

## 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 Hugh Zachheim PHONE 444-4029

- Darlene Edge
- 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". 16
  - 4) Schedule the first hearing on the petition on Commissioner's agenda. DATE: 1/21/14
    - a) Prepare draft resolution appointing viewing committee and assigning Petition # 838.
    - 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: 8-19-14
  - 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 8-19-2014
  - 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 *twice* necessary in another newspaper. DATES 8/10-8/17 Chron 8/19 in TFFerald *with 6 days between*
  - 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.

## Zackheim, Hugh

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**From:** Joe Genti [jgentri@mtrail.com]  
**Sent:** Monday, August 26, 2013 2:52 PM  
**To:** Zackheim, Hugh  
**Cc:** Karl Swanson  
**Subject:** FW: Montana FWP - Street Vacation - Logan, MT

Hugh,

Please see BNSF's response below.

Thanks.

Joe

**Joe Genti | Manager Real Estate**

Montana Rail Link, Inc.

101 International Drive PO Box 16624 Missoula, MT 59808

(406) 523-1374 (800) 241-5676 [www.montanarail.com](http://www.montanarail.com)

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**From:** Kuzma, Stephen M [<mailto:Stephen.Kuzma@bnsf.com>]  
**Sent:** Monday, August 26, 2013 2:49 PM  
**To:** Joe Genti  
**Subject:** Montana FWP - Street Vacation - Logan, MT

Joe – BNSF Railway has no objections to the proposed street vacation by the Montana FWP in the NW Quarter of Section 36 at Logan, MT. If there are any questions, please contact me directly in Fort Worth, Texas at 817-352-6135.

Stephen M. Kuzma  
Manager – Land Revenue  
BNSF Railway


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This email has been scanned by Washington Corporations using Message Labs Spam Filtering Technology. If this e-mail is SPAM that you no longer want to receive, please forward this e-mail to [spamadmin@washcorp.com](mailto:spamadmin@washcorp.com) . If you are experiencing any other e-mail problems, please call the IT Service Center at 406-523-1620.

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# Montana Fish, Wildlife & Parks

DATE: October 16, 2013  
TO: Charlotte Mills, Gallatin County Clerk & Recorder  
FROM: Hugh Zackheim, Lands Program Manager   
Montana Department of Fish, Wildlife and Parks  
(444-4029; [hzackheim@mt.gov](mailto:hzackheim@mt.gov))  
CC: Gary White, American Legion of Montana  
SUBJECT: Road Abandonment Petition – Northern Pacific Addition to Logan

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On behalf of the Montana Department of Fish, Wildlife and Parks (FWP) and the American Legion of Montana (AL), I'm pleased to submit the accompanying "Petition to Abandon County Road" to resolve issues arising from the 1895 townsite plat of the Northern Pacific Addition to the Logan. We are bringing forth the petition as a key step in allowing FWP and AL to move forward in concert to develop a public fishing access site on property owned by our respective organizations along the Gallatin River at Logan.

On December 21, 2010, Belgrade resident Tim Crawford donated 9 of the 15 lots in Block 1 of the Logan Townsite to FWP for the purpose of developing a much-needed public fishing access at this location on the Gallatin River. At the same time Mr. Crawford donated the adjoining 6 lots to AL for the purpose of developing a fishing access that could serve wounded military veterans. Exhibit 1 shows the entire Northern Pacific Addition, and highlights the lots owned by FWP and the American Legion.

FWP and the American Legion share the same goals for the land in Block 1 – to develop a public fishing access – and the parties are jointly submitting the road abandonment petition that is necessary to make site development possible. If the petition is approved, the parties will prepare and submit to Gallatin County an Amended Plat through which each will party will consolidate its lots and the respective portions of the abandoned roads into new legal parcels (Proposed Lot 1A for FWP and Proposed Lot 5A for the American Legion, as shown on the attached Exhibit 2). This consolidation would set the stage for development of the fishing access site.

Given this background, here's what the petition seeks to accomplish for the 15 lots constituting Block 1, along with a discussion of each item. Please refer to Exhibit 2 for the locations of the roads and other features discussed below.

- Abandonment of the internal alley.  
*Discussion: The platted alley in Block 1 has never been developed or used in the 118 years since the original townsite plat was filed. Abandonment will remove the “alley” designation from this land so it can be consolidated with the adjoining lots into parcels that will usable for development as a fishing access site.*
  
- Abandonment of the road segments bordering Block 1.  
*Discussion: Segments of three roads in the townsite plat of the Northern Pacific Addition to Logan border Block 1 on its north, east and south sides (respectively River Street, Pine Street and Railroad Street). None of these road segments serves as an access or travelway for the public or for any person residing in the area. This is apparent in Exhibit 3, a current air photo of the area that shows the existing access roads that lead to the private homesites developed in Blocks 3 and 4 of the Northern Pacific Addition. As is apparent from the photo, access is provided by Railroad Street (initially located within the RR right of way, and then north of the RR right of way) and the streets connected thereto. All of these active streets are more than 200’ east of the undeveloped and unused road segments – the west end of River Street, the west end of Railroad Street, and Pine Street – that are proposed to be abandoned. Abandonment will remove the “street” designation from this land so it can be consolidated with the adjoining lots into parcels that will usable for development as a fishing access site.*
  
- Public river access.  
*Discussion: While two platted roads – the western portion of River Street and the entirety of Pine Street – appear on paper to provide public access to the Gallatin River, these road segments are not in fact providing any such access. That is because these platted roadway locations have not been developed into or used as roads. The petition proposes to abandon these road segments so that the 1.5 acres now owned by FWP, along with the one acre owned by the American Legion, can be effectively developed to provide river access that, up to now, has not been accessible, developed or recognized as available for public use. Additionally, the abandonment will provide Gallatin County with ownership of approximately 0.6 acres along the river. In sum, the abandonment of these road segments will allow a designated fishing access site to be developed, thus resulting in substantial new river access for the public.*
  
- Conveyance of land title (the abandoned street segments and alley) to the adjoining landowners in the platted townsite.  
*Discussion: Abandonment of the roads within the townsite plat requires that Gallatin County determine the subsequent ownership of this land (which totals about 1.6 acres combined for the three road segments and alley). The petition submitted by the American Legion and the Montana Department of Fish, Wildlife and Parks requests that title to this land go to **the adjoining landowners in the platted townsite** in the following manner (as shown in Exhibit 2):*
  - *The part of River Street lying between the northern property line of the FWP lots and the Gallatin River would go to FWP. The part of River Street lying between the northern property line of the AL lots and the Gallatin River would go to AL.*

*The part of River Street lying between the northern property line of the county park and the Gallatin River would go to Gallatin County.*

- *Pine Street, between the AL lots and the Gallatin County park land, would be divided down the middle, with the west half coming under AL ownership and the east half being added to the Gallatin County parcel.*
- *The part of Railroad Street lying between the southern property line of the FWP lots and the southern plat boundary would go to FWP. The part of Railroad Street lying between the southern property line of the AL lots and the southern plat boundary would go to AL.*
- *The western 250' of the alley would go to FWP, which owns the bordering lots. The eastern 150 feet of the alley would go to AL, which owns the bordering lots.*

*This proposed allocation of the vacated alley and street segments is consistent with Section 75-6-305(1), Montana Code Annotated. This section of Montana law addresses the abandonment of streets and alleys in an unincorporated town or townsite by petition, and states in part: "Upon vacation, the governing body . . . shall determine to which properties the title to the streets and alleys of the vacated portions must revert. The governing body . . . shall take into consideration the previous platting; the manner in which the right-of-way was originally dedicated, granted, or conveyed; the reasons stated in the petition requesting the vacation; the parties requesting the vacation; and any agreements between the adjacent property owners regarding the use of the vacated area. **The title to the streets and alleys of the vacated portions may revert to one or more of the owners of the properties within the platted area adjacent to the vacated portions.**" (emphasis added)*

*We believe that the factors cited above for consideration by the county argue strongly for the land allocation we have requested, and have correspondingly addressed these factors below:*

- *Reasons stated in the petition / parties requesting the vacation / agreements regarding use of the vacated area: The reason for the road abandonment petition is to allow the Montana Department of Fish, Wildlife and Parks and the American Legion to work in cooperation to develop a public fishing access site on the Gallatin River. The land requested for reversion to these respective parties is important for effective site development and would honor the purpose cited in plat's 1895 road dedication "for use of the public". If Gallatin County would find it relevant to its consideration of this land allocation framework, FWP and AL would be pleased to enter into an agreement that would document how we will use this land for the purpose of a public fishing access.*
- *Previous platting and original right-of-way designation: The purpose of the 1895 Northern Pacific Addition to Logan townsite plat was to establish houses, streets and a park to support a residential community with recreational opportunities, completely separate from the operation of the railroad that happens to be located along the plat's southern boundary. Moreover, as shown in the **bold** language above, the statute contemplates that the county may approve a reversion to **the owners of the properties within the platted area adjacent to the vacated portions.***

*Thus, there is no requirement to look outside of the plat boundaries in allocating land ownership. Indeed, to do so would be counter to the purpose of the plat. That is because reverting a share of Railroad Street land to the railroad owner would prevent the reverted land from being used for the public purposes embodied by the fishing access site proposed by FWP and AL.*

Finally, I wanted to note that I have been in contact with staff of Montana Rail Link, which manages the BNSF railroad property, to keep them informed of our proposal and to request their assistance in bringing our proposal to the attention of BNSF. I can now report that neither Montana Rail Link nor BNSF objects to the proposed road abandonment as described in the petition and accompanying materials. Please see the accompanying email from BNSF on this point, and note, too, that I'm copying this entire package to MLR's Real Estate Manager Joe Gentri in Missoula.

Thanks for your consideration, and contact me if you have questions or need more information. And please keep me informed of any additional steps, meetings or hearings in this petition process.

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 roads or portion of the roads to be abandoned: **Pine Street; the west end of Railroad Street; the west end of River Street; and an alley, all located within or adjacent to Blocks 1 and 5 of the Northern Pacific Addition to Logan.**
  
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):
  1. **Pine Street (385' in length and 50' in width) would be abandoned.**
  2. **The west end of Railroad Street (450' in length and 66' in width) would be abandoned.**
  3. **The west end of River Street (585' in length and up to 98' in width) would be abandoned.**
  4. **The east-west alley that currently separates Lots 1 through 7 from Lots 8 through 15 (200' in length and 16' in width) would be abandoned.**

**See attached Exhibit #1 showing the roads to be abandoned; Exhibit #2 showing the proposed disposition of the abandoned roads; Exhibit #3 showing current ownership and access roads in the vicinity; and Exhibit #4 showing a one-mile view of the area.**

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)

<b>LANDOWNER(S) (please print)</b>	<b>MAILING ADDRESS</b>
<b>1. <u>Montana Department of Fish, Wildlife &amp; Parks</u></b>	<b><u>P.O. Box 200701</u></b>
<b><u>Attention: Hugh Zackheim, Lands Program</u></b>	<b><u>Helena, MT 59620</u></b>
Legal Description of Property: <u>Township 2 North, Range 2 East</u>	
<u>Section 36: Lots 1, 2, 3, 4, 11, 12, 13, 15 of Block 1 of the Northern Pacific Addition to Logan</u>	

<b>2. <u>American Legion of Montana</u></b>	<b><u>P.O. Box 6075</u></b>
<b><u>Attention: Gary White, Montana Adjutant</u></b>	<b><u>Helena, MT 59604</u></b>
Legal Description of Property: <u>Township 2 North, Range 2 East</u>	
<u>Section 36: Lots 5, 6, 7, 8, 9, 10 of Block 1 of the Northern Pacific Addition to Logan</u>	

<b>3. <u>BNSF c/o Montana Rail Link</u></b>	<b><u>P.O. Box 16624</u></b>
<b><u>Attention: Joe Gentri</u></b>	<b><u>Missoula, MT 59808</u></b>
Legal Description of Property: <u>Township 2 North, Range 2 East</u>	
<u>Section 36: N1/2N1/2, less lots and right-of-way in the Northern Pacific Addition to Logan</u>	

<b>4. <u>Gallatin County</u></b>	<b><u>311 W. Main</u></b>
<b><u>Attention: Mike Harris, Parks Dept.</u></b>	<b><u>Bozeman, MT 59715</u></b>
Legal Description of Property: <u>Township 2 North, Range 2 East</u>	
<u>Section 36: Block 5 (Public Park) of the Northern Pacific Addition to Logan</u>	

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

**MAILING ADDRESS**

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

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

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

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

7. \_\_\_\_\_

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

8. \_\_\_\_\_

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

9. \_\_\_\_\_

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

10. \_\_\_\_\_

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

11. \_\_\_\_\_

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

12. \_\_\_\_\_

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

13. \_\_\_\_\_

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



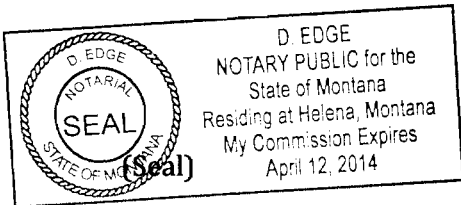
4. Do all the landowners who abut the roads to be abandoned or owners of private land to which the road gives access listed in Section 3 above consent to the abandonment? **Yes**  
There are 4 landowners abutting the roads to be abandoned: Montana Dept. of Fish, Wildlife & Parks and the American Legion of Montana are jointly proposing the abandonment and give their assent, as signatures #1 and #2 on Page 5; Gallatin County (Parks) owns the adjoining park property and supports the proposal (personal communication with Mike Harris, of the Gallatin County parks program); BNSF owns the railroad right-of-way immediately to the south of Block 1 where the road abandonment will occur; the active track is managed by Montana Rail Link. BNSF conveyed its position of no objection to the proposed street vacation in an email sent by Stephen Kuzma, BNSF's manager of land revenue, on August 26, 2013, to Joe Gentri, real estate manager for Montana Rail Link. A copy of that email is provided as an attachment at the end of this petition, following the exhibits.  
Note that the road sections proposed for abandonment do not provide access to property owned by any other landowners, as roads have never been developed on these platted road sections. Rather, the existing county road, which lies in part within the railroad right-of-way and in part within the eastern portion of the platted Railroad Street, provides legal and physical access to the private homes and property located in Blocks 2, 3 and 4 of the Northern Pacific Addition to Logan. This eastern portion of Railroad Street is unaffected by the petition.
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:  
All abutting landowners were contacted (see discussion in #4 above).
- 
6. The necessity for and advantage of the abandonment is as follows:  
The abandonment would allow the entirety of Block 1 (totaling 2.5 acres) to be developed into the Logan Fishing Access Site, providing river access, parking, boat launching and latrine for public day-use recreation. The property is currently platted into lots, and separated from the Gallatin River by the platted (but never developed) River Street. The proposed road abandonment will resolve this situation, and allow the site development to proceed. The abandonment would also convey approximately 0.6 acres to Gallatin County, consisting of river frontage immediately north of the existing county park property.
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.  
At present the platted road sections proposed for abandonment provide only very limited public access to the Gallatin River to the occasional recreationist, because no roadways have ever been developed on these locations and because the steep riverbank topography and fencing discourage public use. The purpose of the abandonment is to allow the Montana Department of Fish, Wildlife & Parks to develop the Logan Fishing Access Site which will provide for excellent public access for boats and for pedestrian recreationists along 430' of Gallatin River shoreline.
8. Does the road or portion of the road contain any utilities?  
There may be an electricity-service pole/line within a small part of the proposed-to-be abandoned portion of Railroad Street. This line – even if it is within the Railroad Street boundaries – will not be affected by the abandonment, as the line/pole will not have to be moved or relocated.
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State of MONTANA  
County of LEWIS + CLARK

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

Hugh Zackheim  
(Signature of petition gatherer.)

