

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 Yvonne Hertzog PHONE 3045 rec'd 7/17/17

- 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". 7/17/17
- 4) Schedule the first hearing on the petition on Commissioner's agenda. DATE: 7/18/17
 - a) Prepare draft resolution appointing viewing committee and assigning Petition # 346.
 - 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: 7/25/17
- 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 8/15/17
- 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 areab) Type and prepare certified mail envelopes for:
 - 1) All landowners abutting the road to be abandoned and landowners of private land to which the road gives access.
 - 2) The postmaster of the area
- 11) Mail a copy of the public hearing notice and viewers report to the people listed in 10) a) above.
- 12) Publish public hearing legal notice two times in Chronicle for a county road (7-1-2121) and if necessary in another newspaper. DATES July 30 & Aug 6, 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

PETITION TO ABANDON COUNTY ROAD

JUL 17 2011

TO: THE BOARD OF COUNTY COMMISSIONERS, GALLATIN COUNTY, MONTANA, Clerk & Recorder Gallatin County, Mont.

COME NOW the undersigned freeholders of the road district consisting of Gallatin County, Montana, in its entirety and petition this Board pursuant to Title 7, Chapter 14, Part 26 MCA, to abandon 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: A portion of Clarkston Rd. located in the W1/2NE1/4 of Section 26, Township 3 North, Range 2 East.
- 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):
All that part of the West half of the northeast quarter of section 26, T3N, R2E bounded and described as follows: a strip of land 60 feet wide, the center line of which is described as follows: Beginning at a point on the south line of the west half of the northeast quarter of the above mentioned section 664 feet in an easterly direction from the center of the said section; thence N 6°15' E a distance of 14.5 feet; thence N 5°10' E a distance of 732 feet; thence N 17°10' E a distance of 212.5 feet; thence N 26°13' E a distance of 743.4 feet; thence N 37°13' E a distance of 400 feet more or less to where said line crosses the east line of the west half of the northeast quarter of said section 26.

- 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. Mike Hertzog and Cynthia Hertzog

1625 Central Park Rd.

Belgrade, MT 59714

Legal Description of Property Government Lots 2 & 3, the SW1/4NE1/4, the S1/2NW1/4, and the NW1/4NW1/4 of Section 26, T3N, R2E

2. *[Handwritten Signature]*

8627 Conger Drive
Belgrade, MT 59714

Legal Description of Property _____

3. *[Handwritten Signature]*

8627 Conger Drive
Belgrade, MT 59714

Legal Description of Property _____

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:

The current location of the physical county road is to the west of this road right-of-way to be abandoned. The county wishes to obtain an easement for the road as built. The county will grant fee title to the landowners for the 60' strip per deed recorded in Book 60 Page 36. The landowners will grant the easement for the county road where it is actually located.

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 public lands are accessed via this portion of county road.

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

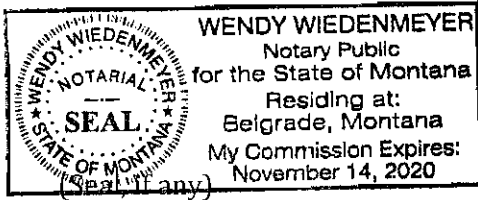
No

State of Montana
County of Gallatin

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

Cynthia Hertzog
(Signature of petition gatherer.)

Signed and sworn to (or affirmed) before me on July 5, 2017 by Cynthia Hertzog.



Wendy Wiedenmeyer
Signature of notarial officer

Wendy Wiedenmeyer
Name - typed, stamped, or printed

Notary for the State of Montana
Title (and Rank)

Residing at: Belgrade

My commission expires: Nov. 14, 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. Mike Hertzog 1625 Central Park Rd.
Signature Address
Mike Hertzog Belgrade, MT 59714
Printed Name City,State,Zip
7-5-17
Date

Legal Description of Property Government Lots 2 & 3, the SW1/4NE1/4, the S1/2NW1/4, and the NW1/4NW1/4 of Section 26, T3N, R2E

2. Cynthia Hertzog 1625 Central Park Rd.
Signature Address
Cynthia Hertzog Belgrade, MT 59714
Printed Name City,State,Zip
7-5-17
Date

Legal Description of Property Government Lots 2 & 3, the SW1/4NE1/4, the S1/2NW1/4, and the NW1/4NW1/4 of Section 26, T3N, R2E

