

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 Jim Russell PHONE 381-2670

Taylor road = County Rd #98

- 1) Determine if petition has sufficient information for processing. (Copy to County Attorney.) It should address all the pertinent information listed in:
  - a) The form of the petition
  - b) Section 7-14-2602
  - c) Identify owners abutting the road to be abandoned (7-14-2604)
  - d) Owners of private land to which the road gives access (7-14-2615(4))
- 2) Determine if there are sufficient qualified signatures as per 7-14-2601.
- 3) Complete "Report of Qualified Signatures".
- 4) Schedule the first hearing on the petition on Commissioner's agenda. DATE: 11/29/16
  - a) Prepare draft resolution appointing viewing committee and assigning Petition # 842.
  - b) Forward copy to county attorney for review
- 5) Make copies of petition and Report of Qualified Signers. Forward to:
  - County Attorney (attach note of date on Commissioner's agenda)
  - County Road Superintendent (attach note of date on Commissioner's agenda)
  - County Commission (3 copies)
- 6) Commissioners receive petition and assign viewing committee at first hearing via resolution.
- 7) Viewing committee (7-14-2603) completes road report and report is received. DATE: 1/17/17
- 8) ~~County Attorney~~ and other county staff identify owners abutting the road to be abandoned and owners of private land to which the road gives access
- 9) Schedule public hearing on Commissioner's agenda and prepare notices. DATE 2/7/17
- 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 1/22 & 1/29
- 13) Post notice in ~~4~~ 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.

OCT 03 2015

PETITION TO ABANDON COUNTY ROAD

Clerk & Recorder  
Gallatin County, Mont.

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

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

1. The road or portion of the road to be abandoned: The portion of the road between Bozeman trail and Meadow lane (in yellow)
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):  
The old county road going between Bozeman trail and Meadow lane at a 45° angle, located between lots 1, 2, and 3 in Mountain Meadow subdivision, S16, T2S, R6E

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. <u>Jason &amp; Michelle Rosen</u>	<u>1111 Meadow Ln</u> <u>Bozeman, MT 59715</u>
Legal Description of Property <u>Mountain Meadows Sub, S16, T02S, R06E, Block 3, Lot 2, Acres 1.36</u>	
2. <u>James &amp; Ronda Russell</u>	<u>906 Alpine Way</u> <u>Bozeman, MT 59715</u>
Legal Description of Property <u>Mountain Meadows Sub, S16, T02S, R06E Block 3 Lot 1, 1.09 Acres</u>	
3. <u>James &amp; Ronda Russell</u>	<u>906 Alpine Way</u> <u>Bozeman, MT 59715</u>
Legal Description of Property <u>Mountain Meadows Sub, S16, T02S, R06E Block 3 Lot 3, 2.46 Acres</u>	
4. _____	_____
Legal Description of Property _____	
5. _____	_____
Legal Description of Property _____	

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

**MAILING ADDRESS**

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

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:

We would be able to access Lot 3 from our property (Lot 1). We would control weeds on this old county road. The abandoned section could be added to the tax base. We would flatten and smooth out the old road and excess material that is currently unsightly and growing many noxious weeds. We purchased Lot 3 in May of 2016 from Gallatin County in an auction of excess land.

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

No

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

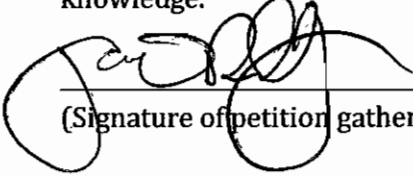
- 8. Does the road or portion of the road contain any utilities?

There are utilities that currently run along lots 1 and 2 paralleling the old road to the North

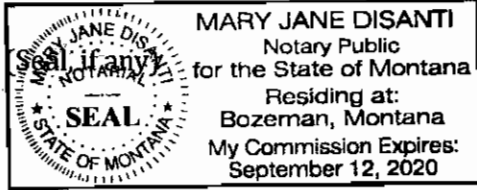
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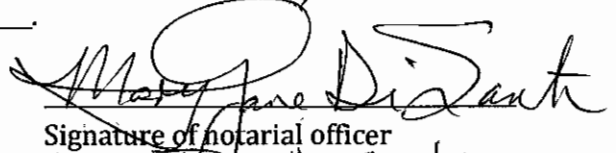
State of Montana  
County of Gallatin

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 October 3, 2016  
by James O Russell Jr.



  
\_\_\_\_\_  
Signature of notarial officer

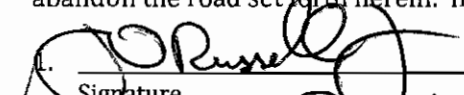
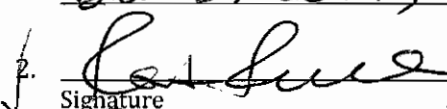
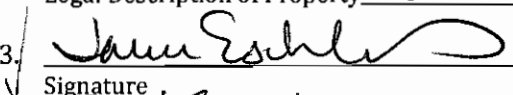
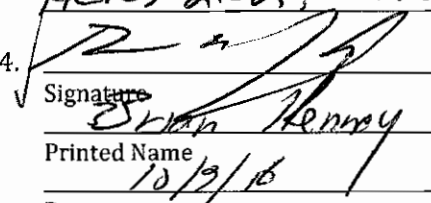
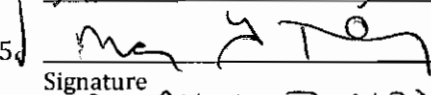
Mary Jane Disanti  
Name - typed, stamped, or printed

Notary  
Title (and Rank)

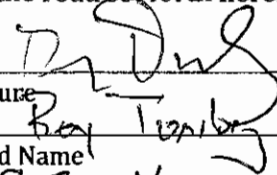
Bozeman, MT  
Residing at

My commission expires: Sept. 12, 2020

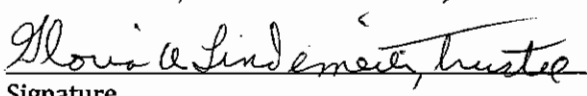
The undersigned state that they are freeholders in the Gallatin County Road District and petition to abandon the road set forth herein. If more than 10 freeholders sign, use additional pages.