Signed and sworn to (or affirmed) before me on Oct. 15, 2013 by  
Hugh Zackheim, Lands Program Manager of the Montana Department of Fish, Wildlife and Parks,  
P.O. Box 200701, Helena, MT 59620.



[Signature]  
Signature of notarial officer

\_\_\_\_\_  
Name - typed, stamped, or printed

\_\_\_\_\_  
Title

Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

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. ✓ Hugh Zackheim  
Signature  
Hugh Zackheim, Lands Program Manager  
Printed Name  
July 12, 2013  
Date

MT Fish, Wildlife & Parks, P.O. Box 200701  
Address  
Helena, MT 59620  
City, State, Zip

Legal Description of Property: Township 2 North, Range 2 East, Montana Principal Meridian  
Section 36: Lots 1, 2, 3, 4, 11, 12, 13, 14 and 15, Northern Pacific in Block 1 of the Northern Pacific  
Addition to Logan

2. ✓ Gary White  
Signature  
Gary White  
Printed Name  
7/15/13  
Date

American Legion of Montana, P.O. Box 6075  
Address  
Helena, MT 59604  
City, State, Zip

Legal Description of Property: Township 2 North, Range 2 East, Montana Principal Meridian  
Section 36: Lots 5, 6, 7, 8, 9 and 10, Northern Pacific in Block 1 of the Northern Pacific Addition to Logan

3. ✓ Michael W Vaughn  
Signature  
Michael W Vaughn  
Printed Name  
9/23/13  
Date

23 Hitching Post Rd  
Address  
Bozeman, MT 59715  
City, State, Zip

Legal Description of Property: Township 2 North, Range 2 East  
Section 36: N1/2N1/2, less lots and right-of-way in the Northern Pacific Addition to Logan

4. ✓ Burt  
Signature  
Howard Burt  
Printed Name  
9/23/13  
Date


508 Circle F Trail  
Address  
Bozeman, MT 59718  
City, State, Zip

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

5. ✓ Arnold Dood  
Signature  
Arnold Dood  
Printed Name  
9-23-13  
Date

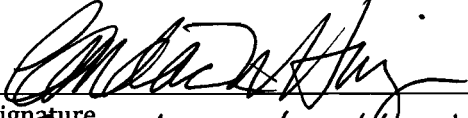
221 S. 14th Ave  
Address  
Bozeman, MT 59715  
City, State, Zip

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

6.   
Signature  
No Printed Name Patrick J. Flowers  
Date 9/23/13

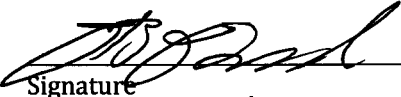
11832 (See Norman) Rd.  
Address  
Bozeman MT 59714  
City, State, Zip

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

7.   
Signature  
No Printed Name Candace M. Hinz  
Date 9/23/13

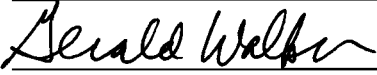
286 Meadowlark Boz  
Address  
BOZEMAN MT 59718  
City, State, Zip

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

8.   
Signature  
NO Printed Name SAM B SHEPPARD  
CITY Date 9/23/13

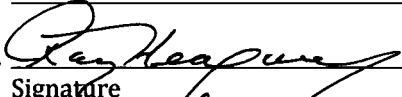
2910 Rose St  
Address  
Bozeman MT 59718  
City, State, Zip

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

9.   
Signature  
✓ Printed Name Gerald Walker  
Date 9/23/13

313 N. 25th Ave.  
Address  
Bozeman, MT 59718  
City, State, Zip

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

10.   
Signature  
✓ Printed Name Raymond F. Heagney  
Date 9-23-13

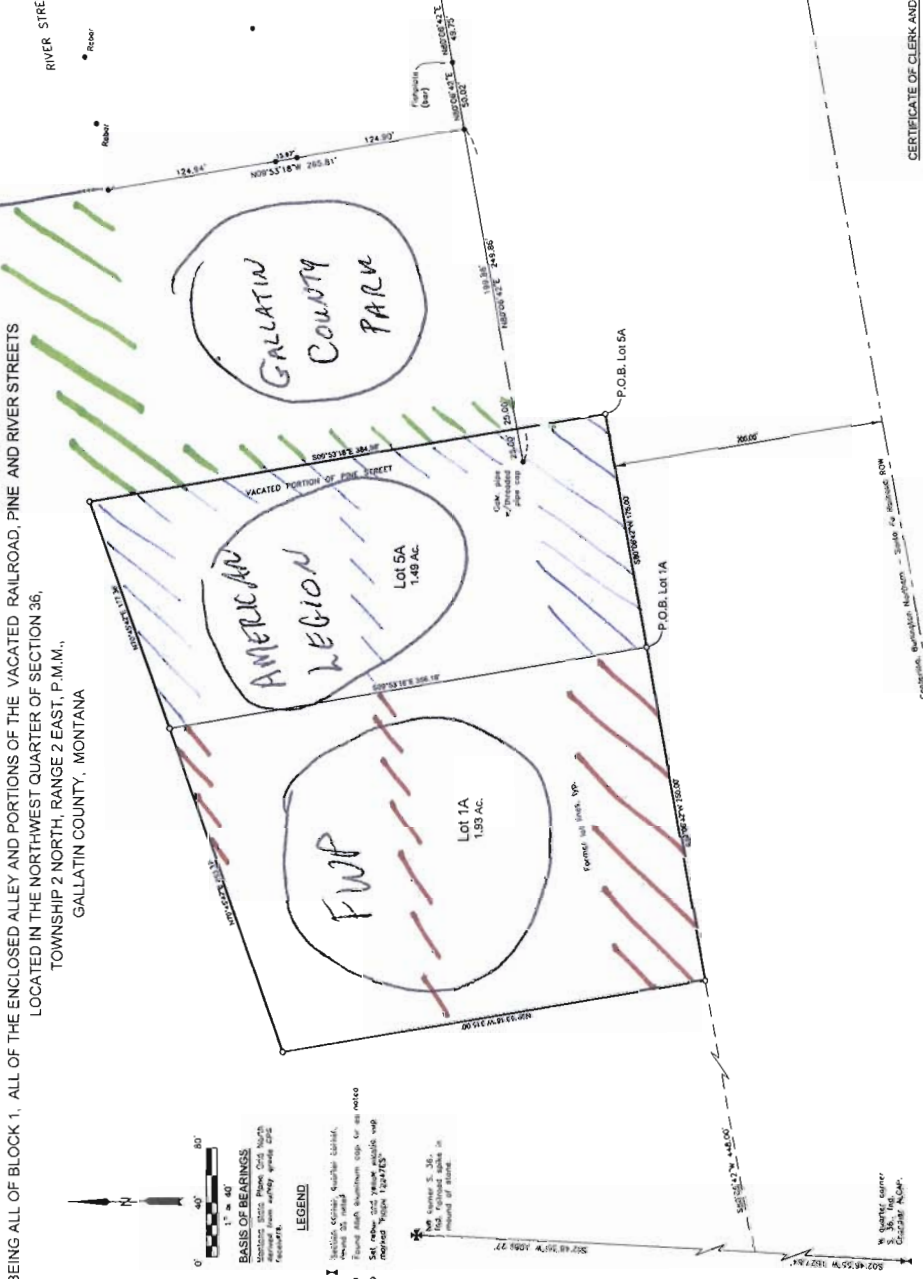
815 Alpine Way  
Address  
Bozeman, MT 59715  
City, State, Zip

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

EXHIBIT #2  
DISPOSITION OF ABANDONED ROADWAYS

AMENDED PLAT OF BLOCK 1 OF THE  
**NORTHERN PACIFIC ADDITION TO LOGAN**  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,  
TOWNSHIP 2 NORTH, RANGE 2 EAST, P.M.M.,  
GALLATIN COUNTY, MONTANA

BEING ALL OF BLOCK 1, ALL OF THE ENCLOSED ALLEY AND PORTIONS OF THE VACATED RAILROAD, PINE AND RIVER STREETS  
RIVER STREET (50')



**CERTIFICATE OF EXEMPTION**

I, the undersigned, being duly sworn, depose and say that the plat of Block 1 of the Northern Pacific Addition to Logan, Gallatin County, Montana, is a plat of land that is not subject to taxation under the provisions of the Montana Constitution and Chapter 24, Title 7, of the Montana Code Annotated, and that the same is exempt from taxation under the provisions of the Montana Constitution and Chapter 24, Title 7, of the Montana Code Annotated.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Notary Public for the State of Montana  
My commission expires \_\_\_\_\_, 2012.

**CERTIFICATE OF SURVEYOR**

I, the undersigned, being duly sworn, depose and say that I am a duly licensed and qualified Surveyor under the provisions of the Montana Code Annotated, Title 82, Chapter 1, and that I have personally surveyed and measured the land described in the foregoing plat, and that the same is correctly and truthfully shown thereon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Shirley Buchanan, Gallatin County Register

**CERTIFICATE OF COUNTY TREASURER**

I, Kimberly Buchanan, Treasurer of Gallatin County, Montana, depose and say that the land described in the foregoing plat is not subject to taxation under the provisions of the Montana Constitution and Chapter 24, Title 7, of the Montana Code Annotated, and that the same is exempt from taxation under the provisions of the Montana Constitution and Chapter 24, Title 7, of the Montana Code Annotated.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Kimberly Buchanan, Gallatin County Treasurer

**CERTIFICATE OF COUNTY COMMISSION**

I, Chairman of the Board of County Commissioners, do hereby certify that the plat of Block 1 of the Northern Pacific Addition to Logan, Gallatin County, Montana, is a plat of land that is not subject to taxation under the provisions of the Montana Constitution and Chapter 24, Title 7, of the Montana Code Annotated, and that the same is exempt from taxation under the provisions of the Montana Constitution and Chapter 24, Title 7, of the Montana Code Annotated.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Chairman, Board of County Commissioners

**CERTIFICATE OF CLERK AND RECORDER**

I, Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing plat was filed in my office of \_\_\_\_\_, (s.m. or g.m.) this \_\_\_\_\_ day of \_\_\_\_\_, 2012, and that the same is correctly and truthfully shown thereon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Clerk and Recorder of Gallatin County

**ROEN INC**  
ENGINEERING-SURVEYING  
P.O. Box 1278  
Bozeman, MT 59711  
406-588-8973  
www.roeninc.com

LAND REVERTING TO:  
FWP  
AM. LEGION  
GALLATIN CO

LOGAN AREA -- AIR PHOTO

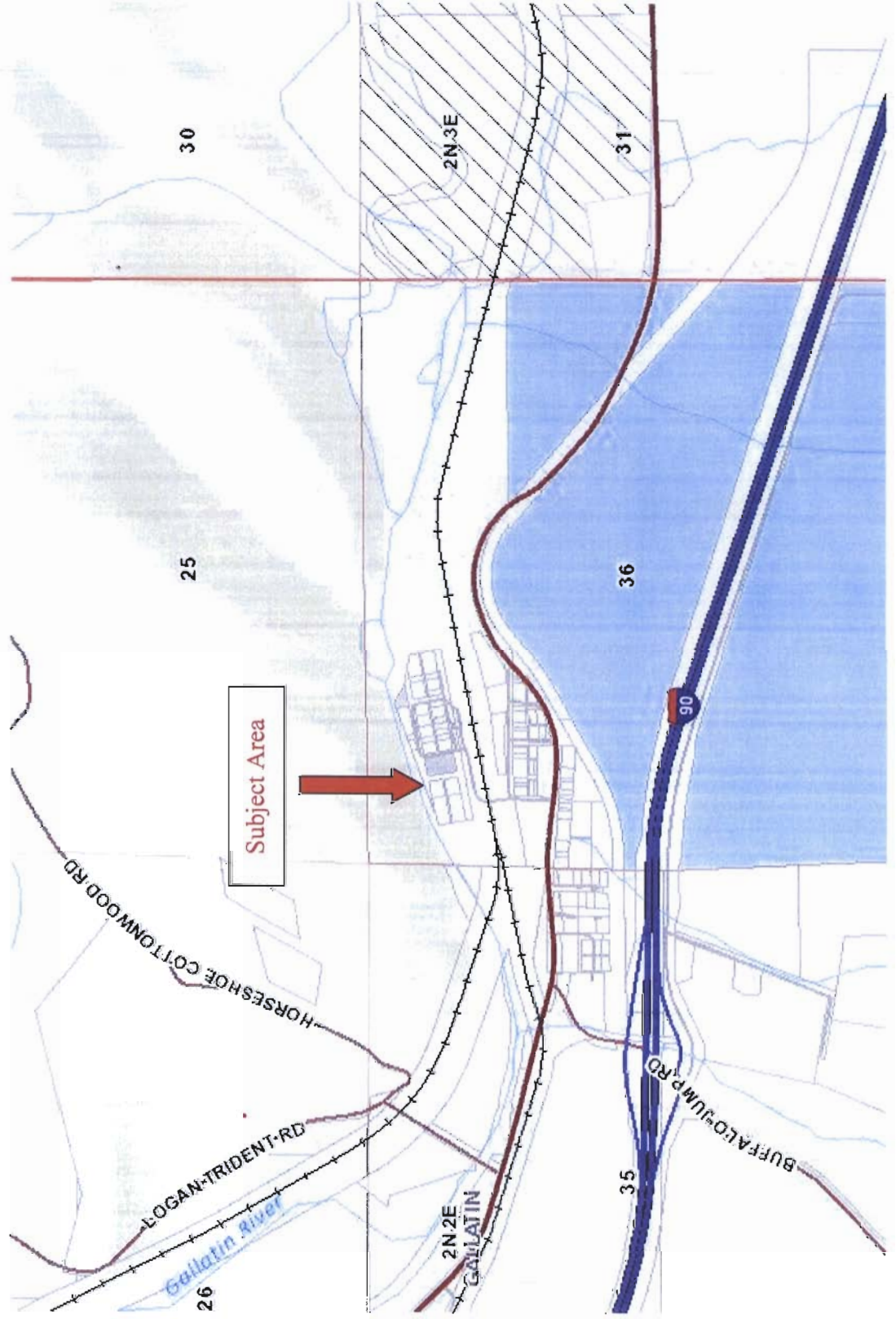
Showing Current Ownership and Access Roads