3. [Signature] 8045 River Road
Signature Address
TIMOTHY A. FALLAW Bozeman MT 59718
Printed Name City,State,Zip
6/30/2017
Date

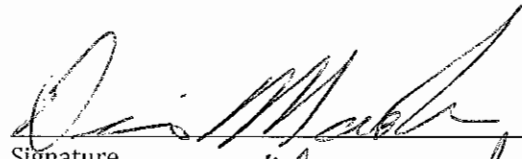
Legal Description of Property Tract 2A-1 of Certificate of Survey 2350B in Section 3, T2S, R4E

4. [Signature] 862 Cougar Dr.
Signature Address
Shannon V Taylor Bozeman, MT 59718
Printed Name City,State,Zip
Date

Legal Description of Property _____

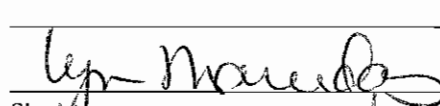
5. [Signature] 862 Cougar Dr.
Signature Address
Diane G. Taylor Bozeman, MT 59718
Printed Name City,State,Zip
Date

Legal Description of Property _____

6. 
Signature
Dennis Manudes
Printed Name
7-4-2017
Date

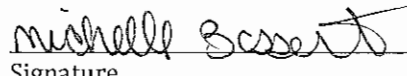
76 Timberview Circle
Address
BOZEMAN, MT. 59718
City, State, Zip

Legal Description of Property _____

7. 
Signature
Lyn Manudes
Printed Name
7-4-17
Date

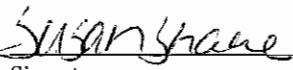
76 Timberview Circle
Address
BOZEMAN MT 59718
City, State, Zip

Legal Description of Property _____

8. 
Signature
Michelle Bossert
Printed Name
7-5-17
Date

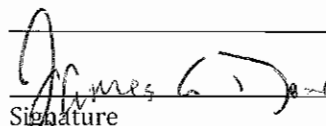
1106 Idaho St
Address
Belgrade, MT 59714
City, State, Zip

