

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 Brooke Draves PHONE 599-5855
email - brookedraves@yahoo.com

- 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 of the 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: 11/12/13
 - a) Prepare draft resolution appointing viewing committee and assigning Petition # 837.
 - 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: _____
- 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 _____
- 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 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) Mail a copy of the public hearing notice and viewers report to the people listed in 10) a) above.
- 12) Publish public hearing legal notice two times in Chronicle for a county road (7-1-2121) and if necessary in another newspaper. DATES _____
- 13) 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.
- 14) Post a copy of the viewing committee report and public hearing notice to the following online and with County Commission staff.
- 15) 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 affidavits of mailing and posting for the notice, and the final board 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

OCT 17 2013

PETITION TO ABANDON AND REESTABLISH COUNTY ROAD RIGHT OF WAY

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 and reestablish 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: Cooper Road
- 2. The general route of the road or portion of road to be abandoned and reestablished is described as follows (please include a map(s) that shows the location of the road or portion of the road and shows all property within a 1 mile radius):
please see attached Exhibit along with description of route to be reestablished.

re-established road right of way to be 60' in width

- 3. The lands and owners affected by the proposed abandoning and reestablishment of the road (include names and addresses of property owners which 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. <u>Table Mountain Ranch</u>	<u>PO Box 267</u>
	<u>Three Forks, MT 59752</u>
Legal Description of Property <u>S05, T01S, R01E, NE4SW4 and S05, T01S, R01E, SE4SW4</u>	

2. <u>Wesley Patrick Leugers</u>	<u>800 N 22nd Avenue</u>
	<u>Bozeman, MT 59718</u>
Legal Description of Property <u>S05, T01S, R01E, COS 1867A</u>	

3. <u>Dickson Living Trust</u>	<u>Unknown</u>
Legal Description of Property <u>S05, T01S, R01E, COS 1867A, Parcel 2A</u>	

4. <u>Brad and Jacque Pilon</u>	<u>PO Box 1382</u>
<u>(Contract Buyers)</u>	<u>Belgrade, MT 59714</u>
Legal Description of Property <u>S05, T01S, R01E, COS 1867A, Parcel 2A</u>	

5. _____	_____
Legal Description of Property _____	

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 abandoning and reestablishment of the road? Yes If no, list those landowners and their reasons for not consenting:

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:

The Successor of Dickson Living Trust, Edward C. Dickson has not provided any contact information to current contract buyer of property. The local listing for this individual has since been sold and the phone number has been disconnected. The only contact information listed with the clerk and recorder is of the contract buyers. The contract buyers and future legal owners have given their consent.

6. The probable cost of the road. \$30,000 to be paid by Leugers to top the road after County cuts it

7. The necessity for and advantage of the abandoning and reestablishment is as follows:

The road is necessary for legal access of landowners. The advantage of abandonment and reestablishing is to avoid moving a significant amount of fencing and reducing future costs of maintenance to the county by moving away from steep grades and culverts.

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

No

State of MT
County of Gallatin

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

Brooke Draves

(Signature of petition gatherer.)

Signed and sworn to (or affirmed) before me on September 30, 2013 by Brooke Draves

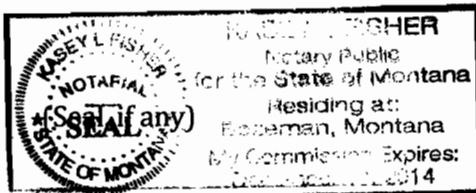
Kasey L. Fisher
Signature of notarial officer

Kasey L. Fisher
Name - typed, stamped, or printed

Notary Public
Title (and Rank)

Residing at: Gallatin County

My commission expires: 12/17/2014



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

1. Lori McMullen 32748 Frontage Rd
Signature Lori McMullen Address Bozeman, MT 59715
Printed Name Lori McMullen City, State, Zip
Date 9/30/13

Legal Description of Property Virginia SUB, S16, T02 S, R06 E, Lot 3

2. Brian McMullen 32748 E Frontage Rd
Signature Brian McMullen Address Bozeman, MT 59715
Printed Name Brian McMullen City, State, Zip
Date 9-30-13

Legal Description of Property Virginia SUB, S16, T02 S, R06 E, Lot 3

3. Jacque Pilon P.O. Box 1382
Signature Jacque Pilon Address Belgrade, MT 59714
Printed Name Jacque Pilon City, State, Zip
Date 10.04.13

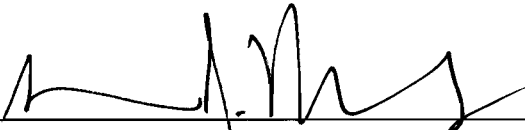
Legal Description of Property S05, T01 S, R01 E, COS 1867A, Parcel 2A

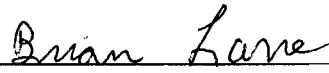
4. Brad Pilon P.O. Box 1382
Signature Brad Pilon Address Belgrade, MT 59714
Printed Name Brad Pilon City, State, Zip
Date 10-4-13

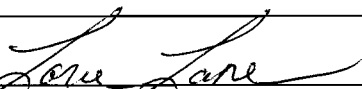
Legal Description of Property S05, T01 S, R01 E, COS 1867A, Parcel 2A

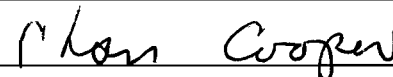
5. Wesley P. Kangers by Brooke Draves POA 800 N 22nd Ave
Signature Wesley P. Kangers by Brooke Draves POA Address Bozeman, MT 59718
Printed Name Wesley P. Kangers by Brooke Draves POA City, State, Zip
Date 10-8-13

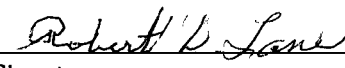
Legal Description of Property S05, T01 S, R01 E, COS 1867A

6. 
Signature Shannon J. Karinka
Printed Name Shannon J. Karinka
Date 10/12/13
Address 376 Milestone
Belgrade MT 59714
City, State, Zip
Legal Description of Property _____

7. 
Signature Brian Lane
Printed Name Brian Lane
Date 10/16/13
Address 5191 Old Yellowstone Trail
3 Forks MT 59752
City, State, Zip
Legal Description of Property _____

8. 
Signature Lorie Lane
Printed Name Lorie Lane
Date Oct. 16, 2013
Address 5191 Old Yellowstone Tr
Three Forks, MT 59752
City, State, Zip
Legal Description of Property _____

9. 
Signature Chan Cooper
Printed Name Chan Cooper
Date Sept 16 - 2013
Address 5720 Cooper Rd
Three Forks MT 59752
City, State, Zip
Legal Description of Property _____

10. 
Signature Robert D. Lane
Printed Name Robert D. Lane
Date Oct 16, 2013
Address Box 97
Three Forks, MT 59752
City, State, Zip
Legal Description of Property _____

RECEIVED

PETITION TO ABANDON AND REESTABLISH COUNTY ROAD RIGHT OF WAY

OCT 30 2013

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

Clerk & Recorder
Gallatin County, Mont.

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 and reestablish 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 and reestablished: Cooper Road

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

please see attached Exhibit along with description of route to be reestablished.