(note: Fir Street, showing on photo, has been abandoned as a public road and is now county parkland)



ROAD ABANDONMENT PETITION – BLOCK 1, NP ADDITION TO LOGAN (1895)

ONE MILE RADIUS VIEW





# Montana Fish, Wildlife & Parks

RECEIVED

JAN - 2 2014

Clerk & Recorder  
Gallatin County, Mont.

DATE: December 31, 2013  
TO: Charlotte Mills, Gallatin County Clerk & Recorder  
FROM: Hugh Zackheim, Lands Program Manager *Hugh Zackheim*  
Montana Department of Fish, Wildlife and Parks  
(444-4029; [hzackheim@mt.gov](mailto:hzackheim@mt.gov))  
CC: Gary White, American Legion of Montana  
SUBJECT: Road Abandonment Petition – Northern Pacific Addition to Logan  
(revised from initial submission dated October 16, 2013)

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On behalf of the Montana Department of Fish, Wildlife and Parks (FWP) and the American Legion of Montana (AL), I'm pleased to submit the accompanying revised petition for road abandonment to resolve issues arising from the 1895 townsite plat of the Northern Pacific Addition to the Logan. We are bringing forth the petition as a key step in allowing FWP and AL to move forward in concert to develop a public fishing access site on property owned by our respective organizations along the Gallatin River at Logan.

On December 21, 2010, Belgrade resident Tim Crawford donated 9 of the 15 lots in Block 1 of the Logan Townsite to FWP for the purpose of developing a much-needed public fishing access at this location on the Gallatin River. At the same time Mr. Crawford donated the adjoining 6 lots to AL for the purpose of developing a fishing access that could serve wounded military veterans. Exhibit 1 shows the entire Northern Pacific Addition, and highlights the lots owned by FWP and the American Legion.

FWP and the American Legion share the same goals for the land in Block 1 – to develop a public fishing access – and the parties are jointly submitting the road abandonment petition that is necessary to make site development possible. If the petition is approved, the parties will prepare and submit to Gallatin County an Amended Plat through which each will party will consolidate its lots and the respective portions of the abandoned roads into new legal parcels (Proposed Lot 1A for FWP and Proposed Lot 5A for the American Legion, as shown on the attached Exhibit 2). This consolidation would set the stage for development of the fishing access site.

Given this background, here's what the petition seeks to accomplish for the 15 lots constituting Block 1, along with a discussion of each item. Please refer to Exhibit 2 for the locations of the roads and other features discussed below.



- Abandonment of the internal alley.  
*Discussion: The platted alley in Block 1 has never been developed or used in the 118 years since the original townsite plat was filed. Abandonment will remove the “alley” designation from this land so it can be consolidated with the adjoining lots into parcels that will be usable for development as a fishing access site.*
  
- Abandonment of the road segments bordering Block 1.  
*Discussion: Segments of three roads in the townsite plat of the Northern Pacific Addition to Logan border Block 1 on its north, east and south sides (respectively River Street, Pine Street and Railroad Street). None of these road segments serves as an access or travelway for the public or for any person residing in the area. This is apparent in Exhibit 3, a current air photo of the area that shows the existing access roads that lead to the private homesites developed in Blocks 3 and 4 of the Northern Pacific Addition. As is apparent from the photo, access is provided by Railroad Street (initially located within the RR right of way, and then north of the RR right of way) and the streets connected thereto. All of these active streets are more than 200’ east of the undeveloped and unused road segments – the west end of River Street, the west end of Railroad Street, and Pine Street – that are proposed to be abandoned. Abandonment will remove the “street” designation from this land so it can be consolidated with the adjoining lots into parcels that will be usable for development as a fishing access site.*
  
- Public river access.  
*Discussion: While two platted roads – the western portion of River Street and the entirety of Pine Street – appear on paper to provide public access to the Gallatin River, these road segments are not in fact providing any such access. That is because these platted roadway locations have not been developed into or used as roads. The petition proposes to abandon these road segments so that the 1.5 acres now owned by FWP, along with the one acre owned by the American Legion, can be effectively developed to provide river access that, up to now, has not been accessible, developed or recognized as available for public use. The abandonment will also add a small portion of river frontage to the adjoining Gallatin County ownership. In sum, the abandonment of these road segments will allow a designated fishing access site to be developed, thus resulting in substantial new river access for the public.*
  
- Conveyance of land title (the abandoned street segments and alley) to the adjoining landowners in the platted townsite.  
*Discussion: Abandonment of the roads within the townsite plat requires that Gallatin County determine the subsequent ownership of this land (which totals about one acre combined for the three road segments and alley). The petition submitted by the American Legion and the Montana Department of Fish, Wildlife and Parks requests that title to this land go to **the adjoining landowners in the platted townsite** in the following manner (as shown in Exhibit 2):*
  - *The part of River Street lying between the northern property line of the FWP lots and the Gallatin River would go to FWP. The part of River Street lying between the northern property line of the AL lots and the Gallatin River would go to AL. The part of River Street lying between the north extension of the midline of Pine*

*Street and the north extension of the eastern boundary of Pine Street would go to Gallatin County.*

- *Pine Street, between the AL lots and the Gallatin County park land, would be divided down the middle, with the west half coming under AL ownership and the east half being added to the Gallatin County parcel.*
- *The part of Railroad Street lying between the southern property line of the FWP lots and the southern plat boundary would go to FWP. The part of Railroad Street lying between the southern property line of the AL lots and the southern plat boundary would go to AL. The part of Railroad Street lying between the south extension of the midline of Pine Street and the south extension of the eastern boundary of Pine Street would go to Gallatin County.*
- *The western 250' of the alley would go to FWP, which owns the bordering lots. The eastern 150 feet of the alley would go to AL, which owns the bordering lots.*

*This proposed allocation of the vacated alley and street segments is consistent with Section 75-6-305(1), Montana Code Annotated. This section of Montana law addresses the abandonment of streets and alleys in an unincorporated town or townsite by petition, and states in part: "Upon vacation, the governing body . . . shall determine to which properties the title to the streets and alleys of the vacated portions must revert. The governing body . . . shall take into consideration the previous platting; the manner in which the right-of-way was originally dedicated, granted, or conveyed; the reasons stated in the petition requesting the vacation; the parties requesting the vacation; and any agreements between the adjacent property owners regarding the use of the vacated area. **The title to the streets and alleys of the vacated portions may revert to one or more of the owners of the properties within the platted area adjacent to the vacated portions.**" (emphasis added)*

*We believe that the factors cited above for consideration by the county argue strongly for the land allocation we have requested, and have correspondingly addressed these factors below:*

- *Reasons stated in the petition / parties requesting the vacation / agreements regarding use of the vacated area: The reason for the road abandonment petition is to allow the Montana Department of Fish, Wildlife and Parks and the American Legion to work in cooperation to develop a public fishing access site on the Gallatin River. The land requested for reversion to these respective parties is important for effective site development and would honor the purpose cited in plat's 1895 road dedication "for use of the public". If Gallatin County would find it relevant to its consideration of this land allocation framework, FWP and AL would be pleased to enter into an agreement that would document how we will use this land for the purpose of a public fishing access.*
- *Previous platting and original right-of-way designation: The purpose of the 1895 Northern Pacific Addition to Logan townsite plat was to establish houses, streets and a park to support a residential community with recreational opportunities, completely separate from the operation of the railroad that happens to be located along the plat's southern boundary. Moreover, as shown in the **bold language***

*above, the statute contemplates that the county may approve a reversion to **the owners of the properties within the platted area adjacent to the vacated portions.** Thus, there is no requirement to look outside of the plat boundaries in allocating land ownership. Indeed, to do so would be counter to the purpose of the plat. That is because reverting a share of Railroad Street land to the railroad owner would prevent the reverted land from being used for the public purposes embodied by the fishing access site proposed by FWP and AL.*

*Moreover, by email of August 26, 2013 (attached to this package), BNSF's Manager of Land Revenue Stephen M. Kuzma stated that BNSF has no objection to the proposed street vacation.*

Thanks for your consideration, and contact me if you have questions or need more information. And please keep me informed of any additional steps, meetings or hearings in this petition process.

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 roads or portion of the roads to be abandoned: **Pine Street; the west end of Railroad Street; the west end of River Street; and an alley, all located within or adjacent to Blocks 1 and 5 of the Northern Pacific Addition to Logan.**
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):
  1. **Pine Street (385' in length and 50' in width) would be abandoned.**
  2. **The west end of Railroad Street (450' in length and 66' in width) would be abandoned.**
  3. **The west end of River Street (350' in length and up to 60' in width) would be abandoned.**
  4. **The east-west alley that currently separates Lots 1 through 7 from Lots 8 through 15 (200' in length and 16' in width) would be abandoned.**

**See attached Exhibit #1 showing the roads to be abandoned; Exhibit #2 showing the proposed disposition of the abandoned roads; Exhibit #3 showing current ownership and access roads in the vicinity; and Exhibit #4 showing a one-mile view of the area.**

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)

<b>LANDOWNER(S) (please print)</b>	<b>MAILING ADDRESS</b>
<b>1. <u>Montana Department of Fish, Wildlife &amp; Parks</u></b>	<b><u>P.O. Box 200701</u></b>
<b><u>Attention: Hugh Zackheim, Lands Program Mgr.</u></b>	<b><u>Helena, MT 59620</u></b>
Legal Description of Property: <u>Township 2 North, Range 2 East</u>	
<u>Section 36: Lots 1, 2, 3, 4, 11, 12, 13, 15 of Block 1 of the Northern Pacific Addition to Logan</u>	

<b>2. <u>American Legion of Montana</u></b>	<b><u>P.O. Box 6075</u></b>
<b><u>Attention: Gary White, Montana Adjutant</u></b>	<b><u>Helena, MT 59604</u></b>
Legal Description of Property: <u>Township 2 North, Range 2 East</u>	
<u>Section 36: Lots 5, 6, 7, 8, 9, 10 of Block 1 of the Northern Pacific Addition to Logan</u>	

<b>3. <u>BNSF c/o Montana Rail Link</u></b>	<b><u>P.O. Box 16624</u></b>
<b><u>Attention: Dave Koerner, VP Finance &amp; CFO</u></b>	<b><u>Missoula, MT 59808</u></b>
Legal Description of Property: <u>Township 2 North, Range 2 East</u>	
<u>Section 36: N1/2N1/2, less lots and right-of-way in the Northern Pacific Addition to Logan</u>	

<b>4. <u>Gallatin County</u></b>	<b><u>311 W. Main</u></b>
<b><u>Attention: Mike Harris, Parks Dept.</u></b>	<b><u>Bozeman, MT 59715</u></b>
Legal Description of Property: <u>Township 2 North, Range 2 East</u>	
<u>Section 36: Block 5 (Public Park) of the Northern Pacific Addition to Logan</u>	

RECEIVED  
 JAN - 2 2014  
 Clerk & Recorder  
 Gallatin County, Mont.

