

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 Justin Houser (Houser Eng) PHONE 548-7820

- 1) Determine if petition has sufficient information for processing. (Copy to County Attorney.) It should address all the pertinent information listed in:
  - a) The form of the petition
  - b) Section 7-14-2602
  - c) Identify owners abutting the road to be abandoned (7-14-2604)
  - d) Owners of private land to which the road gives access (7-14-2615(4))
- 2) Determine if there are sufficient qualified signatures as per 7-14-2601.
- 3) Complete "Report of Qualified Signatures".
- 4) Schedule the first hearing on the petition on Commissioner's agenda. DATE: 4/21/15
  - a) Prepare draft resolution appointing viewing committee and assigning Petition # 839
  - 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: 5/28/2015
- 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: 7/7/15
- 10) a) Type regular mail envelopes for:
  - 1) All landowners named on the petition
  - 2) All signers on the petition
  - 3) All landowners determined by viewing committee and county staff abutting the road to be abandoned and landowners of private land to which the road gives access.
  - 4) ~~The postmaster of the area~~b) Type and prepare certified mail envelopes for:
  - 1) All landowners abutting the road to be abandoned and landowners of private land to which the road gives access.
  - 2) ~~The postmaster of the area~~
- 11) Mail a copy of the public hearing notice and viewers report to the people listed in 10) a) above.
- 12) Publish public hearing legal notice two times in Chronicle for a county road (7-1-2121) and if necessary in another newspaper. DATES 6/5 - 6/19
- 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. *Recording # 2015-077*
- 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.

**PETITION TO ABANDON COUNTY ROAD**

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

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

1. The road or portion of the road to be abandoned: Portion of 20' ROW illustrated/referenced on the Amended Plat of Rainbow Subdivision (Plat No. D-41-G) which has not already been abandoned.
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):  
Access is north off of Lower Rainbow Road, continues north and terminates at a location that appears to have been abandoned as referenced on Plat D-41-G.  
\_\_\_\_\_  
\_\_\_\_\_

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. TRD Inc. \_\_\_\_\_ P.O. Box 11425 \_\_\_\_\_  
\_\_\_\_\_ Bozeman, MT 59719-1425 \_\_\_\_\_  
Legal Description of Property Lot 472A of Rainbow Subdivision (Plat D-41-G) S14, T2S, R4E  
\_\_\_\_\_

2. TRD Inc. \_\_\_\_\_ P.O. Box 11425 \_\_\_\_\_  
\_\_\_\_\_ Bozeman, MT 59719-1425 \_\_\_\_\_  
Legal Description of Property Lots 454-460 & Lots 469-471 of Rainbow Subdivision S14, T2S, R4E  
\_\_\_\_\_

3. TRD Inc. \_\_\_\_\_ P.O. Box 11425 \_\_\_\_\_  
\_\_\_\_\_ Bozeman, MT 59719-1425 \_\_\_\_\_  
Legal Description of Property Lot 468A of Rainbow Subdivision (Plat D-41-G) S14, T2S, R4E  
\_\_\_\_\_

4. TRD Inc. \_\_\_\_\_ P.O. Box 11425 \_\_\_\_\_  
\_\_\_\_\_ Bozeman, MT 59719-1425 \_\_\_\_\_  
Legal Description of Property Lot 468B of Rainbow Subdivision (Plat D-41-G) S14, T2S, R4E  
\_\_\_\_\_

5. TRD Inc. \_\_\_\_\_ P.O. Box 11425 \_\_\_\_\_  
\_\_\_\_\_ Bozeman, MT 59719-1425 \_\_\_\_\_  
Legal Description of Property Lot A-2 of the Amended Subdivision Plat of Rainbow Subdivision (D-41-N) S14, T2S, R4E  
\_\_\_\_\_

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

**MAILING ADDRESS**

6. Gerry Beavan

11 Cloninger Ln.  
Bozeman MT, 59718

Legal Description of Property Off of Valley Center

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 \_\_\_\_\_

14. \_\_\_\_\_

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

15. \_\_\_\_\_  
\_\_\_\_\_  
Legal Description of Property \_\_\_\_\_  
\_\_\_\_\_