Legal Description of Property _____

9. 
Signature
Susan Shane
Printed Name
7-5-17
Date

109 Quinn Cr. Rd.
Address
Bozeman, MT. 59715
City, State, Zip

Legal Description of Property _____

10. 
Signature
JAMES DARR
Printed Name
July 5, 2017
Date

754 FLANDERS CREEK AVE
Address
BOZEMAN, MT 59715
City, State, Zip

Legal Description of Property _____

11. _____
Signature Address

Printed Name City,State,Zip

Date
Legal Description of Property _____

12. _____
Signature Address

Printed Name City,State,Zip

Date
Legal Description of Property _____

13. _____
Signature Address

Printed Name City,State,Zip

Date
Legal Description of Property _____

14. _____
Signature Address

Printed Name City,State,Zip

Date
Legal Description of Property _____

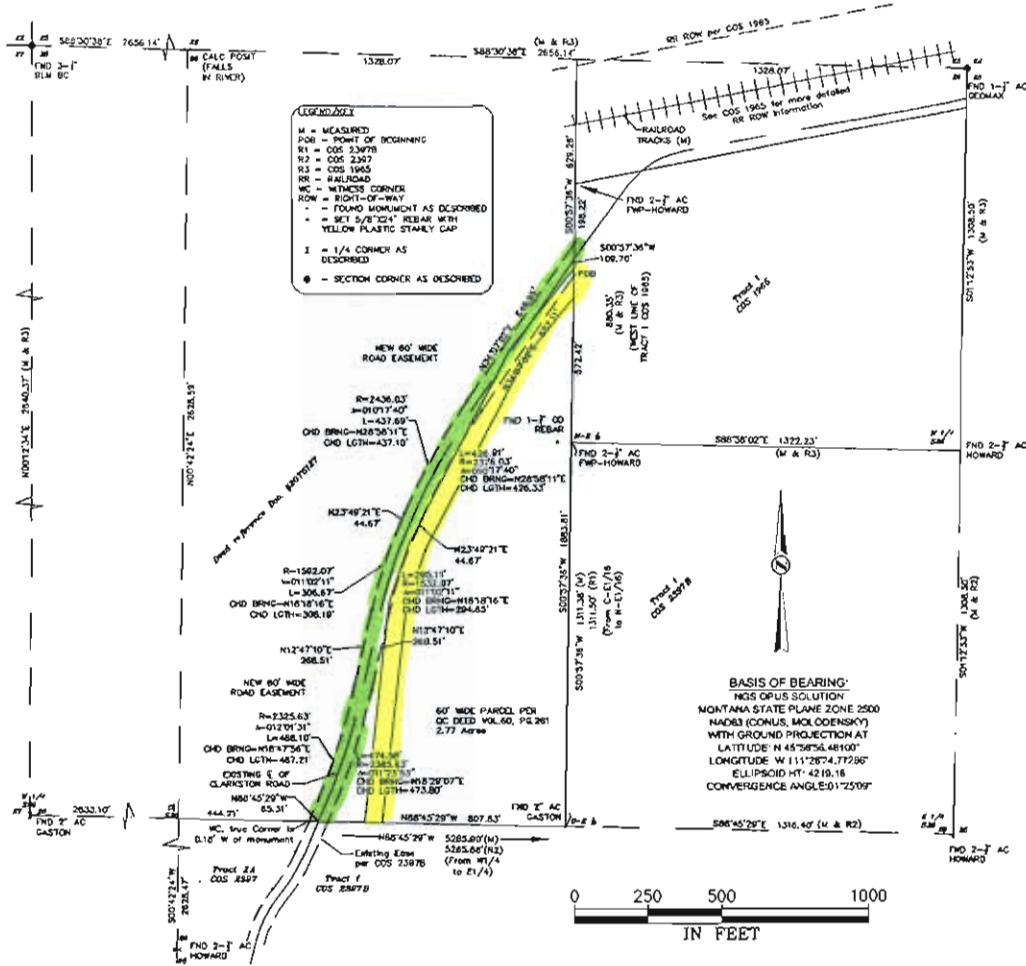
15. _____
Signature Address

Printed Name City,State,Zip

Date
Legal Description of Property _____

EXHIBIT A

Depicting a Road Easement located in the Northeast One-Quarter of Section 26,
Township 3 North, Range 2 East, Principal Meridian Montana, Gallatin County, Montana



DESCRIPTION - New Road Easement

A Road Easement located in the Northeast One Quarter of Section 26, Township 3 North, Range 2 East, P.M.M., Gallatin County Montana and being more particularly described as follows.

Beginning at a point on the east one-sixteenth line of said Section 26 from which the N-E1/16 Corner of said section bears S00°57'36"W, 572.42 feet; thence along the following course:

- S34°07'02"W, 557.11 feet;
- thence 426.91 feet along a curve to the left with a radius of 2376.03 feet, a central angle of 10°17'40", and a chord that bears S28°58'11"W, 426.33 feet;
- thence S23°49'21"W, 44.67 feet;
- thence 295.11 feet along a curve to the left with a radius of 1532.07 feet, a central angle of 11°02'11", and a chord that bears S18°18'16"W, 294.65 feet;
- thence S12°47'10"W, 268.51 feet;
- thence 474.58 feet along a curve to the right with a radius of 2385.63 feet, a central angle of 11°23'53", and a chord that bears S18°29'07"W, 473.80 feet; to a point on the E-W midsection line of said Section 26; thence along said midsection line N88°45'29"W, 65.31 feet; thence along the following courses:
- 488.10 feet along a non-tangent curve to the left with a radius of 2325.63 feet, a central angle of 12°01'31", and a chord that bears N18°47'56"E, 487.21 feet;
- thence N12°47'10"E, 268.51 feet;
- thence 306.67 feet along a curve to the right with a radius of 1592.07 feet, a central angle of 11°02'11", and a chord that bears N18°18'16"E, 306.19 feet;
- thence N23°49'21"E, 44.67 feet;
- thence 437.69 feet along a curve to the right with a radius of 2436.03 feet, a central angle of 10°17'40", and a chord that bears N28°58'11"E, 437.10 feet;
- thence N34°07'02"E, 648.95 feet to a point on the said east one-sixteenth line of Section 26;
- thence along said east one-sixteenth line S00°57'36"W, 109.70 feet to the point of beginning.

Containing 2.93 Acres, more or less.