3. The lands and owners affected by the proposed abandoning and reestablishment of the road (include names and addresses of property owners which 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. Table Mountain Ranch

PO Box 267

Three Forks, MT 59752

Legal Description of Property S05, T01S, R01E, NE4SW4 and S05, T01S, R01E, SE4SW4

2. Wesley Patrick Leugers

800 N 22nd Avenue

Bozeman, MT 59718

Legal Description of Property S05, T01S, R01E, COS 1867A

3. Dickson Living Trust

Unknown

Legal Description of Property S05, T01S, R01E, COS 1867A, Parcel 2A

4. Brad and Jacque Pilon

PO Box 1382

(Contract Buyers)

Belgrade, MT 59714

Legal Description of Property S05, T01S, R01E, COS 1867A, Parcel 2A

5. _____

Legal Description of Property _____

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 abandoning and reestablishment of the road? Yes If no, list those landowners and their reasons for not consenting:

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:

The Successor of Dickson Living Trust, Edward C. Dickson has not provided any contact information to current contract buyer of property. The local listing for this individual has since been sold and the phone number has been disconnected. The only contact information listed with the clerk and recorder is of the contract buyers. The contract buyers and future legal owners have given their consent.

6. The probable cost of the road. \$30,000 to be paid by Leugers to top the road after County cuts it

7. The necessity for and advantage of the abandoning and reestablishment is as follows:

The road is necessary for legal access of landowners. The advantage of abandonment and reestablishing is to avoid moving a significant amount of fencing and reducing future costs of maintenance to the county by moving away from steep grades and culverts.

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

No

State of _____

County of _____

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

(Signature of petition gatherer.)

Signed and sworn to (or affirmed) before me on _____ by _____

Signature of notarial officer

Name - typed, stamped, or printed

Title (and Rank)

Residing at: _____

My commission expires: _____

(Seal, if any)

11. Molly Stenberg
Signature
✓ Molly Stenberg
Printed Name
10/21/13
Date

3200 Baker Creek Lane
Address
Manhattan, MT 59741.
City, State, Zip

Legal Description of Property _____

12. Michael Stenberg
Signature
✓ Michael Stenberg
Printed Name
10/25/13
Date

3200 Baker Cr. Lane
Address
Manhattan, MT 59741
City, State, Zip

Legal Description of Property _____

13. _____
Signature

Printed Name

Date

Address

City, State, Zip

Legal Description of Property _____

14. _____
Signature

Printed Name

Date

Address

City, State, Zip

Legal Description of Property _____

15. _____
Signature

Printed Name

Date

Address

City, State, Zip

Legal Description of Property _____



NORTHWEST CORNER
SECTION 5, T1S, R1E
FOUND 2" ALUMINUM
CAP 1825 S

SECTION 32
T1N, R1E

NORTH 1/4 CORNER
SECTION 5, T1S, R1E
FOUND 2" ALUMINUM
CAP 5203 S

S 88°26'57" E 2656.81'

1328.32'

1328.48'

FOUND 5/8"
REBAR
FOR 1/16
CORNER

EXHIBIT

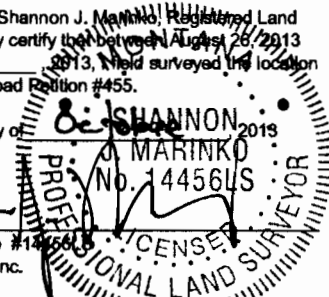
NEW LOCATION OF 60 FOOT WIDE COOPER ROAD
ACROSS A PORTION OF SECTION 5, T1S, R1E, P.M.M.,
GALLATIN COUNTY, MONTANA

CERTIFICATE OF SURVEYOR

I, the undersigned, Shannon J. Marinko, Registered Land Surveyor, do hereby certify that between August 26, 2013 and 10/12/2013, I did survey the location of Cooper Road, Road Platte #455.

Dated this 12TH day of October, 2013

Shannon J. Marinko #14456US
Skyline Surveying, Inc.



LOCATION OF EXISTING
60 FT. WIDE COOPER ROAD
AS DESCRIBED IN COUNTY
ROAD PLAT AND PETITION #455.

FOUND 2" ALUMINUM
CAP FOR 30 FT. WITNESS
CORNER TO CENTER-
WEST 1/16 CORNER

- FOUND SECTION CORNER OR 1/4 CORNER MONUMENT AS DESCRIBED
- FOUND 1/16 CORNER MONUMENT
- CENTERLINE COOPER ROAD BY PETITION #455
- 60 FT. RIGHT OF WAY OF COOPER ROAD BY PETITION #455
- NEW LOCATION OF A PORTION OF COOPER ROAD

LEGAL DESCRIPTION OF NEW CENTERLINE

THE NEW CENTERLINE LOCATION OF A PORTION OF COOPER ROAD IS AS DESCRIBED BELOW:

Commencing at the Center-West 1/16 corner of Section 5, being the POINT OF BEGINNING;
Thence along the existing centerline of road through the following courses:

- S 46°14'54" E 245.77 feet;
- S 49°37'45" E 113.02 feet;
- S 52°29'40" E 218.12 feet;
- S 50°50'53" E 185.03 feet;
- S 48°06'34" E 288.45 feet;
- S 57°06'57" E 457.04 feet;
- S 46°40'39" E 72.97 feet;
- S 34°46'37" E 77.65 feet;
- S 21°30'07" E 54.55 feet;
- S 02°32'12" E 76.11 feet;
- S 11°11'36" W 341.53 feet;
- S 01°04'22" E 143.85 feet;
- S 10°18'37" E 192.64 feet;
- S 01°08'27" W 207.05 feet;
- S 02°30'44" W 638.91 feet, being the end of the new location of the Cooper road centerline.

Tie from end of new road centerline location to South 1/4 corner Section 5 is S 88°31'02" E 25.66 feet.

NEW CENTERLINE
LOCATION OF
COOPER ROAD

MID-SECTION LINE N 01°28'58" E 5297.04'

LINE	BEARING	DISTANCE
L1	S 46°14'54" E	245.77'
L2	S 49°37'45" E	113.02'
L3	S 52°29'40" E	218.12'
L4	S 50°50'53" E	185.03'
L5	S 48°06'34" E	288.45'
L6	S 57°06'57" E	457.04'
L7	S 46°40'39" E	72.97'
L8	S 34°46'37" E	77.65'
L9	S 21°30'07" E	54.55'
L10	S 02°32'12" E	76.11'
L11	S 11°11'36" W	341.53'
L12	S 01°04'22" E	143.85'
L13	S 10°18'37" E	192.64'
L14	S 01°08'27" W	207.05'
L15	S 02°30'44" W	638.91'
L16	S 88°31'02" E	25.66'

SOUTH 1/4 CORNER
SECTION 5, T1S, R1E
FOUND FENCE POST
AND REFERENCE
MONUMENTS AS PER
CORNER RECORD BK 2,
PAGE 1074

SCALE BAR



BASIS OF BEARING

GRID BEARINGS, DERIVED FROM OPUS POSITION USING SURVEY-GRADE RECEIVERS AND REFERENCED TO THE MONTANA COORDINATE SYSTEM, NAD83. CONVERGENCE ANGLE -1°33'42"

1/4	SEC	T	R
	5	1S	1E

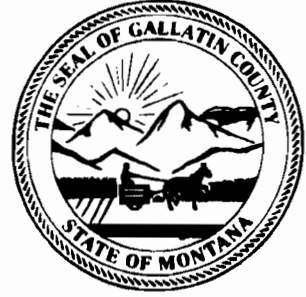
SkyLine Surveying Inc.
376 Milstonc, Belgrade, MT (406)580-1078

DRAWN	DATE	EASEMENT
MJS	9/20/13	EXHIBIT
SCALE	SHEET	PROJECT NO.
1"=600'	1 of 1	310-18

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 and re-establish Cooper Road #455 as a public road right-of-way.

