

## 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 T. J. Dykema PHONE 539-6282

- 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: 3/21/17
  - a) Prepare draft resolution appointing viewing committee and assigning Petition # 843. 844
  - b) Forward copy to county attorney for review
- 5) Make copies of petition and Report of Qualified Signers. Forward to:
  - County Attorney (attach note of date on Commissioner's agenda)
  - County Road Superintendent (attach note of date on Commissioner's agenda)
  - County Commission (3 copies)
- 6) Commissioners receive petition and assign viewing committee at first hearing via resolution.
- 7) Viewing committee (7-14-2603) completes road report and report is received. DATE: \_\_\_\_\_
- 8) County Attorney and other county staff identify owners abutting the road to be abandoned and owners of private land to which the road gives access
- 9) Schedule public hearing on Commissioner's agenda and prepare notices. DATE \_\_\_\_\_
- 10) a) Type regular mail envelopes for:
  - 1) All landowners named on the petition
  - 2) All signers on the petition
  - 3) All landowners determined by viewing committee and county staff abutting the road to be abandoned and landowners of private land to which the road gives access.
  - 4) ~~The postmaster of the 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 Aug 6, Aug 13, 2017
- 13) Post notice in 5 public places 30 days prior to hearing and prepare affidavit of posting. At least 2 of the postings should be on or near the portion of road to be abandoned on yellow notice signs.
- 14) Post a copy of the viewing committee report and public hearing notice to the following online and with County Commission staff.
- 15) Prepare draft resolution for Commissioners to consider at next public hearing. Email to County Attorney for review.
- 16) Commissioners hold public hearing to grant or deny petition and pass resolution if granted.
- 17) Within 10 days of passage of resolution send copies of resolution to all persons listed in #10b (BY CERTIFIED MAIL) and forward certified copy to County Road Superintendent (per 7-14-2613).
- 18) Type affidavits of mailing and posting for the notice, and the final board decision.
- 19) If the petition is granted, a certified copy of the resolution must be recorded.
- 20) Scan petition file and file away in basement drawer for road petitions.

RECEIVED

FEB 16 2017

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: White Road west 1/2 Mile

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):

White Road following section 34 and 27 1N, 3E on the west half of section line.  
From the Northwest corner of section 34 to the North quarter corner

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. Ranger J Dykema 4393 wooden shoe Rd  
Barbara M Dykema Manhattan MT 59741  
Legal Description of Property Sec 34 1N 3E

2. Chuck Feddes Ranch Inc. 2610 Churchill Rd  
Manhattan MT 59741  
Legal Description of Property Sec 27 1N 3E

3. Moreland Canal of Nick Schutter Easement Only  
3333 Kuipers Rd  
Manhattan MT 59741  
Legal Description of Property Moreland Canal Sec 27+34 1N 3E

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<sup>4</sup> above consent to the abandonment? yes If no, list those landowners and their reasons for not consenting:

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

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

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

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

Improvements. I plan to build a home along north edge of tract A of S.O.S. 1903. We will be doing a family transfer for the 1.5 acre tract to include home-drainfield and well. Advantage being that these improvements increase county tax base

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

NO

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

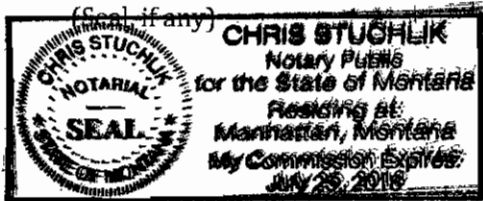
NO

State of Montana  
County of Gallatin

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

Thomas Dykema  
(Signature of petition gatherer.)

Signed and sworn to (or affirmed) before me on February 16, 2017  
by Thomas Dykema.



Chris Stuchlik  
Signature of notarial officer

Chris Stuchlik  
Name - typed, stamped, or printed

Notary Public  
Title (and Rank)

Manhattan MT  
Residing at

My commission expires July 25, 2018

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. Ranger J Dykema 4393 Woodenshoe Rd  
Signature Address  
Ranger J Dykema Manhattan MT 59741  
Printed Name City,State,Zip  
1-24-17  
Date

Legal Description of Property Sec 32, 33, 34 1N 3E

2. Chuck Feddes Land Inc. 2610 Churchill Rd.  
Signature Address  
Charles M. Feddes Manhattan, MT 59741  
Printed Name City,State,Zip  
1-30-17  
Date

Legal Description of Property Sec 27 1N 3E

3. David Dykema 4465 Wadden Shoe Rd  
Signature Address  
David Dykema TRB Dykema LLC Manhattan MT 59741  
Printed Name City,State,Zip  
02-06-17  
Date

Legal Description of Property S 32, T 01 N, R 03 E 2340 tract C

4. Sid Schutter 3131 Woodenshoe Rd  
Signature Address  
Sid Schutter Manhattan, MT 59741  
Printed Name City,State,Zip  
2-6-17  
Date