1.   
Signature James O. Russell Jr Address 906 Alpine Way  
Bozeman, MT 59715  
City,State,Zip  
Printed Name  
10/6/16  
Date  
Legal Description of Property Mountain Meadows, Sub S16, T02S, R06 E,  
Block 3, Lot 1, Acres 1.09
2.   
Signature Ronda Lea Russell Address 906 Alpine Way  
Bozeman, MT 59715  
City,State,Zip  
Printed Name  
10/6/16  
Date  
Legal Description of Property Mountain Meadows Sub, S16, T02S, R06 E,  
Block 3, Lot 1, Acres 1.09
3.   
Signature Jami Eschler Address 3553 Sourdough Rd  
Bozeman, MT 59715  
City,State,Zip  
Printed Name  
10/9/16  
Date  
Legal Description of Property Bulens Sub, S19, T02S, R06 E,  
Acres 2.02, Tract B
4.   
Signature Brian Kenney Address 3553 Sourdough  
Bozeman, MT 59715  
City,State,Zip  
Printed Name  
10/9/16  
Date  
Legal Description of Property Bulens Sub, S19, T02S, R06 E,  
Acres 2.02, Tract B
5.   
Signature MARY L TUNBY Address 6255 JOHNSON RD  
BOZEMAN, MT 59718  
City,State,Zip  
Printed Name  
10/9/16  
Date  
Legal Description of Property Boyd, James D. Sub, S35, T02S,  
R05E, Block 15, Lot 4R, Acres 1.06
6. \_\_\_\_\_

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.

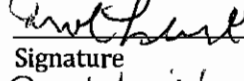
1. ✓  6255 Johnson RD  
Signature Address  
Ray Tunberg Bozeman, MT 59718  
Printed Name City, State, Zip  
9-30-16  
Date

Legal Description of Property Boyd, James C Sub, S35, T02S, R05 E, Block 15,  
Lot 4R, Acres 1.06, TNNWYSE4SE4

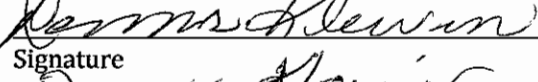
2.  168 Peace Pipe Dr  
Signature Address  
Gloria A Lindemeier Bozeman, MT 59715  
Printed Name City, State, Zip  
9-30-16  
Date

Lot 36,  
Acres: 33  
plus  
open  
space

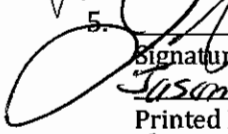
Legal Description of Property Sundance Springs Sub, Ph 1A, S30, T02S, R06E,

3.  460 W Fieldview Cir  
Signature Address  
Carol Weist Bozeman, MT 59715  
Printed Name City, State, Zip  
30 Sept 2016  
Date

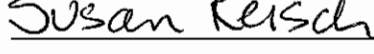
Legal Description of Property West Meadows Sub phase 2, S19, T02S, R06 E,  
Lot 72, Plat J-370 plus open space

4. ✓  3251 Wagonwheel Rd.  
Signature Address  
Dennis A Lewin Bozeman, MT 59715  
Printed Name City, State, Zip  
9/30/16  
Date

Legal Description of Property Sour Dough Crk Prop 8A, S24, T02S, R05 E,  
Block 3, Lot 1, Acres .99

5. ✓  1111 Meadows Lane  
Signature Address  
Jason S. Rosen Michelle Rosen Bozeman, MT 59715  
Printed Name City, State, Zip  
2-OCT-2016 2-Oct-2016  
Date

Legal Description of Property Mountain Meadows Sub, S16, T02S, R06E,  
Block 3, Lot 2, Acres 1.36

6.  1210 S. Rouse

Signature Jusan Reusch Address 1210 Skowee  
Printed Name JUSAN Reusch City, State, Zip Bozeman MT 59715  
Date 10/3/16

Legal Description of Property University Subd No 2, S18, T02S, R06E, Block 6, Lot 2

No 7. Signature Bonnie Eichenberger Address 124 Silverwood  
Printed Name Bonnie Eichenberger City, State, Zip Bozeman, MT 59715  
Date 10/3/16

Legal Description of Property Woodridge Add, S19, T02S, R06E, Lot 23

No 8. Signature Rebecca Roeder Address 27 Sundance Trl  
Printed Name Rebecca Roeder City, State, Zip Bozeman, MT 59718  
Date 10/3/16

Legal Description of Property Middle Creek Meadows Sub 3, S13, T02S, R04E, Lot 2, acers .627 less HWRW

No 9. Signature Kathy Adams Address 3154 Summer View Ln  
Printed Name Kathy Adams City, State, Zip Bozeman, MT 59715  
Date 10/3/16

Legal Description of Property Alder Creek Sub PH 4, S24, T02S, R05E, Block 16, Lot 21, Acres .134, Plat J-478