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

**MAILING ADDRESS**

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

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

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

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

13. \_\_\_\_\_

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

4. Do all the landowners who abut the roads to be abandoned or owners of private land to which the road gives access listed in Section 3 above consent to the abandonment? **Yes**  
There are 4 landowners abutting the roads to be abandoned: Montana Dept. of Fish, Wildlife & Parks and the American Legion of Montana are jointly proposing the abandonment and give their assent, as signatures #1 and #2 on Page 5; Gallatin County (Parks) owns the adjoining park property and supports the proposal (personal communication with Mike Harris, of the Gallatin County parks program); Montana Rail Link/BNSF owns the railroad right-of-way immediately to the south of Block 1 where the road abandonment will occur. Joe Gentry, real estate manager for Montana Rail Link, has signed this petition, following the exhibits. Note that the road sections proposed for abandonment do not provide access to property owned by any other landowners, as roads have never been developed on these platted road sections. Rather, the existing county road, which lies in part within the railroad right-of-way and in part within the eastern portion of the platted Railroad Street, provides legal and physical access to the private homes and property located in Blocks 2, 3 and 4 of the Northern Pacific Addition to Logan. This eastern portion of Railroad Street is unaffected by the petition.
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:  
All abutting landowners were contacted.
- 
6. The necessity for and advantage of the abandonment is as follows:  
The abandonment would allow the entirety of Block 1 (totaling 2.5 acres) to be developed into the Logan Fishing Access Site, providing river access, parking, boat launching and latrine for public day-use recreation. The property is currently platted into lots, and separated from the Gallatin River by the platted (but never developed) River Street. The proposed road abandonment will resolve this situation, and allow the site development to proceed. The abandonment would also convey approximately 0.2 acres to Gallatin County, consisting of the east half of Pine Street and small portions of River Street and Railroad Street.
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.  
At present the platted road sections proposed for abandonment provide only very limited public access to the Gallatin River to the occasional recreationist, because no roadways have ever been developed on these locations and because the steep riverbank topography and fencing discourage public use. The purpose of the abandonment is to allow the Montana Department of Fish, Wildlife & Parks to develop the Logan Fishing Access Site which will provide for excellent public access for boats and for pedestrian recreationists along 430' of Gallatin River shoreline.
8. Does the road or portion of the road contain any utilities?  
There may be an electricity-service pole/line within a small part of the proposed-to-be abandoned portion of Railroad Street. This line – even if it is within the Railroad Street boundaries – will not be affected by the abandonment, as the line/pole will not have to be moved or relocated.
-

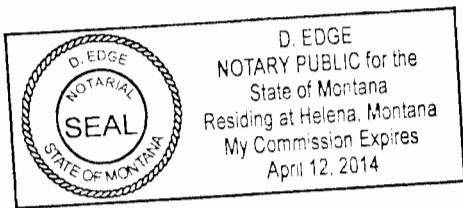
State of MONTANA  
County of Lewis + Clark

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

Hugh Zackheim

(Signature of petition gatherer.)

Signed and sworn to (or affirmed) before me on Nov. 14, 2013 by  
Hugh Zackheim, Lands Program Manager of the Montana Department of Fish, Wildlife and Parks,  
P.O. Box 200701, Helena, MT 59620.



[Handwritten Signature]  
Signature of notarial officer


D. EDGE  
Name - typed, stamped, or printed

\_\_\_\_\_  
Title

Residing at: \_\_\_\_\_

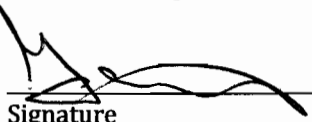
My commission expires: \_\_\_\_\_

As per 7-14-2616, MCA, the undersigned, comprising all owners of lots on the street and alley, state that they are in support of the petition to abandon the road sections and the alley, as set forth herein.

1.   
Signature  
Hugh Zackheim, Lands Program Manager  
Printed Name  
11/14/2013  
Date


MT Fish, Wildlife & Parks, P.O. Box 200701  
Address  
Helena, MT 59620  
City,State,Zip

Legal Description of Property: Township 2 North, Range 2 East, Montana Principal Meridian Section 36: Lots 1, 2, 3, 4, 11, 12, 13, 14 and 15, Northern Pacific in Block 1 of the Northern Pacific Addition to Logan

2.   
Signature  
Gary White, Department Adjutant  
Printed Name  
11/30/13  
Date

American Legion of Montana, P.O. Box 6075  
Address  
Helena, MT 59604  
City,State,Zip

Legal Description of Property: Township 2 North, Range 2 East, Montana Principal Meridian Section 36: Lots 5, 6, 7, 8, 9 and 10, Northern Pacific in Block 1 of the Northern Pacific Addition to Logan

3.   
Signature  
Dave Koerner, Vice President Finance & CFO  
Printed Name  
11/26/2013  
Date

Montana Rail Link, P.O. Box 16624  
Address  
Missoula, MT 59808  
City,State,Zip

Legal Description of Property: Township 2 North, Range 2 East Section 36: N1/2N1/2, less lots and right-of-way in the Northern Pacific Addition to Logan

4. \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Date

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

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

5. \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Date

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



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

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

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

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

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

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## Zackheim, Hugh

**From:** Joe Gentri [jgentri@mtrail.com]  
**Sent:** Monday, August 26, 2013 2:52 PM  
**To:** Zackheim, Hugh  
**Cc:** Karl Swanson  
**Subject:** FW: Montana FWP - Street Vacation - Logan, MT

Hugh,

Please see BNSF's response below.

Thanks.

Joe

**Joe Gentri** | Manager Real Estate

Montana Rail Link, Inc.

101 International Drive PO Box 16624 Missoula, MT 59808

(406) 523-1374 (800) 241-5676 [www.montanarail.com](http://www.montanarail.com)

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**From:** Kuzma, Stephen M [<mailto:Stephen.Kuzma@bnsf.com>]

**Sent:** Monday, August 26, 2013 2:49 PM

**To:** Joe Gentri

**Subject:** Montana FWP - Street Vacation - Logan, MT

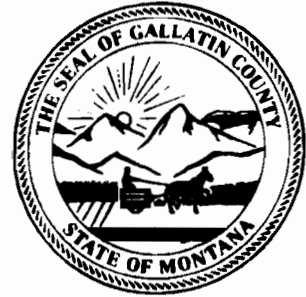
Joe – BNSF Railway has no objections to the proposed street vacation by the Montana FWP in the NW Quarter of Section 36 at Logan, MT. If there are any questions, please contact me directly in Fort Worth, Texas at 817-352-6135.

Stephen M. Kuzma  
Manager – Land Revenue  
BNSF Railway

State of Montana

*County of Gallatin*

Bozeman



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

Statement of Purpose: Petition to abandon portions of streets and an alley in the Northern Pacific Addition to Logan.

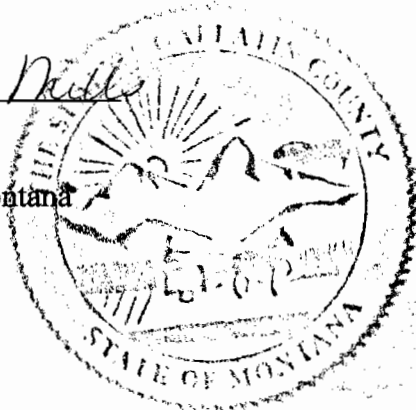
Legal Description: Pine Street, the west 450' of Railroad Street, the west 350' of River Street, and the alley located in Block 1, all located in the Northern Pacific Addition to Logan, Gallatin County, Montana.

STATE OF MONTANA )  
                                          )ss  
COUNTY OF GALLATIN)

I, Charlotte Mills, do hereby certify that I am the qualified and acting County Clerk and Recorder for Gallatin County, State of Montana; that I have examined the petition to which this certificate is attached, and that pursuant to Section 7-14-2616 M.C.A. 2013, it contains the signatures of all the owners of lots on the streets and alley to be closed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of my office at Bozeman, the County Seat of Gallatin County, State of Montana, this 7<sup>th</sup> day of January 2014, A.D.

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



**REQUEST FOR LEGAL SERVICES**  
**GALLATIN COUNTY ATTORNEY**

Date: 02/26/2013

Department/Official/District/Board: C&R

Authorized Contact Person: Eric Semerad

Nature of Legal Issue:

Communicating requirements for a road abandonment petition in the townsite of Logan Northern Pacific Addition. We want to properly advise the Montana FW&P on the signatures required for such petition. A meeting will be scheduled either the week of March 11th or March 18th to discuss this with their program manager.

Documents Attached?       Yes       No

**Eric Semerad** Digitally signed by Eric Semerad  
DN: cn=Eric Semerad,  
email=eric.semerad@gallatin.mt.gov, o=Gallatin  
County, ou=Clerk and Recorder, c=US  
Date: 2013.02.26 16:45:48 -0700

*Authorized Electronic Signature  
(please type in your signature)*

*By clicking SUBMIT, your request will generate  
an email to the County Attorney's Office.  
You may attach documents to that email.*

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COUNTY ATTORNEY OFFICE USE ONLY

FILE OPENING MEMORANDUM

Date: \_\_\_\_\_

File Name: \_\_\_\_\_

File Number: \_\_\_\_\_

Responsible Attorney: \_\_\_\_\_

Approved       Declined

Reason for Decline: \_\_\_\_\_

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

Approved/Declined: \_\_\_\_\_

*County Attorney or Chief Deputy*

## Logan Fishing Access Site

### Gallatin County – American Legion – Montana Fish, Wildlife & Parks

Gallatin County Courthouse

March 14, 2013

Eric  
Hugh Zackman  
George Durkin

American Legion  
merv Gundersen  
Randy Kemp

#### I. Brief Project History

#### II. Site Development Plans

- A. Fish, Wildlife & Parks *public fishing access*
- B. American Legion *Handicapped veterans*
- C. Gallatin County

#### III. Abandonment of the Townsite Plat

- A. Rationale
- B. Petition Process
  - 1. Signatures and other petition requirements
  - 2. Gallatin County staff review
  - 3. County Commission approval
- C. Draft Petition
  - 1. Street and alley abandonment
  - 2. River Access
  - 3. Disposition of the abandoned roadways
- D. Petition Submittal
  - 1. Concurrence by American Legion for joint submittal
  - 2. Other steps

75-6-305(1)

#### IV. Access Easements – Railroad Crossing

- A. Current Road Access Status
- B. Road Easement Needs and Alternatives

#### V. Other Issues – Next Steps

EASEMENT EXHIBIT

# NORTHERN PACIFIC ADDITION TO LOGAN

SHOWING THE ROUTE OF A PROPOSED EASEMENT ACROSS RAILROAD PROPERTIES  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,  
TOWNSHIP 2 NORTH, RANGE 2 EAST, P.M.M.,  
GALLATIN COUNTY, MONTANA



**ROEN INC.**  
ENGINEERING-SURVEYING

P.O. Box 1231 Bozeman, MT 59717-1  
406-580-7976 roeninc@bridgeband.com

NW¼		S 36		T2N		R2E	
DATE	PROJ	DWG	FB	SHT			
5/23/12	12-11	12-11	10	1/1			

**PETITION TO ABANDON COUNTY ROAD**  
**DRAFT**

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 roads or portion of the roads to be abandoned: **west half of Pine Street; westernmost portion of Railroad Street; westernmost portion of River Street; and an alley, all located within or adjacent to Block 1 of the Northern Pacific Addition to Logan.**
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):
  1. **The west half of Pine Street (385' in length and 25' in width) would be abandoned.**
  2. **The western end of Railroad Street (425' in length and 66' in width) would be abandoned.**
  3. **The western end of River Street (310' in length and up to 60' in width) would be abandoned.**
  4. **The east-west alley, separating Lots 1 through 7 from Lots 8 through 15. (200' in length and 16' in width) would be abandoned.**

**See attached Map #1 showing the roads to be abandoned, and attached Map #2 showing the area within a mile radius of the road abandonment.**

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. **Montana Department of Fish, Wildlife & Parks**      **P.O. Box 200701**  
**Attention: Hugh Zackheim, Lands Program**      **Helena, MT 59620**

Legal Description of Property: Township 2 North, Range 2 East  
Section 36: Lots 1, 2, 3, 4, 11, 12, 13, 15 of Block 1 of the Northern Pacific Addition to Logan

2. **American Legion of Montana**      **P.O. Box 6075**  
**Attention: \_\_\_\_\_**      **Helena, MT 59604**

Legal Description of Property: Township 2 North, Range 2 East  
Section 36: Lots 5, 6, 7, 8, 9, 10, of Block 1 of the Northern Pacific Addition to Logan

3. **BNSF c/o Montana Rail Link \_\_\_\_\_**      **P.O. Box 16624**  
      **Missoula, MT 59808**

Legal Description of Property: Township 2 North, Range 2 East  
Section 36: N1/2N1/2, less lots and right-of-way in the Northern Pacific Addition to Logan

4. **Gallatin County**      **311 W. Main**  
      **Bozeman, MT 59715**

Legal Description of Property: Township 2 North, Range 2 East  
Section 36: Block 5 (Public Park) of the Northern Pacific Addition to Logan

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

**MAILING ADDRESS**

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

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

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

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

13. \_\_\_\_\_

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



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

There are 4 landowners abutting the roads to be abandoned: Montana Dept. of Fish, Wildlife & Parks and the American Legion of Montana are jointly proposing the abandonment and give their assent; Gallatin County (Parks) owns the adjoining park property, is aware of the proposal, and supports its objectives; BNSF owns the railroad right-of-way immediately to the south of Block 1 where the road abandonment will occur. BNSF has . . . . .

The road portions proposed for abandonment do not provide access to property owned by any other landowners, as roads have never been developed on these platted road sections. Rather, the existing county road, which lies in part within the railroad right-of-way and in part within the eastern portion of the platted Railroad Street, provides legal and physical access to the private homes and property located in Blocks 2, 3 and 4 of the Northern Pacific Addition to Logan.

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:

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

The abandonment would allow the entirety of Block 1 (totaling 2.5 acres) to be developed into the Logan Fishing Access Site, providing river access, parking, boat launching and latrine for day-use recreation. The property is currently platted into lots, and separated from the Gallatin River by the platted (but never developed) River Street. The proposed road abandonment will resolve this situation, and allow the site development to proceed.

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.

At present the platted road sections proposed for abandonment provide only very limited public access to the Gallatin River to the occasional recreationist, because no roadways have ever been developed on these locations and because the steep riverbank topography and fencing discourage public use. The purpose of the abandonment is to allow the Montana Department of Fish, Wildlife & Parks to develop the Logan Fishing Access Site which will provide for excellent public access for boats and for pedestrian recreationists along 430' of Gallatin River shoreline.