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

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

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

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

There is not currently a road located within the 20' ROW. The adjacent owner(s) wish to Re-align the common boundaries to better reflect the existing land use pattern in the area.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

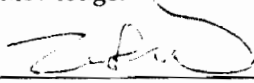
N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

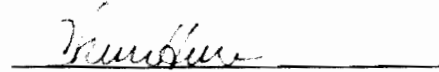
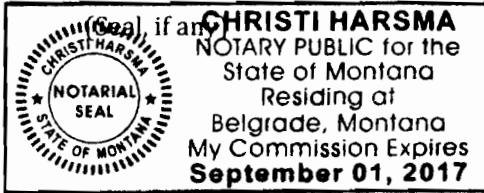
State of MONTANA  
County of GALLATIN

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 6/27/14  
by THOMAS DUFFY



Signature of notarial officer

Christi Harsma

Name - typed, stamped, or printed

NOTARY

Title (and Rank)

BELGRADE

Residing at

My commission expires: 9/1/2017

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. ✓ Mark Duffy  
Signature  
Mark Duffy  
Printed Name  
4-2-14  
Date

2375 Mt. Ellis Lane  
Address  
Boseman, MT 59715  
City, State, Zip

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

2. ✓ Walker B. J. Sales  
Signature  
Walker B. J. Sales  
Printed Name  
4/7/14  
Date

3900 S. Agave Creek Trail  
Address  
Manhattan, MT 59741  
City, State, Zip

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

3. No ~~Signature~~  
Signature  
NEIL STEWART 58000  
Printed Name  
4/14/14  
Date

98 LACKAWANNA LA  
Address  
BRIGADE, MT 59714  
City, State, Zip

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

4. No Tim Szafaryn  
Signature  
Tim Szafaryn  
Printed Name  
4/14/14  
Date

PO Box 339  
Address  
Gallatin Gate  
City, State, Zip

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

5. ✓ James E. Murrey  
Signature  
JAMES E MURRAY  
Printed Name  
4/14/14  
Date

2521 Weaue Lane  
Address  
Bellevue mt 59714  
City, State, Zip

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

6. ✓ [Signature]  
Signature  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Date

10

Signature Brent Carlson  
Printed Name \_\_\_\_\_  
Date 4/14/14

Address 1103 Powers Blvd Belgrade, MT 59714  
City, State, Zip

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

7.  [Signature]  
Signature JEREMY SINEMA  
Printed Name \_\_\_\_\_  
Date 4-14-14

Address 474 E. RIVER ROCK  
City, State, Zip BELGRADE, MT 59714

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

8.  [Signature]  
Signature TRAVIS Stuber  
Printed Name \_\_\_\_\_  
Date 4-14-14

Address 5665 Amsterdam Rd  
City, State, Zip Manhattan MT 59741

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

9.  [Signature]  
Signature Steven M. Stuber  
Printed Name \_\_\_\_\_  
Date 4-19-14

Address 11820 ~~1800~~ Little Holland Rd.  
City, State, Zip Manhattan Mt. 59741

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

10.  [Signature]  
Signature Ryan Van Dyke  
Printed Name \_\_\_\_\_  
Date 4-20-14

Address 26 Forest Grove Ln  
City, State, Zip Bazeman mt 59718

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

11. Rick Braaksma 6157 Dyk Rd  
Signature Address  
Rick Braaksma Manhattan MT 59741  
Printed Name City,State,Zip  
4-20-14  
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 \_\_\_\_\_  
\_\_\_\_\_



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] 2 Cobb Hill Rd.  
Signature Address  
Tom Duffy Bozeman MT 59718  
Printed Name City,State,Zip  
Mar 16, 2015  
Date

Legal Description of Property Lot 580-582, PLAT D-43, RAIN BOW SUBDIVISION  
Sec 24, T2 SOUTH, R4 EAST

2. [Signature] 5074 Blackwood Rd  
Signature Address  
Alex Fox Bozeman MT 59718  
Printed Name City,State,Zip  
3/19/15  
Date

Legal Description of Property Tract 1, COS 1035B E2,NW4, SEC 27, T2S, R5E

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. \_\_\_\_\_


Gallatin County Clerk and Recorder  
311 West Main, Room 203  
Bozeman, Montana 59715

RE: Road Petition, 20' ROW within Rainbow Subdivision

Dear Clerk and Recorder:

I, Tom Duffy, am the owner of the County Road within the Rainbow Subdivision identified on the attached map. I would like to abandon this Road in its entirety.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Duffy', with a large, sweeping flourish at the end.