STAHLY ENGINEERING & ASSOCIATES
 PROFESSIONAL ENGINEERS & SURVEYORS

www.staeng.com
 404 W BROADWAY
 LEWISTOWN, MT 59457
 Phone (406)330-8354
 3530 CENTENNIAL DR.
 HELENA, MT 59601
 Phone (406)253-8294
 Fax (406)442-8327
 651 BRIDGER DR. STE 1
 BOZEMAN, MT 59715
 Phone (406)252-8528
 Fax (406)252-8528

EXHIBIT A

Depicting a Road Easement located in the NE1/4 of Section 26, Township 3 North, Range 2 East, Principal Meridian Montana, Gallatin County, Montana

DESIGNED: P
 DRAWN: DRS
 CHECKED: COUNTY
 DATE: 4/28/17

SHEET
 1 OF 1

Clarkston Road



July 25, 2017

Gallatin County

Numbered Highways

Montana

Unpaved

Parcel

Structure Address

INTERSTATE Roads

Paved

Alley/Driveway

U.S.

Paved

Rail Line

1:14,050

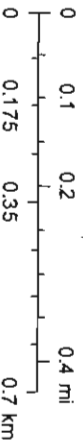
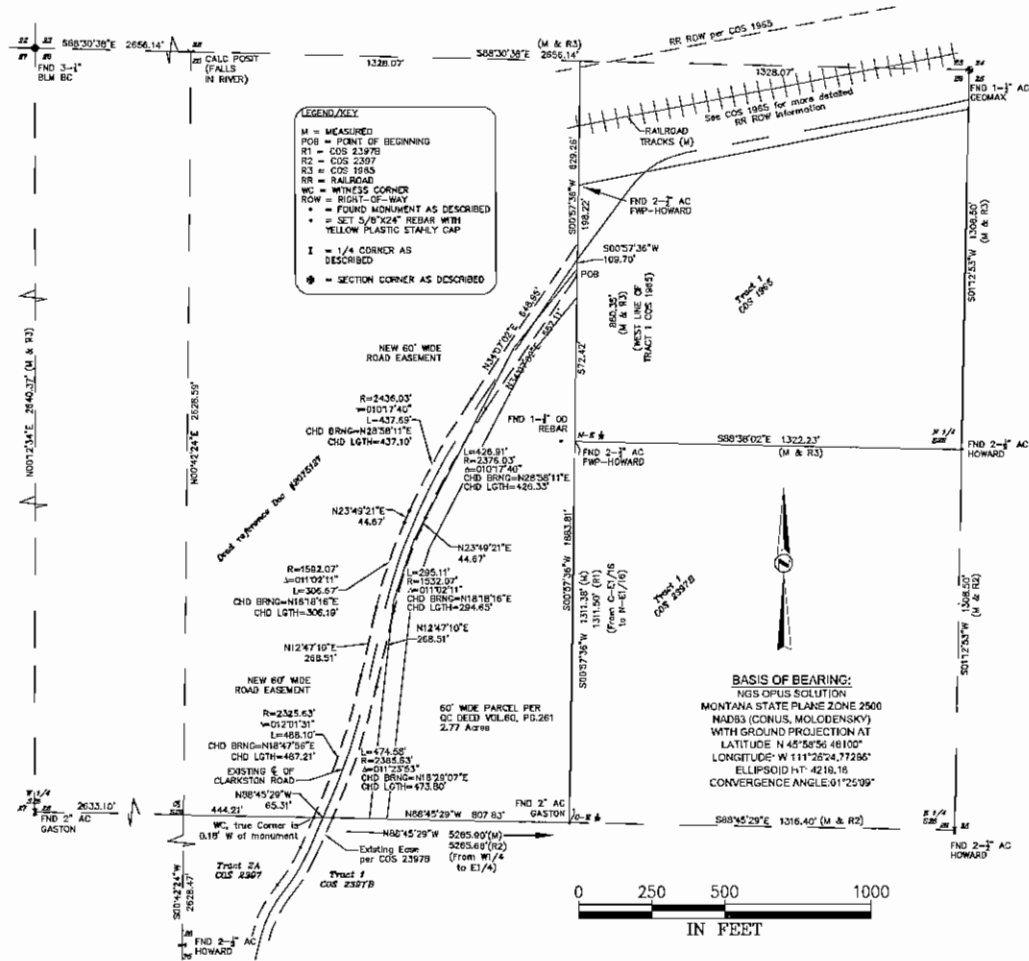


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Beginning at a point on the east one-sixteenth line of said Section 26 from which the N-E1/16 Corner of said section bears S00°57'36"W, 572.42 feet; thence along the following course:

- S34°07'02"W, 557.11 feet;
- thence 426.91 feet along a curve to the left with a radius of 2376.03 feet, a central angle of 10°17'40", and a chord that bears S28°58'11"W, 426.33 feet;
- thence S23°49'21"W, 44.67 feet;
- thence 295.11 feet along a curve to the left with a radius of 1532.07 feet, a central angle of 11°02'11", and a chord that bears S18°18'16"W, 294.65 feet;
- thence S12°47'10"W, 268.51 feet;
- thence 474.58 feet along a curve to the right with a radius of 2385.63 feet, a central angle of 11°23'53", and a chord that bears S18°29'07"W, 473.80 feet; to a point on the E-W midsection line of said Section 26; thence along said midsection line N88°45'29"W, 65.31 feet; thence along the following courses:
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- thence N23°49'21"E, 44.67 feet;
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- thence along said east one-sixteenth line S00°57'36"W, 109.70 feet to the point of beginning.

Containing 2.93 Acres, more or less.



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 Fax (406)442-8507

851 BRIDGER DR. STE. 1
 BOZEMAN, MT 59715
 Phone (406)532-8628
 Fax (406)532-9528

EXHIBIT A

Depicting a Road Easement located in the NE1/4 of Section 26, Township 3 North, Range 2 East, Principal Meridian Montana, Gallatin County, Montana

DESIGNER: H
 DRAWN: DRS
 CHECKED COUNTY DATE: 4/28/17

SHEET
1 OF 1

RESOLUTION NO. 2017- 073

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

This Resolution was introduced by Deputy County Attorney
Bradley Bowen; 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 July 7, 2017, to abandon a portion of Clarkston Road (hereinafter referred to as the "Road"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated;

WHEREAS, the Road is described as that part of the West half of the northeast quarter of section 26, T3N, R2E bounded and described as follows; a strip of land 60 feet wide, the center line of which is described as follows; Beginning at a point on the south line of the west half of the northeast quarter of the above mentioned section 664 feet in an easterly direction from the center of the said section; thence N 6°15' E a distance of 14.5 feet; thence N 5°10' E a distance of 732 feet; thence N 17°10' E a distance of 212.5 feet; thence N 26°13' E a distance of 743.4 feet; thence N 37°13' E a distance of 400 feet more or less to where said line crosses the east line of the west half of the northeast quarter of said section 26, 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 July 7th, 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;

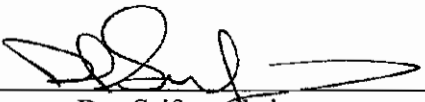
NOW THEREFORE BE IT RESOLVED:

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

1. The Board hereby accepts the petition for abandonment of that portion of Clarkston Road being that part of the West half of the northeast quarter of section 26, T3N, R2E bounded and described as follows; a strip of land 60 feet wide, the center line of which is described as follows; Beginning at a point on the south line of the west half of the northeast quarter of the above mentioned section 664 feet in an easterly direction from the center of the said section; thence N 6°15' E a distance of 14.5 feet; thence N 5°10' E a distance of 732 feet; thence N 17°10' E a distance of 212.5 feet; thence N 26°13' E a distance of 743.4 feet; thence N 37°13' E a distance of 400 feet more or less to where said line crosses the east line of the west half of the northeast quarter of said section 26, Gallatin County, Montana; according to the official plat thereof on file and of record in the office of the Gallatin County Clerk and Recorder.
2. The petition is assigned Road Petition Number 846.
3. Commissioner Steve 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 18th day of July 2017.

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY



Don Seifert, Chairman

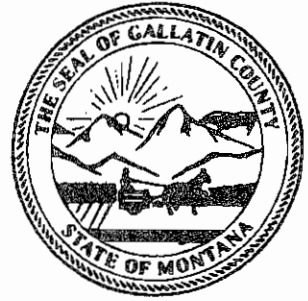
ATTEST:


Charlotte Mills
Clerk and Recorder
Gallatin County

State of Montana

County of Gallatin

Bozeman



July 25, 2017

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

RE: The abandonment of a portion of Clarkston Road located in the West half of the Northeast quarter of Section 26, T3N, R2E.