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

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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

(Seal)

\_\_\_\_\_  
Title

Residing at: \_\_\_\_\_

My commission expires: \_\_\_\_\_

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. \_\_\_\_\_  
Signature Address  
\_\_\_\_\_  
Printed Name 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 \_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

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

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

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

EXHIBIT 3 – LOGAN AIR PHOTO

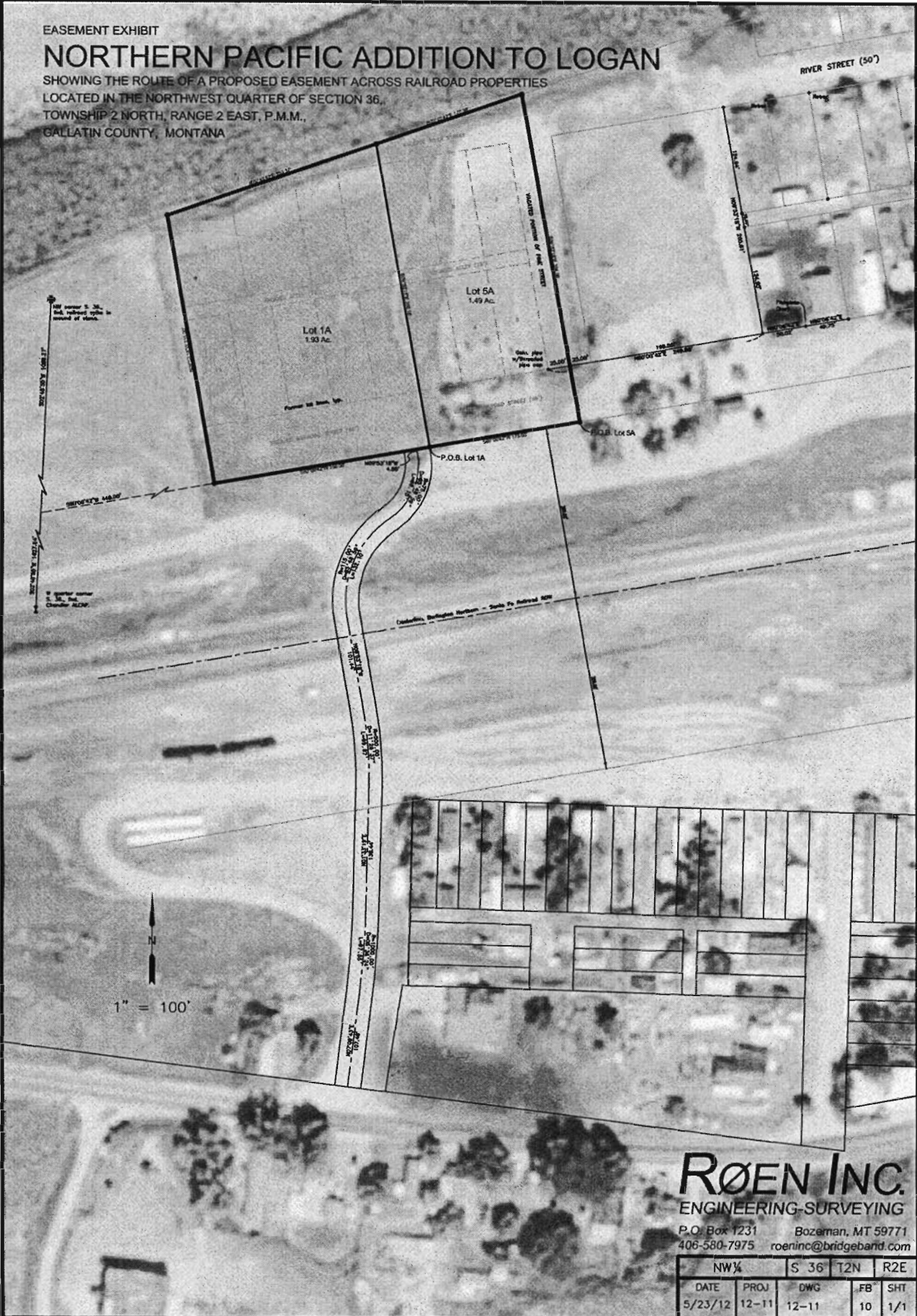
Showing Current Ownership and Access Roads



EASEMENT EXHIBIT

# NORTHERN PACIFIC ADDITION TO LOGAN

SHOWING THE ROUTE OF A PROPOSED EASEMENT ACROSS RAILROAD PROPERTIES  
LOCATED IN THE NORTHWEST QUARTER OF SECTION 36,  
TOWNSHIP 2 NORTH, RANGE 2 EAST, P.M.M.,  
GALLATIN COUNTY, MONTANA



**RØEN INC.**  
ENGINEERING-SURVEYING

P.O. Box 1231 Bozeman, MT 59771  
406-580-7975 roeninc@bridgeband.com

NW¼		S 36	T2N	R2E
DATE	PROJ	DWG	FB	SHT
5/23/12	12-11	12-11	10	1/1







# Montana Fish, Wildlife & Parks

RECEIVED

JUN 11 2014

Clerk & Recorder  
Gallatin County, Mont.

P.O. Box 200701  
Helena, MT 59620-0701  
(406) 444-4029  
E-mail: [hzackheim@mt.gov](mailto:hzackheim@mt.gov)

June 6, 2014

Charlotte Mills, Clerk & Recorder  
Gallatin County  
311 West Main, Room 203  
Bozeman, MT 59701

*Charlotte*  
Dear Ms. ~~Mills~~:

It was good to have the opportunity to visit with you and Chris Gray about the petition from Montana Fish, Wildlife & Parks (FWP) for the abandonment of specified road segments in the 1895 townsite plat of the Northern Pacific Addition to the Logan. As you know, we are bringing forth the petition as a key step in allowing FWP and the American Legion to move forward in concert to provide a public fishing access site on property owned by our respective organizations along the Gallatin River at Logan.

Based on the site viewing and follow-up discussion, FWP would like to amend our petition. Specifically, we propose to remove Railroad Street from the petition, the result of which is that Railroad Street in its entirety would remain as shown on the original townsite plat. FWP is still requesting the abandonment of those portions of River Street, Pine Street and the internal alley described and shown in our petition.

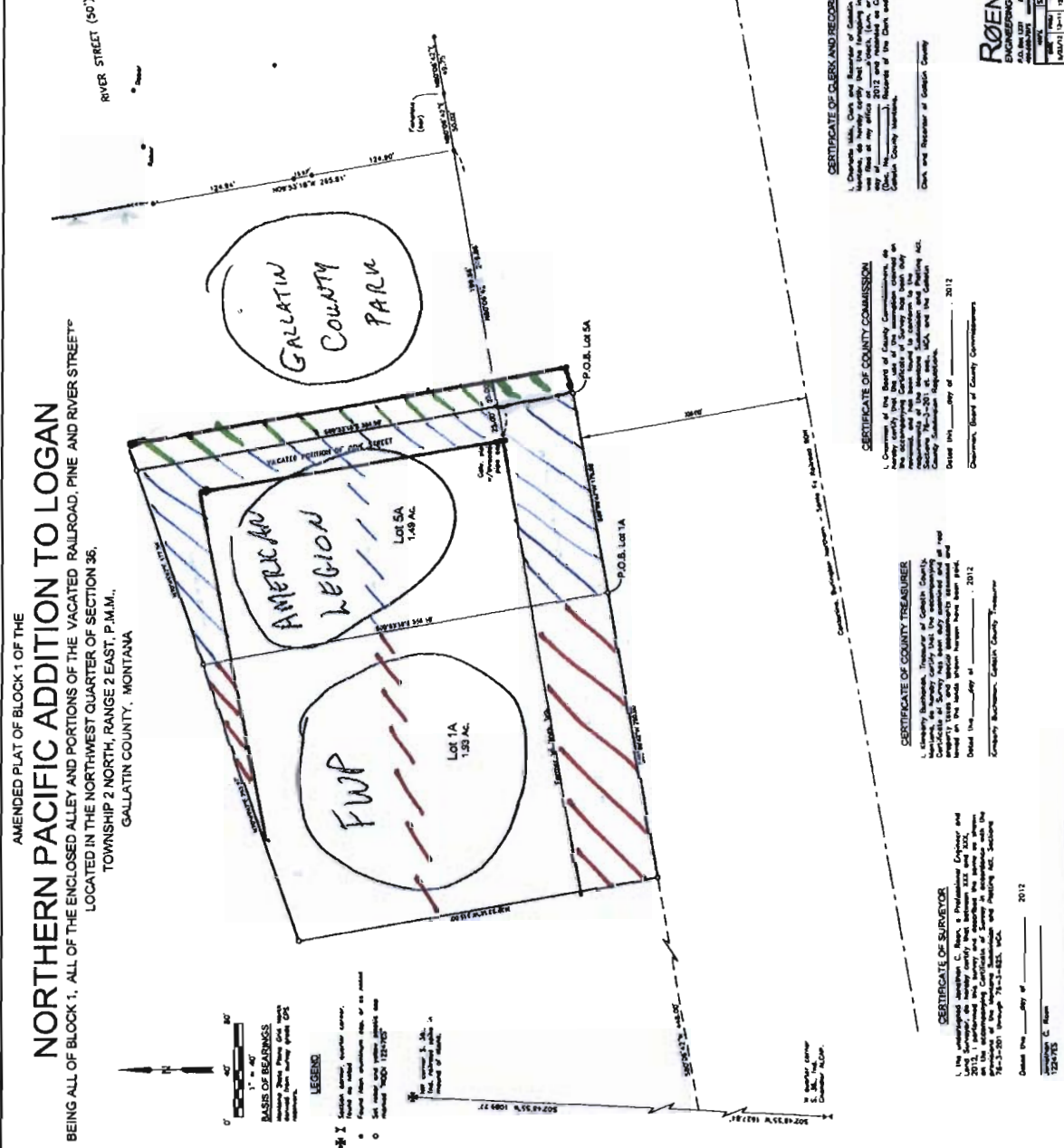
Thanks for your consideration, and please keep in touch on the next steps in this process.

Sincerely

Hugh Zackheim  
Lands Program Manager

cc: Steve White, Gallatin County Commission  
Chris Gray, Gallatin County Attorney's Office  
Ray Heagney, FWP Bozeman

# EXHIBIT #2 DISPOSITION OF ABANDONED ROADWAYS



**OWNER:**  
Lot 1A, Montana Department of Fish, Wildlife and Parks  
Lot 5A, American Legion of Montana

**PURPOSE OF SURVEY:**  
To divide the land into lots and portions thereof.

**LEGAL DESCRIPTION:**  
Lot 1A  
A tract of land bounded on the north by the intersection of the abandoned right-of-way of the Northern Pacific Railway, on the east by the intersection of the abandoned right-of-way of the Northern Pacific Railway, on the south by the intersection of the abandoned right-of-way of the Northern Pacific Railway, and on the west by the intersection of the abandoned right-of-way of the Northern Pacific Railway, containing 1.58 acres, more or less.

**LEGAL DESCRIPTION:**  
Lot 5A  
A tract of land bounded on the north by the intersection of the abandoned right-of-way of the Northern Pacific Railway, on the east by the intersection of the abandoned right-of-way of the Northern Pacific Railway, on the south by the intersection of the abandoned right-of-way of the Northern Pacific Railway, and on the west by the intersection of the abandoned right-of-way of the Northern Pacific Railway, containing 1.48 acres, more or less.

**CERTIFICATE OF SURVEYOR**  
I, the undersigned, Jonathan C. Beck, a Professional Engineer and Licensed Surveyor, have surveyed and laid out the above-described land in accordance with the provisions of the Montana Surveyors' Act, and I am satisfied that the boundaries and areas of the lots and portions thereof are correctly shown on this map.

**CERTIFICATE OF COUNTY TREASURER**  
I, the undersigned, Treasurer of Gallatin County, have examined the original plat of this survey and find that it is in accordance with the provisions of the Montana Surveyors' Act, and I am satisfied that the boundaries and areas of the lots and portions thereof are correctly shown on this map.

**CERTIFICATE OF COUNTY COMMISSION**  
I, the undersigned, Chairman of the Board of County Commissioners, Gallatin County, have examined the original plat of this survey and find that it is in accordance with the provisions of the Montana Surveyors' Act, and I am satisfied that the boundaries and areas of the lots and portions thereof are correctly shown on this map.

**CERTIFICATE OF CLERK AND RECORDER**  
I, the undersigned, Clerk and Recorder of Gallatin County, have examined the original plat of this survey and find that it is in accordance with the provisions of the Montana Surveyors' Act, and I am satisfied that the boundaries and areas of the lots and portions thereof are correctly shown on this map.

**ROEN INC**  
ENGINEERING-SURVEYING  
2012  
GALLATIN COUNTY, MONTANA

LAND REVERTING TO:  
FWP  
AM. LEGION  
GALLATIN CO.