Legal Description of Property 1N 3E Sec 33

5. Greg Braaksma 6701 Dyk Rd.  
Signature Address  
Greg Braaksma (B-3 Inc.) Manhattan, MT 59741  
Printed Name City,State,Zip  
2-6-17  
Date

Legal Description of Property S 15, T 01 S, R 03 E

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

✓  
Signature Kevin K Kennedy Address 2505 Jackrabbit Lane  
Printed Name Kevin K Kennedy City,State,Zip Bozeman MT  
Date 2-6-17 59718  
Legal Description of Property S 35, T01S, R04E C0S. 2420A  
Tract B-1, X E2SE4NE4

7. ✓  
Signature Matthew L White Address 7700 white Rd  
Printed Name Matt White City,State,Zip Manhattan MT  
Date 2-7-17 59741  
Legal Description of Property S 27, T01N, R03E, C.O.S. 2735  
Tract A

8. ✓  
Signature Dill Kimm Address 6140 Kimm Rd.  
Printed Name Dill Kimm City,State,Zip Manhattan, Montana  
Date \_\_\_\_\_ 59741  
Legal Description of Property S 19, T01S, R04E, C.O.S. 2497A  
tract A

9. ✓  
Signature Kurtis Dykema Address 7885 Stagecoach Trl Rd.  
Printed Name Kurtis Dykema City,State,Zip Manhattan, MT 59741  
Date 2-9-17  
Legal Description of Property S 33, T01N, R03E C.O.S. 2689  
Tract 1

10. ✓  
Signature Brad Kamenman Address 3995 Buffalo Tr Rd  
Printed Name Brad Kamenman City,State,Zip Three Forks, MT, 59752  
Date 2-9-17  
Legal Description of Property S 15, T01N, R02E C.O.S. 2862  
tract B

11. [Signature]  
Signature  
Dale W Dykema  
Printed Name  
2-11-17  
Date

64775 Starwood Dr  
Address  
Manhattan, MT 59741  
City, State, Zip

Legal Description of Property S 34, T 01 N, R 03 E Tr in W2

12. [Signature]  
Signature  
Glenn Droge  
Printed Name  
2-14-17  
Date

7590 Stagecoach Tr. Rd.  
Address  
Manhattan, MT 59741  
City, State, Zip

Legal Description of Property S 04, T 01 S, R 03 E

13. [Signature]  
Signature  
Kurt A Burley  
Printed Name  
2/14/17  
Date

120 Oscars Run  
Address  
Manhattan, MT 59741  
City, State, Zip

Legal Description of Property S 13, T 01 S, R 03 E, Block 2, Lot 1 Plat J-412

14. [Signature]  
Signature  
Kyle Weidenacer  
Printed Name  
2-16-17  
Date

4235 Highline RD.  
Address  
Manhattan, MT. 59741  
City, State, Zip

Legal Description of Property S 18, T 01 S, R 04 E,

15. \_\_\_\_\_  
Signature  
\_\_\_\_\_  
Printed Name  
\_\_\_\_\_  
Date

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

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



# Gallatin County GIS

March 22, 2017



0 0.1 0.2 0.3 0.4  
mi

Gallatin County GIS  
311 W. Main Room 305  
Bozeman, MT 59715  
Phone: (406) 582-3049  
Email: GIS@gallatin.mt.gov



### Numbered Highways

- Interstates
- U.S.
- Montana
- Minor Roads
  - Paved
  - Unpaved
  - Alley/Drive way
  - Rail Line

### Cities

- Parcels
- Townships
- Sections
- Quarter Sections
- Subdivisions
- Minor Subdivisions

### Public Lands

- Local Government
- State of Montana
- U.S. Bureau of Land Management
- U.S. Forest Service
- U.S. Park Service