Legal Description: That portion of Cooper Rd. #455 starting at the center-west 1/16 corner of Section 5, T1S, R1E to a point 25.66' west of the south 1/4 corner of Section 5, T1S, R1E.

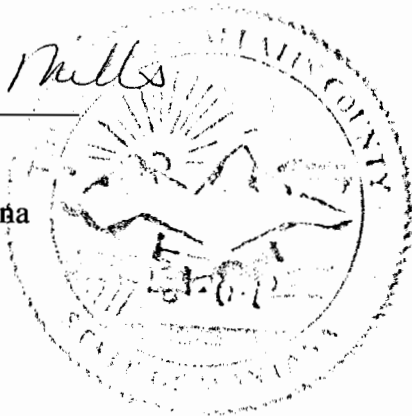
STATE OF MONTANA)
)ss
COUNTY OF GALLATIN)

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. 2013, 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 1st day of November, 2013, A.D.

Charlotte Mills

Charlotte Mills
Clerk and Recorder
Gallatin County, Montana



RESOLUTION NO. 2013- 133

A RESOLUTION MADE TO ASSIGN THE VIEWING COMMITTEE AND
PETITION NUMBER FOR A PETITION TO ABANDON AND RE-ESTABLISH A
PORTION OF COOPER ROAD NO. 455

This Resolution was introduced by Recording Supervisor Eric Semerad; moved by
Commissioner White and seconded by Commissioner Martineau.
This Resolution was adopted unanimously.

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on
October 17, 2013, to abandon a portion of Cooper Road No. 455 (hereinafter referred to
as the "Road"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated; and

WHEREAS, the Road is described as that portion of Cooper Rd. No. 455 starting
at the center-west 1/16 corner of Section 5, T1S, R1E to a point 25.66' west of the south
¼ corner of Section 5, T1S, R1E.; and,

WHEREAS, on November 1, 2013, the Gallatin County Clerk and Recorder
certified that the Petition contained sufficient signatures as required by Section 7-14-
2616, MCA; and

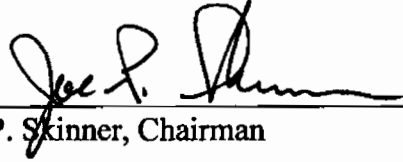
WHEREAS, according to Section 7-14-2603, MCA, the Board of County
Commissioners shall cause an investigation to be made of the feasibility, desirability, and
cost of granting the prayer of the Petition. The investigation shall be sufficient to
properly determine the merits or demerits of the Petition. 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 for abandonment and re-establishment of
the Cooper Road No. 455 for consideration.
2. The petition is assigned Road Petition Number 837.
3. Commissioner White 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 12th day of November, 2013.

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY



Joe P. Skinner, Chairman

ATTEST:



Charlotte Mills
Clerk and Recorder
Gallatin County

RECEIVED DEC 16 2013

PETITION TO ABANDON AND REESTABLISH COUNTY ROAD RIGHT OF WAY

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

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please see attached Exhibit along with description of route to be reestablished.
re-established road to remain 60' in width

3. The lands and owners affected by the proposed abandoning and reestablishment of the road (include names and addresses of property owners which 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)

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2. Wesley Patrick Leugers 800 N 22nd Avenue
Bozeman, MT 59718
Legal Description of Property S05, T01S, R01E, COS 1867A

3. Dickson Living Trust Unknown
Legal Description of Property S05, T01S, R01E, COS 1867A, Parcel 2A

4. Brad and Jacque Pilon PO Box 1382
(Contract Buyers) Belgrade, MT 59714
Legal Description of Property S05, T01S, R01E, COS 1867A, Parcel 2A

5. David Monthei 5200 Cooper Road
Three Forks, MT 59752
Legal Description of Property S05, T01S, R01E, COS 1857, Parcel B

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 abandoning and reestablishment of the road? Yes If no, list those landowners and their reasons for not consenting:

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:

The Successor of Dickson Living Trust, Edward C. Dickson has not provided any contact information to current contract buyer of property. The local listing for this individual has since been sold and the phone number has been disconnected. The only contact information listed with the clerk and recorder is of the contract buyers. The contract buyers and future legal owners have given their consent.

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The road is necessary for legal access of landowners. The advantage of abandonment and reestablishing is to avoid moving a significant amount of fencing and reducing future costs of maintenance to the county by moving away from steep grades and culverts.

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

No

State of _____

County of _____

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

(Signature of petition gatherer.)

Signed and sworn to (or affirmed) before me on _____ by _____

Signature of notarial officer

Name - typed, stamped, or printed

Title (and Rank)

Residing at: _____

My commission expires: _____

(Seal, if any)

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

1. David Monthei 5200 Cooper rd
Signature David N. Monthei Address Three Forks MT 59752
Printed Name 12/01/13 City, State, Zip
Date

Legal Description of Property _____

2. _____
Signature Address
Printed Name City, State, Zip
Date

Legal Description of Property _____

3. _____
Signature Address
Printed Name City, State, Zip
Date

Legal Description of Property _____

4. _____
Signature Address
Printed Name City, State, Zip
Date

Legal Description of Property _____

5. _____
Signature Address
Printed Name City, State, Zip
Date

Legal Description of Property _____



NORTHWEST CORNER
SECTION 5, T1S, R1E
FOUND 2" ALUMINUM
CAP 1825 S

SECTION 32
T1N, R1E

NORTH 1/4 CORNER
SECTION 5, T1S, R1E
FOUND 2" ALUMINUM
CAP 5203 S

S 88°26'57" E 2656.81'

1328.32'

1328.48'

FOUND 5/8" REBAR
FOR 1/16
CORNER

EXHIBIT

NEW LOCATION OF 60 FOOT WIDE COOPER ROAD
ACROSS A PORTION OF SECTION 5, T1S, R1E, P.M.M.,
GALLATIN COUNTY, MONTANA

CERTIFICATE OF SURVEYOR

I, the undersigned, Shannon J. Marinko, Registered Land Surveyor, do hereby certify that between August 26, 2013 and _____, 2013, I field surveyed the location of Cooper Road, Road Petition #455.

Dated this _____ day of _____, 2013

Shannon J. Marinko #14456LS
Skyline Surveying, Inc.

LOCATION OF EXISTING
60 FT. WIDE COOPER ROAD
AS DESCRIBED IN COUNTY
ROAD PLAT AND PETITION #455.