EXHIBIT #1

STREETS PROPOSED TO BE  
ABANDONED

- ALLEY IN BLOCK 1

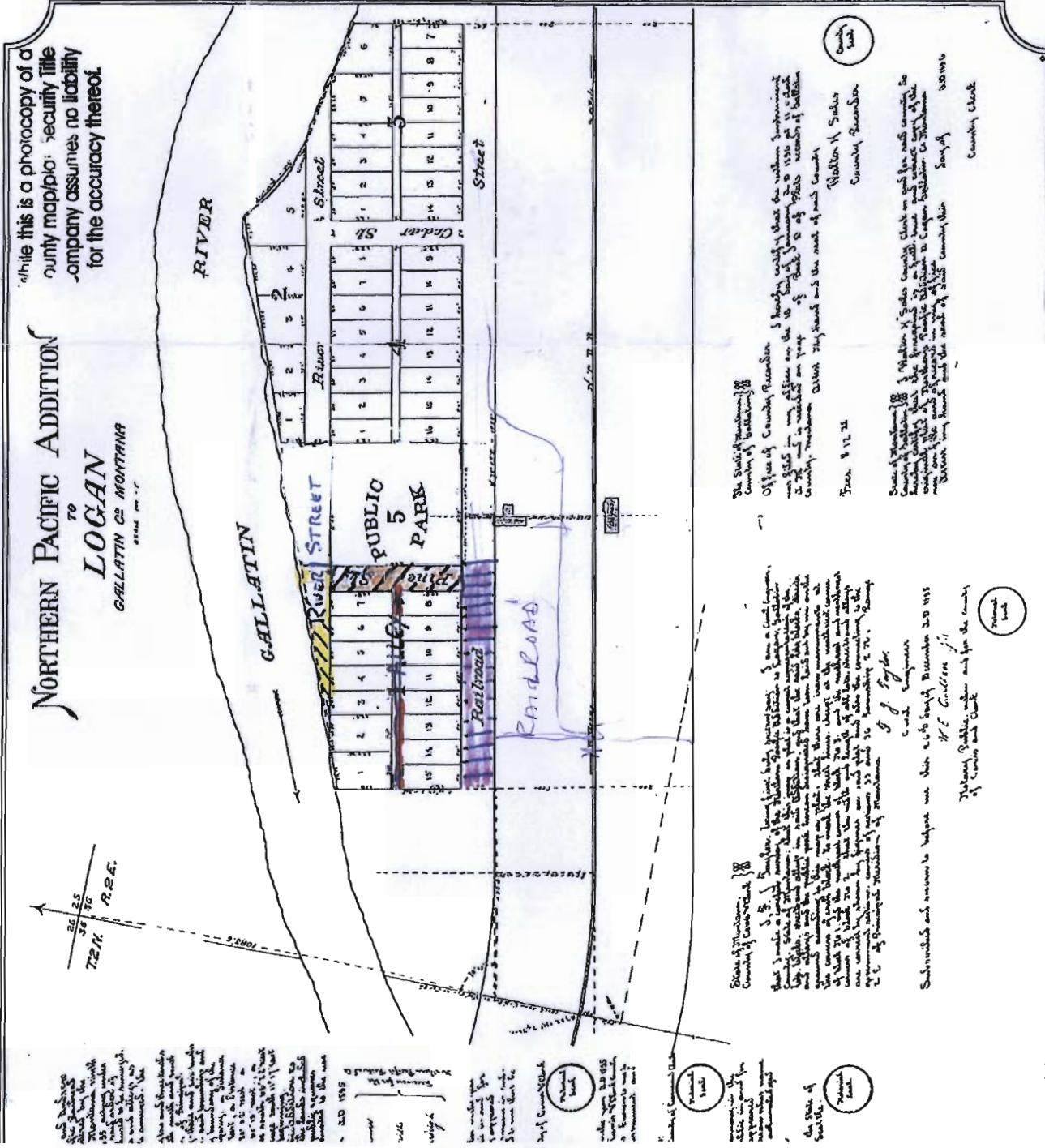
- PORTION OF RAILROAD ST.  
AS SHOWN

- PORTION OF RIVER ST.  
AS SHOWN

- PINE STREET

While this is a photocopy of a county map, the security title company assumes no liability for the accuracy thereof.

NORTHERN PACIFIC ADDITION  
TO  
LOGAN  
GALLATIN CO MONTANA



The State of Montana }  
County of Gallatin }  
Office of County Recorder } hereby certifies that the within instrument  
was filed in my office on the 18th day of November 1936 at 11 o'clock  
A.M. and is recorded in my office of Book 6 of 1936 records of Gallatin  
County, Montana. Witness my hand and the seal of said County  
this 18th day of November 1936.  
Walter H. Sailer  
County Recorder

State of Montana }  
County of Gallatin }  
Walter H. Sailer County Clerk on this 18th day of November 1936 do hereby certify that the foregoing instrument was duly and lawfully filed of record in my office of the County Recorder of Gallatin County, Montana, and that the same is a true and correct copy of the original as the same appears in my office.  
Walter H. Sailer  
County Clerk

State of Montana }  
County of Gallatin }  
I, J. E. Cullen, being duly sworn, depose and say that I am a resident of the County of Gallatin, State of Montana, and that I am the owner of the property described in the foregoing instrument, and that I have executed the same, and that the same is a true and correct copy of the original as the same appears in my office.  
J. E. Cullen  
Subscribed and sworn to before me this 18th day of November 1936  
J. E. Cullen  
Notary Public in and for the County of Gallatin, Montana

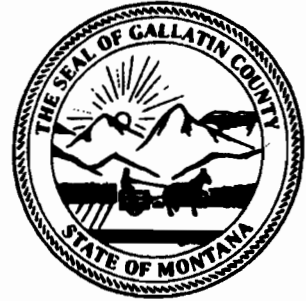
State of Montana }  
County of Gallatin }  
I, J. E. Cullen, being duly sworn, depose and say that I am a resident of the County of Gallatin, State of Montana, and that I am the owner of the property described in the foregoing instrument, and that I have executed the same, and that the same is a true and correct copy of the original as the same appears in my office.  
J. E. Cullen  
Subscribed and sworn to before me this 18th day of November 1936  
J. E. Cullen  
Notary Public in and for the County of Gallatin, Montana

1. 20 1935  
2. 20 1935  
3. 20 1935  
4. 20 1935  
5. 20 1935  
6. 20 1935  
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11. 20 1935  
12. 20 1935  
13. 20 1935  
14. 20 1935  
15. 20 1935

State of Montana

*County of Gallatin*

Bozeman



July 9, 2014

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: Petition to abandon portions of streets and an alley in the Northern Pacific Addition to Logan

**Legal Description:** Pine Street, the west 450' of Railroad Street, the west 350' of River Street, and the alley located in Block 1, all located in the Northern Pacific Addition to Logan, 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 Wednesday, February 26<sup>th</sup>, the undersigned met with Dave Fowler from the Gallatin County Road Department, surveyor Jonathan Roen, and Hugh Zackheim from the Montana Fish Wildlife & Parks Department to view the road being petitioned for abandonment.

Much discussion of the visit was around the effect of abandoning the west 450' of Railroad Street. The existing road to access houses on Cedar, and Railroad streets is not on the platted street. It is a road that goes through Railroad property without an easement. If we abandon that portion of Railroad, and then the railroad closed access to the existing road, the houses may not have access.

Knowing our concern, Hugh Zackheim, the Lands Program Manager for the Montana Fish Wildlife and Parks Division, sent a letter dated June 6, 2014, and received June 11, 2014, requesting to amend their petition and remove Railroad Street from the petition so that Railroad Street in its entirety would remain as shown on the original town site plat.

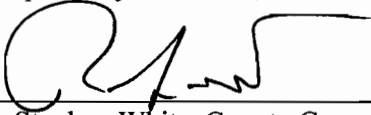
Therefore, it is our conclusion that the west 450' of Railroad Street should not be abandoned so that so that property on Cedar, River, and Railroad streets will not be landlocked. However, we are in agreement that the west 350' of River Street, Pine Street, and the alley located in Block 1 all located in the Northern Pacific Addition to Logan should be abandoned so the Montana Fish Wildlife and Parks could provide a public fishing access site on the property.

The new legal description for the proposed abandonment as follows:

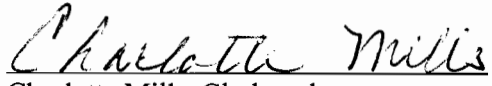
**Legal Description:** Pine Street, the west 350' of River Street, and the alley located in Block 1, all located in the Northern Pacific Addition to Logan, Gallatin County, Montana

No one will be denied access to public lands if the abandonment of the west 350' of River Street, Pine Street, and the alley located in Block 1 all located in the Northern Pacific Addition to Logan is granted. The viewing committee believes that it is feasible and desirable to grant the petition.

Respectfully submitted,



R. Stephen White, County Commissioner

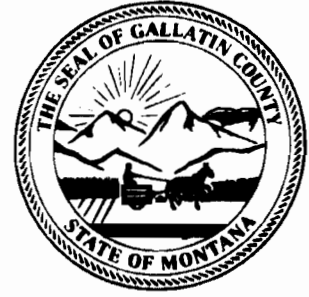


Charlotte Mills, Clerk and  
Recorder/Surveyor

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 August 19, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a road petition to abandon Pine Street, the west 350' of River Street, and the alley located in Block 1, all located in the Northern Pacific Addition to Logan, Gallatin County, MT. All interested parties are encouraged to attend.

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

Dated this 16th day of July, 2014.

*Charlotte Mills*

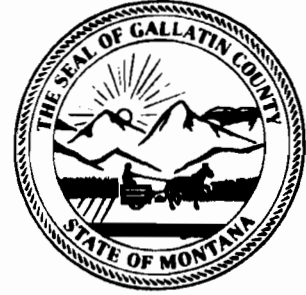
Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana

Note: The west 450' of Railroad St. are not being abandoned as originally petitioned per the request of State of Montana Fish, Wildlife and Parks.

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 August 19, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a road petition to abandon Pine Street, the west 350' of River Street, and the alley located in Block 1, all located in the Northern Pacific Addition to Logan, Gallatin County, MT. All interested parties are encouraged to attend.

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

Dated this 16th day of July, 2014.

*Charlotte Mills*

Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana

RESOLUTION NO. 2014- \_\_\_\_

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION NO. 838 TO ABANDON PINE STREET, THE WEST 350' OF RIVER STREET, AND THE ALLEY LOCATED IN BLOCK 1, IN THE NORTHERN PACIFIC ADDITION TO LOGAN, GALLATIN COUNTY, MONTANA

This Resolution was introduced by \_\_\_\_\_; moved by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_. This Resolution was adopted \_\_\_\_\_.

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on January 2, 2014, to abandon portions of streets and an alley in the Northern Pacific Addition to Logan (hereinafter referred to as the "Streets and Alley"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated;

WHEREAS, the Streets and Alley in the Petition are described as Pine Street, the west 450' of Railroad Street, the west 350' of River Street, and the alley located in Block 1, all located in the Northern Pacific Addition to Logan, Gallatin County, Montana;

WHEREAS, the Streets and Alley were originally created on January 18, 1896 when the Northern Pacific Addition to Logan was filed in the office of the Clerk & Recorder;

WHEREAS, upon acceptance of the Petition, the Clerk & Recorder assigned the Number 838 to the Petition;

WHEREAS, the Petition states the necessity or advantage of the abandonment as: "The abandonment would allow the entirety of Block 1 (totaling 2.5 acres) to be developed into the Logan Fishing Access Site, providing river access, parking, boat launching and latrine for public day-use recreation. The property is currently platted into lots, and separated from the Gallatin River by the platted (but never developed) River Street. The proposed road abandonment will resolve this situation, and allow the site development to proceed. The abandonment would also convey approximately 0.6 acres to Gallatin County, consisting of river frontage immediately north of the existing county park property";

WHEREAS, the Montana Department of Fish, Wildlife and Parks, the American Legion of Montana, Gallatin County and Montana Rail Link own property that abuts or may be affected by the abandonment all of which have consented to the abandonment;

WHEREAS, Gallatin County, throughout the petition and abandonment process has acknowledged its ownership to property that abuts the certain Streets and Alley that are subject to Petition No. 838 and consents thereto;



WHEREAS, “abandon” “vacation” and “abandonment” as set forth herein mean the cessation of use of right-of-way (easement) or activity thereon with no intention to reclaim or use again;

WHEREAS, on January 7, 2014, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2616, MCA and Gallatin County acknowledged its consent to the Petition and the abandonment of roads that abut its property;

WHEREAS, the Board of County Commissioners caused an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the Petition;

WHEREAS, on January 21, 2014, the Gallatin County Clerk and Recorder presented the Petition to abandon the road to the Commission which appointed a viewing committee consisting of County Commissioner R. Stephen White and the County Surveyor, Charlotte Mills with assistance from David Fowler, Gallatin County Road Supervisor;

WHEREAS, on February 26, 2014 the viewing committee met to view the road being petitioned for abandonment;

WHEREAS, in the viewers’ report dated July 9, 2014, the viewing committee reported: “Much discussion of the visit was around the effect of abandoning the west 450’ of Railroad Street. The existing road to access houses on Cedar, and Railroad streets is not on the platted street. It is a road that goes through Railroad property without an easement. If we abandon that portion of Railroad, and then the railroad closed access to the existing road, the houses may not have access.

Knowing our concern, Hugh Zackheim, the Lands Program Manager for the Montana Fish Wildlife and Parks Division, sent a letter dated June 6, 2014, and received June 11, 2014, requesting to amend their petition and remove Railroad Street from the petition so that Railroad Street in its entirety would remain as shown on the original town site plat.

Therefore, it is our conclusion that the west 450’ of Railroad Street should not be abandoned so that so that property on Cedar, River, and Railroad streets will not be landlocked. However, we are in agreement that the west 350’ of River Street, Pine Street, and the alley located in Block 1 all located in the Northern Pacific Addition to Logan should be abandoned so the Montana Fish Wildlife and Parks could provide a public fishing access site on the property.”;

WHEREAS, in the viewers’ report dated July 9, 2014, suggested a new description for the proposed abandonment as follows: Pine Street, the west 350’ of River Street, and the alley located in Block 1, all located in the Northern Pacific Addition to Logan, Gallatin County, Montana;

WHEREAS, in the July 9, 2014 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 Street or Alley;

WHEREAS, notices were posted in five (5) public places including The intersection of Front St. with Frontage Road, the intersection of Front St. with Railroad St., on Railroad St. adjacent to the southeast corner of the public park in the Northern Pacific Addition to Logan, the Manhattan Post Office and the Gallatin County Courthouse lobby on July 17, 2014; a Notice of Public Hearing to be held on August 19, 2014 was published in the Bozeman Daily Chronicle on August 10, 2014 and August 17, 2014 and in the Three Forks Herald and Manhattan Intermountain Press on July 14, 2014; and mailed to petitioners and all landowners adjacent to the streets to be abandoned along with a viewers report on July 29, 2014;

WHEREAS, the notice to the petitioners put them on notice of the change in the Streets to be abandoned;

WHEREAS, on August 19, 2014, the Gallatin County Commissioners conducted a public hearing, after notice, on the Petition and the results of the investigation; and

WHEREAS, on August 19, 2014, the Gallatin County Commissioners found that granting the Petition and abandoning Pine Street, the west 350' of River Street, and the alley located in Block 1, can be made without detriment to the public interest.

