

Martha Rd No. 88

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 Jennifer Farve PHONE 219-0073
received Sept 22, 2017

- 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: 10/3/17
 - a) Prepare draft resolution appointing viewing committee and assigning Petition # 848.
 - 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: 4/13/18
- 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 5/22/18
- 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 5/13 5/20
- 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.

LANDOWNER(S) (please print)

MAILING ADDRESS

6. WALTER DUNCAN
Walter Duncan

500 Duncan Road
Belgrade MT 59714

Legal Description of Property S2, T1N, R4E, TR D SE4NE4 1.00 Ac
Date: 8/31/17

7. SCOTT DUNCAN
Scott Duncan

Legal Description of Property _____

8. GEORGE EBIEM JR.
George Ebien Jr.

14825 Rocky Mountain Road
Belgrade MT 59714

Legal Description of Property S27, T2N, R5E, Aves 38, NW4SW4 Less COS737
Date: 8/31/17

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? No. If no, list those landowners and their reasons for not consenting:
The United States Forest Service has not consented, they are still in the process of reviewing the proposed abandonment internally.

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 purpose for which the road was created no longer exists. Due to previous portions being abandoned, the road is no longer accessible by the public.

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. Due to previous portions being abandoned, the road is no longer accessible by the public.

8. Does the road or portion of the road contain any utilities?
None known or found upon inspection.

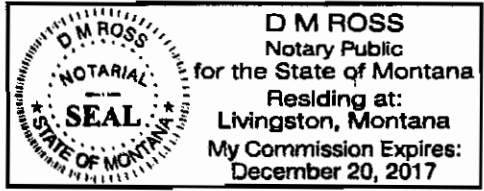
State of Montana
County of Gallatin

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

[Signature]
(Signature of petition gatherer.)

Signed and sworn to (or affirmed) before me on Aug 31, 2017
by Greg Benvy

(Seal, if any)



[Signature]
Signature of notarial officer
DM ROSS


Name - typed, stamped, or printed
Paralegal

Title (and Rank)
Livingston, MT

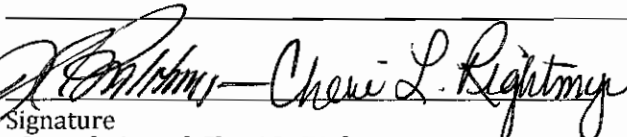
Residing at

My commission expires: 12-20-17

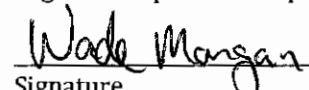
The undersigned state that they are freeholders in the Gallatin County Road District and petition to abandon the road set forth herein. If more than 10 freeholders sign, use additional pages.

1.  MANAGER MEMBER
Signature _____
Quagle Creek LLC
Printed Name _____
Date _____
1040 Reynolds Creek Road
Address _____
Belgrade, MT 59714
City, State, Zip _____

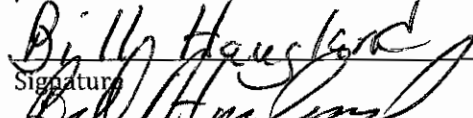
Legal Description of Property Tract 3 of Certificate of Survey No. 632G, Gallatin County, Montana.

2. 
Signature _____
Joseph A. and Cheri L. Rightmyer
Printed Name _____
Date 8/30/17
18060 Rocky Mountain Road
Address _____
Belgrade, MT 59714
City, State, Zip _____

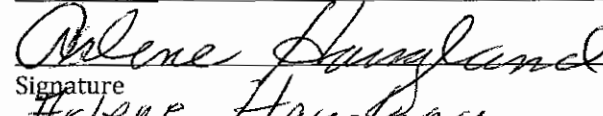
Legal Description of Property Tract 2 of Certificate of Survey No. 632G, Gallatin County, Montana.

3. 
Signature _____
WADE MORGAN
Printed Name _____
Date 8/30/17
26055 Rocky Mtn Rd
Address _____
Belgrade, MT 59714
City, State, Zip _____

Legal Description of Property S8, T3N, R5E, S2NW4, SW4NE4, NW4SE4
plus additional lands under "TO LLC"

4. 
Signature _____
Billy Haugland
Printed Name _____
Date 8-30-17
4700 Biggs Haugland rd
Address _____
Belgrade MT 59714
City, State, Zip _____

Legal Description of Property S4, T2N, R5E, COS 1201, Tract A, NE4SE4
5.499 Ac

5. 
Signature _____
Arlene Haugland
Printed Name _____
Date 8-30-17
4911 Biggs Haugland Rd
Address _____
Belgrade MT 59714
City, State, Zip _____

Legal Description of Property (Robert A. Haugland Trust) S4, T2N, R5E, 344.62 Ac,
NE4, NE4SE4 less COS 1201, SE4NW4 and NE4SW4, W2SW4

6. _____

Signature Martin Collins
Printed Name Martin Collins
Date 8/30/2017

Address 347 Austin Dr. Three Forks
City, State, Zip 59752

Legal Description of Property Minor Sub 130, S35, T2N, R2E, Lot 2 Acres 24.433

7. Greg Berry, Manager
Signature Greg Berry
Printed Name Mill Creek Canyon Ranch LLC
Date 8/30/17

Address 28500 Rocky Mountain Road
City, State, Zip Belgrade MT 59714

Legal Description of Property S11, T2N, R5E, NW4, W2NE4 and other lands in Gallatin County

8. Jason Callatine - Manager*
Signature Jason Callatine
Printed Name 8-30-17
Date

Address 3655 Flathead Pass Rd
City, State, Zip Belgrade MT, 59714

Legal Description of Property * Timberline Angus LLC S34, T3N, R5E, All Less COS M385 and other lands in Gallatin County

9. Greg Berry, Manager Territorial
Signature Greg Berry
Printed Name Holdings LLC
Date 8/30/17

Address 28500 Rocky Mountain Road
City, State, Zip Belgrade MT 59714

Legal Description of Property S30, T4N, R5E All, and other lands in Gallatin County

10. Mark E Soares
Signature MARK E. SOARES
Printed Name 8-31-17
Date

Address 7735 Dry Creek Rd
City, State, Zip Belgrade, MT. 59714

Legal Description of Property S12, T2N, R4E, NE4

11. ✓ Joel Leadbetter Trust 11377 BearCreek Rd.
Signature Address
Joel Leadbetter Belgrade, MT 59714
Printed Name City,State,Zip
8/31/17
Date

Legal Description of Property Property ownership "Joel Delbruck Leadbetter Rev Liv Trust
S28 T2N R5E, COS 389A, Tract 1 224.572 Acres

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

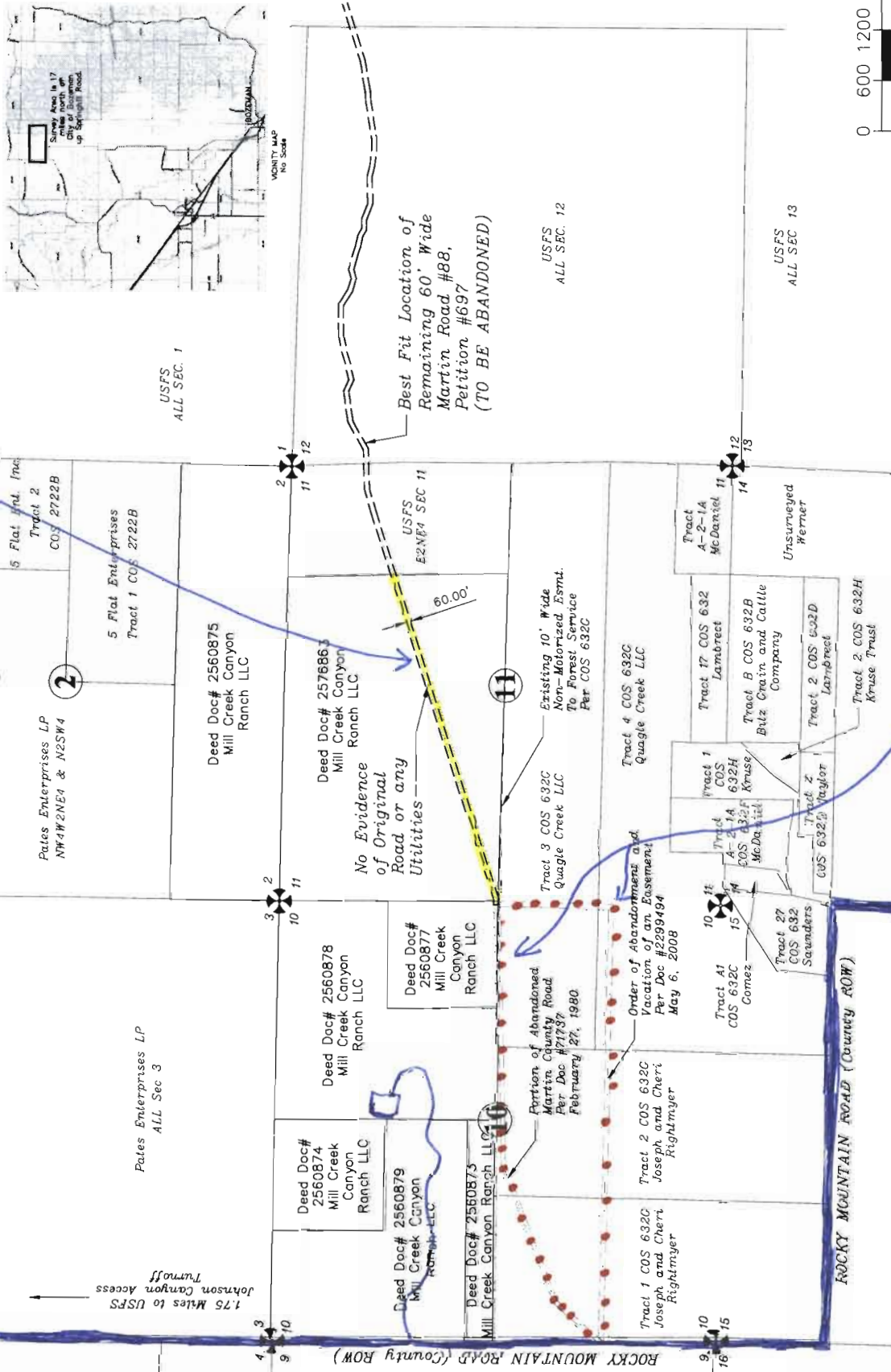
Date
Legal Description of Property _____

Greg Bervy 425-1695
388-8089

Easement to Abandon

EXHIBIT "A"

Showing the remainder of County Road #88 (AKA Martin Road/Petition #697) located within a portion of Sections 11 and 12, Township 2 North, Range 5 East, Principal Meridian Montana, Gallatin County, Montana.



BASIS OF BEARING NOTE:
The boundary lines shown on this drawing were retrieved from the Gallatin County GIS website ownership boundary files as shown on August 15, 2017 and verified from records of the plat books found in the Gallatin County Clerk and Recordors office records.

Previously Abandoned

STAHLY ENGINEERING & ASSOCIATES
PROFESSIONAL ENGINEERS
SURVEYORS
404 W BROADWAY
LEWISTOWN, MT 56447
Phone: (406) 838-0889
FAX: (406) 838-0890
www.stahly.com

ISSUE/REVISION	
NO.	DATE
1	8/27/2017
DESCRIPTION	
PRELIMINARY EXHIBIT "A"	
NO. DATE BY	
DESCRIPTION	
NO. DATE BY	
DESCRIPTION	
NO. DATE BY	
DESCRIPTION	

MONTEANA
JOHN R. PUGH
19526 LS
PROFESSIONAL LAND SURVEYOR

PROPOSED ABANDONMENT OF MARTIN COUNTY ROAD #88

EXHIBIT "A"
CLIENT NAME AND ADDRESS

DESIGNED: J. PUGH
DRAWN: J. PUGH
CHECKED: J. PUGH
DATE: 08-15-2017

State of Montana

County of Gallatin

Bozeman



AFFIDAVIT OF MAILING

STATE OF MONTANA)
) ss
COUNTY OF GALLATIN)

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

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

I hereby certify that a copy of *A Resolution Made Pursuant to Road Abandonment Petition No. 848 to Abandon a Portion of Martin Road, Gallatin County, Montana*, located in Sections 10, 11, and 12, Township 2 North, Range 5 East, and Section 6, Township 2 North, Range 6 East, Gallatin County, Montana not previously abandoned by road petition #697 dated February 19, 1980, and Order of Abandonment and Vacation of an Easement dated May 6, 2008 recorded with Gallatin County Clerk & Recorder under Document No. 2299494; and the viewing Committee report regarding abandoning the same, according to Road Petition Number 848, was sent by Certified Mail to the following landowners on May 23, 2018.

Name	Address	
Farve & Brown	4055 Valley Commons Dr, Ste H	Bozeman, MT 59718
Mill Creek Canyon Ranch LLC	28500 Rocky Mtn Road	Belgrade, MT 59714
Quagle Creek LLC	1040 Reynolds Creek Road	Belgrade, MT 59714
Joseph A. & Cheri L. Rightmyer	18060 Rocky Mountain Road	Belgrade, MT 59714
United States Forest Service	3710 Fallon Street, Ste C	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 Martin Road has been posted on April 20, 2018 at the following four (4) locations:

- 1. Two Locations on Rocky Mountain Road near the location of the proposed abandonment of Martin Road**
- 2. Office of the Gallatin County Clerk & Recorder**
- 3. Gallatin County Courthouse Lobby**

The road to be abandoned is as follows: That portion of Martin Road No. 88 located in Sections 10, 11 and 12, Township 2 North, Range 5 East, and Section 6, Township 2 North, Range 6 East, Gallatin County, Montana not previously abandoned by Road Petition #697 dated February 19, 1980, and Order of Abandonment and Vacation of an Easement dated May 6, 2008 recorded with Gallatin County Clerk & Recorder under Document No. 2299494.

Charlotte Mills

CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana



RESOLUTION NO. 2018- 064

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION
NO. 848 TO ABANDON A PORTION OF MARTIN
ROAD, GALLATIN COUNTY, MONTANA

This Resolution was introduced by Commissioner Skinner ; moved by
Commissioner Seifert and seconded by Commissioner Skinner .
This Resolution was adopted unanimously .