Tom Duffy, Owner

Enclosures

April 2015

TRD, INC.  
81123 Gallatin Road  
Bozeman, MT 59715

I, Tom Duffy, am CEO and Owner of TRD, Inc.

X   
\_\_\_\_\_  
TOM DUFFY

**H O U S E R**  
**E N G I N E E R I N G P . C .**  
626 FERGUSON AVENUE, SUITE 1 BOZEMAN, MONTANA 59718  
406-548-7820

March 27, 2014

Gallatin County Clerk and Recorder  
311 West Main, Room 203  
Bozeman, Montana 59715

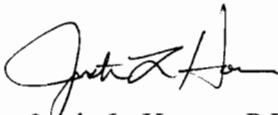
RE: Road Petition, 20' ROW within Rainbow Subdivision

Dear Clerk and Recorder:

Please find enclosed a Petition to Abandon County Road for an unused 20 foot right of way within the Rainbow Subdivision. The owner of the parcels around the perimeter of the right of way, Tom Duffy, would like to abandon the county road in its entirety.

Please contact me if you have any questions or comments regarding this project at 548-7820.

Sincerely,  
**HOUSER ENGINEERING, P.C.**



Justin L. Houser, P.E.

Enclosures

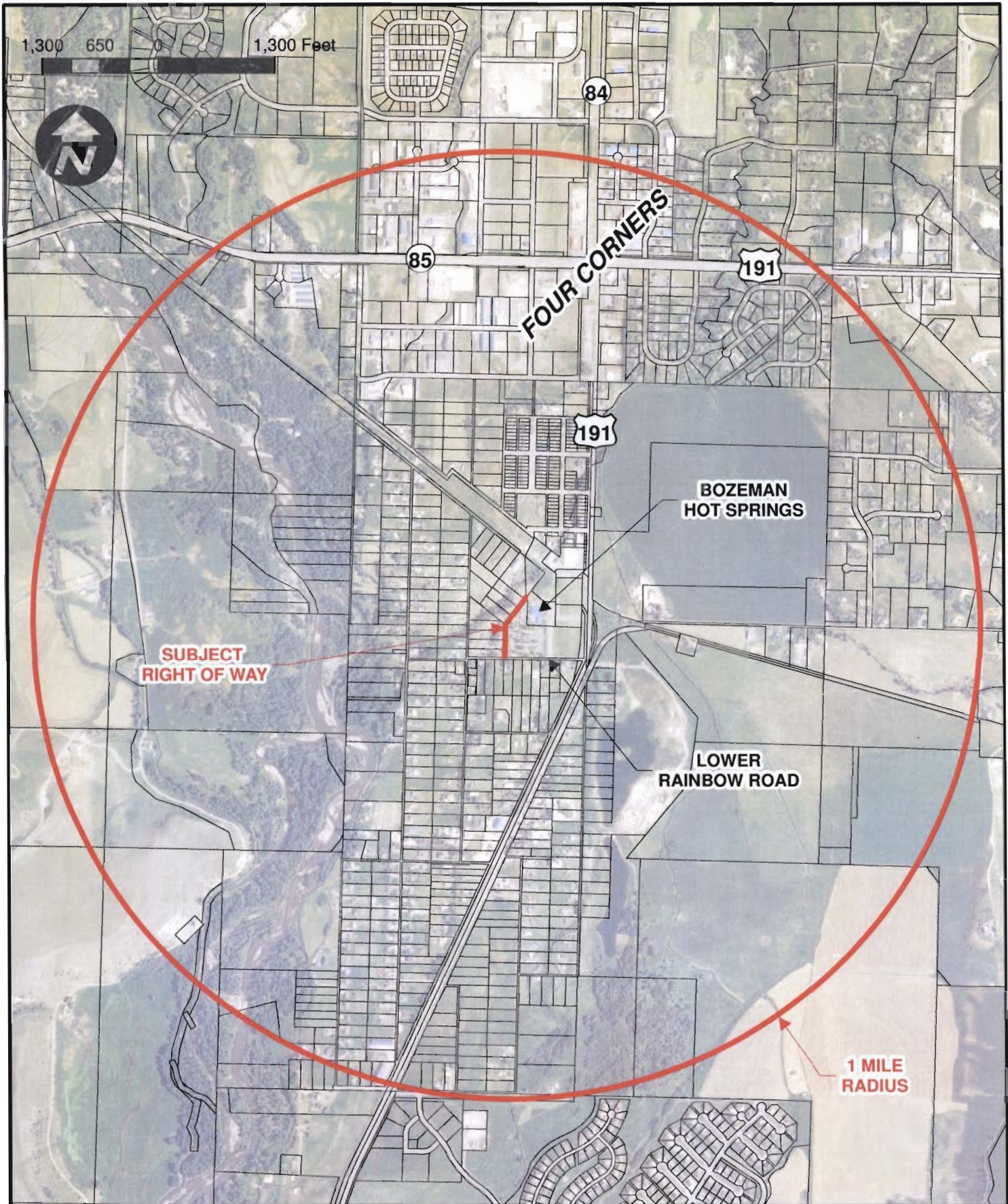
Cc: File


RECEIVED

JAN 29 2015

Clerk & Recorder  
Gallatin County, Mont.





 <p> <b>H O U S E R</b>          ENGINEERING P. C.  <small>626 SOUTH BERGUSON AVENUE, SUITE 1 BOZEMAN, MONTANA 59718          ph: 406-548-7820 email: jsofie@housereng.com</small> </p>	DRAWN BY: <u>TWM</u> CHK'D BY: <u>JLH</u> APPR. BY: <u>JLH</u> DATE: <u>03/26/2014</u>	<b>RIGHT OF WAY LOCATION</b> FOUR CORNERS MONTANA	PROJECT NO. 101.03
	BOZEMAN HOT SPRINGS RV PARK		<b>FIG.1-A</b>

100 50 0 100 Feet



LOT 468B

LOT 468A

LOT 469

LOT 470

LOT A-2

LOT 471

LOT 457

LOT 456

LOT 472A

LOT 455

SUBJECT RIGHT OF WAY

LOT 454

20'

LOWER RAINBOW ROAD

**H** **H O U S E R**  
ENGINEERING P.C.  
626 SOUTH FERGUSON AVENUE SUITE 1 BOZEMAN, MONTANA 59718  
ph: 406-548-7820 email: jjoist@houserengineering.com

DRAWN BY: TWM  
CHK'D BY: JLH  
APPR. BY: JLH  
DATE: 03/26/2014

**RIGHT OF WAY LOCATION**  
FOUR CORNERS MONTANA