### Addresses

- Recent Addresses
- Structure Addresses

### Water

- Streams
- Rivers
- Lakes

*will want to  
addition in  
part in  
addition in  
addition in*

McKenna Road No 296

Survey

John F White

E.D. Bos

27

34

Marland

John F White

John White

Thos Cruse

For Corps and slight  
Relocation see Map of  
Federal Rd Project 41

John White

ROUTE NO. 200  
PROJECT 541(3)  
BUILT 1949 See Plans

Camp Creek Ry

Thos Cruse

Frank Jaktle

26

35

Frank Jaktle

Henry  
Tessile





Sign In

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112 FM 4499



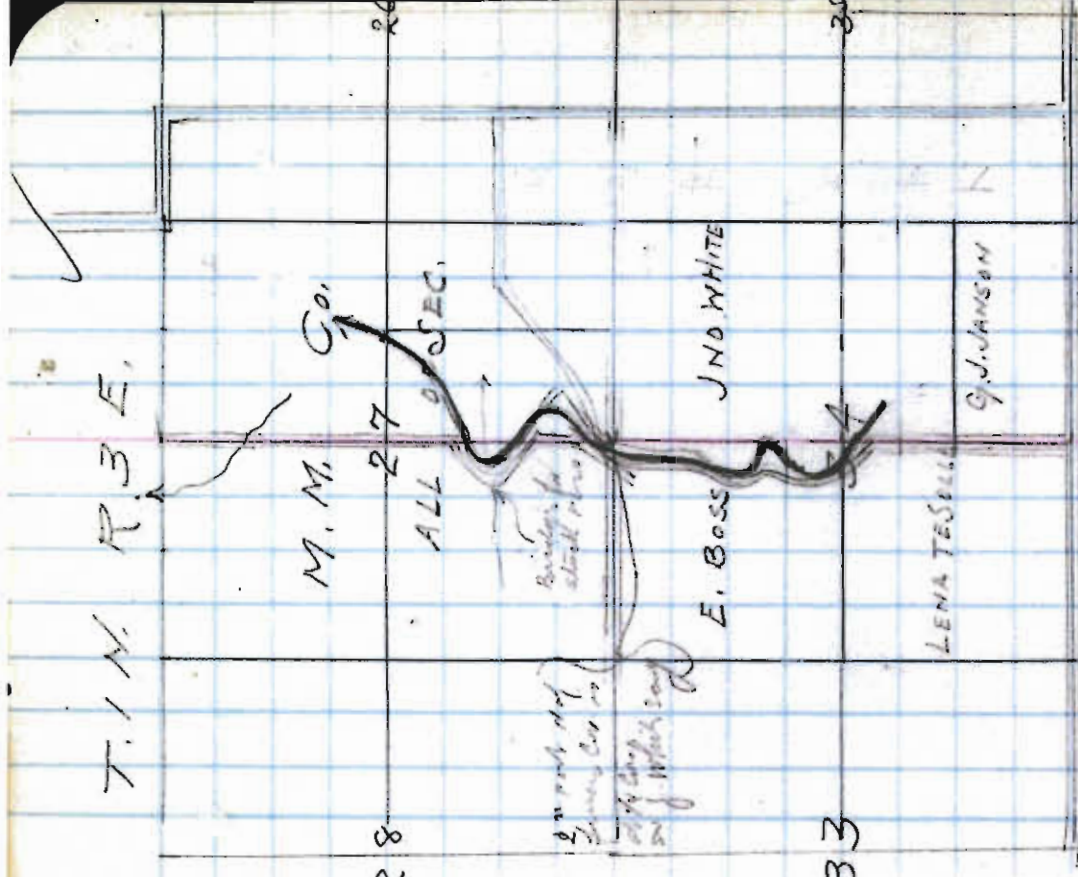
DRIVEWAY

WHITE

127 FM 3877

43 VIEWING ROAD No R38

Estimate of building frame  
 at starting point and 1/2 X 1/2 X 16 \$10.00  
 " " " " " 10.00  
 at head ditch " 1/2 X 3 X 16 15.00  
 at Warm Spring ditch Bridge  
 14ft wide 4 ft high 2 2x4 posts 75.00  
 " 1/2 X 3 X 16 15.00  
 " 1 X 2 X 16 10.00  
 Scaling across sec. 10 12  
 at J. G. Mendenhall on line (75.00)  
 Bridge of canal 14 X 4 X 16 (10.00)  
 Culverts 1 X 1 1/2 X 16 10.00  
 Sp. Mendenhall  
 Cul. 1 X 1 1/2 X 16 10.00  
 Ditch  
 at Center of sec 22 14 ft bridge of log 75.00  
 Cul. 3 X 1 1/2 X 16 + 15.00  
 change ditch on sec 27  
 at ditch above ditch bridge bridge  
 square of ditch 5 feet 5 X 7 X 16 75.00  
 Ditch grading 15.00  
 new ditch 2 - 2x4 25.00  
 ditch at found 4 X 2 X 16 20.00  
 old 1 X 1 1/2 X 16 in 5 ft 10.00  
 50.00