No 10. Signature Elicia Palmer Address 1042 Lowline Spr Rd  
Printed Name Elicia Palmer City, State, Zip Belgrade, MT 59714  
Date 10/3/16

Legal Description of Property Meadowlark Ranch Sub 1st filing, S31, T01N, R05E, Block 3, Lot 77, Plat J-490 plus % of common areas



11. Amy Huber 184 Pattee Trl  
Signature Amy C. Huber Address Bozeman, MT 59718  
Printed Name 10/3/2016 City, State, Zip  
Date

Legal Description of Property Middle Creek Parklands PH1, S12, T02S, R04E, Lot 90, Acres .25, Plat J-496, plus open space

12. Jennifer Kayser 997 Landmark Dr  
Signature Jennifer Kayser Address Belgrade, MT 59714  
Printed Name 10/3/16 City, State, Zip  
Date

Legal Description of Property Landmark Sub Ph 4, S33, T01N, R04E, Block 3, Lot 1, Plat J-382 .48 acres

13. Steve Buik 3277 Summerset  
Signature Steve Buik Address Bozeman MT 59715  
Printed Name 10/3/2016 City, State, Zip  
Date

Legal Description of Property Alder Creek Sub PH 2, S24, T02 S, R05 E, Block 8, Lot 7, Plat J-398, .193 acres

14. Molly Biddoway King 339 Peace Pipe Dr.  
Signature Molly Biddoway King Address Bozeman, MT 59715  
Printed Name 10/6/2016 City, State, Zip  
Date

Legal Description of Property city NA

15. Jeffrey L. King 339 Peace Pipe Drive  
Signature Jeffrey L. King Address Bozeman, MT 59715  
Printed Name 10/6/2016 City, State, Zip  
Date

Legal Description of Property city NA



State of Montana

# County of Gallatin

Bozeman



January 17, 2017

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: Petition to abandon a portion of County Road No. 98: Taylor Road (Old Yellowstone Trail)

**Legal Description:** Discussion and decision to abandon that portion of Taylor Road (Old Yellowstone Trail) County No. 98 going between Bozeman Trail Road and Meadow Lane at a 45° angle, located between Lots 1, 2, and 3 of Block 3, Mountain Meadows Subdivision, Section 16, Township 2 South, Range 6 East, P.M.M., Gallatin County, Montana; according to the official plat of Mountain Meadows Subdivision thereof on file and of record in the office of the Gallatin County Clerk and Recorder.

Dear Board,

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

On Thursday, December 29, 2016, the undersigned met with Bill Brownell from the Gallatin County Road Department, to view the road being petitioned for abandonment.

The proposed portion of County Road No. 98 to be abandoned angles thru Lots 1, 2, and 3 of the Mountain Meadows Subdivision. We could see actually see that section of abandon road which is located at the bottom of the hill, has not been maintained, and is not in use.

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

Therefore, it is our conclusion that the described portion of County Road No. 98 should be abandoned.

Respectfully submitted,

  
Don Seifert, County Commissioner

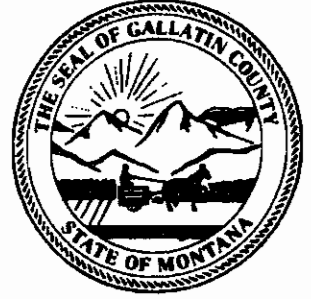


  
Charlotte Mills, Clerk and Recorder/Surveyor

State of Montana

*County of Gallatin*

Bozeman



**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on February 7, 2017, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. That portion of Taylor Road (Old Yellowstone Trail) County Road Number 98 going between Bozeman Trail Road and Meadow Lane at a 45° angle, located between Lots 1, 2 and 3 of Block 3, Mountain Meadows Subdivision, Section 16, Township 2 South, Range 6 East, P.M.M., Gallatin County, Montana;

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 17<sup>th</sup> day of January, 2017.

*Charlotte Mills*

Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana

# NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on February 7, 2017, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. That portion of Taylor Road (Old Yellowstone Trail) County Road Number 98 going between Bozeman Trail Road and Meadow Lane at a 45° angle, located between Lots 1, 2 and 3 of Block 3, Mountain Meadows Subdivision, Section 16, Township 2 South, Range 6 East, P.M.M., Gallatin County, Montana;

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 17<sup>th</sup> day of January, 2017.

Charlotte Mills  
Clerk and Recorder  
Gallatin County,  
Montana











RESOLUTION NO. 2016-130

A RESOLUTION MADE TO ASSIGN THE VIEWING COMMITTEE AND  
PETITION NUMBER FOR A PETITION TO ABANDON A PORTION OF TAYLOR  
ROAD NO. 98 (OLD YELLOWSTONE TRAIL)

This Resolution was introduced by RECORDING SUPERVISOR  
ERIC SEMERAD; moved by  
Commissioner WHITE and seconded by Commissioner SEIFERT.  
This Resolution was adopted

UNANIMOUSLY

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on  
October 3, 2016, to abandon a portion of Taylor Road No. 98 (Old Yellowstone Trail)  
(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 of Taylor Road (Old  
Yellowstone Trail) County Road Number 98 going between Bozeman Trail Road and  
Meadow Lane at a 45° angle, located between Lots 1, 2 and 3 of Block 3, Mountain  
Meadows Subdivision, Section 16, Township 2 South, Range 6 East, P.M.M., Gallatin  
County, Montana; according to the official plat of Mountain Meadows Subdivision  
thereof on file and of record in the office of the Gallatin County Clerk and Recorder.