PROJECT NO.  
101.03

BOZEMAN HOT SPRINGS RV PARK

**FIG.1-B**



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 July 7, 2015, 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 that 20' wide road right of way that is located adjacent to Lots 454-457, 468A, 469-471 and 472A of Rainbow Subdivision, SE1/4, Section 14, Township 2 South, Range 4 East, P.M.M., Gallatin County, MT. All interested parties are encouraged to attend.

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

Dated this 1st day of June, 2015.

*Charlotte Mills*

Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana



RESOLUTION NO. 2015- \_\_\_\_

A RESOLUTION MADE TO ASSIGN THE VIEWING COMMITTEE AND PETITION NUMBER FOR A PETITION TO ABANDON 20' WIDE ROAD RIGHT OF WAY LOCATED ADJACENT TO LOTS 454-457, 468A, 469-471 AND 472A OF RAINBOW SUBDIVISION

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 29, 2015, to abandon a portion of a 20' road in Rainbow Subdivision (hereinafter referred to as the "Road"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated;

WHEREAS, the Road is described as that portion 20' wide road right of way that is located adjacent to Lots 454-457, 468A, 469-471 and 472A of Rainbow Subdivision, Gallatin County, Montana;

WHEREAS, on April 8<sup>th</sup>, 2015, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2601, MCA;

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

NOW THEREFORE BE IT RESOLVED:

1. The Board hereby accepts the petition for abandonment of the 20' wide road right of way that is located adjacent to Lots 454-457, 468A, 469-471 and 472A of Rainbow Subdivision.
2. The petition is assigned Road Petition Number 839.
3. Commissioner \_\_\_\_\_ and County Surveyor Charlotte Mills are assigned to investigate the feasibility, desirability, and cost of granting the prayer of the Petition, and to report their findings back to the Board.