Google Earth

miles  
km



1

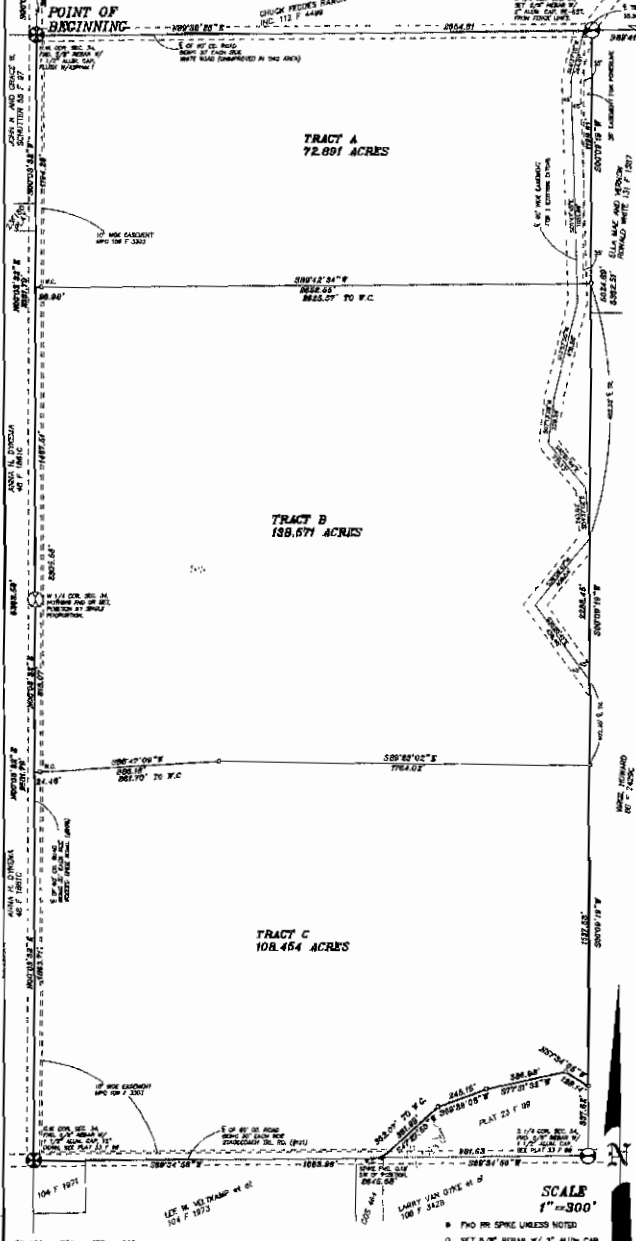
3



Google Earth

**CERTIFICATE OF SURVEY NO. 1903**  
 A TRACT OF LAND BEING THE NW 1/4 AND A PORTION OF THE  
 SW 1/4 OF SEC. 34, T1N, R5E, P.M.M. GALLATIN COUNTY, MONTANA

FOR DONALD C. DYKEMA et al TO CREATE  
 TRACTS A AND B AS AGRICULTURAL EXEMPTION  
 AND TRACT C IS REMAINDER.



**DESCRIPTION**  
 A tract of land being the Northwest one-quarter and a portion of the Southwest one-quarter of Section 34, Township 1 North, Range 3 East, Principal Meridian Montana, Gallatin County, Montana and being further described as follows:  
 Beginning at a point, said point being the Northwest corner of Section 34, thence North 89°36'23" East along the North line of said Northwest one-quarter a distance of 2854.81 feet, thence South 0°09'19" West along the East line of said Northwest one-quarter and Southwest one-quarter, a distance of 5024.89 feet, thence through the following courses along the North line of Plat 23 F 99:  
 North 57°34'08" West a distance of 128.14 feet  
 South 77°13'31" West a distance of 386.98 feet  
 South 49°10'00" West a distance of 245.15 feet  
 South 47°27'50" West a distance of 381.89 feet  
 Thence South 89°34'08" West along the South line of said Southwest one-quarter, a distance of 1663.96 feet thence North 0°03'32" East along the West line of said Southwest one-quarter and Northwest one-quarter, a distance of 5363.58 feet to the point of beginning.

Said tract of land being 319.816 acres along with and subject to any existing easements.  
 All according to Certificate of Survey No. 1903, Gallatin County Clerk and Recorder's Records.

**CERTIFICATE OF EXEMPTION (AGRICULTURAL PURPOSES)**  
 We, the undersigned, hereby certify that the purpose of this survey is to create Tracts A and B as agricultural tracts that the land will be used exclusively for agricultural purposes, and that this covenant shall remain with the parcels, revocable only by the mutual consent of the land owner and the governing body, therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-207 (1)(c), M.C.A., and the Gallatin County Subdivision Regulations.

We further certify that no structure requiring water or sewage facilities will be erected or utilized on the parcels created and that the parcel will remain in agricultural use, therefore, this survey is exempt from review by the Department of Health and Environmental Sciences pursuant to A.R.M. 16.16.605 (2)(a).  
 Donald C. Dykema, James D. Gray  
 Roger Robinson, Dale Dykema  
 Roger Robinson, Alfred D. Stone, formerly  
 Wanda J. Gray, by Roger Dykema, D. Gray, by Roger Dykema, Dykema, attorney-in-fact  
 Kato Dykema, Michael D. Stone, Esq.  
 Kato Dykema, Michael Dykema, Attorney