NOW THEREFORE BE IT RESOLVED:

1. Pine Street, the west 350' of River Street, and the alley located in Block 1, all located in the Northern Pacific Addition to Logan, Gallatin County, Montana are hereby abandoned.
2. The vacation and abandonment herein does not affect the right of any public utility to continue to maintain its plant or equipment in any street or alley.
3. The Commission hereby requests the Clerk and Recorder, within ten (10) days from the date of passage of this Resolution, to send a copy by certified mail to all owners of land abutting on the abandoned streets and alley. The owners shall be those listed on the last county assessment roll.
4. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of this Resolution to the supervisor.

DATED this \_\_\_\_ day of August, 2014.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

\_\_\_\_\_  
Pierre Martineau

\_\_\_\_\_  
Date

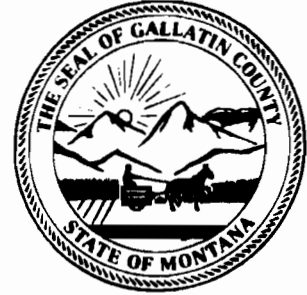
ATTEST:

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

State of Montana

County of Gallatin

Bozeman



AFFIDAVIT OF POSTING

STATE OF MONTANA )  
 ) ss  
COUNTY OF GALLATIN )

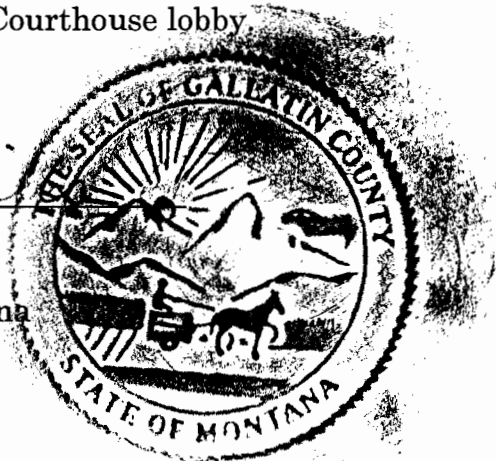
CHARLOTTE MILLS, BEING FIRST DULY SWORN ON OATH, deposes and says:

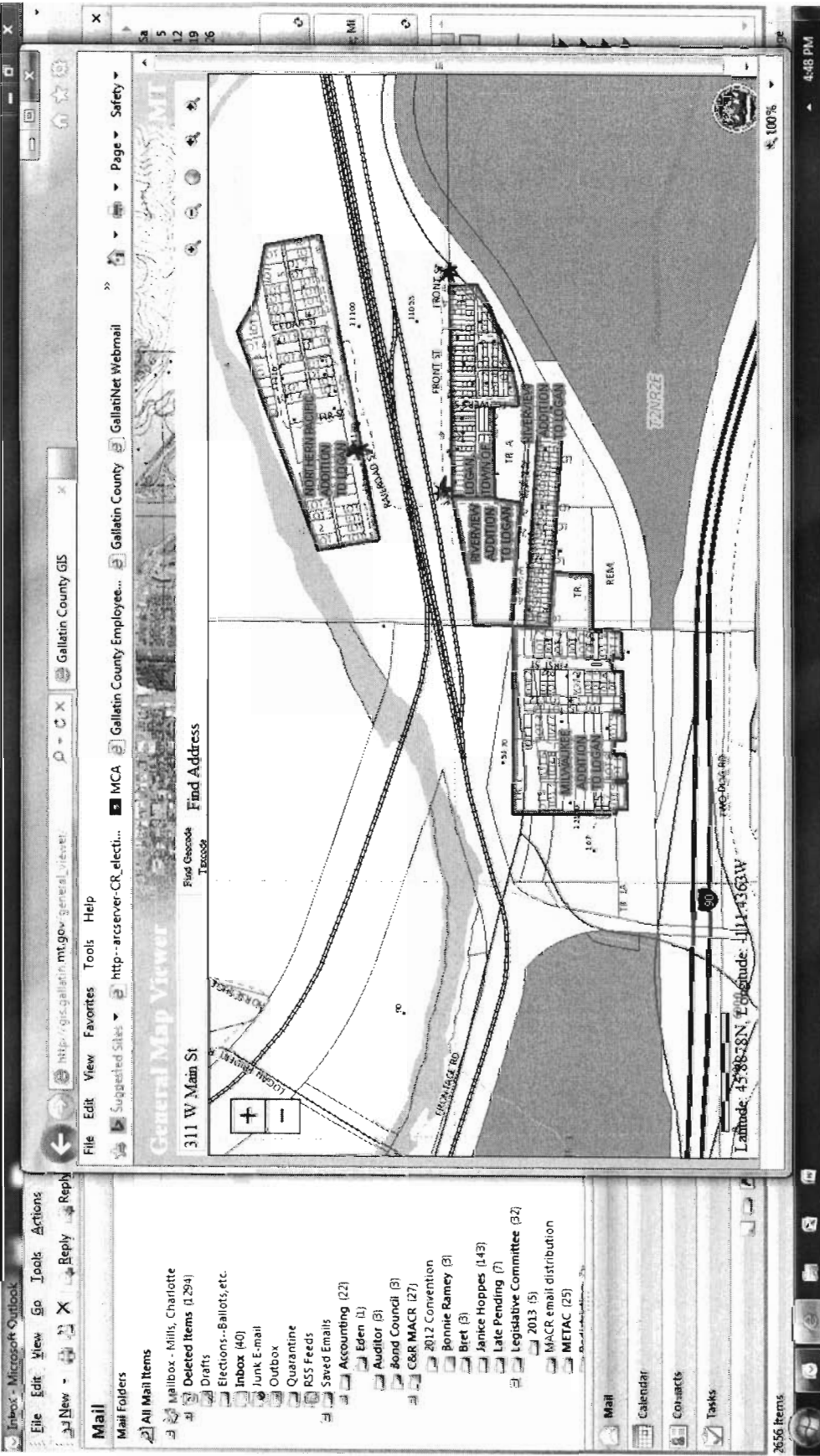
That she is the duly elected, qualified and acting County Clerk and Recorder of Gallatin County, Montana.

I hereby certify that a copy of the attached Notice of Hearing has been posted on July 17, 2014 at the following public locations:

1. The intersection of Front St. with Frontage Road.
2. The intersection Front St. with Railroad St.
3. On Railroad St. adjacent to the southeast corner of the public park in the Northern Pacific Addition to Logan
4. The Manhattan Post Office.
5. Gallatin County Courthouse lobby.

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





Also placed  
in maintenance book

\* indicates posting of  
Notice of Road abandonment  
7/17/2014

RESOLUTION NO. 2014- 085

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION NO. 838 TO ABANDON PINE STREET, THE WEST 350' OF RIVER STREET, AND THE ALLEY LOCATED IN BLOCK 1, IN THE NORTHERN PACIFIC ADDITION TO LOGAN, GALLATIN COUNTY, MONTANA

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

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on January 2, 2014, to abandon portions of streets and an alley in the Northern Pacific Addition to Logan (hereinafter referred to as the "Streets and Alley"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated;

WHEREAS, the Streets and Alley in the Petition are described as Pine Street, the west 450' of Railroad Street, the west 350' of River Street, and the alley located in Block 1, all located in the Northern Pacific Addition to Logan, Gallatin County, Montana;

WHEREAS, the Streets and Alley were originally created on January 18, 1896 when the Northern Pacific Addition to Logan was filed in the office of the Clerk & Recorder;

WHEREAS, upon acceptance of the Petition, the Clerk & Recorder assigned the Number 838 to the Petition;

WHEREAS, the Petition states the necessity or advantage of the abandonment as: "The abandonment would allow the entirety of Block 1 (totaling 2.5 acres) to be developed into the Logan Fishing Access Site, providing river access, parking, boat launching and latrine for public day-use recreation. The property is currently platted into lots, and separated from the Gallatin River by the platted (but never developed) River Street. The proposed road abandonment will resolve this situation, and allow the site development to proceed. The abandonment would also convey approximately 0.6 acres to Gallatin County, consisting of river frontage immediately north of the existing county park property";

WHEREAS, the Montana Department of Fish, Wildlife and Parks, the American Legion of Montana, Gallatin County and Montana Rail Link own property that abuts or may be affected by the abandonment all of which have consented to the abandonment;

WHEREAS, Gallatin County, throughout the petition and abandonment process has acknowledged its ownership to property that abuts the certain Streets and Alley that are subject to Petition No. 838 and consents thereto;

WHEREAS, “abandon” “vacation” and “abandonment” as set forth herein mean the cessation of use of right-of-way (easement) or activity thereon with no intention to reclaim or use again;

WHEREAS, on January 7, 2014, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2616, MCA and Gallatin County acknowledged its consent to the Petition and the abandonment of roads that abut its property;

WHEREAS, the Board of County Commissioners caused an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the Petition;

WHEREAS, on January 21, 2014, the Gallatin County Clerk and Recorder presented the Petition to abandon the road to the Commission which appointed a viewing committee consisting of County Commissioner R. Stephen White and the County Surveyor, Charlotte Mills with assistance from David Fowler, Gallatin County Road Supervisor;

WHEREAS, on February 26, 2014 the viewing committee met to view the road being petitioned for abandonment;

WHEREAS, in the viewers’ report dated July 9, 2014, the viewing committee reported: “Much discussion of the visit was around the effect of abandoning the west 450’ of Railroad Street. The existing road to access houses on Cedar, and Railroad streets is not on the platted street. It is a road that goes through Railroad property without an easement. If we abandon that portion of Railroad, and then the railroad closed access to the existing road, the houses may not have access.

Knowing our concern, Hugh Zackheim, the Lands Program Manager for the Montana Fish Wildlife and Parks Division, sent a letter dated June 6, 2014, and received June 11, 2014, requesting to amend their petition and remove Railroad Street from the petition so that Railroad Street in its entirety would remain as shown on the original town site plat.

Therefore, it is our conclusion that the west 450’ of Railroad Street should not be abandoned so that so that property on Cedar, River, and Railroad streets will not be landlocked. However, we are in agreement that the west 350’ of River Street, Pine Street, and the alley located in Block 1 all located in the Northern Pacific Addition to Logan should be abandoned so the Montana Fish Wildlife and Parks could provide a public fishing access site on the property.”;

WHEREAS, in the viewers’ report dated July 9, 2014, suggested a new description for the proposed abandonment as follows: Pine Street, the west 350’ of River Street, and the alley located in Block 1, all located in the Northern Pacific Addition to Logan, Gallatin County, Montana;

WHEREAS, in the July 9, 2014 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 Street or Alley;

WHEREAS, notices were posted in five (5) public places including The intersection of Front St. with Frontage Road, the intersection of Front St. with Railroad St., on Railroad St. adjacent to the southeast corner of the public park in the Northern Pacific Addition to Logan, the Manhattan Post Office and the Gallatin County Courthouse lobby on July 17, 2014; a Notice of Public Hearing to be held on August 19, 2014 was published in the Bozeman Daily Chronicle on August 10, 2014 and August 17, 2014 and in the Three Forks Herald and Manhattan Intermountain Press on July 14, 2014; and mailed to petitioners and all landowners adjacent to the streets to be abandoned along with a viewers report on July 29, 2014;

WHEREAS, the notice to the petitioners put them on notice of the change in the Streets to be abandoned;

WHEREAS, on August 19, 2014, the Gallatin County Commissioners conducted a public hearing, after notice, on the Petition and the results of the investigation; and

WHEREAS, on August 19, 2014, the Gallatin County Commissioners found that granting the Petition and abandoning Pine Street, the west 350' of River Street, and the alley located in Block 1, can be made without detriment to the public interest.

**NOW THEREFORE BE IT RESOLVED:**

1. Pine Street, the west 350' of River Street, and the alley located in Block 1, all located in the Northern Pacific Addition to Logan, Gallatin County, Montana are hereby abandoned.
2. The vacation and abandonment herein does not affect the right of any public utility to continue to maintain its plant or equipment in any street or alley.
3. The Commission hereby requests the Clerk and Recorder, within ten (10) days from the date of passage of this Resolution, to send a copy by certified mail to all owners of land abutting on the abandoned streets and alley. The owners shall be those listed on the last county assessment roll.
4. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of this Resolution to the supervisor.



DATED this 19<sup>th</sup> day of August, 2014.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

Pierre Martineau 8/19/2014  
Pierre Martineau Date

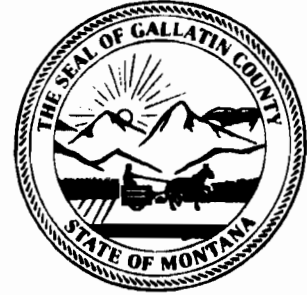
ATTEST:

Charlotte Mills  
Charlotte Mills  
Clerk and Recorder  
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:

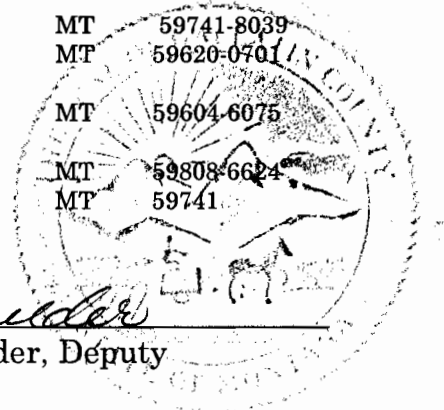
That she is the duly elected, qualified and acting County Clerk and Recorder of Gallatin County, Montana.

I hereby certify that a copy of Resolution #2014-085, a Resolution to Abandon Pine Street, the West 350 Feet of River Street and the Alley Located in Block 1, in the Northern Pacific Addition to Logan, Gallatin County, Montana, according to Road Petition Number 838, was mailed to the following landowners on August 20, 2014.