DATED this 21<sup>st</sup> day of April, 2015.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

---

R. Stephen White, Chairman

ATTEST:

---

Charlotte Mills  
Clerk and Recorder  
Gallatin County

State of Montana

*County of Gallatin*

Bozeman



June 1, 2015

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: Petition to abandon a 20' unnamed road in the Rainbow Subdivision off Lower Rainbow Rd.

**Legal Description:** That 20' wide road right of way that is located adjacent to Lots 454-457, 468A, 469-471, and 472A of Rainbow Subdivision, SE1/4, Section 14, Township 2 South, Range 4 East, P.M.M., 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 Thursday, May 28<sup>th</sup>, the undersigned met with Bill Brownell from the Gallatin County Road Department, to view the road being petitioned for abandonment.

All property abutting the unnamed road described in the abandonment petition is owned by TRD, Inc. whose CEO is Tom Duffy. New additions to Bozeman Hot Springs facility have been built within portions of that 20' right of way.

Therefore, it is our conclusion that the 20' wide road right of way located adjacent to Lots 454-457, 468A, 469-471, and 472A of Rainbow Subdivision should be abandoned.

No one will be denied access to public lands if the abandonment of the unnamed road described above is granted. The viewing committee believes that it is feasible and desirable to grant the petition.

Respectfully submitted,

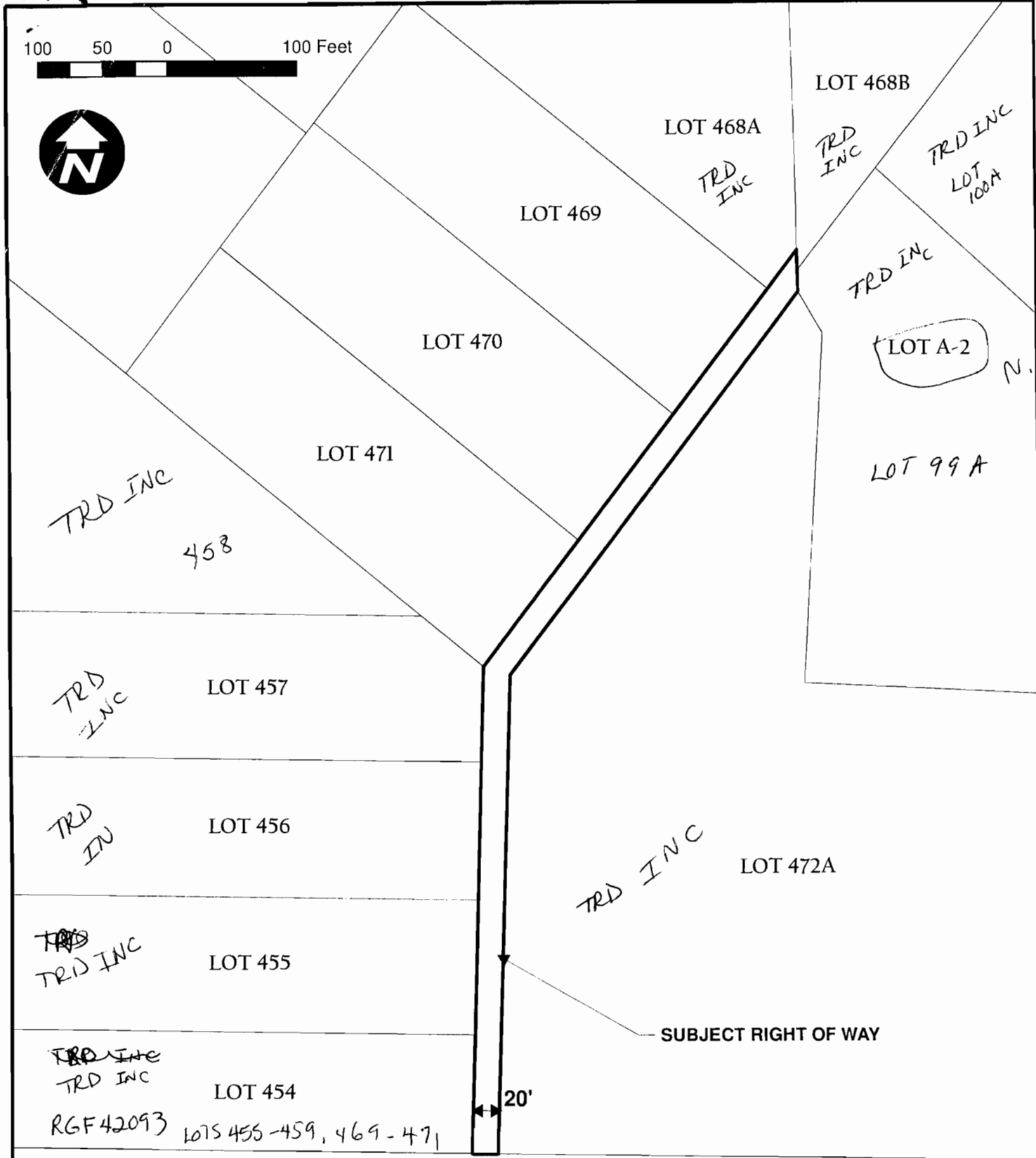
A handwritten signature in black ink, appearing to read "R. Stephen White".