State of Montana  
 County of Gallatin  
 On this 21st day of July, in the year 1995, before me the undersigned, a Notary Public in and for said state, personally appeared the above named, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Notary Public for the State of Montana  
 Residing at Bozeman  
 My Commission Expires August 1, 1996  
**CERTIFICATE OF SURVEYOR**  
 I, the undersigned, Ronald W. Allen, Professional Land Surveyor, do hereby certify that between October 25, 1982 and August 12, 1985 I surveyed this Certificate of Survey, and affixed same as shown on the accompanying plat and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-614, M.C.A., and the Gallatin County Subdivision Regulations.  
 Ronald W. Allen  
 Montana Registration #49555

**CERTIFICATE OF COUNTY TREASURER**  
 I, Stan Hughes, Treasurer of Gallatin County, Montana, do hereby certify that the accompanying plat has been duly examined and that of the property taxes assessed and listed on the land to be subdivided thereon.  
 Dated this 11th day of August, 1995  
 Stan Hughes  
 County Treasurer of Gallatin County

**CERTIFICATE OF COUNTY COMMISSIONERS**  
 I, the Chairman of the Board of County Commissioners, Gallatin County, Montana, do hereby certify that the exemption claimed on the accompanying Certificate of Survey has been duly reviewed and has been found to conform to the requirements of the Subdivision and Platting Act, Section 76-3-101 et seq. M.C.A. and the Gallatin County Subdivision Regulations.  
 Dated this 11th day of August, A.D. 1995.  
 Vernon D. Dumas  
 Chairman, Board of County Commissioners

**CLERK AND RECORDER**  
 I, Shelley M. Cheney, Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was in my office this 12th day of August, A.D. 1995 at P.M., and recorded as Certificate of Survey Number 1903, records of the County Clerk and Recorder, Gallatin County, Montana.  
 Document Number 810880  
 By Shelley M. Cheney  
 Deputy Clerk and Recorder

**SCALE 1"=300'**  
 • PLO FOR SPICE UNLESS NOTED  
 • SET 3/8" REBAR W/ 2" ALUM CAP  
 • CENTERLINE  
 • D= WITNESS CORNER  
 DASH OF BEARING IS WEST LINE OF SW 1/4 SEC 27 T1N R5E M33

**TOTAL AREA 319.816 ACRES**

852	S34	6/95	C	12
TIN	R5E	1/16	1/16	1/16

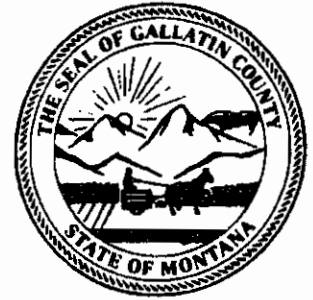
**ALLAN & ASSOCIATES**



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 a portion of White Road.

Legal Description: That portion of White Road following the Section line between Sections 27 and 34 from the northwest corner of Section 34 to the North one quarter corner of Section 34, Township 1 North, Range 3 East, P.M.M., 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 7-14-2601 M.C.A. 2015, it contains the signatures of 10 qualified freeholders of the Gallatin County road district.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of my office at Bozeman, the County Seat of Gallatin County, State of Montana, this 6<sup>th</sup> day of March 2017, A.D.

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



RESOLUTION NO. 2017- 039

A RESOLUTION MADE TO ASSIGN THE VIEWING COMMITTEE AND  
PETITION NUMBER FOR A PETITION TO ABANDON A PORTION OF WHITE  
ROAD, GALLATIN COUNTY, MONTANA

This Resolution was introduced by RECORDING SUPERVISOR  
ERIC SEMERAD; 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  
February 16, 2017, to abandon a portion of White Road (hereinafter referred to as the  
"Road"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated;

WHEREAS, the Road is described That portion of White Road following the  
Section line between Sections 27 and 34 from the northwest corner of Section 34 to the  
North one quarter corner of Section 34, Township 1 North, Range 3 East, P.M.M.,  
Gallatin County, Montana; according to the official plat thereof on file and of record in  
the office of the Gallatin County Clerk and Recorder.

WHEREAS, on March 6<sup>th</sup>, 2017, 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 of White Road  
following the section line between Sections 27 and 34 from the Northwest Corner of  
Section 34 to the North One Quarter Corner of Section 34, Township 1 North, Range 3  
East, P.M.M., Gallatin County, Montana; according to the official plat thereof on file  
and of record in the office of the Gallatin County Clerk and Recorder.

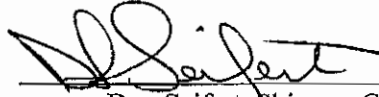
1. The petition is assigned Road Petition Number 843.

A RESOLUTION MADE TO ASSIGN THE VIEWING COMMITTEE AND PETITION NUMBER FOR A PETITION TO  
ABANDON A PORTION OF WHITE ROAD, GALLATIN COUNTY, MONTANA

2. Commissioner WHITE and County Surveyor Charlotte Mills are assigned to investigate the feasibility, desirability, and cost of granting the prayer of the Petition, and to report their findings back to the Board.