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on
September 22 2017, to abandon a portion of Martin Road, pursuant to Title 7, Chapter 14,
Part 26 Montana Code Annotated;

WHEREAS, the Road is described as that portion of Martin Road No. 88 located
in Section 10 and 11, Township 2 North, Range 5 East, Gallatin County, Montana not
previously abandoned by road petition #697 dated February 19, 1980, and Order of
Abandonment and Vacation of an Easement dated May 6, 2008 recorded with Gallatin
County Clerk & Recorder under Document No. 2299494 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, the Petition states the necessity for and advantage of the
abandonment is: "The purpose for which the road was created no longer exists. Due to
previous portions being abandoned, the road is no longer accessible by the public.";

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 September 26, 2017, the Gallatin County Clerk and Recorder
certified that the Petition contained sufficient signatures as required by Section 7-14-
2601, MCA;

WHEREAS, on October 3, 2017, the Board of County Commissioners passed
Resolution 2017-098 which caused an investigation to be made of the feasibility,
desirability, and cost of granting the prayer of the Petition, appointed a Viewing
Committee consisting of County Commissioner Joe Skinner and the County Surveyor,
Charlotte Mills, and assigned the Number 848 to the Petition;

WHEREAS, on December 14, 2017, the Viewing Committee met to view the
road being petitioned for abandonment;

WHEREAS, in the viewers' report dated April 13, 2018, the viewing committee reported:
"On Thursday, December 14, 2017, the undersigned with Bill Brownell from the Gallatin

County Road Department, Corey Lewellen U.S. Forest Service District Ranger, and Greg Bervy manager of Mill Creek Canyon Ranch LLC, to view the road petitioned for abandonment. The proposed portion of Martin Road to be abandoned has never been developed, and furthermore there is no physical road in the field.”;

WHEREAS, The Viewing Committee further reported: “The U.S. Forest Service Forest Supervisor provided a letter dated March 19, 2018 agreeing to the abandonment of this portion of Martin Road. Further, an email was received from Corey Lewellen on March 27, 2018, clarifying that the U.S. Forest Service would like Martin Road abandoned in the public Forest Service land in Section 11 and 12. (The entire road.)”;

WHEREAS, to accommodate the request of the U.S. Forest Service, a new description for the abandonment reads as follows: That portion of Martin Road No. 88 located in Sections 10, 11 and 12, Township 2 North, Range 5 East, and Section 6, Township 2 North, Range 6 East, Gallatin County, Montana not previously abandoned by road petition #697 dated February 19, 1980, and Order of Abandonment and Vacation of an Easement dated May 6, 2008 recorded with Gallatin County Clerk & Recorder under Document No. 2299494;

WHEREAS, the Viewing Committee reported that: “The Viewing Committee does find that this portion of Martin Road does not provide legal access to public lands or waters because there is no public access from Rocky Mountain Road to this portion of Martin Road. Further, a connector trail has been built between the public access from Johnson Road and the public access to the Middle Cottonwood Trail easement through the Armstrong property. Also, two or more landowners do not use this portion of Martin Road to access private property.”;

WHEREAS, the Viewing Committee recommended “abandoning the newly described portion of Martin Road, which goes to the end of the road within the US Forest boundary.”;

WHEREAS, on April 20, 2018 notices were posted in four (4) public places including two locations along Rocky Mountain Road near the location of the proposed abandonment of Martin Road, and at the office of the Gallatin County Clerk & Recorder; and the Gallatin County Courthouse lobby. A Notice of Public Hearing to be held on May 22, 2018, was published in the Bozeman Daily Chronicle on May 13, 2018 and May 20, 2018; and mailed to petitioners and all landowners adjacent to the Road along with a viewers’ report on April 20, 2018;

WHEREAS, on May 22, 2018, the Gallatin County Commissioners conducted a public hearing, after notice, on the Petition and the results of the investigation; and


WHEREAS, on May 22, 2018, 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. That portion of Martin Road No. 88 located in Sections 10, 11 and 12, Township 2 North, Range 5 East, and Section 6, Township 2 North, Range 6 East, Gallatin County, Montana not previously abandoned by road petition #697 dated February 19, 1980, and Order of Abandonment and Vacation of an Easement dated May 6, 2008 recorded with Gallatin County Clerk & Recorder under Document No. 2299494. 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 22nd day of May, 2018.

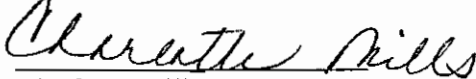
BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY



R. Stephen White
Chairman

5/22/18
Date

ATTEST:



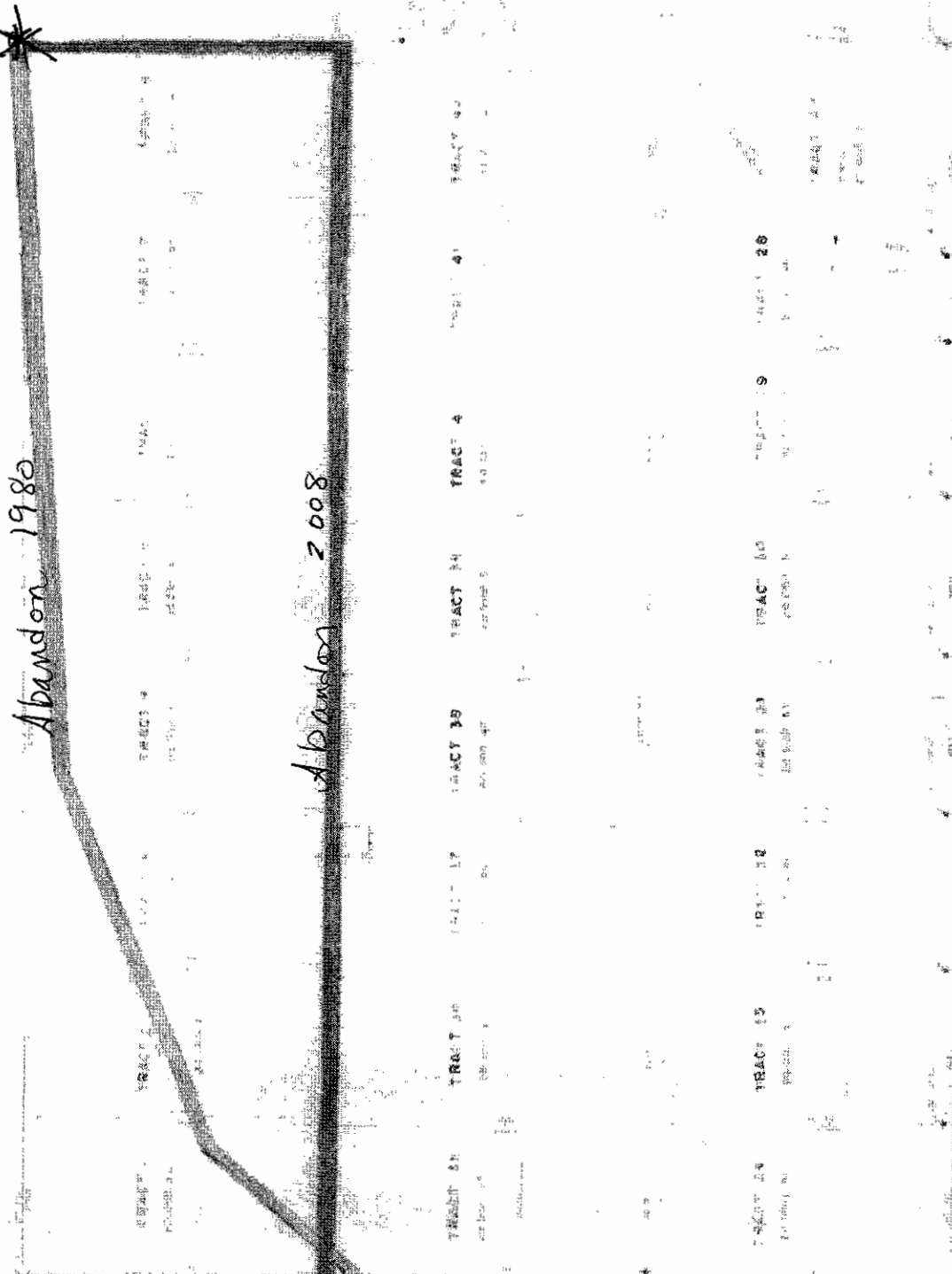
Charlotte Mills
Clerk and Recorder
Gallatin County

CERTIFICATE OF SURVEY NO 632

TO THE STATE OF TEXAS, I, JAMES H. ...
COUNTY OF ...
ADJUTANT TO THE COMMISSIONER

Abandon 1980

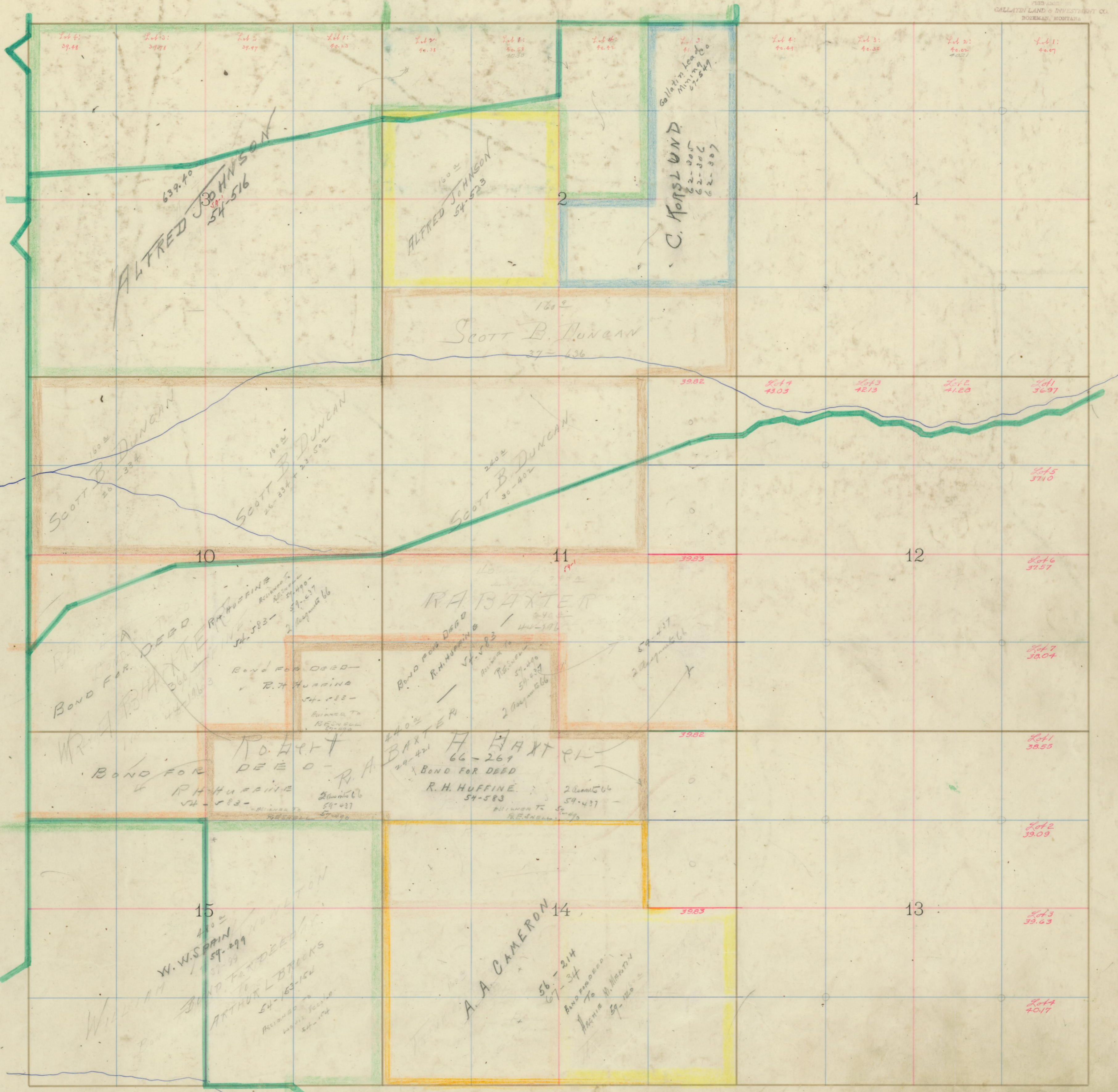
Abandon 2008



SCALE

Township 2 North, Range 5 East of M. P. M.

GALLATIN LAND & INVESTMENT CO.
BOZEMAN, MONTANA



Lot 1: 39.44 Lot 2: 39.71 Lot 3: 39.47 Lot 4: 39.23 Lot 5: 39.38 Lot 6: 39.58 Lot 7: 39.39 Lot 8: 39.44 Lot 9: 39.38 Lot 10: 39.21 Lot 11: 39.07