R. Stephen White, County Commissioner

A handwritten signature in black ink, appearing to read "Charlotte Mills".

Charlotte Mills, Clerk and  
Recorder/Surveyor

100 50 0 100 Feet



SUBJECT RIGHT OF WAY

20'

LOWER RAINBOW ROAD

**H HOUSER**  
ENGINEERING P.C.  
620 NORTH FERGUSON AVENUE, SUITE 1 BOZEMAN, MONTANA 59718  
ph. 406-548-7820 email: justin@houserengineering.com

DRAWN BY: TWM  
CHK'D BY: JLH  
APPR. BY: JLH  
DATE: 03/26/2014

**RIGHT OF WAY LOCATION**  
FOUR CORNERS MONTANA

PROJECT NO.  
101.03

BOZEMAN HOT SPRINGS RV PARK

**FIG.1-B**

C:\PROMOV\Eng\KOA\RoadAbandonmentVicMap.mxd

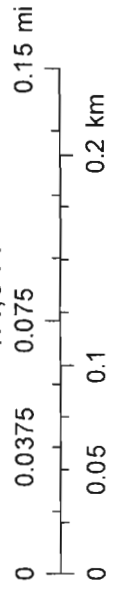
# Tom Duffy abandonment



May 27, 2015

1:4,514

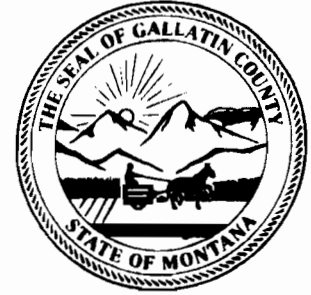
- Structure Address
- INTERSTATE
- U.S.
- Montana
- Paved
- Unpaved
- Alley/Driveway
- Rail Line
- Parcel
- Subdivisions
- Minor Subdivisions



State of Montana

County of Gallatin

Bozeman



AFFIDAVIT OF MAILING

STATE OF MONTANA )
) ss
COUNTY OF GALLATIN )

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

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

I hereby certify that a copy of Notice of Public Hearing to abandon that 20' wide road right of way that is located adjacent to Lots 454-457, 468A, 469-471 and 472A of Rainbow Subdivision, SE1/4, Section 14, Township 2 South, Range 4 East, P.M.M., Gallatin County, MT and the viewing Committee report regarding abandoning the same, according to Road Petition Number 839, was mailed to the following landowners on June 5, 2015.