FOUND 2" ALUMINUM
CAP FOR 30 FT. WITNESS
CORNER TO CENTER-
WEST 1/16 CORNER



FOUND SECTION CORNER OR
1/4 CORNER MONUMENT AS
DESCRIBED



FOUND 1/16 CORNER MONUMENT



CENTERLINE COOPER ROAD BY
PETITION #455



NEW LOCATION OF A PORTION
OF COOPER ROAD

LEGAL DESCRIPTION

THE NEW LOCATION OF A PORTION OF COOPER ROAD
IS AS DESCRIBED BELOW:

Commencing at the Center-West 1/16 corner of Section 5,
being the POINT OF BEGINNING;
Thence along the existing centerline of road through the
following courses:

- S 46°14'54" E 245.77 feet;
- S 49°37'45" E 113.02 feet;
- S 52°29'40" E 218.12 feet;
- S 50°50'53" E 185.03 feet;
- S 48°06'34" E 288.45 feet;
- S 57°06'57" E 457.04 feet;
- S 48°40'39" E 72.97 feet;
- S 34°46'37" E 77.65 feet;
- S 21°30'07" E 54.55 feet;
- S 02°32'12" E 76.11 feet;
- S 11°11'36" W 341.53 feet;
- S 01°04'22" E 143.85 feet;
- S 10°18'37" E 192.64 feet;
- S 01°06'27" W 207.05 feet;
- S 02°30'44" W 638.91 feet, being the end of the new
location of the Cooper road centerline.

Tie from end of new road centerline location to South 1/4
corner Section 5 is S 88°31'02" E 25.66 feet.

NEW CENTERLINE
LOCATION OF
COOPER ROAD

MID-SECTION LINE N 01°28'58" E 5297.04'

LINE	BEARING	DISTANCE
L1	S 46°14'54" E	245.77'
L2	S 49°37'45" E	113.02'
L3	S 52°29'40" E	218.12'
L4	S 50°50'53" E	185.03'
L5	S 48°06'34" E	288.45'
L6	S 57°06'57" E	457.04'
L7	S 48°40'39" E	72.97'
L8	S 34°46'37" E	77.65'
L9	S 21°30'07" E	54.55'
L10	S 02°32'12" E	76.11'
L11	S 11°11'36" W	341.53'
L12	S 01°04'22" E	143.85'
L13	S 10°18'37" E	192.64'
L14	S 01°06'27" W	207.05'
L15	S 02°30'44" W	638.91'
L16	S 88°31'02" E	25.66'

SOUTH 1/4 CORNER
SECTION 5, T1S, R1E
FOUND FENCE POST
AND REFERENCE
MONUMENTS AS PER
CORNER RECORD BK 2,
PAGE 1074

SCALE BAR



BASIS OF BEARING

GRID BEARINGS, DERIVED FROM OPUS
POSITION USING SURVEY-GRADE
RECEIVERS AND REFERENCED TO THE
MONTANA COORDINATE SYSTEM, NAD83.
CONVERGENCE ANGLE -1°33'42"

1/4	SEC	T	R
<input checked="" type="checkbox"/>	5	1 S	1 E



DRAWN	DATE	EASEMENT
MJS	9/20/13	EXHIBIT
SCALE	SHEET	PROJECT NO.
1"=600'	1 of 1	310-18

2485382

Page: 1 of 4 07/08/2014 03:20:58 PM Fee: \$0.00
Charlotte Mills - Gallatin County, MT MISC



**PUBLIC ROAD RIGHT OF WAY EASEMENT
COOPER ROAD**

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, TABLE MOUNTAIN RANCH CORPORATION and DAVID MONTHEI (“Grantors”) the owners of the legal and equitable title to the following described real estate, for and in consideration of the sum of Ten Dollars, cash in hand, paid by GALLATIN COUNTY, MONTANA (“Grantee”) and other good and valuable consideration, receipt of which is hereby acknowledged, do hereby bargain, sell, grant, release and convey unto the said Grantee, an easement, through, over, under, and across the following described real property, situated in Gallatin County, Montana to wit:

A portion of Section 5, T1S, R1E, P.M.M. situated in Gallatin County, Montana including Tract B of Certificate of Survey No. 1857 located in the SW1/4 and SE1/4 of Section 5; the SE1/4 of the SW1/4 of Section 5 and the NE1/4 of the SW1/4 of Section 5 lying south and west of County Road Number 455.

Such easement is described as set forth in Exhibit A and more particularly described as the “Legal Description of Centerline of New Easement” therein and linking to and overlapping County Road Number 455.

The easement is for a sixty-foot public road right of way easement for the purpose of travel of the public; together with all necessary and convenient appurtenances thereto but such grant is for only such rights as are necessary for construction, repair, operation and maintenance of a dedicated county road.

That said right-of-way easement is hereby granted for construction, repair, maintenance and operation of a common, public highway or county road being a portion of Cooper Road, without any reservation or exceptions whatsoever by the Grantors with respect to the construction, repair or maintenance, operation or control or otherwise of the full width of said right-of-way or of any road which may be constructed upon the right-of-way. By this Grant to the Grantee, the Grantors do also hereby dedicate said right-of-way to the general public for all road and highway purposes provided for in the laws of the State of Montana, including the right of use for surface and subsurface utilities, provided if, at any time hereafter, the use of said right-of-way shall be abandoned by the properly constituted authorities in such matters for all purposes as a public road, as provided by statute, then said easement covered by said right-of-way shall revert to the Grantors, their successors or assigns except for that right granted for utilities.

This grant of easement shall be perpetual, shall run with the land and shall inure to the benefit of and bind the heirs, assigns and successors of the parties hereto.

TO HAVE AND TO HOLD such easement and right of way unto Grantee, its successors or assigns, forever.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed this 11 day of June 2014.

TABLE MOUNTAIN RANCH CORPORATION

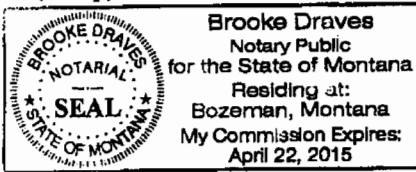
Robert D. Lane, pres.
Grantor

STATE OF MONTANA)
: ss.
County of Gallatin)

On this 11 day of June, 2014, this instrument was acknowledged before me by Robert D. Lane as the President of Table Mountain Ranch on behalf of whom this instrument was executed.

Brooke Draves
Signature of Notary

(stamp)

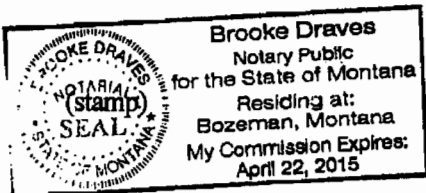


DAVID MONTHEI

David Monthei
Grantor

STATE OF MONTANA)
: ss.
County of Gallatin)

This instrument was acknowledged before me by DAVID MONTHEI on this 27 day of June, 2014.