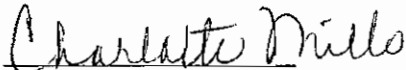
DATED this 21 day of March 2017.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY



Don Seifert Skinner, Chairman

ATTEST:



Charlotte Mills  
Clerk and Recorder  
Gallatin County

RESOLUTION NO. 2017- 067

A RESOLUTION MADE TO ASSIGN THE PETITION NUMBER FOR A PETITION TO  
ABANDON A PORTION OF WHITE ROAD, GALLATIN COUNTY, MONTANA

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

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on February 16,  
2017, to abandon a portion of White Road (hereinafter referred to as the "Road"), pursuant to  
Title 7, Chapter 14, Part 26 Montana Code Annotated;

WHEREAS, the Road is described That portion of White Road following the Section line  
between Sections 27 and 34 from the northwest corner of Section 34 to the North one quarter  
corner of Section 34, Township 1 North, Range 3 East, P.M.M., Gallatin County, Montana;  
according to the official plat thereof on file and of record in the office of the Gallatin County  
Clerk and Recorder.

WHEREAS, on March 21<sup>st</sup> 2017, the Gallatin County Board of County Commissioners  
passed Resolution 2017-39 assigning the Viewing Committee and Petition number 843;

WHEREAS, Petition number 843 has already been issued to the Calico Drive  
abandonment petition;

NOW THEREFORE BE IT RESOLVED:


1. The petition to abandon a portion of White Road is assigned Road Petition Number 844.

DATED this 11th day of July, 2017

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

  
\_\_\_\_\_  
Don Seifert, Skinner, Chairman

ATTEST:

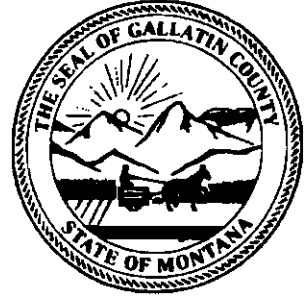
  
Charlotte Mills  
Clerk and Recorder  
Gallatin County

A RESOLUTION MADE TO ASSIGN THE PETITION NUMBER FOR A PETITION TO ABANDON A PORTION OF WHITE ROAD,  
GALLATIN COUNTY, MONTANA

State of Montana

*County of Gallatin*

Bozeman



July 31, 2017

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: Petition to abandon a portion of White Road

**Legal Description:** That portion of Road is described That portion of White Road following the Section line between Sections 27 and 34 from the northwest corner of Section 34 to the North one quarter corner of Section 34, Township 1 North, Range 3 East, P.M.M., Gallatin County, Montana; according to the official plat 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.

The petition to abandon the described portion of White Road was received on February 16, 2017, and was certified, by the Gallatin County Clerk and Recorder, on March 6, 2017. The petition states that the necessity for abandonment is for improvements to the land. They will be doing a family transfer of a 1.5 acre tract to include a home, a well, and a drainfield. There is a plan to build a home along the north edge of Tract A of COS 1903.

The Board of Gallatin County Commissioners accepted the petition and assigned the viewing committee at a public meeting held on March 21, 2017. On Thursday, June 29, 2017, the undersigned met with Bill Brownell from the Gallatin County Road Department, to view the road petitioned for abandonment. The proposed portion of White Road to be abandoned has never been developed, and furthermore there is no physical road in the field.

The Viewing Committee does find that this portion of White Road does not provide existing legal access to public lands or waters. Also, two or more landowners do not use this portion of White Road to access private property.

Accordingly, we recommend abandoning the described portion of White Road.

Respectfully submitted,



R. Stephen White, County Commissioner

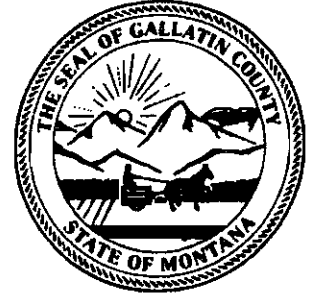


Charlotte Mills, Clerk and  
Recorder/Surveyor

State of Montana

*County of Gallatin*

Bozeman



**NOTICE OF PUBLIC HEARING**

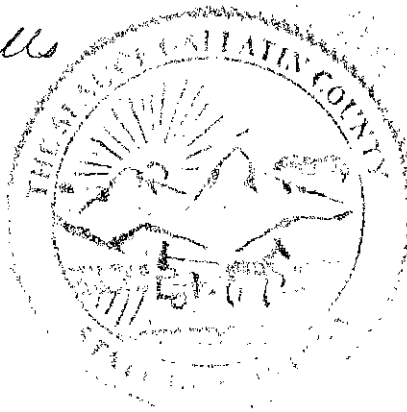
NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on August 15, 2017, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a road petition to abandon that portion of White Road following the Section line between Sections 27 and 34 from the northwest corner of Section 34 to the north one-quarter corner of Section 34, Township 1 North, Range 3 East, P.M.M., Gallatin County, Montana; according to the official plat thereof on file and of record in the office of the Gallatin County Clerk and Recorder.