WHEREAS, on November 18, 2016, 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:

The Board hereby accepts the petition for abandonment of that portion Taylor Road  
(Old Yellowstone Trail) County Road Number 98 going between Bozeman Trail Road  
and Meadow Lane at a 45° angle, located between Lots 1, 2 and 3 of Block 3, Mountain  
Meadows Subdivision, Section 16, Township 2 South, Range 6 East, P.M.M., Gallatin  
County, Montana; according to the official plat of Mountain Meadows Subdivision

RESOLUTION NO. 2017-020

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION  
NO. 842 TO ABANDON A PORTION OF TAYLOR ROAD, COUNTY ROAD NO. 98,  
BOZEMAN, MONTANA

CLERK AND RECORDER/COUNTY SURVEYOR  
This Resolution was introduced by CHARLOTTE MILLS; moved by  
Commissioner SKINNER and seconded by Commissioner WHITE.  
This Resolution was adopted UNANIMOUSLY.

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on  
October 3, 2016, to abandon a portion of Taylor Road No. 98 (Old Yellowstone Trail)  
(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 of Taylor Road (Old  
Yellowstone Trail) County Road Number 98 going between Bozeman Trail Road and  
Meadow Lane at a 45° angle, located between Lots 1, 2 and 3 of Block 3, Mountain  
Meadows Subdivision, Section 16, Township 2 South, Range 6 East, P.M.M., Gallatin  
County, Montana; according to the official plat of Mountain Meadows Subdivision  
thereof on file and of record in the office of the Gallatin County Clerk and Recorder, see  
Exhibit A;

WHEREAS, upon acceptance of the Petition, the Clerk & Recorder assigned the  
Number 842 to the Petition;

WHEREAS, the Petition states the necessity for and advantage of the  
abandonment is: "... (they) would be able to access Lot 3 from (their) property (Lot 1)  
... and (they) would control the weeds on the old county road and ... smooth out the old  
road.";

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 November 18, 2016, the Gallatin County Clerk and Recorder  
certified that the Petition contained sufficient signatures as required by Section 7-14-  
2601, MCA;

WHEREAS, on November 29, 2016 the Board of County Commissioners passed  
Resolution 2016-130 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 Don Seifert and the County Surveyor,  
Charlotte Mills;

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION NO. 842 TO ABANDON A PORTION OF  
TAYLOR ROAD, COUNTY ROAD NO. 98, BOZEMAN, MONTANA

WHEREAS, on December 29, 2016, the viewing committee met to view the road being petitioned for abandonment;

WHEREAS, in the viewers' report dated January 17, 2016, the viewing committee reported: "On Thursday, December 29, 2016, the undersigned met with Bill Brownell from the Gallatin County Road Department, to view the road being petitioned for abandonment" and;

WHEREAS, the viewing committee also reported that no one would be landlocked, nor denied access to public lands if the petition were granted and;

WHEREAS, the viewing committee concludes that the petitioned portion of Taylor Road, County Road No. 98 should be abandoned;

WHEREAS, by January 19, 2017 notices were posted in four (4) public places including a notice at the intersection of the petitioned road and Bozeman Trail Road; the intersection of the petitioned road and Meadow Lane; the Bozeman Public Library, and the Gallatin County Courthouse lobby. A Notice of Public Hearing to be held on February 7<sup>th</sup> was published in the Bozeman Daily Chronicle on January 22, 2017 and January 29, 2017; and mailed to petitioners and all landowners adjacent to the streets to be abandoned along with a viewers' report on January 20, 2017;

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

WHEREAS, on February 7, 2017, the Gallatin County Commissioners conducted a public hearing, after notice, on the Petition and the results of the investigation; and

WHEREAS, on February 7, 2017, the Gallatin County Commissioners found that granting the Petition to abandon a portion of Taylor Road County Road No. 98 can be made without detriment to the public interest.

NOW THEREFORE BE IT RESOLVED:

1. That portion of Taylor Road (Old Yellowstone Trail) County Road Number 98 going between Bozeman Trail Road and Meadow Lane at a 45° angle, located between Lots 1, 2 and 3 of Block 3, Mountain Meadows Subdivision, Section 16, Township 2 South, Range 6 East, P.M.M., Gallatin County, Montana; according to the official plat of Mountain Meadows Subdivision thereof on file and of record in the office of the Gallatin County Clerk and Recorder, Montana is hereby abandoned.

2. 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.
3. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of this Resolution to the supervisor.

DATED this 7<sup>th</sup> day of February, 2017.

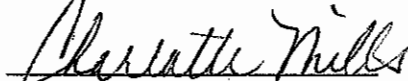
BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY



Don Seifert  
Chairman

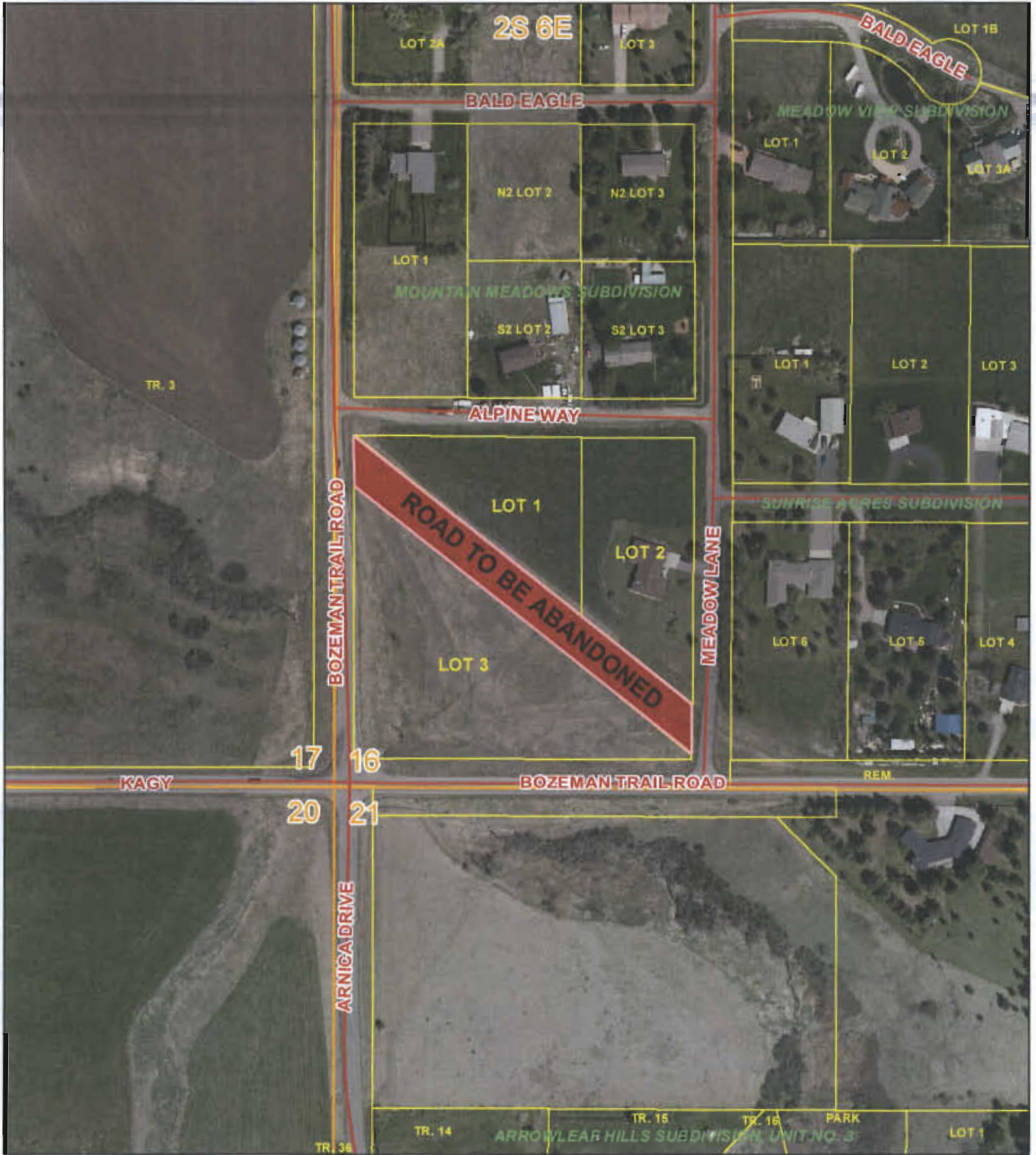
02/07/2017  
Date

ATTEST:

  
Charlotte Mills  
Clerk and Recorder  
Gallatin County

# EXHIBIT A

That portion of Taylor Road (Old Yellowstone Trail) County Road Number 98 going between Bozeman Trail Road and Meadow Lane at a 45° angle, located between Lots 1, 2, and 3 of Block 3, Mountain Meadows Subdivision, Section 16, Township 2 South, Range 6 East, P.M.M., Gallatin County, Montana



Gallatin County Clerk and Recorder's Office  
01/27/2017

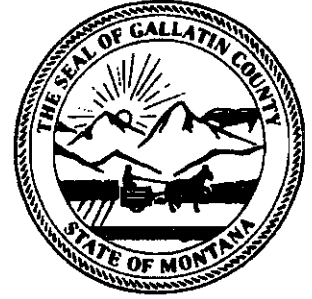
1 inch = 200 feet



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.