Brooke Draves
Signature of Notary

Accepted by resolution of Grantee:

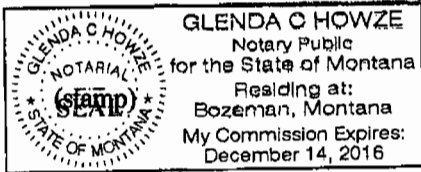
GALLATIN COUNTY, MONTANA

Pierre Martin

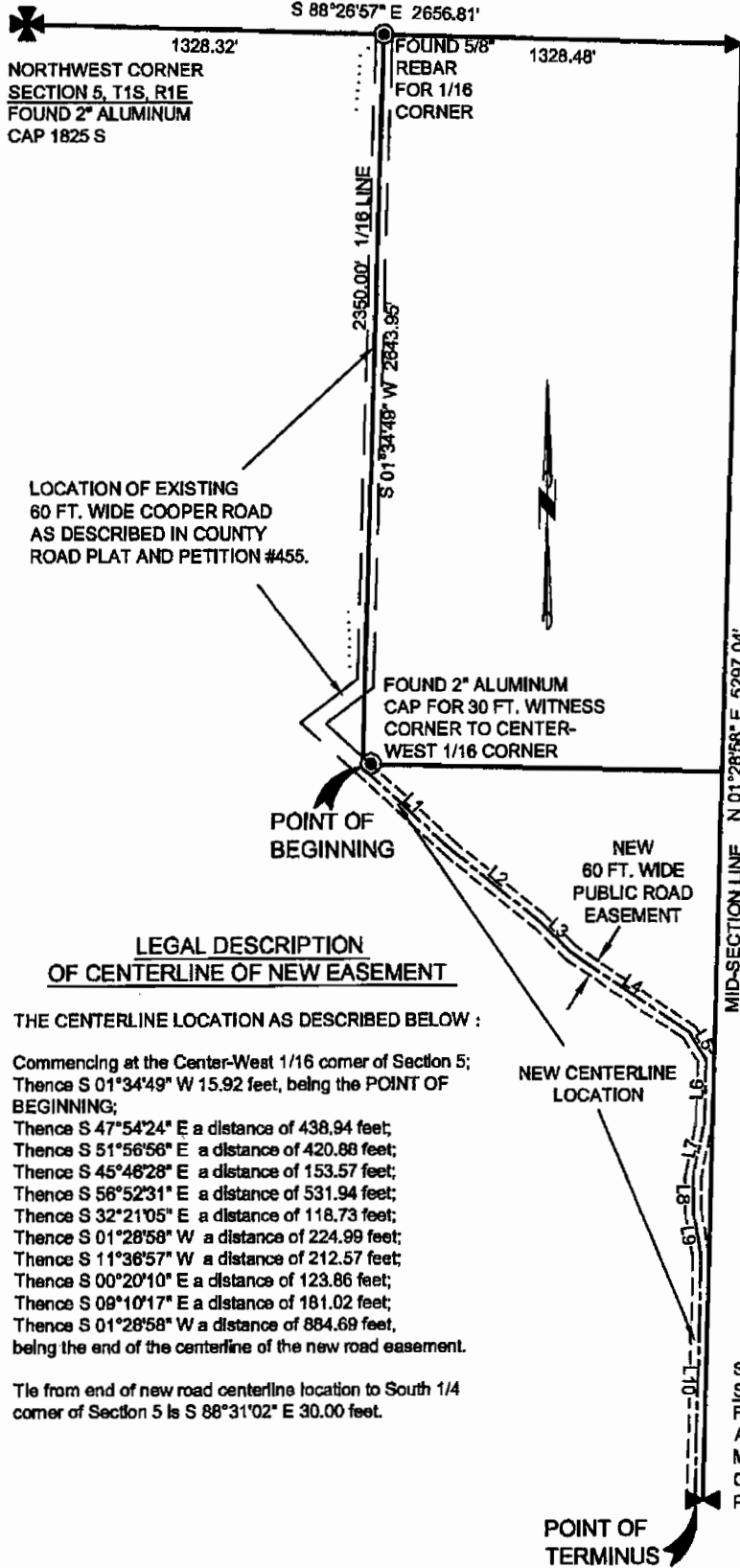
Grantee

STATE OF Montana)
: ss.
County of Gallatin)

On this 8th day of July, 2014, this instrument was acknowledged before me by Pierre Martin as the Chairman of the Board of Gallatin County Commissioners on behalf of whom this instrument was executed.



Glenda Howze
Signature of Notary



NORTH 1/4 CORNER
SECTION 5, T1S, R1E
FOUND 2" ALUMINUM
CAP 5203 S

NORTHWEST CORNER
SECTION 5, T1S, R1E
FOUND 2" ALUMINUM
CAP 1825 S

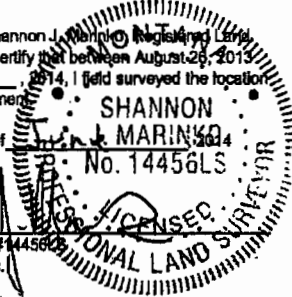
EXHIBIT A

NEW 60 FOOT WIDE EASEMENT FOR COOPER ROAD
ACROSS A PORTION OF SECTION 5, T1S, R1E, P.M.M.,
GALLATIN COUNTY, MONTANA

CERTIFICATE OF SURVEYOR

I, the undersigned, Shannon J. Marinko, Registered Land Surveyor, do hereby certify that between August 25, 2013 and 6/12/14, I field surveyed the location of the new road easement.

Dated this 12TH day of June, 2014



Shannon J. Marinko #14456LS
Skyline Surveying, Inc.

- FOUND SECTION CORNER OR 1/4 CORNER MONUMENT AS DESCRIBED
- FOUND 1/16 CORNER MONUMENT
- COOPER ROAD BY PETITION #455
- NEW 60 FT. WIDE PUBLIC ROAD EASEMENT
- CENTERLINE OF NEW PUBLIC ROAD EASEMENT

LEGAL DESCRIPTION OF CENTERLINE OF NEW EASEMENT

THE CENTERLINE LOCATION AS DESCRIBED BELOW :