Table with 5 columns: Name, Address, City, State, ZIP Code. Lists various landowners and their mailing addresses.

Charlotte Mills
CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana

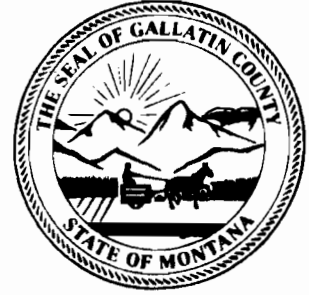




State of Montana

*County of Gallatin*

Bozeman



## NOTICE OF DECISION

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners conducted a public hearing on July 7, 2015, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana to consider a petition to abandon that 20-foot-wide road right-of-way located adjacent to Lots 99A, 454-457, 468A, 468B, 469-471, and 472A in the Rainbow Subdivision of Bozeman Hot Springs located in the SE1/4 of Section 14, Township 2 South, Range 4 East, Principal Meridian Montana.

At the hearing, the Board of County Commissioners decided to grant the petition as presented to abandon the above-named road.

Dated this 7<sup>th</sup> day of July, 2015.

*Charlotte Mills*

Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana





RESOLUTION NO. 2015- 077

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION NO. 839 TO ABANDON A 20' WIDE ROAD RIGHT OF WAY LOCATED ADJACENT TO LOTS 99A, 454-457, 468A, 468B 469-471 AND 472A OF RAINBOW SUBDIVISION OF BOZEMAN HOT SPRINGS TRACT, GALLATIN COUNTY, MONTANA

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

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on January 29, 2015, to abandon a portion of a 20' road right of way in the Rainbow Subdivision of Bozeman Hot Springs Tract (hereinafter referred to as the "Road"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated;

WHEREAS, the Petition set forth the particular road, its general route, and the lands affected by means of an attached map;

WHEREAS, the Road is described as that portion of the 20' wide road right of way that is located adjacent to Lots 99A, 454-457, 468A, 468B, 469-471 and 472A of the Rainbow Subdivision of Bozeman Hot Springs Tract, Gallatin County, Montana;

WHEREAS, the Road was originally created on November 26, 1913 when the Rainbow Subdivision of the Bozeman Hot Springs Tract was filed in the office of the Clerk & Recorder;

WHEREAS, upon acceptance of the Petition, the Clerk & Recorder assigned the Number 839 to the Petition;

WHEREAS, the Petition states the necessity or advantage of the abandonment as: "There is not currently a road located within the 20' ROW. The adjacent owner(s) wish to re-align the common boundaries to better reflect the existing land use pattern in the area";

WHEREAS, according to the Petition, TRD, Inc. owns all the property that abuts or may be affected by the abandonment and has consented to the abandonment;

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 April 8, 2015, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2601, MCA;

WHEREAS, on April 21, 2015, the Gallatin County Clerk and Recorder presented the Petition to abandon the road to the Commission in a public meeting;

WHEREAS, on April 21, 2015, and pursuant to § 7-14-2603, MCA, the Board of County Commissioners passed Resolution 2015-039 which caused an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the Petition and appointed a viewing committee consisting of County Commissioner R. Stephen White and the County Surveyor, Charlotte Mills;

WHEREAS, on May 28, 2015 the viewing committee met to view the road being petitioned for abandonment;

WHEREAS, in the viewers' report dated June 1, 2015, the viewing committee reported: "On Thursday, May 28<sup>th</sup>, the undersigned met with Bill Brownell from the Gallatin County Road Department, to view the road being petitioned for abandonment.

All property abutting the unnamed road described in the abandonment petition is owned by TRD, Inc. whose CEO is Tom Duffy. New additions to Bozeman Hot Springs facility have been built within portions of that 20' right of way.