ALFRED JOHNSON
639.40
54-516

ALFRED JOHNSON
160±
54-523

C. KOSLUND
Gallatin Land & Investment Co.
62-306
62-307

SCOTT B. DUNCAN
160±
37-636

SCOTT B. DUNCAN
160±
20-334

SCOTT B. DUNCAN
160±
26-334 + 23-502

SCOTT B. DUNCAN
240±
30-402

Lot 12: 39.82 Lot 13: 39.07 Lot 14: 39.13 Lot 15: 39.20 Lot 16: 39.97

Lot 15: 37.10

10

11

12

BOND FOR DEED
R. H. HUFFINE
54-583
2 August 66

R. A. BAXTER
BOND FOR DEED
R. H. HUFFINE
54-583
2 August 66

BOND FOR DEED
R. H. HUFFINE
54-583
2 August 66

R. A. BAXTER
BOND FOR DEED
R. H. HUFFINE
54-583
2 August 66

39.82

Lot 7: 38.04

Lot 11: 38.53

15

14

13

W. W. SPAIN
BOND FOR DEED
ARTHUR L. BROWN
54-153-154
Assigned to
W. W. Spain
54-154

A. A. CAMERON
56-214
67-34
BOND FOR DEED
To H. M. MARY
54-126

39.83

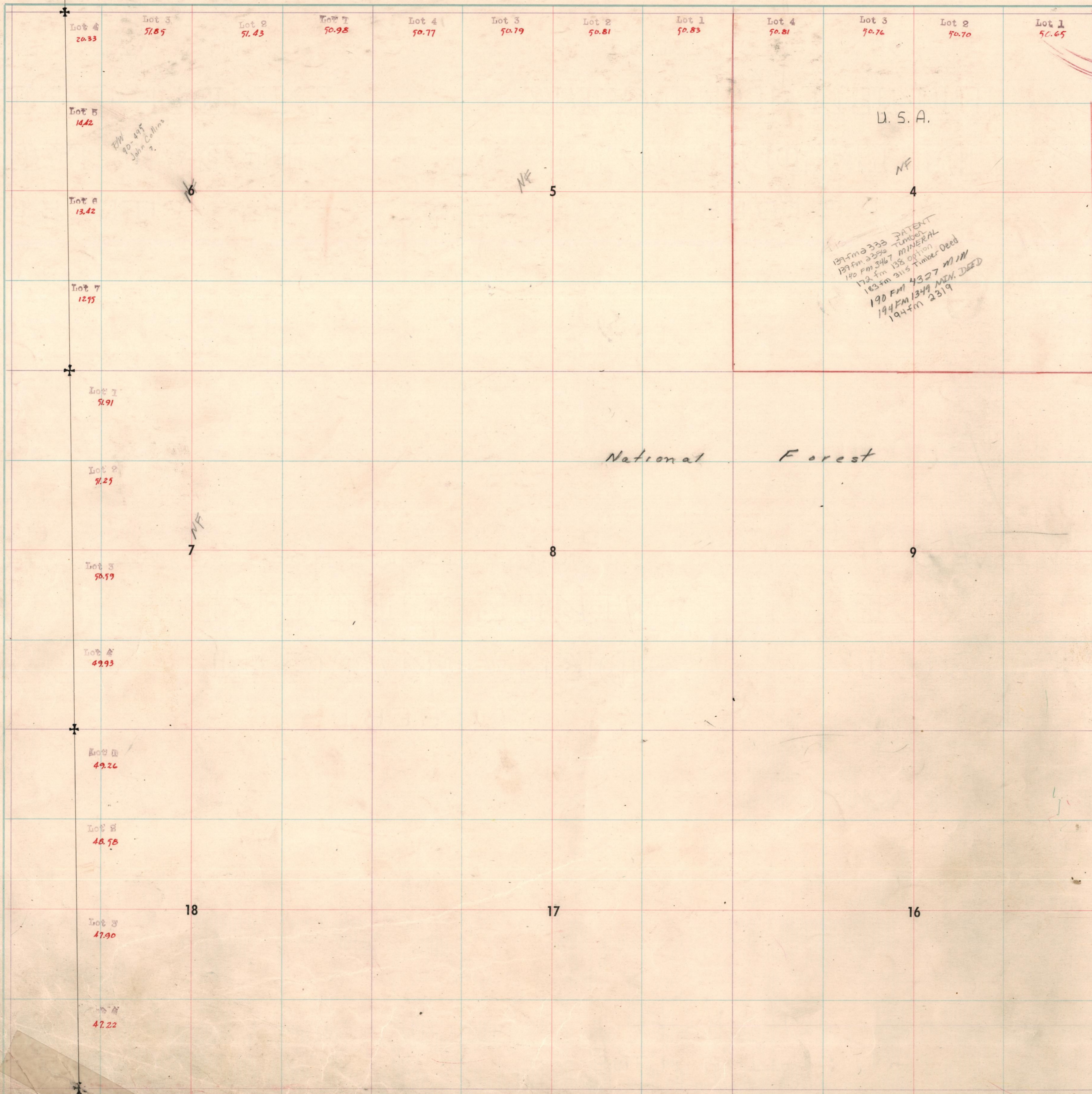
Lot 2: 39.09

Lot 3: 39.63

Lot 4: 40.17

TOWNSHIP 2 NORTH RANGE 6 EAST OF M. P. M.

DISCLAIMER: This plot is a visual representation only and does not represent a survey. No liability is assumed as to the accuracy delineated herein.





P. 56
 MORGAN ROAD No. 86
 SEE P. 132, VOL. A.
 SURVEYED JULY 17TH TO 20TH 1893
 BY J. L. DORSH, DEP. CO. SUR.

ALF JOHNSON

ALF JOHNSON

ALF JOHNSON ROAD. No. 240
 SURVEYED DEC. 9, 1904.
 BY C. M. THORPE
 CO. SURVEYOR

SCOTT DUNCAN

SCOTT DUNCAN

MARTIN ROAD. No. 88
 SURVEYED MAY 8TH 13TH 1893
 BY J. L. DORSH, DEP. CO. SUR. sec 21/6

N. P. Ry. Co.

W. P. KNOWLTON

ROSE
 PUBLIC ROAD EASEMENT

12

29 OF MARTIN ROAD
 1700 ft
 N. 12° 54' 30.6" E.
 3 1/2 W. 225'

ABANDONED 19 FEB 80
 PETITION # 697

117 1/2 A, SEC. CO.
 LOCATED BY ALF JOHNSON
 EAST 1/4, 24 FT. E. ON LINE
 OR CORNER ON SEC. LINE
 1/4 CORNER
 1/4 EAST 1/4
 1/4 20 FT. 1125
 FENCE S. ON LINE TO COR.

117 1/2 B, SEC. CO.
 L. MARSHALL PIERCE ABOVE GROUND
 AND 111 1/2 B, 111 1/2 B
 111 1/2 B ON LINE OF N.W. 1/4
 FENCE, 6 FT. N. OF FENCE
 WEST.

117 1/2 C, SEC. CO.
 EAST 1/4, ON SEC. LINE
 20 FT. W. OF 1/4 COR.
 1/4 COR.
 A.C. STAKE

79779.5
 EAST 1/4, ON 1/4 SEC. LINE
 20 FT. S. OF ANGLE BT.
 1/4 COR. JOHNSON HOUSE
 5.24 FT. W.

SEC. COR. EAST 1/4
 R.R. 1/4 N. 84° E. 257'
 " " 84° E. 174.6'

SEC. COR. EAST 1/4
 R.R. 1/4 N. 84° E. 257'
 " " 84° E. 174.6'

1/4 SEC. COR. EAST 1/4
 R.R. 1/4 N. 84° E. 257'
 " " 84° E. 174.6'

IRON PIPE AT SEC. COR.

IRON PIPE AT 1/4 COR.

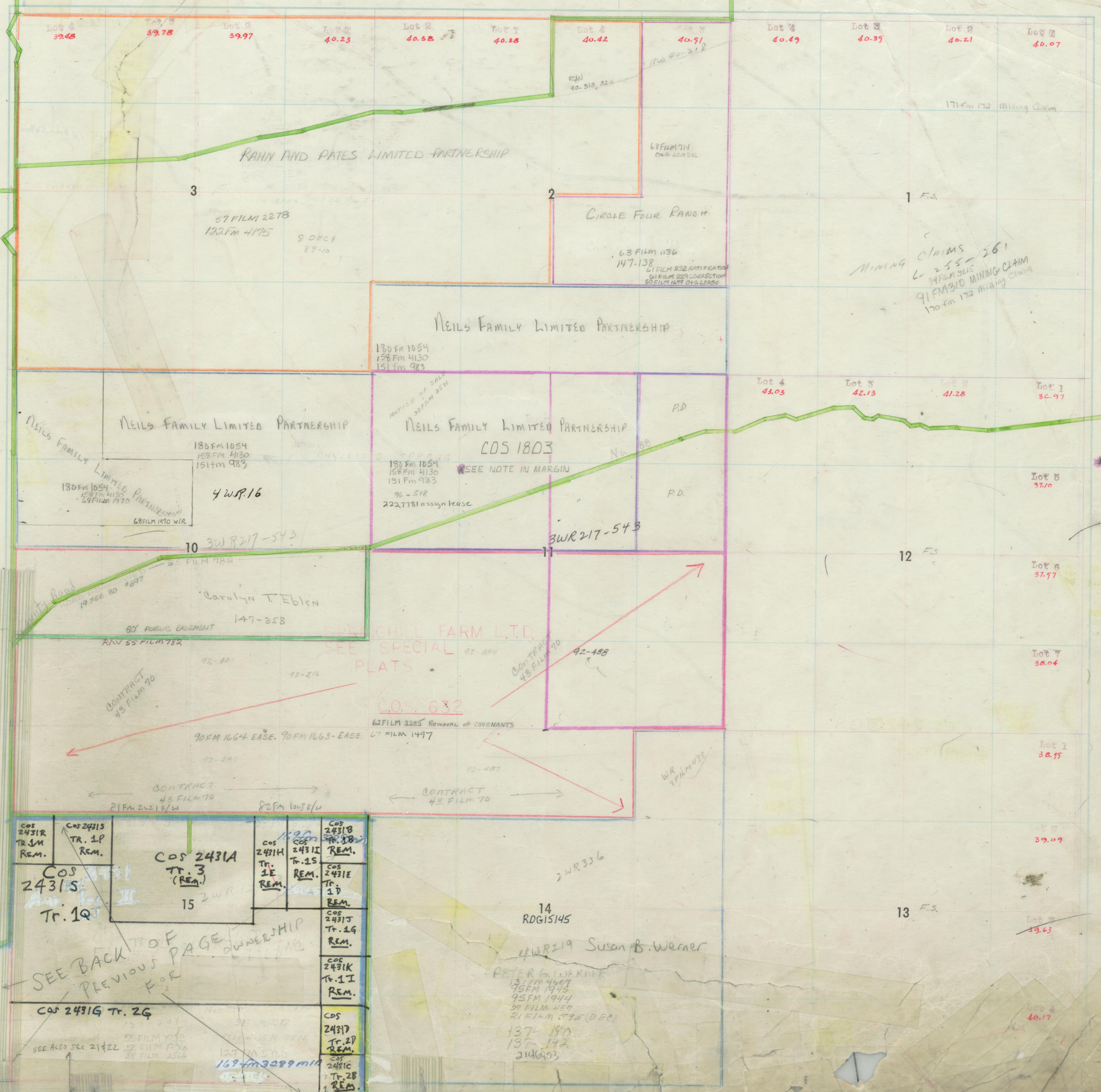
IRON PIPE AT 1/4 COR.

1/4 SEC. COR. EAST 1/4
 R.R. 1/4 N. 84° E. 257'
 " " 84° E. 174.6'

1/4 SEC. COR. EAST 1/4
 R.R. 1/4 N. 84° E. 257'
 " " 84° E. 174.6'

1/4 SEC. COR. EAST 1/4
 R.R. 1/4 N. 84° E. 257'
 " " 84° E. 174.6'

TOWNSHIP 2 NORTH RANGE 5 EAST OF M. P. M.



MINING CLAIMS
 6-255-261
 91 FM 3615
 91 FM 310 MINING CLAIM
 170 fm 172 Mining Claim

DISCLAIMER: This plot is a visual representation only and does not represent a survey. No liability is assumed as to the accuracy delineated herein.

COS 1803 DOES NOT CREATE ANY NEW PARCELS. IT RETRACES EXISTING SECTION LINES ONLY.

SEE BACK OF PREVIOUS PAGE FOR OWNERSHIP

COS 2431G TR. 2G

SEE ALSO SEC. 21422

COS 2431R TR. 1M REM.	COS 2431S TR. 1P REM.	COS 2431A TR. 3 (REM.)	COS 2431H TR. 1E REM.	COS 2431B TR. 1B REM.	COS 2431I TR. 1S REM.	COS 2431E TR. 1D REM.	COS 2431J TR. 1G REM.	COS 2431K TR. 1I REM.	COS 2431L TR. 2P REM.	COS 2431M TR. 2B REM.
		15								

PETER G. LEE KNEK
 137 FM 4607
 95 FM 1945
 95 FM 1944
 21 FILM 459
 21 FILM 595 (DEC)
 137-190
 137-192
 214603

414219 Susan B. Werner

14 RDG15145

2WR336

COS 632
 62 FILM 2285 Removal of COVENANTS
 67 FILM 1497

SHEGILL FARM LTD.
 SEE SPECIAL PLATS

Carolyn T. Eblen
 147-358

CONTRACT 43 FILM 70

60' PUBLIC EASEMENT
 R/V 55 FILM 782

55 FILM 782

4 WSP. 16

180 FM 1054
 158 FM 4130
 151 FM 983
 68 FILM 1970 WIR

NEILS FAMILY LIMITED PARTNERSHIP

NEILS FAMILY LIMITED PARTNERSHIP
 COS 1803

180 FM 1054
 158 FM 4130
 151 FM 983
 96-518
 222,778 assign lease

180 FM 1054
 158 FM 4130
 151 FM 983

NEILS FAMILY LIMITED PARTNERSHIP

63 FILM 1136
 147-138
 61 FILM 232 RATIFICATION
 61 FILM 229 CORRECTION
 68 FILM 1679 OIL LEASE

CIRCLE FOUR RANCH

57 FILM 227B
 122 FM 4195
 8 DEC 9
 89-10

RAHN AND PATES LIMITED PARTNERSHIP

68 FILM 714
 OIL LEASE

61
 40-318, 320

171 fm 172 Mining Claim

Lot 4
 39.48

Lot 5
 39.78

Lot 6
 39.97

Lot 7
 40.23

Lot 8
 40.58

Lot 9
 40.58

Lot 10
 40.42

Lot 11
 40.91

Lot 12
 40.49

Lot 13
 40.39

Lot 14
 40.21

Lot 15
 40.07

Lot 4
 43.03

Lot 5
 42.13

Lot 6
 41.28

Lot 7
 38.97

Lot 8
 37.00

Lot 9
 37.77

Lot 10
 38.04

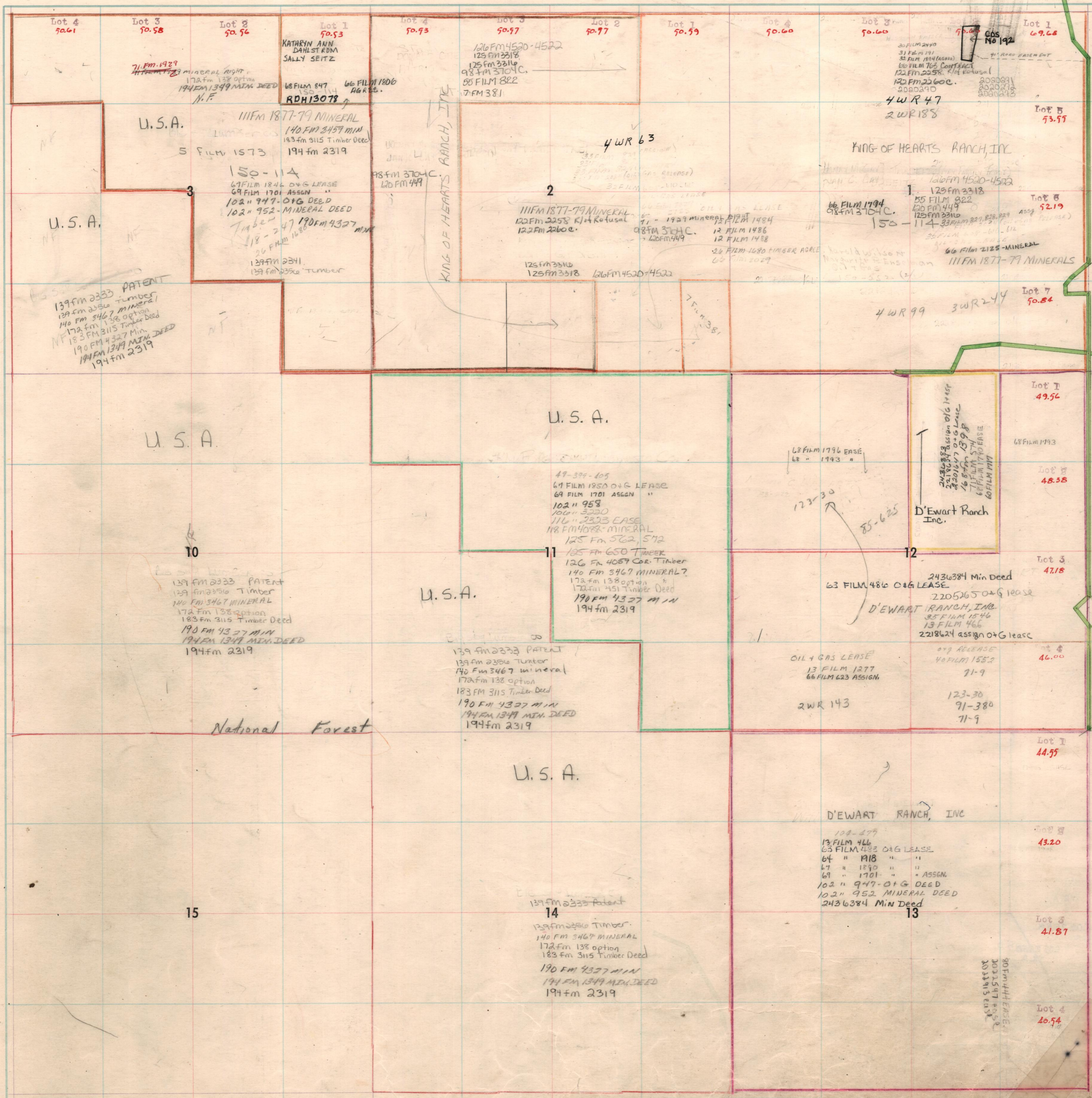
Lot 11
 38.75

Lot 12
 39.09

Lot 13
 39.63

Lot 14
 40.17

TOWNSHIP 2 NORTH RANGE 6 EAST OF M. P. M.