Legal Description: the Road is described as that part of the West half of the northeast quarter of section 26, T3N, R2E bounded and described as follows; a strip of land 60 feet wide, the center line of which is described as follows; Beginning at a point on the south line of the west half of the northeast quarter of the above mentioned section 664 feet in an easterly direction from the center of the said section; thence N 6°15' E a distance of 14.5 feet; thence N 5°10' E a distance of 732 feet; thence N 17°10' E a distance of 212.5 feet; thence N 26°13' E a distance of 743.4 feet; thence N 37°13' E a distance of 400 feet more or less to where said line crosses the east line of the west half of the northeast quarter of said section 26, 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 a petition to abandon a county road. The investigation shall be sufficient to properly determine the merits or demerits of the petition.

The petition to abandon the described portion of Clarkston Road was received and was certified, by the Gallatin County Clerk and Recorder, on July 7, 2017. The petition states that the current location of the physical county road is to the west of the road right-of-way that is to be abandoned, and the county wishes to obtain an easement for the road as it is built. The county will grant fee title to the landowners for the sixty (60) foot strip per the deed recorded in Book 60 Page 36 in the Gallatin County Clerk & Recorder's office. The landowners will grant the easement for the county road where it is actually located.

The Board of Gallatin County Commissioners accepted the petition and assigned the viewing committee at a public meeting held on July 18, 2017. On Tuesday, July 25, 2017, the undersigned met with Bill Brownell, Gallatin County Road Supervisor, to view the road petitioned for abandonment.

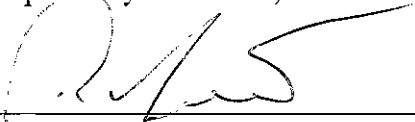
The platted road for the proposed abandonment is located on a steep embankment east of the current paved Clarkston Road. The physical road is located close to the top of the ridgeline where it was easier to build.

The only landowners affected are the petitioners, who own the property on both sides of this portion of Clarkston Road.

The simplest action is to abandon the described portion of the current platted road, and obtain an easement for the portion of Clarkston Road as it is built.

The Viewing Committee does find that this portion of Clarkston Road does not provide existing legal access to public lands or waters. Also, two or more landowners do not use this portion of Clarkston Road to access private property. Therefore, the viewing committee believes that it is feasible and desirable to grant the petition to abandon this portion of Clarkston Road.

Respectfully submitted,



R. Stephen White, County Commissioner



Charlotte Mills, Clerk & Recorder

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 Clarkston Rd. described as that part of the West half of the northeast quarter of section 26, T3N, R2E bounded and described as follows; a strip of land 60 feet wide, the center line of which is described as follows; Beginning at a point on the south line of the west half of the northeast quarter of the above mentioned section 664 feet in an easterly direction from the center of the said section; thence N 6°15' E a distance of 14.5 feet; thence N 5°10' E a distance of 732 feet; thence N 17°10' E a distance of 212.5 feet; thence N 26°13' E a distance of 743.4 feet; thence N 37°13' E a distance of 400 feet more or less to where said line crosses the east line of the west half of the northeast quarter of said section 26, 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 26th day of July, 2017.

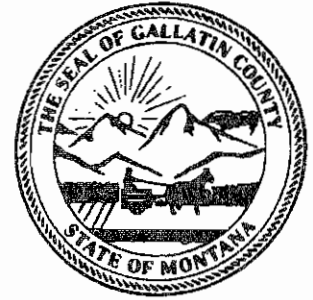
Charlotte Mills

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 846, was mailed to those listed below on July 27, 2017.

| Name | Address | | | |
|------------------|------------------------|----------|----|-------|
| Mike Hertzog | 1625 Central Park Rd | Belgrade | MT | 59714 |
| Cynthia Hertzog | 1625 Central Park Rd | Belgrade | MT | 59714 |
| Timothy A Fallaw | 8045 River Road | Bozeman | MT | 59718 |
| Shannon V Taylor | 862 Cougar Dr | Bozeman | MT | 59718 |
| Diane G Taylor | 862 Cougar Dr | Bozeman | MT | 59718 |
| Dennis Marudas | 76 Timberview Circle | Bozeman | MT | 59718 |
| Lynn Marudas | 76 Timberview Circle | Bozeman | MT | 59718 |
| Michelle Bossert | 1106 Idaho St | Belgrade | MT | 59714 |
| Susan Shane | 109 Quinn Cr Rd | Bozeman | MT | 59715 |
| James Doar | 754 Flanders Creek Ave | Bozeman | MT | 59718 |