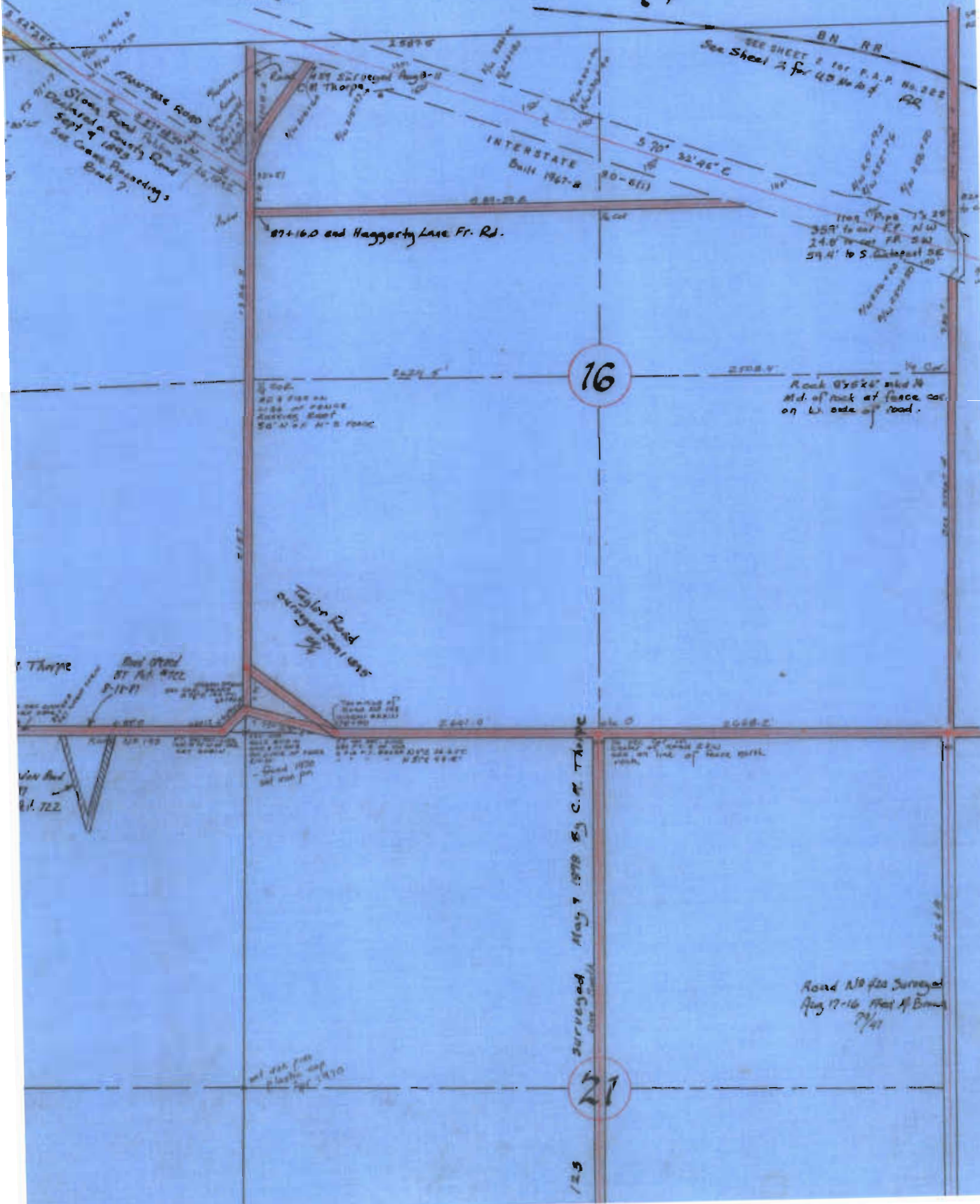
I hereby certify that a certified copy of the Resolution Made Pursuant to Road Petition No. 842 to abandon a portion of Taylor Road, County Road No. 98, Bozeman Montana also known as Old Yellowstone Trail, more particularly that portion of Taylor Road (Old Yellowstone Trail) County Road Number 98 going between Bozeman Trail Road and Meadow Lane at a 45 degree angle, located between Lots 1, 2 and 3 of Block 3, Mountain Meadows Subdivision, Section 16, Township 2 South, Range 6 East, P.M.M., Gallatin County, Montana, according to Road Petition Number 842, was mailed to those listed below on February 8, 2017.

Table with 5 columns: Name, Address, City, State, Zip. Rows include James & Ronda Russell, Jason & Michelle Rosen, and County Road Superintendent.

Handwritten signature of Charlotte Mills, followed by printed name and title: CHARLOTTE MILLS, Clerk and Recorder, Gallatin County, Montana.

