan Hill  
(Preacher's Reach LLC). It has not been maintained for over 60 years and is a dead end  
besides. I (Lyle Jordan) and Duncan (Preacher's Reach LLC) cannot see any reason for  
the county to be responsible for a non-use road that leads to nowhere. There is (are) no  
utilities or public property anywhere along it that needs access";

WHEREAS, Lyle R. Jordan, Preacher's Reach LLC and SJ Ryan I, LLC and  
Morgan Land Company own property that abuts or may be affected by the abandonment  
all of which have consented to the abandonment;

WHEREAS, Section 7-14-2601(2)(b), MCA, defines the term "abandonment" to  
mean the cessation of use of right-of-way (easement) or activity thereon with no intention  
to reclaim or use again;

WHEREAS, Section 7-14-2603, MCA, authorizes the Gallatin County Board of  
County Commissioners to, after considering the petition and the results of an  
investigation, make an entry on the minutes regarding its decision on whether to grant the  
petition to abandon a county road;



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Page: 1 of 3 02/07/2013 04:21:43 PM Fee: \$0.00 MISC  
Charlotte Mills - Gallatin County, MT

WHEREAS, on September 26, 2012, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2601, MCA;

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;

WHEREAS, on October 2, 2012, the Gallatin County Clerk and Recorder presented the Petition to abandon the road to the Commission and the Commission appointed a viewing committee consisting of County Commissioner Joe P. Skinner and the County Surveyor, Charlotte Mills, as required by Section 7-14-2603(1), MCA;

WHEREAS, on December 13, 2012 the viewing committee met to view the road being petitioned for abandonment;

WHEREAS, in the viewers' report dated January 8, 2013, the viewing committee reported: To access Maudlow Rd. #357, you must go through a closed gate on the Lyle Jordan property. Duncan Hill and Sally Ryan own properties adjacent to the Lyle Jordan property and use the road to access their property. Lyle Jordan has entered into an easement agreement with Sally Ryan and Duncan Hill so that both properties would not be landlocked. The easement agreements have been drawn up by an attorney and will be recorded as soon as the abandonment has been approved;

WHEREAS, in the January 8, 2013 viewers' report, the viewing committee also reported that no one would be landlocked, nor denied access to public lands if the petition were granted;

WHEREAS, there is no indication that any utilities are located in the Road;

WHEREAS, notices were posted in five (5) public places including the intersection of Maudlow Rd. and Dry Creek Rd.; the intersection of Lyle Jordan's driveway with Sixteen Mile Road; The Pass Creek Community Center; the Belgrade Post Office and the Gallatin County Courthouse on January 18, 2013; a Notice of Public Hearing to be held on February 5, 2013 was published in the Bozeman Daily Chronicle on January 27 and February 3, 2013 and in the Belgrade News on January 25, 2013; and mailed to petitioners and all landowners adjacent to Maudlow Road on January 22, 2013;

WHEREAS, on February 5, 2013, the Gallatin County Commissioners conducted a public hearing, after notice, on the Petition and the results of the investigation; and

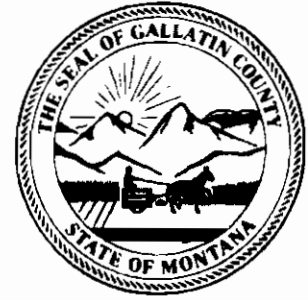
WHEREAS, on February 5, 2013, the Gallatin County Commissioners found that granting the Petition and abandoning Maudlow Road would serve the best interests of Gallatin County.



State of Montana

County of Gallatin

Bozeman



AFFIDAVIT OF MAILING

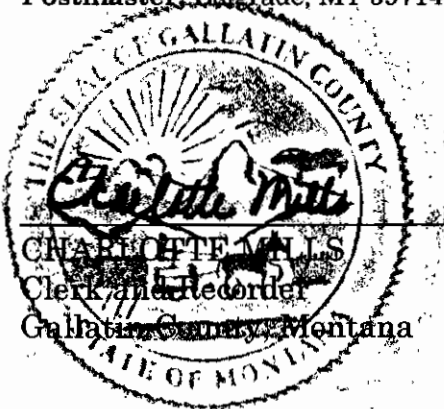
STATE OF MONTANA )  
 ) ss  
COUNTY OF GALLATIN )

**CHARLOTTE MILLS, BEING FIRST DULY SWORN ON OATH, deposes and says:**

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

I hereby certify that copies of a Notice of Decision was sent certified mail to all landowners 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 regarding abandoning Maudlow Rd., according to Road Petition Number 836, was mailed to the following landowners on February 6, 2013.

Lyle R Jordan, 351 Maudlow Road, Belgrade, MT 59714  
Sally Jo Ryan, 4311 50<sup>th</sup> Ave. NE, Seattle, WA 98105  
Preacher's Reach, LLC, 7200 Springhill Rd, Belgrade, MT 59714  
Postmaster, Belgrade, MT 59714



By: Mary Miller  
Mary Miller, Deputy

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.

Article Addressed to:  
Lyle R. Jordan  
351 Mauldlow Road  
Belgrade MT 59714

COMPLETE THIS SECTION ON DELIVERY

A. Signature *L.R. Jordan*  Agent  Addressee  
B. Received by (Printed Name) *L.R. Jordan* C. Date of Delivery *2-9-03*  
D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

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.

Article Addressed to:  
Preacher's Reach LLC  
7200 Springhill Rd.  
Belgrade, MT 59714

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]*  Agent  Addressee  
B. Received by (Printed Name) *S. Duncan* C. Date of Delivery *2-11-03*  
D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

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.

Article Addressed to:  
POSTMASTER  
Belgrade, MT 59714

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.

Article Addressed to:  
Sally Jo Ryan  
4311 50th AVE NE  
Seattle, WA 98105

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]*  Agent  Addressee  
B. Received by (Printed Name) *[Name]* C. Date of Delivery *2-11-03*  
D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

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.

Article Addressed to:  
Lyle R. Jordan  
351 Mauldlow Road  
Belgrade MT 59714

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]*  Agent  Addressee  
B. Received by (Printed Name) *Randy Busch* C. Date of Delivery *2-8-03*  
D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
4. Restricted Delivery? (Extra Fee)  Yes

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.

Article Addressed to:  
POSTMASTER  
Belgrade, MT 59714

Article Number *7005 1160 0001 9972 4994*  
(Transfer from service label)  
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1544

Article Number *7005 1160 0001 9972 7513*  
(Transfer from service label)  
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Article Number *7005 1160 0001 9972 5007*  
(Transfer from service label)  
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



Consent of Affected Landowner

Morgan Land Company hereby consents to the petition to abandon Maudlow Road #357 as submitted September 18<sup>th</sup>, 2012 and amended October 2, 2012.

Richard Morgan P.T.R.  
Richard Morgan, partner  
Morgan Land Company

RECEIVED  
OCT 3 2012  
Clerk & Recorder  
Gallatin County, Mont.

Dally D Ryan  
4311 50<sup>th</sup> Ave NE  
Seattle, WA 98105  
(206) 525-1026  
dfrankryan@aol.com

Oct. 2, 2012

Dear Eric:

Thank you for your help  
in answering my questions  
about the petition.

As the sole owner of D Ryan  
LLC I, I agree with the petition  
to close Maulden Road East.

Sincerely,  
Dally D Ryan

RECEIVED

OCT 5 2012

Clerk & Recorder  
Gallatin County, Mont.