Charlotte Mills

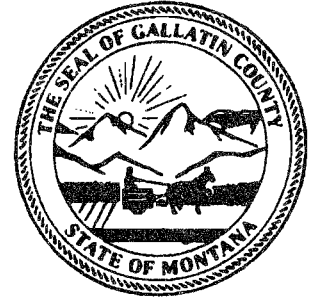
CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana



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:

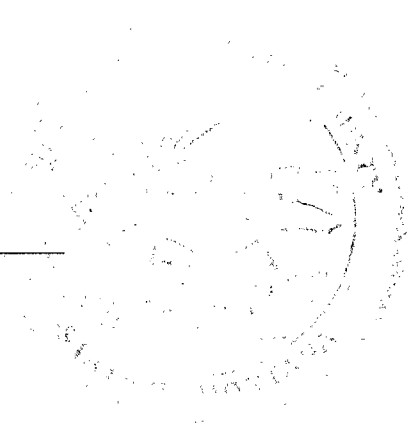
That she is the duly elected, qualified and acting County Clerk and Recorder of Gallatin County, Montana.

I hereby certify that a copy of the **NOTICE OF PUBLIC HEARING** to abandon a portion of Clarkston Road, Gallatin County, Montana, pursuant to Road Abandonment Petition No. 846, was posted by July 27, 2017 in the following four (4) public locations:

1. North end of the adjacent Clarkston Road
2. South end of the adjacent Clarkston Road
3. Office of the Gallatin County Clerk & Recorder
4. Gallatin County Courthouse Lobby

Charlotte Mills

CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana



356372 1651070

LEGAL#9467 G.C. CLERK & RECORDER

ATTN: ERIC SEMERAD
311 W. MAIN, ROOM 203
BOZEMAN MT 59715

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 Clarkston Rd. described as that part of the West half of the northeast quarter of section 26, T3N, R2E bounded and described as follows; a strip of land 60 feet wide, the center line of which is described as follows; Beginning at a point on the south line of the west half of the northeast quarter of the above mentioned section 664 feet in an easterly direction

from the center of the said section; thence N 6°15' E a distance of 14.5 feet; thence N 5°10' E a distance of 732 feet; thence N 17°10' E a distance of 212.5 feet; thence N 26°13' E a distance of 743.4 feet; thence N 37°13' E a distance of 400 feet more or less to where said line crosses the east line of the west half of the northeast quarter of said section 26, 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 26th day of July, 2017.

Charlotte Mills
Clerk and Recorder
Gallatin County, Montana

**AFFIDAVIT OF PUBLICATION
STATE OF MONTANA**

County of Gallatin

)
)SS.
)

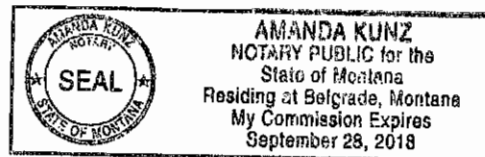
Ann L Harms
being duly sworn, deposes and says; that he/she is legal ad clerk of the Bozeman Daily Chronicle, a newspaper of general circulation, printed and published in Bozeman, Gallatin County, Montana; and that the notice here unto annexed
NOTICE OF PUBLIC HEARING

has been correctly published in the regular and entire issues of every number of said paper for 2 insertions.

Said notice was published on:
07/30/2017 08/06/2017

Ann L. Harms
Subscribed and sworn to before me this
8th day of August , 2017

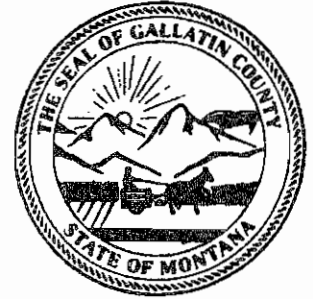
Amanda Kunz
Notary Public for the State of Montana
Residing at Bozeman, Montana



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 #2017-077, a Resolution made pursuant to Road Abandonment Petition No. 846 to abandon a portion of Clarkston Road, Gallatin County, Montana, was mailed to the following landowners on August 16, 2017.