# Township 2 South, Range 6 East Sheet 1

1/2 Sec. 16, Range 6 East  
T2S R6E S16  
At the 1/2 Sec. 16, R6E

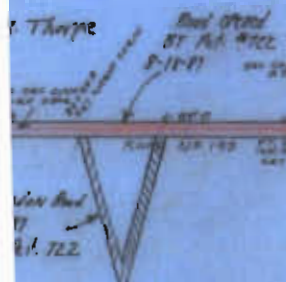


16

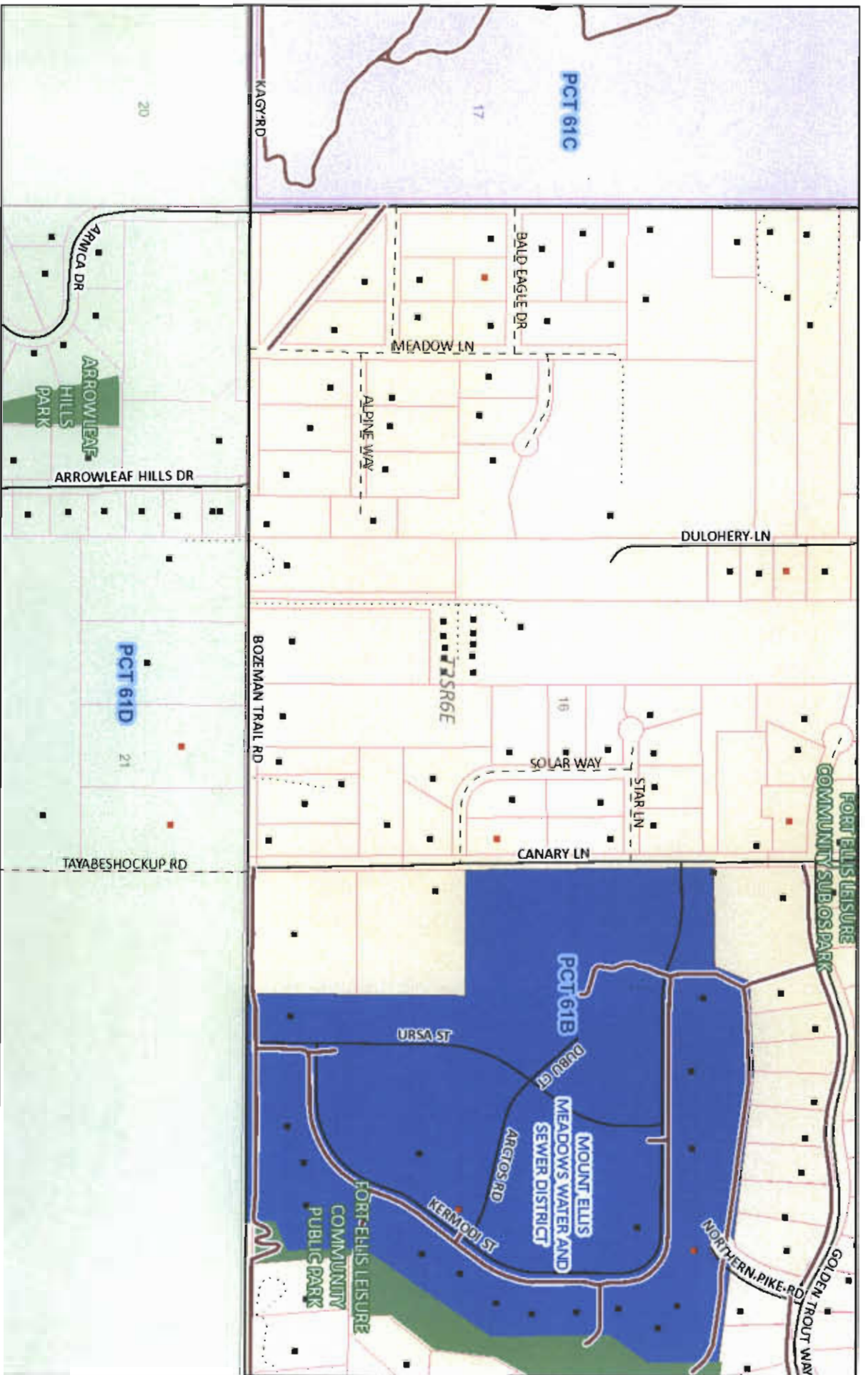
21

SURVEYED May 7 1970 By C. M. THORPE

Road No 420 Surveyed  
Aug 17-16 Fred A. Brown  
7/41



not used for  
Plastic map  
7/41



December 16, 2016

- Recent Addresses
- Recreation Sites
- Trailheads
- Campground
- Picnic Area
- Bozeman Structures
- Alpine Ski Area
- Boat Ramp
- Fishing Access
- Trails
- Structure Addresses
- Nordic Ski Area
- Cabin
- Park