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 August, 2017.

*Charlotte Mills*

Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana



State of Montana

# County of Gallatin

Bozeman



## AFFIDAVIT OF MAILING

STATE OF MONTANA            )  
   ) ss  
 COUNTY OF GALLATIN        )

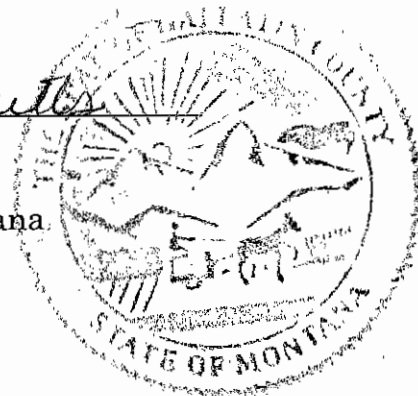
**CHARLOTTE MILLS, BEING FIRST DULY SWORN ON OATH, deposes and says:**

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

I hereby certify that a copy of the attached Notice of Public Hearing to abandon a portion of Clarkston Road, and the viewing Committee report regarding abandoning the same, according to Road Petition Number 844, was mailed to those listed below on August 2, 2017.

Name	Address			
Ranger J Dykema	4393 Woodenshoe Rd	Manhattan	MT	59741
Barbara M Dykema	4393 Woodenshoe Rd	Manhattan	MT	59741
Chuck Feddes Ranch Inc.	2610 Churchill Rd	Manhattan	MT	59741
Moreland Canal c/o Nick Schutter	3333 Kuipers Rd	Manhattan	MT	59741
David Dykema trb Dykema LLC	4465 Woodenshoe Rd	Manhattan	MT	59741
Sid Schutter	3131 Woodenshoe Rd	Manhattan	MT	59741
Greg Braaksma (B-3 Inc.)	6701 Dyk Rd	Manhattan	MT	59741
Kevin Kennedy	2505 Jackrahbit Lane	Bozeman	MT	59718
Matthew White	7700 White Rd	Manhattan	MT	59741
Bill Kimm	6140 Kimm Rd	Manhattan	MT	59741
Kurtis Dykema	7885 Stagecoach Trail Rd	Manhattan	MT	59741
Brad Kamerman	3995 Buffalo Jp Rd	Three Forks	MT	59752
Dale W Dykema	6477 Stagecoach Trail Rd	Manhattan	MT	59741
Glenn Droge	7590 Stagecoach Trail Rd	Manhattan	MT	59741
Kurt A Burley	120 Oscars Run	Manhattan	MT	59741
Kyle Weidenaar	4235 Highline Rd	Manhattan	MT	59741
T.J. Dykema	4455 Woodenshoe Rd	Manhattan	MT	59741

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





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 **NOTICE OF PUBLIC HEARING** to abandon a portion of White Road, Gallatin County, Montana, pursuant to Road Abandonment Petition No. 844, was posted by August 7, 2017 in the following four (4) public locations:

1. **Intersection of White Road and Woodenshoe Road**
2. **Intersection of White Road and Churchill Road**
3. **Office of the Gallatin County Clerk & Recorder**
4. **Gallatin County Courthouse Lobby**

*Charlotte Mills*

CHARLOTTE MILLS  
Clerk and Recorder  
Gallatin County, Montana





State of Montana

County of Gallatin

Bozeman



AFFIDAVIT OF MAILING

STATE OF MONTANA )
) ss
COUNTY OF GALLATIN )

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

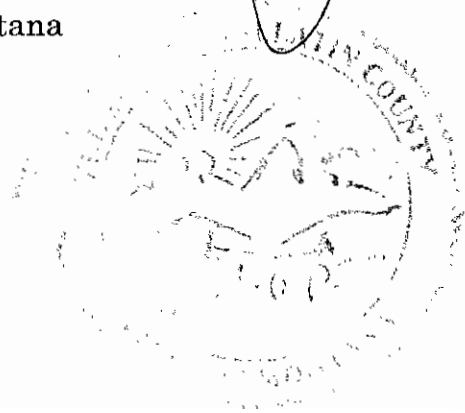
That she is the duly elected, qualified and acting County Clerk and Recorder of Gallatin County, Montana.

I hereby certify that a copy of Resolution #2017-076, a Resolution made pursuant to Road Abandonment Petition No. 844 to abandon a portion of White Road, Gallatin County, Montana, was mailed to the following landowners on August 16, 2017.