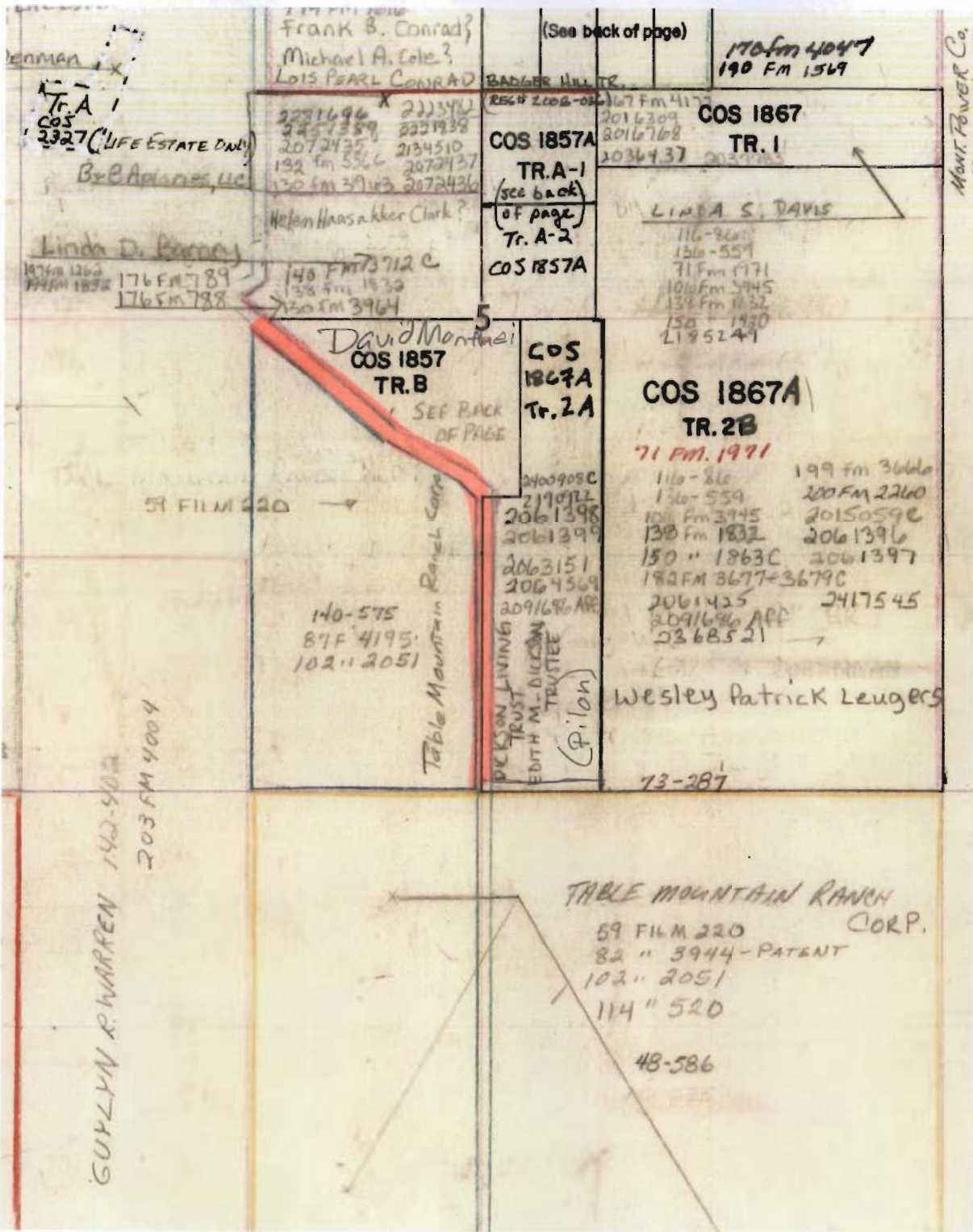
Commencing at the Center-West 1/16 corner of Section 5;
Thence S 01°34'49" W 15.92 feet, being the POINT OF BEGINNING;
Thence S 47°54'24" E a distance of 438.94 feet;
Thence S 51°56'56" E a distance of 420.88 feet;
Thence S 45°48'28" E a distance of 153.57 feet;
Thence S 56°52'31" E a distance of 531.94 feet;
Thence S 32°21'05" E a distance of 118.73 feet;
Thence S 01°28'58" W a distance of 224.99 feet;
Thence S 11°36'57" W a distance of 212.57 feet;
Thence S 00°20'10" E a distance of 123.86 feet;
Thence S 09°10'17" E a distance of 181.02 feet;
Thence S 01°28'58" W a distance of 884.69 feet,
being the end of the centerline of the new road easement.

Tie from end of new road centerline location to South 1/4 corner of Section 5 is S 88°31'02" E 30.00 feet.

LINE	BEARING	DISTANCE
L1	S 47°54'24" E	438.94'
L2	S 51°56'56" E	420.88'
L3	S 45°48'28" E	153.57'
L4	S 56°52'31" E	531.94'
L5	S 32°21'05" E	118.73'
L6	S 01°28'58" W	224.99'
L7	S 11°36'57" W	212.57'
L8	S 00°20'10" E	123.86'
L9	S 09°10'17" E	181.02'
L10	S 01°28'58" W	884.69'

SOUTH 1/4 CORNER
SECTION 5, T1S, R1E
FOUND FENCE POST
AND REFERENCE
MONUMENTS AS PER
CORNER RECORD BK 2,
PAGE 1074

SCALE BAR 	BASIS OF BEARING GRID BEARINGS, DERIVED FROM OPUS POSITION USING SURVEY-GRADE RECEIVERS AND REFERENCED TO THE MONTANA COORDINATE SYSTEM, NAD83. CONVERGENCE ANGLE -1°33'42"	1/4 SEC T R	SkyLine Surveying Inc. 376 Kingston, Bolingro, MT (406)580-1076	DRAWN MJS	DATE 8/2/14	EASEMENT EXHIBIT
		5 1S 1E		SCALE 1"=600'	SHEET 1 of 1	PROJECT NO. 310-18



Frank B. Conrad?
Michael A. Cole?
Lois Pearl Conrad
BADGER HILL TR.
REC'D 2002-02

Tr. A
COS 1867
3327 (LIFE ESTATE DAD)
B & B Appliances, LLC
Linda D. Barney
176 FM 789
176 FM 788

David Montiel
COS 1857
TR. B
SEE BACK OF PAGE
59 FILM 220
140-575
87F 4195
102" 2051

GUYLYN R. WARREN 142-902
203 FM 4004

2231696 X 223340
2251389 2231938
2072435 2134510
132 fm 5966 2072437
130 fm 39123 2072436
Helen Haasakker Clark?
148 FM 7372 C
138 fm 1932
150 FM 3964

Table Mountain Ranch Corp
PERSON LIVING IN TRUST
EDITH M. DICKSON
TRUSTEE
(Pilon)

TABLE MOUNTAIN RANCH CORP.
59 FILM 220
82 " 3944 - PATENT
102" 2051
114" 520
48-586

(See back of page)
176 fm 4047
190 FM 1569
COS 1857A
TR. A-1
(see back of page)
Tr. A-2
COS 1857A
LINDA S. DAVIS
116-960
156-559
71 FM 1771
106 FM 2445
134 FM 1832
150 - 1930
2195241