Cos 192
 2285219 } PART REL
 2285220 } O&G LEASE
 2285221 }
 2285222 }
 30 FM 1432 RSR

Section 1
 Oil & Gas Lease

150-252	2212929
32 FM 608	2216639
32 FM 610	2216640
32 FM 612	2216641
32 FM 2034 Rel	2217067
66 FM 2029	2217887 Corr.
66 FM 2125	2217986
	2218624 Assign

Section 2 - Oil & Gas Lease

32 FM 608	33 FM 827 Assign
32 FM 610	33 FM 828 Assign
32 FM 612	33 FM 829 Assign
32 FM 2034 Rel	33 FM 827 Assign
66 FM 2029	
66 FM 2125	

DISCLAIMER: This plot is a visual representation only and does not represent a survey. No liability is assumed as to the accuracy depicted hereon.

RECEIVED

SEP 22 2017

Clerk & Recorder
Gallatin County, Mont.

Abigail R. Brown, Esq.

7 W. 6th Ave

Ste. 4B

Helena, MT 59601

Tel: (406) 457-5494

Fax: (406) 206-5165

abby@farvebrownlaw.com

Jennifer L. Farve, Esq.

1276 N. 15th Ave

Ste. 104

Bozeman, MT 59715

Tel: (406) 219-0073

Fax: (406) 206-5165

jennifer@farvebrownlaw.com



August 31, 2017

Gallatin County Commissioners
311 West Main, Room 306
Bozeman, MT 59715

Copy of Petition Via Hand-Delivery

Gallatin County Road & Bridge Department
Attn: Erin Howard
205 Baxter Lane West
Bozeman, MT 59718

Original Petition Via Hand-Delivery

Re: Petition to Abandon County Road – Martin Road #88
Our File No.: 10021-012

Dear Commissioners and Ms. Howard,

Accompanying this letter is a Petition to Abandon County Road (Martin Road #88). This Petition has been executed by the requisite number of freeholders of the road taxing district including all landowners affected by the Petition with the exception of the United States Forest Service who is still in the process of reviewing the proposed abandonment internally.

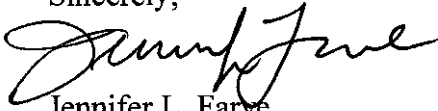
As a result of the Order of Abandonment duly recorded February 27, 1980 in Book 55, Page 782, records of Gallatin County, Montana (see Exhibit B accompanying Petition) and the Order of Abandonment and Vacation of Easement dated May 6, 2008 recorded as Document 2299494, records of Gallatin County, (see Exhibit C accompanying Petition), the road proposed for abandonment no longer provides public access to Forest Service lands. Being as the road is not constructed, serves no public purpose and the private landowners ostensibly benefited by the road agree to the abandonment, the Petition to Abandon Martin Road #88 should be granted.

I understand Ms. Howard will relay the original Petition for Abandonment to Eric Semerad at the County Clerk and Recorder's Office for verification of land ownership. Should you have questions or need further information, please contact me or Candace Kimmet at the law firm of Karrell Dyre Haney PLLP. Ms. Kimmet may be reached directly at (406) 294-8489.

Gallatin County Commissioners
Gallatin County Road & Bridge Dept.
August 31, 2017
Page 2 of 2

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer L. Farve". The signature is fluid and cursive, with the first name being the most prominent.

Jennifer L. Farve
JLF/dmr

cc: Candace Kimmet (via email only)
Tim Murphy (via email only)
Client (via email only)

EXHIBIT "B"

Road Petition 697

Abandon

MARTIN Road No 88

Feb 19, 1980

Comm Pages 46

Comm Book 40

PETITION TO ABANDON PORTION OF COUNTY ROAD

To the Honorable Board of
 County Commissioners
 Gallatin County, Montana

Gentlemen:

We the undersigned Freeholders of Gallatin County, Montana taxable herein for road purposes, do hereby petition your Honorable Body to abandon the following county road and being more particularly described as follows:

Starting point is 1200' more or less from the Southwest corner of Section 10, Township 2 North, Range 5 East; thence North 40°30' E 882 feet; thence North 67°53' E 1740 feet; thence North 87°45 E to a point 51.67 feet West of the East 1/4 corner of Section 10, Township 2 North, Range 5 East. The portion of road to be abandon is part of Martin Road, Number 88.

In exchange for abandonment of the above road the land owners do hereby agree to provide to the public an easement 60' wide for road purposes and being more particularly described as follows:

Point of beginning is on the Rocky Mountain Road a point North 00° 08'30" E 1348.94 feet from the Southwest 1/4 corner of Section 10, Township 2 North, Range 5 East; thence South 89°16'18" E as shown on COS 632 between Tract 1 and 35, 2 and 36, 3 and 37, 4 and 38, 5 and 39, 6 and 40, 7 and 41, 8 and 42 to the Southeast Corner of Tract 8; thence North a sixty foot easement with 30 feet on each side of boundary between Tract 8 and 9 for 1359.07 feet to a point where easement would intersect with the Martin road 51.67 feet from the East 1/4 corner of Section 10, Township 2 North, Range 5 E.

Total distance for road abandonment 5222 feet more or less.

Plat of COS 632 attached shows county road in red to be abandon and 60' wide easement in blue to be provided to the public for road purposes.

<u>Names of Petitioners</u>	<u>Description of land Owned by Petitioners</u>
<i>Carole Oddy</i>	<i>Shade Tree Creek Tracts 2 & 3 SPT 1584E</i>
<i>Sam J. Hoff</i>	<i>SPRINGHILL RANCH Court of Survey #632</i>
<i>William E. Quackenbush</i>	<i>Gallatin National Forest</i>
<i>James Pettiback</i>	<i>Tr. 5 of COS 366</i>
<i>Michael Smith</i>	<i>LOTS 22, 23, 24 Block 31 Capital Hill Addition</i>
<i>Margaret A. Foster</i>	<i>Lot 4 Block 98 Spomer's Addition</i>
<i>Samuel L. Foster</i>	<i>Lot 6, Block 10 Thompson's 4th Add</i>
	(OVER)

Walter J. Fether

Lot 7, Blk. Middle Creek Meadows Sub #13

~~James H. ...~~

2 Acres Addition

Murray Dale Thompson

COS # 51915 New

Margaret ...

Dist # 43 Emerson Sub Division

Grace M. ...

Full extent Sub-Division 7041

Ray J. ...

Ken Hal ... Sch Dist 7041 NE 1/4, NW 1/4 Sec 36, 1 N, 5 E

and ...

Part of COS ...

Legal ...

Range 2 E

... from the East 1/4 corner of Section 10 ...

... and ...

... to the ...

... of the ...

... of Section 10 ...

... as follows:

... the following ...

... to ...

... of ...

...

...

...

...

SECTION 10 ...

Wesley Jether

Lot 7 Blk Middle Creek
meadows Sub #2

Jayne Huch

Lot 345 Blk 30
Capital Hill Addition

Murray Dale Thompson

COS # 51915 New

Margaret Brown

Dist #43 Emerson Sub Division

Grace M. Hagl

7th & 11th Sub Division, 7044
Lot 3 & 4

Wayne J. Nash

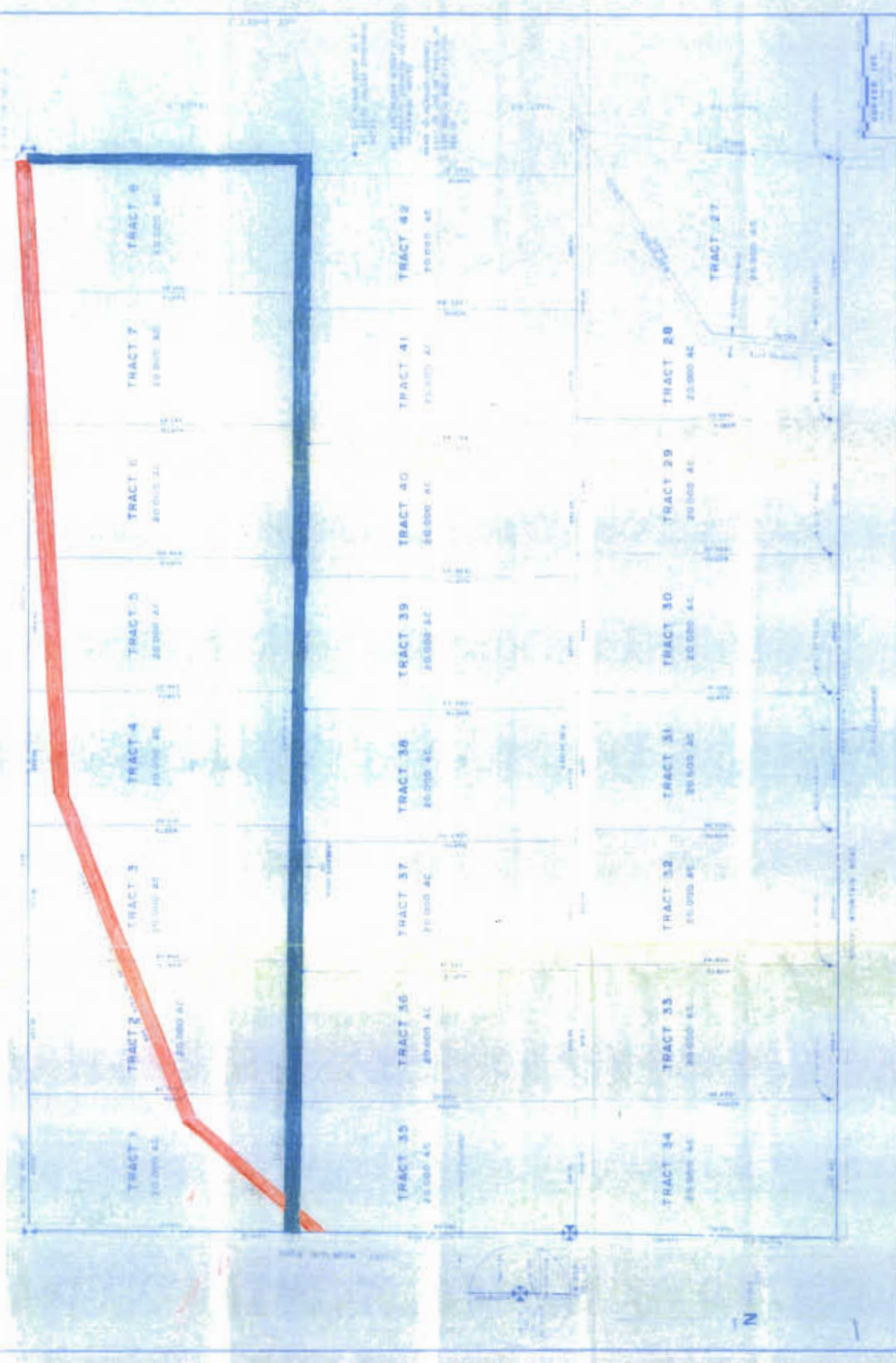
Ken Hal Condo, Unit 2, Sch Dist 204
NE 1/4, NW 1/4 Sec 36, 1 N, 5 E

Lee M. Sagar

CERTIFICATE OF SURVEY NO. 632

A TRACT OF LAND BEING THE SW 1/4 AND SE 1/4 OF T11D, THE SW 1/4 AND SE 1/4 OF SEC. 31 AND A PORTION OF THE NE 1/4 AND NW 1/4 OF SEC. 14 AND A PORTION OF THE NE 1/4 AND NW 1/4 OF SEC. 15, T2N, R5E, MPM GALLATIN COUNTY, MONTANA FOR SPRINGDALE FARM, LTD.

TO CREATE 40 TRACTS BY LAND



CERTIFICATE OF THE COUNTY CLERK & RECORDER
RELATING TO
QUALIFICATIONS OF THE SIGNERS

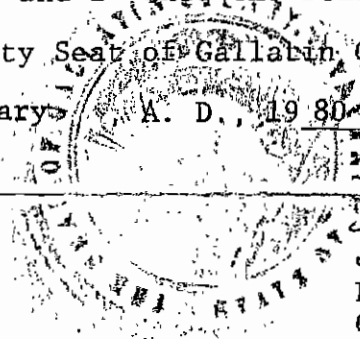
Land Description:

In Certificate of Survey No. 632- copy attached

State of Montana
County of Gallatin ss.

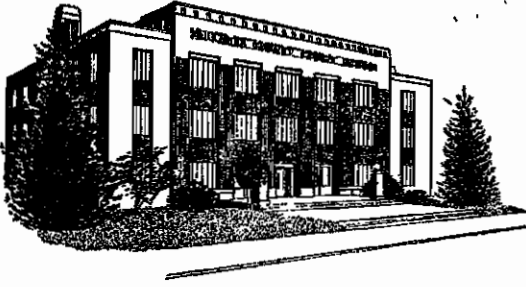
I, Lucille A. Bridges, do hereby certify that I am the duly elected, qualified and acting County Clerk and Recorder for Gallatin County, State of Montana; that I have examined the petition to which this certificate is attached; and it is signed by ten (10) freeholders within the County of Gallatin, State of Montana.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of my office at Bozeman, the County Seat of Gallatin County, Montana, this 31 day of January, A. D., 19 80.