Ranger J & Barbara M Dykema 4393 Woodenshoe Rd Manhattan, MT 59741
Chuck Feddes Ranch Inc. 2610 Churchill Rd Manhattan, MT 59741
Moreland Canal c/o Nick Schutter 333 Kuipers Rd Manhattan, MT 59741

Charlotte Mills
CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana

By: Jasmine Hall
Jasmine Hall, Deputy



RESOLUTION NO. 2017- 076

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION  
NO. 844 TO ABANDON A PORTION OF WHITE ROAD,  
GALLATIN COUNTY, MONTANA

This Resolution was introduced by 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 July  
7, 2017, to abandon a portion of White Road, pursuant to Title 7, Chapter 14, Part 26  
Montana Code Annotated;

WHEREAS, the Road is described as that portion of White Road following the  
Section line between Sections 27 and 34 from the northwest corner of Section 34 to the  
North one quarter corner of Section 34, Township 1 North, Range 3 East, P.M.M.,  
Gallatin County, Montana; according to the official plat thereof on file and of record in  
the office of the Gallatin County Clerk and Recorder.

WHEREAS, upon acceptance of the Petition, the Clerk & Recorder assigned the  
Number 844 to the Petition;

WHEREAS, the Petition states the necessity for and advantage of the  
abandonment is: "for improvements to the land. They will be doing a family transfer of a  
1.5 acre tract to include a home, a well, and a drain field. There is a plan to build a home  
along the north edge of Tract A of COS 1903.";

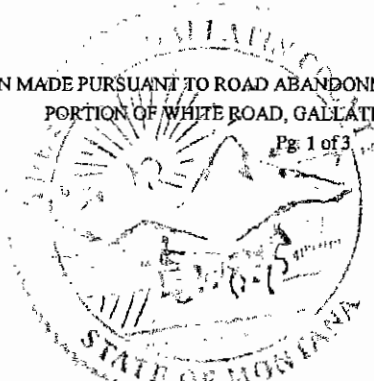
WHEREAS, "abandon" "vacation" and "abandonment" as set forth herein mean  
the cessation of use of the right-of-way or activity thereon with no intention to reclaim or  
use again, except as may be granted to the public by further easement or petition;

WHEREAS, on March 6, 2017, the Gallatin County Clerk and Recorder certified  
that the Petition contained sufficient signatures as required by Section 7-14-2601, MCA;

WHEREAS, on March 21, 2017, the Board of County Commissioners passed  
Resolution 2017-039 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 Steve White and the County Surveyor,  
Charlotte Mills;

WHEREAS, on June 29, 2017, the viewing committee met to view the road being  
petitioned for abandonment;

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION NO. 844 TO ABANDON A  
PORTION OF WHITE ROAD, GALLATIN COUNTY, MONTANA



Certified to be a full, true and correct copy of a  
document containing 3 pages. Dated at  
Bozeman, MT, 8/15 2017.  
Charlotte Mills Clerk & Recorder for Gallatin  
County, State of Montana. Any alteration of this  
copy voids the certification.

By Jasmine Hull

Deputy

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Page: 1 of 3  
Charlotte Mills - Gallatin County, MT  
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WHEREAS, in the viewers' report dated July 31, 2017, the viewing committee reported: "On Thursday, June 29, 2017, the undersigned met with Bill Brownell, Gallatin County Road Supervisor, to view the road petitioned for abandonment, and "The proposed portion of White Road to be abandoned has never been developed, and furthermore there is no physical road in the field.";

WHEREAS, the viewing committee reported that the Road does not provide existing legal access to public lands or waters. In addition, two or more landowners do not use the Road to access private property;

WHEREAS, the viewing committee recommends "to abandon the described portion of White Road;

WHEREAS, on August 7, 2017 notices were posted in four (4) public places including a notice each at the east and west end of White Road at its intersections with Woodenshoe Road and Churchill Road; at the office of the Gallatin County Clerk & Recorder; and the Gallatin County Courthouse lobby. A Notice of Public Hearing to be held on August 15, 2017, was published in the Bozeman Daily Chronicle on August 6 and August 13, 2017; and mailed to petitioners and all landowners adjacent to the Road along with a viewers' report on August 2, 2017;

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

WHEREAS, on August 15, 2017, the Gallatin County Commissioners conducted a public hearing, after notice, on the Petition and the results of the investigation; and

WHEREAS, on August 15, 2017, the Gallatin County Commissioners found that granting the Petition to abandon the Road can be made without detriment to the public interest.

NOW THEREFORE BE IT RESOLVED:

1. The Road being portion of White Road following the Section line between Sections 27 and 34 from the northwest corner of Section 34 to the North one quarter corner of Section 34, Township 1 North, Range 3 East, P.M.M., Gallatin County, Montana; according to the official plat thereof on file and of record in the office of the Gallatin County Clerk and Recorder 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 road. The owners shall be those listed on the last county assessment roll.

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

DATED this 15<sup>th</sup> day of August 2017.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY




Donald F. Seifert  
Chairman

8-15-17

Date

ATTEST:



Charlotte Mills  
Clerk and Recorder  
Gallatin County