1:9,348

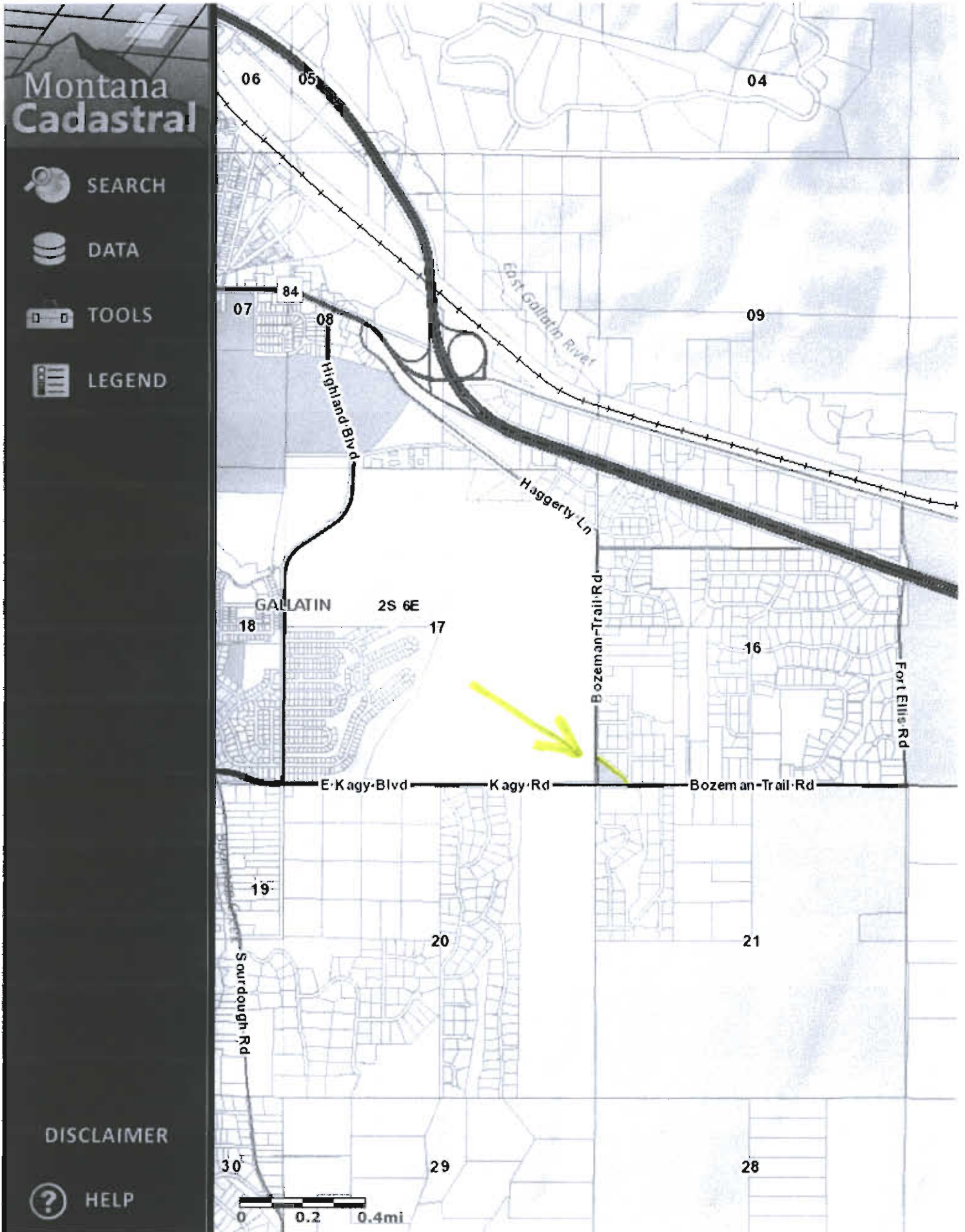
0 0.075 0.15 0.25 0.3 mi

0 0.125 0.25 0.5 km

Sources: Esri, HERE, DeLorme, USGS, Inmap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand).







RESOLUTION NO. 2017-020

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION NO. 842 TO ABANDON A PORTION OF TAYLOR ROAD, COUNTY ROAD NO. 98, BOZEMAN, MONTANA

CLERK AND RECORDER/COUNTY SURVEYOR  
This Resolution was introduced by CHARLOTTE MILLS; moved by Commissioner SKINNER and seconded by Commissioner WHITE.  
This Resolution was adopted UNANIMOUSLY

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on October 3, 2016, to abandon a portion of Taylor Road No. 98 (Old Yellowstone Trail) (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 of Taylor Road (Old Yellowstone Trail) County Road Number 98 going between Bozeman Trail Road and Meadow Lane at a 45° angle, located between Lots 1, 2 and 3 of Block 3, Mountain Meadows Subdivision, Section 16, Township 2 South, Range 6 East, P.M.M., Gallatin County, Montana; according to the official plat of Mountain Meadows Subdivision thereof on file and of record in the office of the Gallatin County Clerk and Recorder, see Exhibit A;

WHEREAS, upon acceptance of the Petition, the Clerk & Recorder assigned the Number 842 to the Petition;

WHEREAS, the Petition states the necessity for and advantage of the abandonment is: "... (they) would be able to access Lot 3 from (their) property (Lot 1) ... and (they) would control the weeds on the old county road and ... smooth out the old road.";

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 November 18, 2016, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2601, MCA;

WHEREAS, on November 29, 2016 the Board of County Commissioners passed Resolution 2016-130 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 Don Seifert and the County Surveyor Charlotte Mills;

*Certified to be a true and correct copy of a document containing 4 pages. Dated at Bozeman, MT, Feb 8, 2017.*  
Charlotte Mills, Clerk & Recorder for Gallatin County, State of Montana. Any alteration of this copy voids the certification.  
By: *Charlotte Mills* Deputy

PLATTED *SM*

2571466  
Page 1 of 4  
02/08/2017 09:58:14 AM  
Charlotte Mills - Gallatin County, MT  
Fee \$0.00 MISC

WHEREAS, on December 29, 2016, the viewing committee met to view the road being petitioned for abandonment;

WHEREAS, in the viewers' report dated January 17, 2016, the viewing committee reported: "On Thursday, December 29, 2016, the undersigned met with Bill Brownell from the Gallatin County Road Department, to view the road being petitioned for abandonment" and;

WHEREAS, the viewing committee also reported that no one would be landlocked, nor denied access to public lands if the petition were granted and;

WHEREAS, the viewing committee concludes that the petitioned portion of Taylor Road, County Road No. 98 should be abandoned;

WHEREAS, by January 19, 2017 notices were posted in four (4) public places including a notice at the intersection of the petitioned road and Bozeman Trail Road; the intersection of the petitioned road and Meadow Lane; the Bozeman Public Library, and the Gallatin County Courthouse lobby. A Notice of Public Hearing to be held on February 7<sup>th</sup> was published in the Bozeman Daily Chronicle on January 22, 2017 and January 29, 2017; and mailed to petitioners and all landowners adjacent to the streets to be abandoned along with a viewers' report on January 20, 2017;

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

WHEREAS, on February 7, 2017, the Gallatin County Commissioners conducted a public hearing, after notice, on the Petition and the results of the investigation; and

WHEREAS, on February 7, 2017, the Gallatin County Commissioners found that granting the Petition to abandon a portion of Taylor Road County Road No. 98 can be made without detriment to the public interest.

NOW THEREFORE BE IT RESOLVED:

1. That portion of Taylor Road (Old Yellowstone Trail) County Road Number 98 going between Bozeman Trail Road and Meadow Lane at a 45° angle, located between Lots 1, 2 and 3 of Block 3, Mountain Meadows Subdivision, Section 16, Township 2 South, Range 6 East, P.M.M., Gallatin County, Montana; according to the official plat of Mountain Meadows Subdivision thereof on file and of record in the office of the Gallatin County Clerk and Recorder, Montana is hereby abandoned.

2. 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.
3. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of this Resolution to the supervisor.

DATED this 7<sup>th</sup> day of February, 2017.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY



Don Seifert  
Chairman

02/07/2017  
Date

ATTEST:



Charlotte Mills  
Clerk and Recorder  
Gallatin County

# EXHIBIT A

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Gallatin County Clerk and Recorder's Office  
01/27/2017

1 inch = 200 feet