Lucille A. Bridges

LUCILLE A. BRIDGES
Clerk & Recorder for Gallatin
County, State of Montana

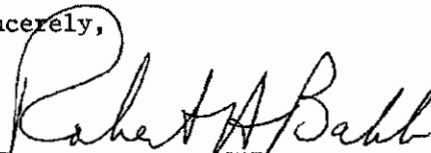


State of Montana
COUNTY OF GALLATIN
◆
Bozeman

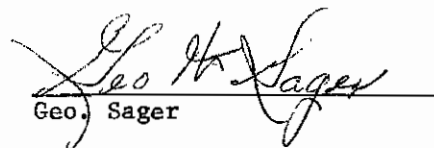
VIEWS REPORT

On Jan. 30, 1980 County Commissioner George Sager and myself drove to Section 10, T2N,R5E. to view that portion of Martin Road No. 88 requested for abandonment. That part of Martin Road has never been constructed and with the fact that a new road easement has been offered that will connect the beginning and ending point of this abandoned section, it is my recommendation that the abandonment be granted as being in the best interest of Gallatin County and it's residents.

Sincerely,



Gallatin County Engineer



Geo. Sager



State of Montana
COUNTY OF GALLATIN

Bozeman

February 1, 1980

NOTICE TO PETITIONERS & ADJOINING LANDOWNERS

This is to notify you that the Board of County Commissioners have accepted the report of the Board of Viewers, Mr. Bob Babb, County Surveyor and Commissioner Mr. George Sager on road petition # 697. This petition is for the abandonment of the following county road:

Starting point is 1200' more or less from the Southwest corner of Section 10, Township 2 North, Range 5 East; thence North $40^{\circ}30'$ E 882 feet; thence North $67^{\circ}53'$ E 1740 feet; thence North $87^{\circ}45'$ E to a point 51.67 feet West of the East 1/4 corner of Section 10, Township 2 North, Range 5 East. The portion of road to be abandon is part of Martin Road, Number 88.

In exchange for abandonment of the above road the land owners do hereby agree to provide to the public an easement 60' wide for road purposes and being more particularly described as follows:

Point of beginning is on the Rocky Mountain Road a point North $00^{\circ}08'30''$ E 1348.94 feet from the Southwest 1/4 corner of Section 10, Township 2 North, Range 5 East; thence South $89^{\circ}16'18''$ E as shown on COS 632 between Tract 1 and 35, 2 and 36, 3 and 37, 4 and 38, 5 and 39, 6 and 40, 7 and 41, 8 and 42 to the Southeast Corner of Tract 8; thence North a sixty foot easement with 30 feet on each side of boundary between Tract 8 and 9 for 1359.07 feet to a point where easement would intersect with the Martin road 51.67 feet from the East 1/4 corner of Section 10, Township 2 North, Range 5 East.

A hearing on the above has been set by the Board of County Commissioners for Tuesday the 19th day of February, A.D., 1980 at 11:00 A.M., in the Commissioners office in Bozeman, Montana, at which time the Commissioners will make final determination of the merits of said matter, and at which time all persons interested may make objections or offer suggestions relative to the proposals in the road petition.

Unless a landowner or tax payer wants to protest this petition you are not required to attend.

Dated this 1st day of February, A.D., 1980 at Bozeman, Montana.

Sincerely,

Gale Thompson
Road Office Supervisor

ET:pn
Printed by Unanimous Vote Feb. 19, 1980 *Geo. W. Sager*

February 1, 1980

Mr. Henry E. Neils
215 Barry No. 103
Wysata, Minn 55391

Dear Mr. Neils;

Attached is notification of road petition hearing concerning Martin Road # 88. Also attached is copy of Certificate of Survey # 632.

This road was never built and the land has been used for farming and pasture. Since you own the N 1/2 and adjoin this road you have to be notified by certified mail. The notification should explain what is taking place.

Sincerely,

Road Office Supervisor

GT:pn

C
O
P
Y



State of Montana
COUNTY OF GALLATIN

Bozeman
February 19, 1980

NOTICE TO PETITIONERS & ADJOINING LANDOWNERS

This is to notify you that the Board of County Commissioners held a hearing on Road Petition # 697, for the abandonment of the following county roadway.

Starting point is 1200' more or less from the Southwest corner of Section 10, Township 2 North, Range 5 East; thence North 40°30' E 882 feet; thence North 67°53' E 1740 feet; thence North 87°45' E to a point 51.67 feet West of the East 1/4 corner of Section 10, Township 2 North, Range 5 East. The portion of road to be abandon is part of Martin Road, Number 88.

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There being no objections it was unanimously carried by the Board of County Commissioners that the road be closed.

Sincerely,

Gale Thompson
Road Office Supervisor

71737

INDEXED
FILED

OFFICE OF COUNTY RECORDER,
STATE OF MONTANA
COUNTY OF GALLATIN.

ss.

THIS INSTRUMENT WAS FILED FOR RECORD IN THIS OFFICE ON TH
27 DAY OF FEBRUARY, A.D., 19 80
AT 1:15 P.M., AND WAS DULY RECORDED IN BOOK 55
OF MISCELLANEOUS RECORDS, PAGE 782

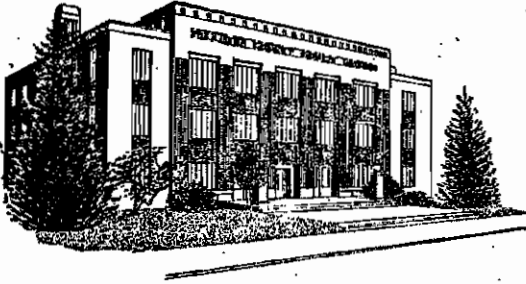
Fee \$ FILE Lucille C. Bridges RECORDER. BY Carol M. Taylor DEPUT

LANDOWNERS
petition No. 88 - Certified mail

Henry E. Neils
215 Barry No. 108
Waysata, Minn 55391

Springhill Farms LTD
P.O. Box 1745
Beverly Hills, Ca 90213

Margaret M. Potter
114 Helen Drive
Belgrade, Mt 59714



State of Montana
COUNTY OF GALLATIN

◆
Bozeman

February 19, 1980

Mrs. Margaret M. Potter
114 Helena Drive
Belgrade, Montana 59714

Dear Mrs. Potter;

Attached is letter notifying you that Martin Road, Number 88 has been abandon with the stipulation that the landowners provide to the public an easement 60' wide for road purposes.

Would you please follow up on this easement.

Sincerely,

Gale Thompson

Road Office Supervisor

GT:pn

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered ¢
 Show to whom, date, and address of delivery ¢
 RESTRICTED DELIVERY
 Show to whom and date delivered ¢
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Margaret M. Potten
114 Helen Dr.
Belgrade, MT 59714

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 695426

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent

4. *Margaret M. Potten*
 DATE OF DELIVERY POSTMARK
2-5-80 *FEB 5 1980*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆GPO: 1977-0-249-595

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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 RESTRICTED DELIVERY
 Show to whom and date delivered ¢
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Henry E. Neils
215 Berry # 108
Wayzata, Minn.

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 695424

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent

4. *Kathleen Fraser*
 DATE OF DELIVERY POSTMARK
2-4-80 *FEB 6 1980*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆GPO: 1977-0-249-595

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered ¢
 Show to whom, date, and address of delivery ¢
 RESTRICTED DELIVERY
 Show to whom and date delivered ¢
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Springhill Farms Ltd.
P.O. Box 1745
Beverly Hills, Ca 90213

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 695425

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE Addressee Authorized agent

4. *[Signature]*
 DATE OF DELIVERY POSTMARK
FEB 6 1980 *FEB 6 1980*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆GPO: 1977-0-249-595

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered¢
 Show to whom, date, and address of delivery¢
 RESTRICTED DELIVERY Show to whom and date delivered¢
 RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ ____ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Margaret M. Patten
114 W. Federal
Bellevue, Mt. 59714

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>695429</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent
[Signature]

4. DATE OF DELIVERY *7-25-80* POSTMARK
7-25-80 BELLEVUE, MT. 59714

5. ADDRESS (Complete only if requested)
1980

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS
[Initials]

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
 Show to whom and date delivered¢
 Show to whom, date, and address of delivery¢
 RESTRICTED DELIVERY Show to whom and date delivered¢
 RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$ ____ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Henry E. Meile
215 Barry No 108
Washington, D.C. 55391

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	<i>695427</i>	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE Addressee Authorized agent
[Signature]

4. DATE OF DELIVERY *7-25-80* POSTMARK
7-25-80 WASHINGTON, D.C. 55391

5. ADDRESS (Complete only if requested)
1980

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS
[Initials]



EXHIBIT "C"

GALLATIN COUNTY

311 West Main, Rm. 306 • Bozeman, MT 59715

County Commission

William A. Murdock
Joe P. Skinner
Steve White

Phone (406) 582-3000
FAX (406) 582-3003

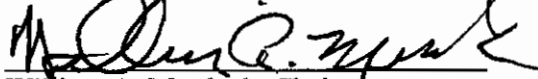
ORDER OF ABANDONMENT AND VACATION OF AN EASEMENT

Gallatin County, Montana, a political subdivision of the State of Montana with principal address at 311 West Main Street, Bozeman, Montana, acting by and through its elected Board of County Commissioners, pursuant to Section 7-14-2615, MCA, after notice and public hearing, does hereby abandon, vacate and forever release all interest it may have in an Easement recorded in the records of the Gallatin County Clerk and Recorder at COS 632 (recorded December 11, 1978) at document number 57041, showing a 60 foot wide public road easement along the south boundaries of Tracts 1 through 8 and then north between Tracts 8 and 9 to the North property line, such COS 632 being located in SW 1/4 and SE 1/4 of Section 10, the SW 1/4 and SE 1/4 of Section 11 and a portion of the NE 1/4 and NW 1/4 of Section 14 and a portion of the NE 1/4 and NW 1/4 of Section 15, Township 2 North, Range 5 East, M.P.M, Gallatin County, Montana as depicted on Exhibit A attached hereto and incorporated by reference herein.

In that Grant of Easement, Gallatin County, as benefitted party and dominant tenant, recognizes that the grant should be extinguished and abandoned as the purpose for which the easement was granted no longer exists.

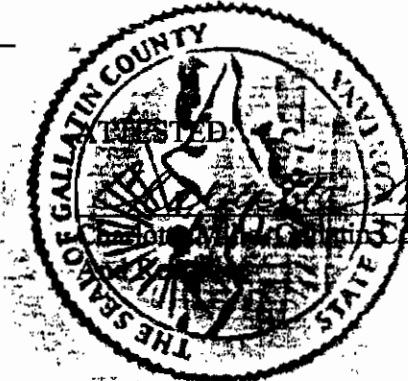
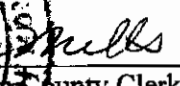
Dated this 6th day of May, 2008.

GALLATIN COUNTY COMMISSION


William A. Murdock, Chairman


Joe P. Skinner, Member


R. Stephen White, Member



Charlotte Mills
County Clerk

2299494
Page: 1 of 2
05/09/2008 12:10P
Charlotte Mills-Gallatin Co MTRISC 0.00

RESOLUTION NO. 2017-098

A RESOLUTION MADE TO ASSIGN THE VIEWING COMMITTEE AND
PETITION NUMBER FOR A PETITION TO ABANDON A PORTION OF MARTIN
ROAD NO. 88, 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
September 22, 2017, to abandon a portion of Martin 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 portion of Martin Road No. 88
located in Section 10 and 11, Township 2 North, Range 5 East, Gallatin County,
Montana not previously abandoned by road petition #697 dated February 19, 1980, and
Order of Abandonment and Vacation of an Easement dated May 6, 2008 recorded with
Gallatin County Clerk & Recorder under Document No. 2299494.

WHEREAS, on September 26th, 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;

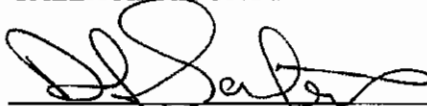
NOW THEREFORE BE IT RESOLVED:

1. The Board hereby accepts the petition for abandonment of that portion of Martin
Road No. 88 located in Section 10 and 11, Township 2 North, Range 5 East,
Gallatin County, Montana not previously abandoned by road petition #697 dated
February 19, 1980, and Order of Abandonment and Vacation of an Easement
dated May 6, 2008 recorded with Gallatin County Clerk & Recorder under
Document No. 2299494.

2. The petition is assigned Road Petition Number 848.
3. Commissioner Joe Skinner 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.

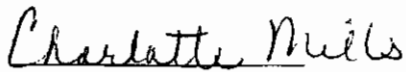
DATED this 3 day of October 2017.

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY



Donald F. Seifert, Chairman

ATTEST:

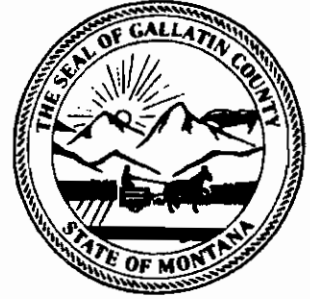


Charlotte Mills
Clerk and Recorder
Gallatin County

State of Montana

County of Gallatin

Bozeman



April 13, 2018

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

RE: Petition to abandon a portion of Martin Road

Legal Description: That portion of Martin Road No. 88 located in Section 10 and 11, Township 2 North, Range 5 East, Gallatin County, Montana not previously abandoned by road petition #697 dated February 19, 1980, and Order of Abandonment and Vacation of an Easement dated May 6, 2008 recorded with Gallatin County Clerk & Recorder under Document No. 2299494.

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 Martin Road was received on September 22, 2017, and was certified, by the Gallatin County Clerk and Recorder, on September 26, 2017. The petition states that the necessity for abandonment is "The purpose for which the road was created no longer exists. Due to previous portions being abandoned, the road is no longer accessible by the public."

The Board of Gallatin County Commissioners accepted the petition and assigned the viewing committee at a public meeting held on October 31, 2017. On December 14, 2017, the undersigned met with Bill Brownell from the Gallatin County Road Department, Corey Lewellen U.S. Forest Service District Ranger, and Greg Bervy manager of Mill Creek Canyon Ranch LLC, to view the road petitioned for abandonment. The proposed portion of Martin Road to be abandoned has never been developed, and furthermore there is no physical road in the field.

The U.S. Forest Service Forest Supervisor provided a letter dated March 19, 2018 agreeing to the abandonment of this portion of Martin Road. Further, an email was received from Corey Lewellen on March 27, 2017, clarifying that the U.S. Forest Service would like Martin Road abandoned in the public Forest Service land in Section 11 and 12. (The entire road.)