Therefore, it is our conclusion that the portion of the 20' wide road right of way that is located adjacent to Lots 99A, 454-457, 468A, 468B, 469-471 and 472A of the Rainbow Subdivision of Bozeman Hot Springs Tract, Gallatin County, Montana should be abandoned.";

WHEREAS, in the June 1, 2015 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, on June 5, 2015 notices were posted in five (5) public places including the intersection of Lower Rainbow Rd. and Gallatin Road, the entrance to the KOA campground on Lower Rainbow Rd, in the main office for the KOA campground, in the laundry building for the KOA campground, and in the Gallatin County Courthouse lobby; a Notice of Public Hearing to be held on July 7, 2015 was published in the Bozeman Daily Chronicle on June 5, 2015 and June 19, 2015; and notice were mailed to petitioners and all landowners adjacent to the road to be abandoned along with a viewers report on June 5, 2015;

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

WHEREAS, on July 7, 2015, the Gallatin County Commissioners conducted a public hearing, after notice, on the Petition and the results of the investigation; and

WHEREAS, on July 7, 2015, the Gallatin County Commissioners found, based on the Petition, the testimony given, and the viewing committee investigation, that granting the

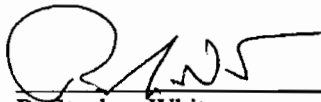
Petition that portion of the 20' wide road right of way that is located adjacent to Lots 99A, 454-457, 468A, 468B, 469-471 and 472A of the Rainbow Subdivision of Bozeman Hot Springs Tract, Gallatin County, Montana can be made without detriment to the public interest.

NOW THEREFORE BE IT RESOLVED:

1. Pursuant to § 7-14-2615, MCA, that portion of the 20' wide road right of way that is located adjacent to Lots 99A, 454-457, 468A, 468B, 469-471 and 472A of the Rainbow Subdivision of Bozeman Hot Springs Tract, Gallatin County, Montana is hereby abandoned.
2. The Road is appurtenant to land owned by TRD, Inc., which shall hold all right, title, and interest in the property underlying the Road now abandoned in accordance with Montana law;
3. The Commission hereby requests the Clerk and Recorder, within ten (10) days from the date of passage of this Resolution, 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 7th day of July, 2015.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY



R. Stephen White  
Chairman

7-7-15  
Date

ATTEST:

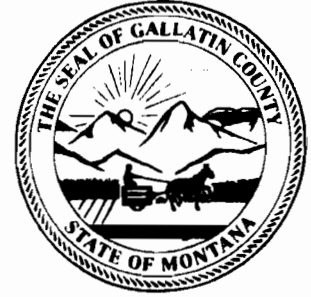


Charlotte Mills  
Clerk and Recorder  
Gallatin County

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 a Resolution Made Pursuant to Road Abandonment Petition No. 839 to Abandon a 20' wide road right of way located adjacent to Lots 99A, 454-457, 468A, 468B, 469-471 and 472A of Rainbow Subdivision of Bozeman Hot Springs Tract, located in the SE1/4 of Section 14, Township 2 South, Range 4 East, P.M.M., Gallatin County, MT was mailed to the following landowner on July 7, 2015.

TRD, Inc.

P.O. Box 11425

Bozeman, MT 59719-1425

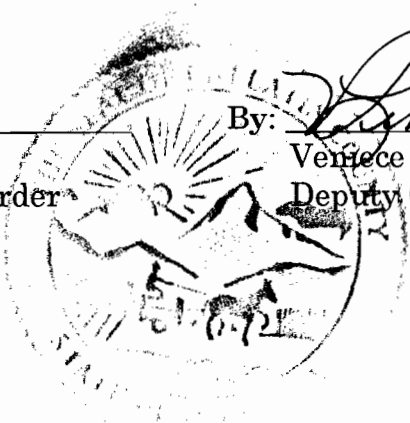
*Charlotte Mills*

Charlotte Mills  
Gallatin County Clerk & Recorder

By:

*Veniece Lindemulder*

Veniece Lindemulder  
Deputy Clerk and Recorder



**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:

**TRD, INC.-**  
**PO BOX 11425**  
**BOZEMAN MT 59719-1425**

114


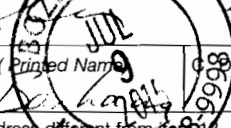
2. Article Number  
 (Transfer from service label)

RP839

7005 1160 0001 9972 4802

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X  

- Agent
- Addressee

B. Received by (Printed Name) \_\_\_\_\_ Date of Delivery \_\_\_\_\_

- D. Is delivery address different from front?  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