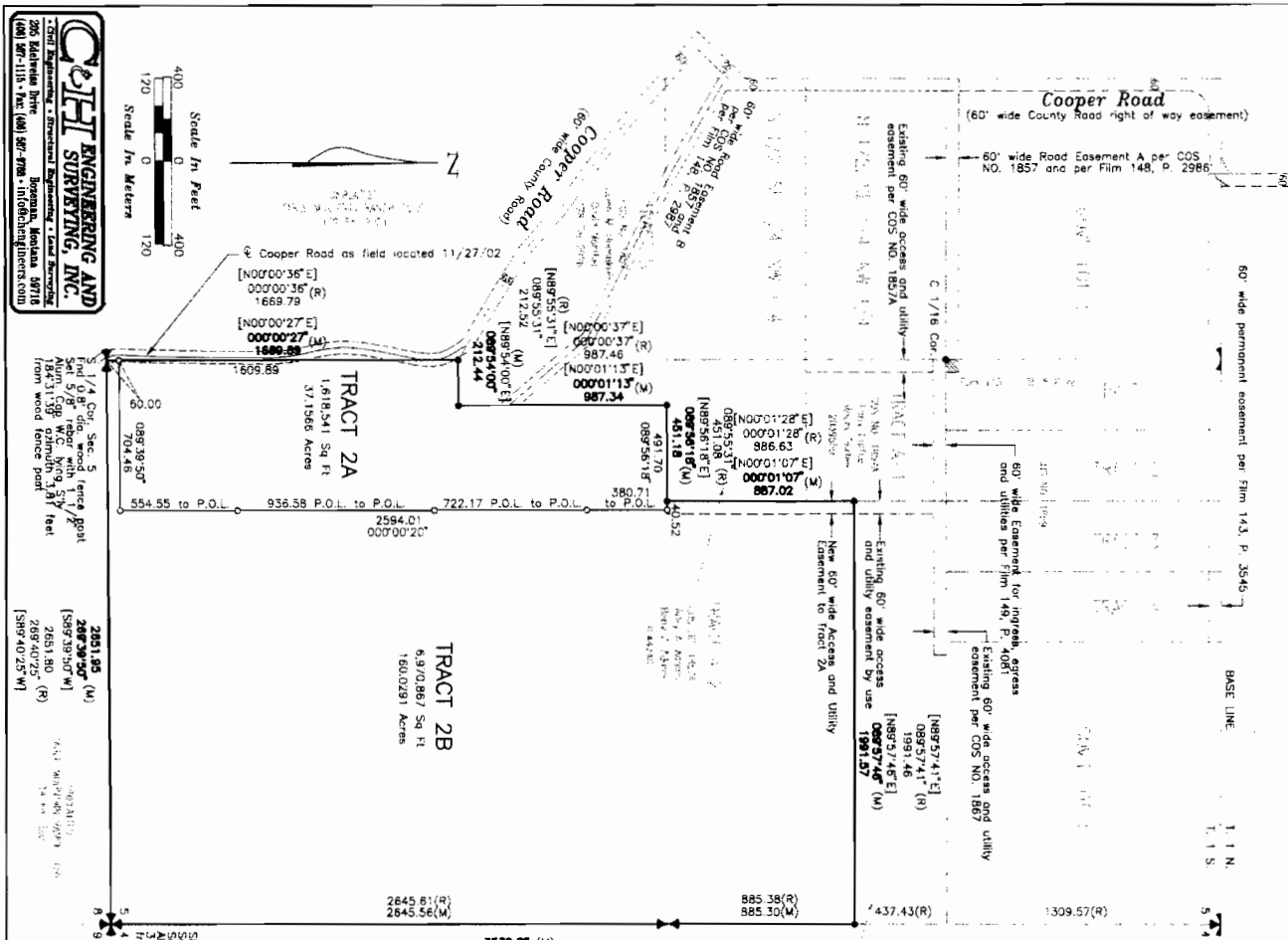
COS 1867A
Tr. 2A
COS 1867A
TR. 2B
71 FM. 1971
116-866 199 FM 3666
156-559 200 FM 2260
106 FM 3945 2015059C
138 FM 1832 2061396
150 " 1863C 2061397
182 FM 3677-3679C
2061425 2417545
2091640 APP
2368521
Wesley Patrick Leugers
73-287

Mont Power Co.

COS 1867A

SURVEY REQUESTED BY OWNERS TO CREATE A TRACT OF LAND GREATER THAN 160 ACRES IN SIZE, WITH A REMAINDER TRACT TO BE REMAIND.
 OWNERS: GARY W. BOHANNAN
 EILEEN K. BOHANNAN
 (Deed Ref. Doc. No. 2083151)

CERTIFICATE OF SURVEY NO. 1867A LOCATED IN THE E 1/2 OF SEC. 5, T. 1 S., R. 1 E., OF P.M.M., GALLATIN COUNTY, MONTANA



C&H ENGINEERING AND SURVEYING, INC.
 200 Kalkreuth Drive, Helena, Montana 59718
 (406) 877-1111 Fax: (406) 877-9788
 www.candhsurvey.com



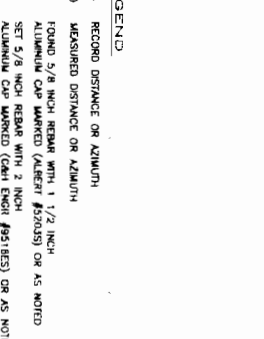
MARK A. CHANDLER
 REGISTERED PROFESSIONAL ENGINEER
 No. 95185
 STATE OF MONTANA

LEGAL DESCRIPTION
 Tract 2 (Remainder), Certificate of Survey No. 1867, according to the plat thereof, on file and of record in the office of the Clerk and Recorder, Gallatin County, Montana, and located in the East Half of Section 5, Township 1 South, Range 1 East of P.M.M., Gallatin County, Montana
 Total Area = 8,598,409 square feet, 197,1857 acres or 797,281.8 square meters. Subject to existing easements.

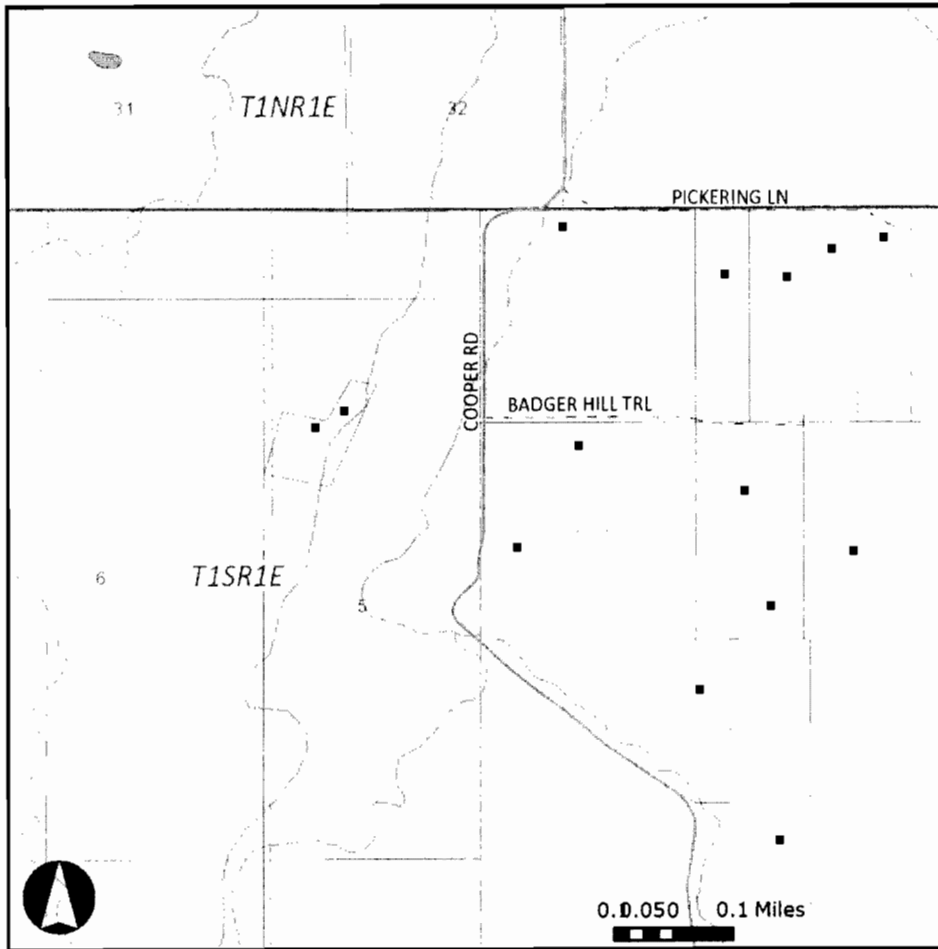
CERTIFICATE OF SURVEYOR
 I, Mark A. Chandler, Professional Engineer and Land Surveyor No. 95185, do hereby certify that between Nov. 15 and Dec. 31, 2002 this survey was made by me and that this map correctly represents said survey and that it conforms to the current Montana Subdivision and Platting Act, Sections 78-3-101 through 78-3-625 M.C.A., and the Gallatin County Subdivision Regulations.
 Dated this 31ST day of December, 2002.
 Mark A. Chandler
 Montana Registration No. 9518-ES