Therefore, a new description for the abandonment to accommodate this request would read as follows:

That portion of Martin Road No. 88 located in Sections 10, 11 and 12, Township 2 North, Range 5 East, and Section 6, Township 2 North, Range 6 East, Gallatin County, Montana not previously abandoned by road petition #697 dated February 19, 1980, and Order of Abandonment and Vacation of an Easement dated May 6, 2008 recorded with Gallatin County Clerk & Recorder under Document No. 2299494.


The Viewing Committee does find that this portion of Martin Road does not provide legal access to public lands or waters because there is no public access from Rocky Mountain Road to this portion of Martin Road. Further, a connector trail has been built between the public access from Johnson Road and the public access to the Middle Cottonwood Trail easement through the Armstrong property. Also, two or more landowners do not use this portion of Martin Road to access private property.

Accordingly, we recommend abandoning the newly described portion of Martin Road, which goes to the end of the road within the US Forest boundary.

Respectfully submitted,



Joe P. Skinner, County Commissioner



Charlotte Mills, Clerk and
Recorder/Surveyor



File Code: 7730
Date: March 19, 2018

Gallatin County Commissioners
311 W Main Street, Room 306
Bozeman, MT 59715

Dear Gallatin County Commissioners:

This letter is in regard to your proposal to abandon Martin Road Number 88. As you are aware, there is a fair amount of history involved with this road. Martin Road was originally petitioned as a county road in petition #88. Maps and records show that the Martin Road initiates from Springhill Road in T2N, R5E, Section 10 and extends easterly across sections 10, 11, 12, and ends in T2N R6E section 6, providing potential public access to National Forest System lands. In the 1980's, the Forest Service worked closely with Gallatin County in considering a 1979 petition from a real estate firm to abandon a portion of the Martin Road. As a result of the 1979 petition to abandon, a right-of-way for a replacement road was legally established in section 10 as shown on COS #632. The right-of-way for the replacement road connected to the old Martin Road at the west boundary of Section 11. To our knowledge, the replacement public road in Section 10 was never constructed.

Then in 2008, Quagle Creek LLC, requested that Gallatin County abandon or extinguish the replacement right-of-way as shown on COS #632. We responded asking you to delay the abandonment process, until we were able to finish and secure nearby access that was identified in our Travel Management Plan. As you are aware, the County Commissioners approved the abandonment proposal which resulted in abandoning a portion of the Martin Road from where it started off of Springhill Road through section 10.

Currently, due to the abandonment in 2008, there is no legal access from Springhill Road to the remaining portions of the Martin Road.

Public access to National Forest System lands is very important and in general we don't support abandonments that take away potential public access. In addition to public access, we also look for agency access for resource management like responding to wildfire, implementing vegetation projects, or conducting rangeland assessments. However, since the abandonment of 2008 we have been able to implement important access points in the area that were identified in our Travel Management Plan. As a result of us securing these access points and the fact that there is currently no legal access established from Springhill Road to the remaining portions of Martin Road, I am not in opposition of the current abandonment proposal.



I emphasize that access to public lands is very important and I thank you for engaging with us on this proposal. If you have any questions please feel free to call Corey Lewellen, Bozeman District Ranger, at 406-522-2531.

Sincerely,

A handwritten signature in black ink that reads "Mary C. Erickson". The signature is written in a cursive style with a large, prominent "M" and "E".

MARY C. ERICKSON
Forest Supervisor

cc: Corey Lewellen, Elizabeth McFarland

Mills, Charlotte

From: Lewellen, Corey R -FS <clewellen@fs.fed.us>
Sent: Tuesday, March 27, 2018 7:54 PM
To: Mills, Charlotte
Subject: RE: Martin Road

Hello Charlotte,

Glad you got the letter.

We are ok with abandoning the entire road, including the sections on NFS lands.

Please let me know when the hearing is, and I will plan to attend.

Thanks,

- Corey



Corey Lewellen
District Ranger
Forest Service
Custer Gallatin National Forest
Bozeman Ranger District

p: 406-522-2531
clewellen@fs.fed.us

3710 Fallon St Suite C
Bozeman, MT 59047, MT 59718
www.fs.fed.us



Caring for the land and serving people

From: Mills, Charlotte [mailto:Charlotte.Mills@gallatin.mt.gov]
Sent: Monday, March 26, 2018 3:03 PM
To: Lewellen, Corey R -FS <clewellen@fs.fed.us>
Subject: Martin Road

Hi Corey,

Joe Skinner sent me a copy of the letter the commissioners received from Mary Erickson about the abandonment of Martin Road.

There is no mention of abandoning the portion of the Martin Road into the Forest Service property in Section 11 so am I right in assuming we are just looking at the original road abandonment request?

Thanks,
Charlotte

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Jennifer L. Farve, Esq.
4055 Valley Commons Drive
Ste. H
Bozeman, MT 59715
Tel: (406) 219-0073
Fax: (406) 206-5165
jennifer@farvebrownlaw.com



Abigail R. Brown, Esq.
7 W. 6th Ave
Ste. 4B
Helena, MT 59601
Tel: (406) 457-5494
Fax: (406) 206-5165
abby@farvebrownlaw.com

September 27, 2017

Eric Semerad
Gallatin County Clerk and Recorder
311 West Main St. Room 203
Bozeman, MT 59715

Re: Petition to Abandon County Road – Martin Road #88
Our File: 10021/012

Dear Mr. Semerad,

This letter is in reference to the Petition to Abandon Martin Road #88 which was delivered to the County by my client, Mill Creek Canyon Ranch, LLC on or about August 31, 2017.

Paragraph 2 of the Petition describes the portion of the road to be abandoned as follows:

That portion of Martin Road #88 located in Sections 10 and 11 of Township 2 North, Range 5 East, Gallatin County, Montana, as depicted on the attached Exhibit “A” not previously abandoned by (i) Road Petition #697 dated February 19, 1980 and attached as Exhibit “B” and (ii) Order of Abandonment and Vacation of an Easement dated May 6th, 2008 and recorded with Gallatin County Clerk and Recorder under Document No. 229494 as Exhibit “C.”

Exhibit “A” accurately depicts the location of the portion of Martin Road #88 to be abandoned in Sections 10 and 11, Township 2 North, Range 5 East, Principal Meridian Montana, Gallatin County, Montana. The Exhibit further depicts the county road as continuing through Section 12. Language appearing beside an arrow, pointing to that portion of the road in Section 12, states “Best Fit Location of Remaining 60’ Wide Martin Road #88, Petition #697 (TO BE ABANDONED).”

My purpose in writing is to clarify that the intent of the Petition is to abandon that portion of Martin Road #88 lying in Sections 10 and 11, Township 2 North, Range 5 East, not previously abandoned by (i) Road Petition #697 dated February 19, 1980 and (ii) Order of Abandonment

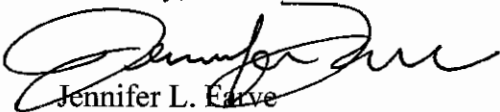
Eric Semerad
Gallatin County Clerk and Recorder
September 27, 2017
Page 2 of 2

and Vacation of an Easement dated May 6th, 2008 and recorded with Gallatin County Clerk and Recorder under Document No. 229494.

Although Exhibit "A" accurately depicts the portion of the county road to be abandoned in Sections 10 and 11 as described in the Petition, to avoid confusion, enclosed is a revised Exhibit "A" depicting the portion of the road lying in Sections 10 and 11 as that portion of the road which is petitioned for abandonment and correcting reference to the Section numbers at the top of the page.

Hopefully, this resolves any confusion regarding the Petition. Should you have questions or need anything further from me, please let me know.

Sincerely,



Jennifer L. Farve

cc: client

RECEIVED

OCT 10 2017

Clerk & Recorder
Gallatin County, Mont.

October 3, 2017

via **CERTIFIED MAIL**

Eric Semerad
Gallatin County Clerk and Recorder
311 West Main Street, Room 203
Bozeman, MT 59715

Re: Petition to Abandon County Road – Martin Road #88

Dear Eric:

I am writing to express support for the Petition to Abandon Martin Road #88 (the "Petition") which was delivered to Gallatin County on or about August 31, 2017 by Mill Creek Canyon Ranch, LLC, a Montana limited liability company ("Mill Creek"). At the time of submission of the Petition, Mill Creek was the owner of the private property on which Martin Road #88 is situated (the "Property"). As of September 25, 2017, however, Bridger Range Ranch, LLC, a Montana limited liability company ("Bridger Range"), became the owner of the Property.

By its signature below, Bridger Range's hereby provides its full consent to, and approval of, the Petition. Please also provide a copy of all notices relating the Petition to the following:

To: Gregory Marich, Manager
Bridger Range Ranch, LLC
119 Langley Lane
McLean, VA 22101
307-203-6509
gregory.marich@gmail.com

With a copy to: Candace L. Kimmet
Karell Dyre Haney PLLP
175 North 27th Street, Ste 1303
Billings, MT 59101
406-294-8489
ckimmet@kdhlawfirm.com

Please let me know if you have any questions or need anything further from me for your file.

Bridger Range Ranch, LLC

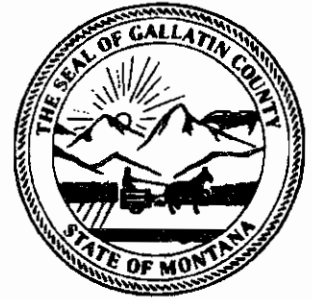
By: Ranginui Ranch Properties, LLC,
its Sole Member

By: 
Gregory A. Marich, Manager

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 **May 22, 2018, at 9:00 A.M.**, in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a road petition No. 848 to abandon that portion of Martin Road No. 88 located in Sections 10, 11 and 12, Township 2 North, Range 5 East, and Section 6, Township 2 North, Range 6 East, Gallatin County, Montana not previously abandoned by road petition #697 dated February 19, 1980, and Order of Abandonment and Vacation of an Easement dated May 6, 2008 recorded with Gallatin County Clerk & Recorder under Document No. 2299494.

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 16th day of April, 2018

Charlotte Mills

Charlotte Mills
Clerk and Recorder
Gallatin County, Montana

Jennifer L. Farve, Esq.
4055 Valley Commons Drive
Ste. H
Bozeman, MT 59715
Tel: (406) 219-0073
Fax: (406) 206-5165
jennifer@farvebrownlaw.com



Abigail R. Brown, Esq.
7 W. 6th Ave
Ste. 4B
Helena, MT 59601
Tel: (406) 457-5494
Fax: (406) 206-5165
abby@farvebrownlaw.com

September 27, 2017

Eric Semerad
Gallatin County Clerk and Recorder
311 West Main St. Room 203
Bozeman, MT 59715

Re: Petition to Abandon County Road – Martin Road #88
Our File: 10021/012

Dear Mr. Semerad,

This letter is in reference to the Petition to Abandon Martin Road #88 which was delivered to the County by my client, Mill Creek Canyon Ranch, LLC on or about August 31, 2017.

Paragraph 2 of the Petition describes the portion of the road to be abandoned as follows:

That portion of Martin Road #88 located in Sections 10 and 11 of Township 2 North, Range 5 East, Gallatin County, Montana, as depicted on the attached Exhibit "A" not previously abandoned by (i) Road Petition #697 dated February 19, 1980 and attached as Exhibit "B" and (ii) Order of Abandonment and Vacation of an Easement dated May 6th, 2008 and recorded with Gallatin County Clerk and Recorder under Document No. 229494 as Exhibit "C."

Exhibit "A" accurately depicts the location of the portion of Martin Road #88 to be abandoned in Sections 10 and 11, Township 2 North, Range 5 East, Principal Meridian Montana, Gallatin County, Montana. The Exhibit further depicts the county road as continuing through Section 12. Language appearing beside an arrow, pointing to that portion of the road in Section 12, states "Best Fit Location of Remaining 60' Wide Martin Road #88, Petition #697 (TO BE ABANDONED).

My purpose in writing is to clarify that the intent of the Petition is to abandon that portion of Martin Road #88 lying in Sections 10 and 11, Township 2 North, Range 5 East, not previously abandoned by (i) Road Petition #697 dated February 19, 1980 and (ii) Order of Abandonment

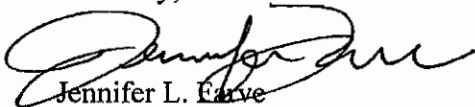
Eric Semerad
Gallatin County Clerk and Recorder
September 27, 2017
Page 2 of 2

and Vacation of an Easement dated May 6th, 2008 and recorded with Gallatin County Clerk and Recorder under Document No. 229494.

Although Exhibit "A" accurately depicts the portion of the county road to be abandoned in Sections 10 and 11 as described in the Petition, to avoid confusion, enclosed is a revised Exhibit "A" depicting the portion of the road lying in Sections 10 and 11 as that portion of the road which is petitioned for abandonment and correcting reference to the Section numbers at the top of the page.

Hopefully, this resolves any confusion regarding the Petition. Should you have questions or need anything further from me, please let me know.

Sincerely,



Jennifer L. Earve

cc: client

State of Montana

County of Gallatin

Bozeman



April 24, 2008

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

RE: Abandonment of a portion of a 60-foot wide public road easement as shown on COS 632 located in the S1/2 of Section 10T2N, R5E, P.M.M. Gallatin County, Montana

Dear Board,

At the March 25, 2008, public meeting to consider the abandonment of the public road easement stated above, it was determined that a viewing committee, according to 7-14-2603 M.C.A., was necessary to determine the merits or demerits of the petition to abandon. Joe Skinner, County Commissioner, and Charlotte Mills, Clerk & Recorder, were assigned to the viewing committee.

On Thursday, April 17, 2008, the following people met the viewing committee at the intersection of Cox Road and Rocky Mountain Road to determine the actual location of the easement and access to public lands.

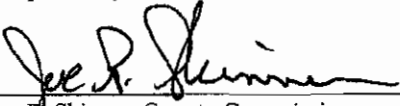
Bill Murdock, County Commissioner,
Steve White, County Commissioner
Jecyn Bremer, Deputy County Attorney
Jason Camp, Land Owner
Jonathan Kempff, Forest Service
Fred Haas, Forest Service


Here are the findings from our investigation.

1. We could find no physical evidence of the easement road or the petitioned Martin Road.
2. Jason Camp, the land owner, testified that to his knowledge the easement had never been used by the public.
3. The access road at Johnson Creek Road provides substantially the same access to the Forest Service public lands as the COS 632 Easement/Martin Road.
4. Jonathan Kempff provided information that the Forest Service has a travel plan which proposes a trail from Johnson Canyon to Cottonwood Canyon which again will provide substantially the same access as the public easement in COS 632.
5. Jonathan Kempff told us that the Forest Service was not interested in constructing a road on this easement.