Mike & Cynthia Hertzog

1625 Central Park Rd.

Belgrade, MT 59714

Charlotte Mills
CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana

By: Jasmine Hall
Jasmine Hall, Deputy



RESOLUTION NO. 2017-077

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION NO. 846 TO ABANDON A PORTION OF CLARKSTON ROAD, GALLATIN COUNTY, MONTANA

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 July 7, 2017, to abandon a portion of Clarkston Road, pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated;

WHEREAS, the Road is described as that part of the West half of the northeast quarter of section 26, T3N, R2E bounded and described as follows; a strip of land 60 feet wide, the center line of which is described as follows; Beginning at a point on the south line of the west half of the northeast quarter of the above mentioned section 664 feet in an easterly direction from the center of the said section; thence N 6°15' E a distance of 14.5 feet; thence N 5°10' E a distance of 732 feet; thence N 17°10' E a distance of 212.5 feet; thence N 26°13' E a distance of 743.4 feet; thence N 37°13' E a distance of 400 feet more or less to where said line crosses the east line of the west half of the northeast quarter of said section 26, Gallatin County, Montana; according to the official plat thereof on file and of record in the office of the Gallatin County Clerk and Recorder. (hereinafter referred to as the "Road");

WHEREAS, upon acceptance of the Petition, the Clerk & Recorder assigned the Number 846 to the Petition;

WHEREAS, the Petition states the necessity for and advantage of the abandonment is: "The current location of the physical county road is to the west of this road right-of-way to be abandoned. The county wishes to obtain an easement for the road as built. The county will grant fee title to the landowners for the 60' strip per deed recorded in Book 60 Page 36. The landowners will grant the easement for the county road where it is actually located;"

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

WHEREAS, on July 18, 2017, the Board of County Commissioners passed Resolution 2017-073 which caused an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the Petition and appointed a viewing

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION NO. 846 TO ABANDON A PORTION OF CLARKSTON ROAD, GALLATIN COUNTY, MONTANA

Pg. 1 of 3

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 Zell

Bozeman

2589479

Fee \$0.00 MISC

Page: 1 of 3 08/15/2017 11:30 10 AM Charlotte Mills - Gallatin County, MT



committee consisting of County Commissioner Steve White and the County Surveyor, Charlotte Mills;

WHEREAS, on July 25, 2017, the viewing committee met to view the road being petitioned for abandonment;

WHEREAS, in the viewers' report dated July 25, 2017, the viewing committee reported: "On Tuesday, July 25, 2017, the undersigned met with Bill Brownell, Gallatin County Road Supervisor, to view the road petitioned for abandonment"; and "The platted road for the proposed abandonment is located on a steep embankment east of the current paved Clarkston Road. The physical road is located close to the top of the ridgeline where it was easier to build."; and "The only landowners affected are the petitioners, who own the property on both sides of this portion of Clarkston Road";

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 recommended "to abandon the described portion of the current platted road, and obtain an easement for the portion of Clarkston Road as it is built";

WHEREAS, the petitioners, Mike Hertzog and Cynthia Hertzog, intend to execute an easement to Gallatin County, 60 feet in width, for the portion of Clarkston Road as built across their property;

WHEREAS, on July 27, 2017 notices were posted in four (4) public places including a notice each at the north and south end of the adjacent Clarkston 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 July 30, 2017 and August 6, 2017; and mailed to petitioners and all landowners adjacent to the Road along with a viewers' report on July 27, 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

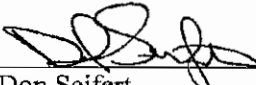
WHEREAS, on August 15, 2017, the Gallatin County Commissioners found that granting the Petition to abandon the Road can be made without detriment to the public interest.

NOW THEREFORE BE IT RESOLVED:

1. The Road being that part of the West half of the northeast quarter of section 26, T3N, R2E bounded and described as follows; a strip of land 60 feet wide, the center line of which is described as follows; Beginning at a point on the south line of the west half of the northeast quarter of the above mentioned section 664 feet in an easterly direction from the center of the said section; thence N 6°15' E a distance of 14.5 feet; thence N 5°10' E a distance of 732 feet; thence N 17°10' E a distance of 212.5 feet; thence N 26°13' E a distance of 743.4 feet; thence N 37°13' E a distance of 400 feet more or less to where said line crosses the east line of the west half of the northeast quarter of said section 26, 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 street. 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 15th day of August 2017.

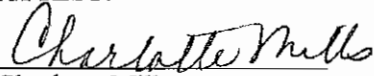
BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY



Don Seifert
Chairman

8-15-17
Date

ATTEST:



Charlotte Mills
Clerk and Recorder
Gallatin County