- List of landowners with addresses and phone numbers: Rutledge, Gary; Graham, Jodi A.; Zuelke, John; Autry, Richard, Autry, Janet E.; Hutson, Jay Cecil and Connie Lee; Geer, Debra A.; Geer Amber Mildred; Goss, Lyman, E.V.; Goss, Jeanne M.; Davis, Jack E.; Davis, Rick L & Andrew J; Kusulos, Diana Jo; Bagaoisan, Gail M.; Francis A Orr 1993 Revocable Indenture of Trust; Orr, Francis A. & James H. Jr. Trustees; Orr, James N. & Brown, Peter R. Trustees; Andrus, David; Page, Ellen K.; Chamberlain, Donald Gene; Chamberlain, Joyce Phyllis; Montana Department of Fish, Wildlife and Parks; American Legion of Montana; Attn: Gary White Montana Adjutant; BNSF c/o Montana Rail Link; Attn: Dave Koerner, VP Finance & CFO; Postmaster.

Charlotte Mills
CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana

By: Veniece Lindemulder, Deputy



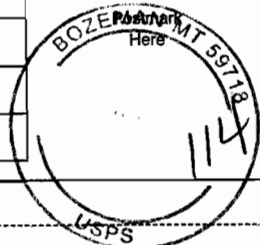
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Street, Apt. No., or PO Box No. **101 Carpenter Rd.**  
City, State, ZIP+4  
**Three Forks MT 59752-9730**

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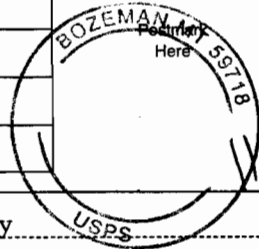
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City, State, ZIP+4  
**Manhattan, MT 59741-8060**

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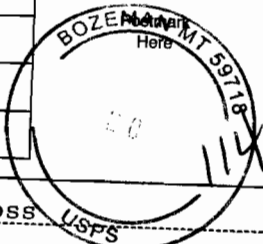
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Street, Apt. No., or PO Box No. **130 3rd Street**  
City, State, ZIP+4  
**Libertyville, IL 60048-2302**

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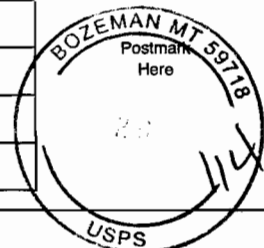
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Street, Apt. No., or PO Box No. **11045 Railroad St.**  
City, State, ZIP+4  
**Manhattan MT 59741-8039**

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**Debra A and Amber M Gear**  
Street, Apt. No., or PO Box No. **11095 Railroad St.**  
City, State, ZIP+4  
**Manhattan MT 59741-8039**

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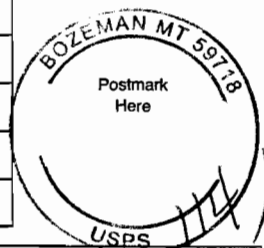
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**Gary Rutledge**  
Street, Apt. No., or PO Box No. **11155 Railroad St.**  
City, State, ZIP+4  
**Manhattan, MT 59741-8060**

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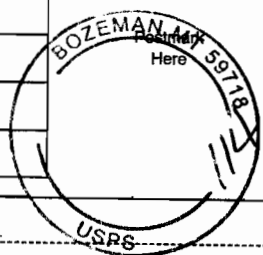
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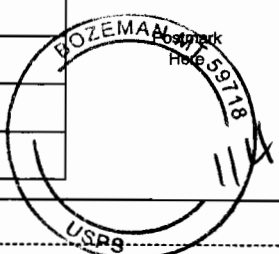
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**Gail M. Bagoisan**  
Street, Apt. No., or PO Box No. **4560 Parent St.**  
City, State, ZIP+4  
**Missoula MT 59808-1470**

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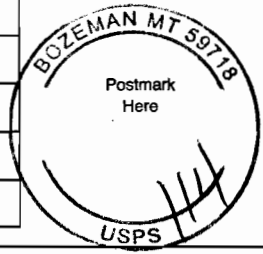
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**BNSF c/o Montana Rail Link**  
Street, Apt. No., or PO Box No. **PO Box 16624**  
City, State, ZIP+4  
**Missoula, MT 59808-6624**

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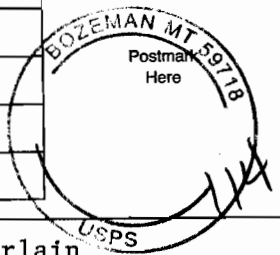
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**Donald & Joyce Chamberlain**  
Street, Apt. No., or PO Box No. **11075 Railroad St.**  
City, State, ZIP+4  
**Manhattan MT 59741-8039**

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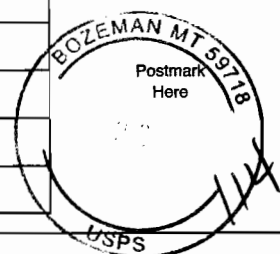
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**Ellen K. Page**  
Street, Apt. No., or PO Box No. **11025 Railroad St.**  
City, State, ZIP+4  
**Manhattan MT 59741-8039**

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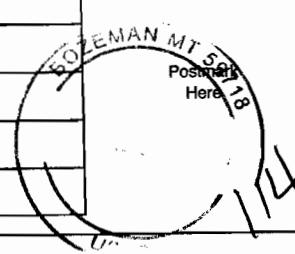
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**American Legion of Montana**  
Street, Apt. No., or PO Box No. **PO Box 6075**  
City, State, ZIP+4  
**Helena, MT 59604-6075**

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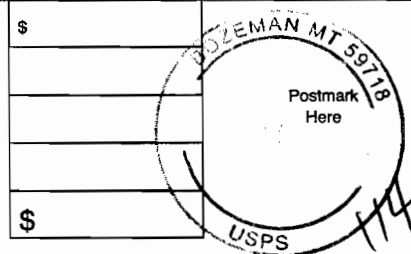
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 Montana Dept of Fish Wildlife & Parks  
 Street, Apt. No.;  
 or PO Box No. PO Box 200701  
 City, State, ZIP+4  
 Helena, MT 59620-0701

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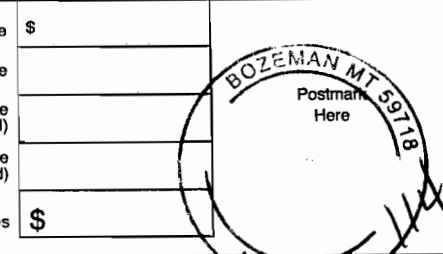
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Total Postage & Fees	\$



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 Jack E, Rick L, & Andrew J Davis  
 Street, Apt. No.;  
 or PO Box No. 19327 96th Ave NW  
 City, State, ZIP+4  
 Stanwood, WA 98292-6126

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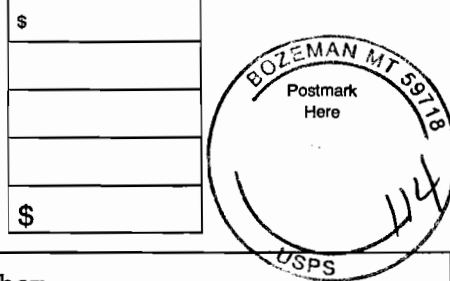
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 Jodi A. Graham  
 Street, Apt. No.;  
 or PO Box No. 11145 Railroad St.  
 City, State, ZIP+4  
 Manhattan, MT 59741-8060

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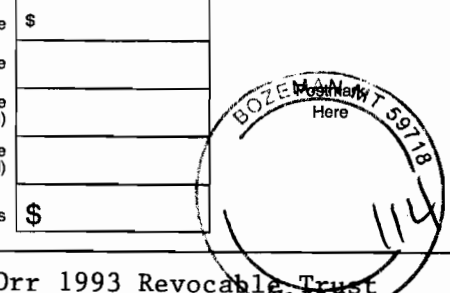
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Total Postage & Fees	\$



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 Francis A Orr 1993 Revocable Trust  
 Street, Apt. No.;  
 or PO Box No. 1351 N Crescent Heights Blvd  
 City, State, ZIP+4  
 W. Hollywood CA 90046 #116

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**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:


DEBRA A & AMBER MILDRED GEER  
 11095 RAILROAD ST  
 MANHATTAN MT 59741-8039

RP838

2. Article Number 7005 1160 0001 9972 4659  
 (Transfer from service label) Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature   Agent  Addressee

B. Received by (Printed Name) AMBER GEER C. Date of Delivery 8/27/14

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.

1. Article Addressed to:


LYMAN E V GOSS  
 JEANNE M GOSS  
 130 3RD ST  
 LIBERTYVILLE IL 60048-2302

RP838

2. Article Number 7005 1160 0001 9972 4666  
 (Transfer from service label) Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature   Agent  Addressee

B. Received by (Printed Name) LEE GOSS C. Date of Delivery 8/27/14

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.

1. Article Addressed to:


GARY RUTLEDGE  
 11155 RAILROAD ST  
 MANHATTAN MT 59741

RP838

2. Article Number 7005 1160 0001 9972 4611  
 (Transfer from service label) Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature   Agent  Addressee

B. Received by (Printed Name) MARGARET RUTLEDGE C. Date of Delivery 8/27/14

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.

1. Article Addressed to:


DAVID ANDRUS  
 11045 RAILROAD ST  
 MANHATTAN MT 59741-8039

RP838

2. Article Number 7005 1160 0001 9972 4703  
 (Transfer from service label) Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature   Agent  Addressee

B. Received by (Printed Name) DAVID ANDRUS C. Date of Delivery 8/27/14

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.

1. Article Addressed to:

GAIL M BAGAOISAN  
4560 PARENT ST  
MISSOULA MT 59808-1470

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *Gail M. Bagaoisan* Agent  Addressee

B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery *08/21/04*

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  No

2. Article Number *RP838*  
(Transfer from service label) 7005 1160 0001 9972 4680

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ELLEN K PAGE  
11025 RAILROAD ST  
MANHATTAN MT 59741-8039

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *E.K. Underwood* Agent  Addressee

B. Received by (Printed Name) *E.K. Underwood* C. Date of Delivery *8/22/04*

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  No

2. Article Number *RP838*  
(Transfer from service label) 7005 1160 0001 9972 4710

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

POSTMASTER  
MANHATTAN MT 59741

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]* Agent  Addressee

B. Received by (Printed Name) *Back Home* C. Date of Delivery *8/21/04*

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  No

2. Article Number *RP838*  
(Transfer from service label) 7005 1160 0001 9972 4765

PS Form 3811, August 2001 Domestic Return Receipt 102595-01-M-0381

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DONALD GENE CHAMBERLAIN  
JOYCE PHYLLIS CHAMBERLAIN  
11075 RAILROAD ST  
MANHATTAN MT 59741-8039

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]* Agent  Addressee

B. Received by (Printed Name) *J. Chamberlain* C. Date of Delivery *8/21/04*

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  No

2. Article Number *RP838*  
(Transfer from service label) 7005 1160 0001 9972 4727

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MONTANA DEPARTMENT OF FISH,  
WILDLIFE AND PARKS  
PO BOX 200701  
HELENA MT 59620-0701

RP838

2. Article Number  
(Transfer from service label) 7005 1160 0001 9972 4734

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]* Agent   
 B. Received by (Printed Name) *PAUL ORMSBEE* Addressee   
 C. Date of Delivery *AUG 22 2004*

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

**RECEIVED**  
*AUG 22 2004*

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BNSF c/o MONTANA RAIL LINK  
ATTN: DAVE KOERNER, VP FINANCE  
& CFO  
PO BOX 16624  
MISSOULA MT 59808-6624

RP838

2. Article Number  
(Transfer from service label) 7005 1160 0001 9972 4758

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]* Agent   
 B. Received by (Printed Name) *Ryan Bube* Addressee   
 C. Date of Delivery

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

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JACK E DAVIS RICK L DAVIS  
ANDREW J DAVIS DIANA JO KUSULOS  
19327 96TH AVE NW  
STANWOOD WA 98292-6126

RP838

2. Article Number  
(Transfer from service label) 7005 1160 0001 9972 4673

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]* Agent   
 B. Received by (Printed Name) *JACK E DAVIS* Addressee   
 C. Date of Delivery *5-23-14*

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

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

AMERICAN LEGION OF MONTANA  
ATTN: GARY WHITE, MT ADJUTANT  
PO BOX 6075  
HELENA MT 59604-6075

RP838

2. Article Number  
(Transfer from service label) 7005 1160 0001 9972 4741

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *[Signature]* Agent   
 B. Received by (Printed Name) *Eric Carpenter* Addressee   
 C. Date of Delivery *8/22/14*

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

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  X <i>Connie Hutson</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Connie Hutson</i> C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>RICHARD &amp; JANET E ATRY  JAY CECIL &amp; CONNIE LEE HUTSON  11105 RAILROAD ST  MANHATTAN MT 59741-8060</p> <p style="text-align: right; font-size: 1.5em;">RP838</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <u>7005 1160 0001 9972 4642</u></p> <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  X <i>John Zuelke</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>John Zuelke</i> C. Date of Delivery <i>9/03/14</i></p>
<p>1. Article Addressed to:</p> <p>JOHN ZUELKE  101 CARPENTER RD  THREE FORKS MT 59752-9730</p> <p style="text-align: right; font-size: 1.5em;">RP838</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <u>7005 1160 0001 9972 4635</u></p> <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	



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

**UNITED MAIL™**



7005 JJ60 0001 9972 4626

Graham, Jodi A.  
 11145 Railroad St.  
 Manhattan, MT

Name Jodi A. Graham  
 1st Name Jodi

NIXIE 591 5E 1009 0009/06/14

RETURN TO SENDER  
 UNCLAIMED  
 UNABLE TO FORWARD

BC: 59715457453 \*2335-11507-20-41

597418838

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
 OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JODI GRAHAM  
 11145 RAILROAD ST  
 MANHATTAN MT 59741-8060

2. Article Number  
 (Transfer from service label)

7005 JJ60 0001 9972 4626

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature X <u>Jodi A. Graham</u>		<input checked="" type="checkbox"/> Agent
B. Received by (Printed Name) <u>Jodi A. Graham</u>		<input type="checkbox"/> Addressee
C. Date of Delivery <u>9-8</u>		
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

RP838