It is our conclusion that no one would be land-locked, nor denied access to public lands if the abandonment were granted. The viewing committee believes that it is feasible and desirable to grant the petition.

Respectfully submitted,


Joe P. Skinner, County Commissioner


Charlotte Mills, Clerk and
Recorder/Surveyor

Gallatin County Attorney
Marty Lambert, County Attorney



Judge () Luther Memorial Center
1709 West College, Bozeman, MT 59715
Phone: (406) 582-3745
Fax: (406) 582-3758

RECEIVED
FEB 06 2008

02/05/2008

BY:.....

Ms. Jane Mersen
Attorney at Law
716 S. 20th Ave, Suite 101
Bozeman, MT 59718

Re: COS 632G

Dear Jane:

I have the opportunity to address your recent letter to me regarding Quagle Creek, LLC with the Gallatin County Road and Bridge Department.

That department takes the following position in the matter: the reference to the 60 foot public easement recorded at Film 55 Page 782 creates enough of nexus to a public road under Montana law that it will need to be abandoned. To that end the Road and Bridge Supervisor indicates that he will not oppose such abandonment. The Road and Bridge Department will be the first source to begin processing that abandonment.

One party that has shown an interest in the road in the past has been the United States Forest Service. I attach a letter from 1988 which indicates their awareness of the road and need to maintain public access. It would be useful to the abandonment process if the USFS formally disavowed their 1988 position.

Please contact me with any questions or concerns you may have regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "C. Gray", written over a large, stylized scribble.

Christopher B. Gray
Chief Civil Deputy County Attorney

C: Lee Provance, County Road Dept.



United States Department of Agriculture

Forest Service

Gallatin National Forest

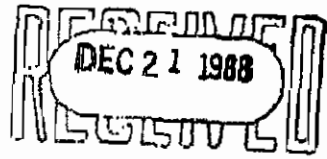
P.O. Box 130 Bozeman, MT 59771

5460

Rec'd in:

Date: DEC 19 1988

Gallatin County Commissioners P.O. Box 1905 Bozeman, Montana 59715



Dear Commissioners:

Over the past several years we have had some involvement with you on various actions relative to the Martin Road which is located on the west side of the Bridger Mountains approximately 2 1/2 miles south of Pass Creek.

According to our joint record search, this road (Road # 88) was petitioned a County road in petitions # 88, 312, and 393. It is referred to as the Martin Road in the old map plat book pages 106 to 115. It basically consisted of a set of wheel tracks running east from Rocky Mountain Road in Section 10 to National Forest lands in NE portion of Section 11, T. 2 N., R. 5 E., Gallatin County. A map showing the approximate location of the right-of-way is enclosed for your review.

In 1979 the County received a Petition To Abandon Portion of County Road by a local Real Estate firm. A copy of this petition is also enclosed for your review. The intent of this petition was to relocate the first portion of the Martin road in section 10 from the original route to a planned interior subdivision road that was to be built in the near future. A portion of Section 10 was then platted on Certificate of Survey No. 632 and the replacement road segment dedicated as a 60 foot public road easement.

The subdivision was never developed and the substitute road segment never built. The tract is now in a single ownership.

We are very interested in providing public access to this area of the National Forest and would ask for your help in determining the legal status of the Martin Road.

First, we would like to find out if the original Martin Road Petitions clearly established this as a County Road and you concur with the location indicated on the enclosed map.

Secondly, was the Petition to Abandon Portion of County Road acted upon by the Commissioners? If so, what is the present legal status of the replacement segment which was described and dedicated in Certificate of Survey No. 632?



Post-It® Fax Note	7671	Date	# of pages
To	<i>lee</i>	From	<i>ELIN</i>
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

02/04/2008 14:30

48658232

GAL CO ROAD BRIDGE

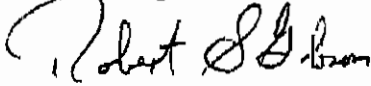
PAGE 02/02

2

If a public way currently exists, we will want to visit with you this winter on the Forest Service utilizing this right-of-way under a Cooperative Agreement to provide public access to the National Forest.

I appreciate your cooperation and attention on this matter and Mike Williams of my staff will be glad to personally visit with you if you have any questions. His number is 587-6747.

Sincerely,



ROBERT S. GIBSON
Forest Supervisor

Enclosures

THURSDAY, THE 14th DAY OF FEBRUARY 1980 EXTRA SESSION OFFICE OF COUNTY COMMISSIONERS
BOZEMAN, MONTANA

The Board of County Commissioners met at the above named office in extra session on Thursday, the 14th day of February 1980, A.D., at nine o'clock.

Those present were John H. Buttelman, Chairman and Commissioners Joy I. Nash and George W. Sager; Lucille A. Bridges, Clerk & Recorder, acting as Clerk to the Board.

The following proceedings were had and done to-wit:

The minutes of the previous meeting were read and approved.

The Sweet-Adeline Barbershop Quartet serenaded Commissioner John Buttelman for Valentine's Day.

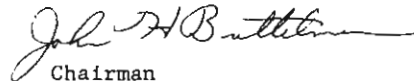
The Board adjourned at five o'clock.

ATTEST:

Clerk



APPROVED:


Chairman

FRIDAY, THE 15th DAY OF FEBRUARY 1980 EXTRA SESSION OFFICE OF COUNTY COMMISSIONERS
BOZEMAN, MONTANA

The Board of County Commissioners met at the above named office in extra session on Friday, the 15th day of February 1980, A.D., at nine o'clock.

Those present were John H. Buttelman, Chairman and Commissioners Joy I. Nash and George W. Sager; Lucille A. Bridges, Clerk & Recorder, acting as Clerk to the Board.

The following proceedings were had and done to-wit:

The minutes of the previous meeting were read and approved.

John Buttelman and George Sager attended Transportation Symposium at the Senior Center sponsored by Senator Baucus.

Robert V. Jacobs requested information concerning Industrial Revenue Bonds to remodel Rainbow Ranch.

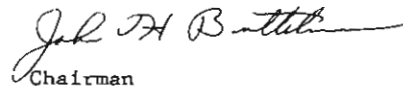
The Board adjourned at five o'clock.

ATTEST:

Clerk



APPROVED:


Chairman

TUESDAY, THE 19th DAY OF FEBRUARY 1980 EXTRA SESSION OFFICE OF COUNTY COMMISSIONERS
BOZEMAN, MONTANA

The Board of County Commissioners met at the above named office in extra session on Tuesday, the 19th day of February 1980, A.D., at nine o'clock.

Those present were John H. Buttelman, Chairman and Commissioners Joy I. Nash and George W. Sager; Lucille A. Bridges, Clerk & Recorder, acting as Clerk to the Board.

The following proceedings were had and done to-wit:

The minutes of the previous meeting were read and approved.

Received and reviewed January reports from Clerk of Court, Clerk & Recorder and Treasurer.

Motion was made by George Sager and seconded by Joy Nash to grant Petition #697 in abandoning said described Road and none voting nay.

Civil Defense Director Hank Wruck reported on Civil Defense Meeting at MACo Mid-Winter Conference held in Lewistown, February 13, 1980.

Visited with Norman Stone concerning Traffic Problems.

Met with Anna Pearl Sherrick to discuss Ballot Issue for Council on Aging.

Sold Investments for 30 and 90 days for range of 13.7-14.1%.

County Clerk's Office, Gallatin County.

Mr. D. A. Cheney: Sir you are hereby notified that Joseph Spartian J. G. Neaves and yourself were duly appointed Road Viewers by the Honorable Board of Commissioners of Gallatin County, Montana at their March term 1893 to view and mark out a proposed County road, as prayed for in the petition of A. M. Martin and others, described as follows to-wit:

Commencing at the s.e. cor. of sec. of sec 36 T. 1. N. R. 4. E. thence n. on $\frac{1}{2}$ sec. line through sections 36-25-24-23-12+1 said T and R. to an intersection of the Nittodah and Ogdenaw County Road. thence northeasterly through ^{said} sections 1 and through section 36 T. 2. N. R. 5. E., and through secs. 31+30 T. 2. N. R. 5. E., to the S.W. corner of sec 20 of said last named T. R. thence north on section line 140 rods: thence east 160 rods. thence northeasterly through sections 20, 21 16-15-10 and thence in said T. 2. N. R. 5. E., and ending at White Pine Pass in Piney or Mill Canon, all in Gallatin County, State of Montana. The petitioners bring to establish and legalize a line of road supposed to have been established in 1885 from the intersection above mentioned and following the line above described from that point to the terminus above named, which said line of road was viewed by J. H. Kellogg, R. D. Corbly and A. M. Lorenz in 1885 and which has been traveled since that date.

And it is hereby made the duty of D. A. Cheney to post in three of the most public places the notice heretofore mailed him, along the proposed new road at least five days previous to the day fixed for ~~the~~ the view thereof and make due return thereof. You are ordered to meet, or sworn according to law, and assume the duties of your office on the 30th day of April, 1893 commencing at the place designated in said petition as your starting point of the road sought to be established; and proceed to view and mark out the same by setting stakes, blazing trees, turning furrows or other appropriate monuments to the terminus named in said petition, by the most practicable and convenient route that you, in your judgment can find. You shall assess the benefits and award damages in excess of the benefits accruing to the owner or owners of any of the lands over which the same may pass, by reason of the establishment thereof, and the probable cost of opening such road for travel. Roads shall in all cases, when practicable, be laid out on subdivisional or section lines. You or a majority shall make and sign a full report in writing of your proceedings, giving a description of the land over which said road extends, an estimate of cost of opening it for travel and assessment of the damages and benefits decreed to any person or persons by reason of the opening of such road, and the sum awarded any person or persons for damages in excess of the benefits assessed to him or them, and whether such road be practicable and the granting of it be recommended by you. and if in your opinion or a majority of you, the said

road should be surveyed, you shall cause a survey and plat of the same to be made by the County Surveyor giving the courses and distances and specifying the land over which the road passed. Such report to be filed with the County Clerk ten days previous to the next regular session of said Board.

In testimony whereof I hereunto set my hand and affix my official seal this 3^d day of April A.D. 1893.

O'Neill County Clerk.

Sherriff Return.

I hereby certify that I received the within Viewers Notice on the 4th day of April 1893 and that I served the same immediately thereafter and prior to the date specified herein as the day on which the said parties herein mentioned should meet and assume their duties, by leaving a copy of the same in the hands of each of the following named parties to-wit D. A. Cheney Joseph Sparlin & J. B. Meard, in the County of Gallatin, State of Montana, they being the parties to whom said notice is directed.

Dated Bozeman Montana, April 19, 1893.

White Caldwell.

Sherriff of Gallatin County Mont.

Road Viewers Notice.

Notice is hereby given, to all whom it may concern. That we, the undersigned Road Viewers, appointed by the Honorable Board of County Commissioners of the County of Gallatin, Montana, at their March 1893 term to view and mark out a proposed County Road as proposed for in the petition of G. M. Martin et al. will meet for such view on the 20th day of April 1893 the time fixed by said Board, and at the point designated in said petition as the starting point of said proposed road to-wit:

Commencing at the S.W. cor. of S.E. of sec 36 T.1. N.R. 1.E. thence N. 0° $1/2$ sec line through sections 36-25-24-13-12 and 1 said T & R. to an intersection of the Hilldale and ^{County} Bozeman Road. thence northwesterly through said section 12 through section 36 T.2 N. R. 4 E. and through sec 31 & 30 T.2 N. R. 5 E. to the S.W. cor. of sec 20 of said last named T & R. thence north on section line 140 rods thence east 160 rods thence northwesterly through sections 20-21-16-15-10 and eleven, in said T.2. N.R. 5.E. and ending at White Pine Cañon in Carey or Mill Cañon. all in Gallatin County state of Montana. The intention being to re-establish and legalize a line of road supposed to have been established in 1885 from the intersection above mentioned and following the line above described from that point to the terminus above named, which said line of road was viewed by D. N. Kallop, A. L. Corbly and R. M. Brown in 1885 and which has been traveled since that date.

The State of Montana, County of Gallatin ss. D. A. Cheney

Being duly sworn, deposes and says: that on the 14th day of April 1893 he posted a copy of the above notice in three public places along the line of said proposed road to-wit: one at S.E. cor of sec 24 T.1. N. R. 4. E. one at the S.E. cor. of the sec 13 T.1. N. R. 4. E. and one where the N. & S. line of sec 13, T.1. N. R. 4. E. crosses the east Gallatin River.

D. A. Cheney

Subscribed and sworn to before me this 22 day of May A.D. 1893.

Thos. O. Linn

Notary Public.

Oath of Road Viewers.

State of Montana.

County of Gallatin }^{do} We the undersigned having been appointed Road Viewers, do hereby solemnly swear that we will faithfully and impartially perform according to law the duties of Road Viewers as per instructions embodied in the notice of appointment by the Board of County Commissioners.

D. A. Cheney.

J. O. Meador.

Joseph Sparlin.

Subscribed and sworn to before me, by D. A. Cheney April 5th 1893 and by J. O. Meador and Joseph Sparlin, April 16th A.D. 1893.

J. E. Vail, County Clerk.

By N. S. Corbly Deputy.