CERTIFICATE OF COUNTY TREASURER
 I, Anne Rosenberry, Treasurer of Gallatin County, Montana, do hereby certify that the accompanying Certificate of Survey has been duly examined and that all real property taxes and special assessments assessed and levied on this land to be divided have been paid.
 Dated this 31 day of December, 2002.
 Anne Rosenberry
 Deputy Treasurer of Gallatin County

CLERK AND RECORDER
 I, Shelley Vance, Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was filed in my office at Helena, Montana, on this 31ST day of December, A.D., 2002, and recorded as Certificate of Survey No. 1867A in the records of the Clerk and Recorder, Gallatin County, Montana.
 Document Number 4014576
 By: _____
 Deputy Clerk and Recorder #02586(C)



Map



Roads

- Recent Addresses
- Structure Addresses
- Numbered Highways
 - INTERSTATE
 - U.S.
 - Montana
- Paved
- Unpaved
- Alley/Driveway

Rail Line

- Parcel
- Sections
- Townships
- Streams
- Rivers
- Lakes

Land Owner

- Local Government
- State of Montana
- U.S. Bureau of Land Management
- U.S. Forest Service
- U.S. Park Service
- City Boundaries
- Gallatin County
- counties
- public lands

RESOLUTION NO. 2014-081

DECISION DENYING PETITION # 837 TO ABANDON AND REESTABLISH A PORTION OF COOPER ROAD NO. 455 LOCATED IN SECTION 5, T1S, R1E P.M.M., GALLATIN COUNTY

This Resolution was introduced by DEPUTY COUNTY ATTORNEY ERIN ARNOLD, moved by Commissioner SKINNER, and seconded by Commissioner WHITE. The Resolution was adopted UNANIMOUSLY.

WHEREAS, Petition # 837 to abandon and reestablish a portion of Cooper Road in Gallatin County, Montana was received by the Gallatin County Board of County Commissioners ("County Commission") on November 22, 2013.

WHEREAS, the portion of Cooper Road subject to the petition is legally described as follows:

That portion of Cooper Road No. 455 starting at the center-west 1/16 corner of Section 5, Township 1 South, Range 1 East to a point 25.66' west of the south ¼ corner of Section 5, Township 1 South, Range 1 East, P.M.M., Gallatin County, Montana.

WHEREAS, Petition # 837 contained the sufficient number of signatures as required by § 7-14-2601, Montana Code Annotated (MCA);

WHEREAS, the County Commission appointed a committee consisting of one County Commissioner, the County Clerk and Recorder, and the County Road Superintendant to investigate the feasibility and desirability of abandoning and reestablishing a portion of Cooper Road; and

WHEREAS, the investigative committee found that the platted road is located at the edge of a field and, over time, the path of travel has moved outside of the road easement onto private property;

WHEREAS, on July 8, 2014, the County Commission accepted Public Road Right of Way Easement, Cooper Road (Gallatin Co. Clerk & Rec. Doc. No. 2485382), which easement created a sixty-foot public road right of way for the construction, repair, maintenance, and operation of a county road on the portion of Cooper Road petitioned for abandonment and reestablishment by Petition # 837;

WHEREAS, on July 22, 2014, the County Commission conducted a public hearing, after providing the notice set forth at § 7-1-2121, MCA, on Petition # 837;

WHEREAS, no public was present at the hearing on July 22, 2014, in support or opposition to Petition # 837;

DECISION DENYING PETITION # 837 TO ABANDON AND REESTABLISH A PORTION OF COOPER ROAD NO. 455 LOCATED IN SECTION 5, T1S, R1E P.M.M., GALLATIN COUNTY


WHEREAS, the County Commission voted unanimously to deny Petition # 837 due to the absence of any public comment at the hearing and on the basis of the public road right of way easement granted to the County to construct, repair, and maintain, and operate the portion of Cooper Road subject to Petition # 837.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Petition # 837 to Abandon and Reestablish a Portion of Cooper road is DENIED.
2. Within ten (10) days from the date that this resolution is adopted, the Clerk and Recorder shall send a copy of this resolution by certified mail to all owners of land abutting on the portion of Cooper Road. The owners shall be those listed on the last County assessment roll.
3. The Clerk and Recorder shall notify the County Road Supervisor by furnishing a certified copy of this resolution to the Supervisor.

Dated this 29TH day of JULY 2014.

GALLATIN COUNTY BOARD OF COUNTY
COMMISSIONERS



Pierre Martincau, Chairman

Attest:



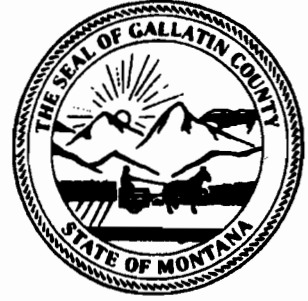
Charlotte Mills
Clerk and Recorder
Gallatin County

DECISION DENYING PETITION # 837 TO ABANDON AND REESTABLISH A PORTION OF COOPER
ROAD NO. 455 LOCATED IN SECTION 5, T1S, R1E P.M.M., GALLATIN COUNTY

State of Montana

County of Gallatin

Bozeman



TO: Memo to File

FROM: R. Stephen White and Charlotte Mills

DATE: August 8, 2014

RE: Cooper Road Abandonment

On December 17, 2013, we (Steve and Charlotte) met with Dave Fowler, Road Supervisor, to view the road. The Viewer's report was never presented to the County Commissioners because of complications with signatures on the petition.

As a result, on July 8, 2014, the Board of County Commissioners accepted a Public Road Right of way Easement which created a sixty foot public right of way for Cooper Road.

On July 29, 2014, the Board of County Commissioners denied the petition for the abandonment and recreation of a portion of Cooper Road because of the acceptance of the easement.

Road Viewing Committee

A handwritten signature in black ink, appearing to be "R. Stephen White", written over a horizontal line.

R. Stephen White – Commissioner

A handwritten signature in black ink, appearing to be "Charlotte Mills", written over a horizontal line.

Charlotte Mills – Clerk & Recorder/Surveyor

January 17, 2014

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

RE: Petition to Create Cooper Road.

Legal Description: The Road is described as that portion of Cooper Rd. No. 455 starting at the center-west 1/16 corner of Section 5, T1S, R1E to a point 25.66' west of the south ¼ corner of Sect 5, T1S,R1E.

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.

The petition that was accepted by the Gallatin County Commissioners on November 22, 2013, states that it is a petition "to abandon and reestablish a county road." The road being petitioned is Cooper Road. On Tuesday, December 17, 2013, the undersigned, along with Dave Fowler, Gallatin County Road Supervisor met to view the road being petitioned.


The road goes into a field that is being farmed. The platted road is at the edge of the field. However, over time the road has gone out of the road easement onto private property. A fence has been constructed with portions of the fence in the road easement.

All property owners affected by the recreation of this portion of Cooper Road have signed the petition. This portion of Cooper Road has been surveyed with the survey showing the old platted road and the new road to be created. A copy of the survey was submitted with the petition.


The simplest action is to abandon the current platted road, and recreate the road as represented on the survey attached to the petition.

The viewing committee believes that it is feasible and desirable to grant the petition to create this portion of Cooper Road with a requirement that the survey prepared by Shannon J. Marinko be recorded within thirty (30) days of this decision.

Respectfully submitted,



R. Stephen White, County Commissioner



Charlotte Mills, Clerk and
Recorder/Surveyor