Road Viewers Report -

To the Honorable, the Board of County Commissioners of Gallatin County. We, the undersigned Road Viewers, appointed by the Board of County Commissioners, at the March Term of said Board to view a proposed road running from the S.W. cor. of S.E. of sec. 36, T.1. N. R. 4. E. to White Pine Basin in Canyon or Mill Canyon, submit the following report. On the 20th day of April 1893. we started from the S.W. cor. of S.E. of sec. 36, T.1. N. R. 4. E. the place designated in the petition as the starting point of such proposed road and organized, and proceeded to view the road as follows: - Beginning north from the above described starting point along the line north and south 1/2 line of sec. 36, T.1. N. R. 4. E. to the North 1/4 part of sec. 36, said sec. being school land and the amount of land taken therefrom for said road is 7.33 acres and was assessed the benefits derived to be equal to the damages. Thence west along the line established County road on the section line between sections 34 and 25 to the S.W. cor. of said sec. 25. Thence north along the section line between sec. 25 & 26 being on the established County Road to the N.W. corner of said sec. 25. Thence east along the line between sec. 24 and 25 being along the established County Road to a point 30 feet east of the S.W. cor. of the E 1/2 of the S.W. 1/4 of said sec. 34. Thence north parallel with the west line of the said E 1/2 of the S.W. 1/4 of said sec. 24

to a point 30 feet east of N.W. cor. of said E¹/₂ of SW⁴. Thence east along the east and west 1/4 section line of said section 24 to the center of said section, thence north along the north and south 1/4 section line of said section 24 to the north line thereof. The land through which said road passes in said section 24 being the E¹/₂ of the SW⁴, the N¹/₂ of the S.E.⁴, the SW⁴ of the N.E.⁴, and the S.E.⁴ of the NW⁴ owned by H. Stratton and the amount of land taken is 7.32 acres and we assess the damages in excess of the benefits at \$425.⁰⁰ and through the NW⁴ of the N.E.⁴ owned by A. Thompson. Amount of land taken 91 acres. and we assess the damages in excess of the benefits at \$40.⁰⁰ and through the N.E.⁴ of the NW⁴ owned by J. W. Mason. amount of land taken 91 acres. and we assess the damages equal to the benefits. Thence north along the 1/4 section line of section 13 said S & R. to the East Kallatin River. Thence North east and North east through the NW⁴ of said section to the N.E. cor. of said NW⁴ it being impossible to follow the subdivision lines on account of the River, the land through which the road passes in said section being described and owned as follows. The SW⁴ and the S² of the S.E.⁴ owned by J. M. Wood amount of land taken 3.73 acres. and we assess the damages in excess of the benefits at \$900.⁰⁰ the N² of the S.E.⁴, and NW⁴ owned by A. Johnson, amount of land taken 4.85 acres. and we assess the benefits equal to the damages. The N.E.⁴ owned by J. A. Street amount of land taken being .73 acres. and we assess the benefits equal to the damages. Thence north along the north and south 1/4 section line of sections 13 said S and R. to the north 1/4 sec. Cor. thereof, the land through which said road passes being described and owned as follows. The SW⁴ owned by A. Cushman. Amount of land taken 1.82 acres, we assess the benefits equal to the damages the S.E.⁴ owned by E. Milton. amount of land taken 1.82 acres and we assess the benefits equal to the damages, the NW⁴ owned by J. S. Ballard. Amount of land taken 1.82 acres. and we assess the benefits equal to the damages. The N.E.⁴ owned by W. N. G. Yates. Amount of land taken 1.82 acres. and we assess the benefits equal to the damages. Thence north on N & S. section line of section 1 same S & R. 1491.5 feet thence Northeasterly through the N² of the S.E.⁴ and N.E.⁴ of said section 1 to a point on the section line between sections 1 & 36. 1780 feet east of 1/4 post between said sections, it being ^{impossible} ~~impracticable~~ to follow the section or subdivisional lines further, taking from the SW⁴ of the S.E.⁴ 91 acres owned by W. N. G. Yates and we assess the benefits equal to the damages. and from the S.E.⁴ of the SW⁴ 91 acres owned by J. S. Ballard, and we assess the benefits equal to the damages. and from balance of said section 1 6.58 acres owned by N. P. R. Co. and we assess the benefits equal to the damages. Thence Northerly through the S.E.⁴ of sec 36 S. 2. N. R. 4. E. to the N.E. Cor. of S.E.⁴ thence north on sec line between sec. 31 & 36 to the N.E. Cor

of sec 36 S. 2. N. R. 4 E. taking from S.E. of sec 36 4.20 acres from
 the N.E. of said sec. 1.82 acres said section being school land
 and the benefit of said road bring equal to the damages. and the
 amount of land taken from the N.W. of sec 31. S. 2. N. R. 5. E. bring
 1.82 acres owned by Hifford + Kirschner benefit of road equal to
 the damages. Thence continuing northeasterly through the S.W. of sec
 30. last named S. & R. taking therefrom 3.99 acres owned by S.
 Miller, benefits of said road bring equal to the damages continuing
 northerly through the N.W. of sec 30 to a point on the sec. line between
 sections 19 & 30 1372 feet east of the N.W. corner of said sec. 30. taking
 from S. of said N.W. 2.03 acres owned by Bradford Murry benefits
 and damages bring equal. Thence east on sec. line between 19 & 30 to a
 point 1967 feet east of the 1/4 post between said sec 19 & 30 taking from the N.
 of the N. of sec 30 4 acres owned by George Miller. We assess the damages \$50.00
 in excess of the benefits. Thence northeasterly to a point on the sec. line between
 19 & 20 588.5 feet North of S.E. corner of sec 19, it being impracticable to
 section line on account of deep ravine. Thence north on section
 line between 19 & 20 to a point 865 feet south of 1/4 post between sections
 19 & 20 taking from sec 19 4.25 acres owned by C. J. Morgan, benefits
 of road equal to damages Thence northeasterly through section 20 taking
 from the N. of the S.W. & S. of N.W. of said section 20 3.15 acres owned by
 A. M. Martin. we assess the benefits equal to the damages taking from
 E. of S.W. of said sec 21 acres owned by H. Dale benefits and damages
 bring equal. and taking from the N.W. of sec 20. 1.57 acres owner
 unknown, benefits and damages equal. Thence continuing north-
 easterly through the N.W. section 21 same S. & R. taking therefrom 3.24
 acres owned by S. Spurnow benefits and damages bring equal. Thence
 northeasterly through sec. 16 to a point on the sec line between 15 & 16
 741.5 feet south of the 1/4 post between said sections. Thence north on sec.
 line between sections 15 & 16 to the N.E. Cor. of said section, taking
 from sec 16. 8.01 acres said section being school land. benefits and
 damages bring equal. taking from the S.W. and S. of the N.W. of sec
 15 1.43 acres owned by H. Morgan benefits and damages equal.
 and taking from the N. of the N.W. of said sec. 91 acres owned by
 H. P. Knowlton, benefits and damages bring equal. Thence north
 along the line between 9 & 10 S. 2. N. R. 5. E. and northeasterly through
 the S.W. of said sec. 10 it being impracticable, the section line
 further. The S.E. of sec. 9 and said S.W. of said sec 10 bring owned
 by H. P. Knowlton, amount of land taken bring 6.02 acres. benefits
 and damages equal. Thence easterly through the S.E. owned by Mr.
 Rose amount of land taken bring 2.31 acres. benefits and damages
 equal. Thence continuing easterly through the N.E. of said sec. owned
 by S. Duncaw amount of land taken bring 1.32 acres benefits and
 damages bring equal.

Thence northwesterly through sec. 11 to mouth of Mill Canyon taking
 thence from 7.77 acres owned N.P.R. Co. benefits being equal to the damages
 thence continuing easterly up the Canyon from east line of sec. 11
 144/100 miles to White Pine Basin in Cincy or Mill Canyon. And
 we estimate the cost of opening the same for travel at \$2000 for bridges
 and culverts and \$3000 for grading and ditching. We believe said
 road to be practicable and of public utility and necessity and do recommend
 the establishment of all the above described road except the portion between
 the starting point and a point 30 feet east of the S.W. cor. of the E. 1/4 of the
 S.W. 1/4 of sec. 24. T. 1. N. R. 4 E. The plat of said road survey and report
 of surveyor is hereto attached and made a part of this report.

Description of land over which the above described road runs:-
 First three miles, first-class land for road, next 1/2 mile madow land
 next 1/2 mile, swampy, next 2 miles, farm land, balance of road
 brush land which will take very little work to make good road.
 No assess^{ed} damages to Wm. Stotsberry \$425⁰⁰; to Rufus Thompson
 \$400⁰⁰ to J. Moor \$100⁰⁰ to Geo. Miller \$50⁰⁰

Dated May 20th 1893.

J. Spearlin }
 D. A. Cheney } Road Viewers,
 J. C. Weaver }

June 7th 93 The within Viewers Report is hereby laid over until
 September 9th 93 term, on account of presentation of damages
 claimed by the following persons to wit: Geo. A. Miller, H. O. Murray
 Samuel Miller, Cornelius Melton, H. N. Gates The Clerk is instructed
 to notify the above claimants to appear before the Board of County
 Commissioners on the 6th day of September A.D. 1893. for the purpose of
 adjusting the damages claimed.

By order of the Board of Commissioners of Kalamazoo Co.

James Basinski
 Chairman

September 14, 1893

The within viewers report is referred back to the same Board of Viewers
 with instructions that they define or more particularly explain that portion
 of the report on page 4 which reads as follows: We believe said road to
 be practicable and of public utility and necessity and do recommend
 the establishment of the ~~same~~ the above described road except the portion
 between the starting point and a point 30 feet East of the S.W. cor. of the E. 1/4 of
 the S.W. 1/4, sec. 24 T. 1. N. R. 4 E. and to file a supplemental report within the
 time prescribed by Law. It is further ordered that the supplemental report shall
 contain a detailed statement of their proceedings, also state the reason why they
 departed from the line of road as petitioned. By order of the Board
 Acting upon the claims for damages filed by several persons referred. By Order of the Board. James Basinski Chairman

Supplementary Road Viewers Report.

To the Honorable, the Board of County Commissioners of Gallatin County.
We the undersigned Road Viewers appointed by the Board of County Commissioners, at the March term of said Board to view a proposed road running from the S.W. cor. of S.E. of sec 36 T.1. N.4. E. to White Pine Pass in Valley or Mill Canyon submit the following report. On the 20th day of April 1893, we started from the S.W. cor. of S.E. of sec. 36. T.1. N.4. E. the place designated in the petition as the starting point of such proposed road and organized, and proceeded to view the road according to the report filed. The reason why we departed from the direct line from as petitioned for was that the damages would be much less and that there was already an established road one half mile each side of the proposed line. In regard to the portion of the report referred back on page 4 we would further explain by saying that the south end of the portion of the road which we recommend to be established is on a County road, already established, where the travel can go either east or west and by going $\frac{1}{4}$ mile west can then go direct south to Belgrade, on an established road or by going east can reach the Ogden Road.

Dated Dec. 6th 1893.

D. A. Cheeny; Road Viewers;
Joseph Spauld; ;

Order Opening Road.

Thursday December 14th 1893.

The Board met pursuant to adjournment. Present: How. George Ellis Chairman, How. John S. Morgan and How. George Kunkel Jr. Commissioners and also present P. E. Vail Clerk of said Board. The following proceedings were had.
On the matter of the petition of A. M. Martin and others for the laying out of a County Road in said County of Gallatin. This matter having been, on the 11th day of December 1893, set for final hearing on this day, upon the report of the viewers heretofore appointed in this matter filed on the 24th day of May, 1893 final action being which report was postponed from time to time pending the filing of a supplemental report of said viewers filed herein on the 6th day of December 1893, and upon all of the records, affidavits, reports and proofs submitted, and thereon the Board proceeded to consider said reports of said viewers together with the survey and plat of said road petitioned for, made by the County Surveyor, giving the courses and distances and specifying the lands over which said road passes. Filed with said original report of said viewers, as well as all objections thereto, and it appearing to the satisfaction of this Board that all of the necessary petitions, notices

affidavits, reports, plats, and views, together with the proofs required by law have been made herein, and after due consideration of said reports and said survey and plat and other records and proofs herein, it appearing to this Board that said road as petitioned for and as more particularly described in said original report of said viewers is a proper and necessary road, and as recommended by all of said viewers, who were there and there duly qualified viewers, the same should be laid out and established. Now therefore, in consideration of the premises, and in consideration of said reports and plat and survey and in consideration of the law, it is hereby determined that such road shall be established and opened for travel. And it is further ordered and adjudged in consideration of the premises and of the proofs that William Statesberry is entitled in compensation for his damages by reason of the laying out of said road to the sum of four hundred & twenty five (\$425) Dollars. That Rufus Thompson is entitled to the sum of Forty (40) Dollars as compensation for his damages by reason of the laying out of said road. That J. Moor is entitled to one hundred (100) Dollars, compensation for all his damages by reason of the laying out and establishing of said road and that George Miller is entitled to Fifty (50) Dollars, as compensation for his damages by the laying out and establishing of said road and that James Ballard is entitled to Fifty (50) Dollars as compensation for all damages by reason of the laying out and establishing of said road, which sums are ordered to be paid to said parties in the manner required by law. It is further ordered by this Board that the road, as viewed by said viewers and as described in said viewers report herein be established and opened for travel sixty (60) feet in width along the following described route to wit: —

Commencing at the starting point of the said road at the N.W. cor. of R. E. of sec 36, T. 1. N. R. 4. E. Thence north along the north and south quarter line of said sec. 36 to the north quarter part of said section being school land; thence west along the established County Road on the section line between sec. 36 to the S.W. cor. of said sec. 25 thence north along the section line between sec. 25 & 26 being on the established County Road to the N.W. Cor. of said sec. 25. Thence east along the line between sec. 24 & 25 being along the established County Road to a point 30 ft. east of the S.W. cor. of the E. 1/2 of the S.W. 1/4 of said sec. 24. Thence north parallel with the west line of the said E. 1/2 of the S.W. 1/4 of said sec. 24, to a point 30 feet east of the N.W. Cor. of said E. 1/2 of S.W. 1/4. Thence east along the east and west 1/4 sec. line of said section 24 to the centre of said sec. Thence north along the north and south 1/4 section line of said sec. 24 to the north line thereof. The land through which said road passes in said sec. 24 being the E. 1/2 of the S.W. 1/4, the N. 1/2 of the S.E. 1/4, the S.W. 1/4 of the N.E. 1/4 and the S.E. 1/4 of the N.W. 1/4 owned by W. Statesberry, and through the N.W. 1/4 of the N.E. 1/4 owned by R. Thompson, and through the N.E. 1/4 of the N.W. 1/4 owned by

of sec. 15 1.43 acres owned by W. Morgan, and taking from N^W of the NW⁴ of said sec. 9 1/100 acres owned by W.P. Knowlton; Thence north along the line between 9 & 10 S. 2. N. R. S. E. and northeasterly through the SW⁴ of said sec. 10 it being impracticable to follow the section line further. the SE⁴ of sec 9 and said SW⁴ of said sec 10 being owned by W.P. Knowlton amount of land taken being 6.02 acres. thence easterly through the SE⁴ owned by Mr. Ross, amount of land taken being 231 acres. Thence continuing easterly through the N.E. of said sec. to a point 19 feet north of the east 1/4 sec. cor of said sec owned by S. Duncan amount of land taken being 1.32 acres thence northeasterly through sec 11 to mouth of Mill Canyon taking therefrom 7.77 acres owned by W.P.R. Thence continuing easterly up the Canyon from east line of sec. 11, 1 4/100 miles to White Pine Basin in Piney or Mill Canyon.

And it is further ordered that D.A. Chevey Road Supervisor of Road District No. 23, E.W. Atell Road Supervisor of Road District No. 12 and O.J. Duncan Road Supervisor of Road District No. 20 in which said road as ordered opened is situated, be and hereby are ordered to post that portion of said road heretofore described lying within the boundaries of their respective Districts for travel and to post ^{there} notices to be posted at three public places along the line of said road in each of said District giving all parties notice that this Board and its proper officers will open and work said road from and after sixty days from the date of said notices. and the County Clerk is hereby ordered to prepare and deliver to said Road Supervisors, certified copies of this order together with the notices herein provided for immediately after the adjournment of this writ of this Board.

Done in open session of the Board this 14th day of December 1895

Attest
J.E. Nail
County Clerk.

Geo W. Ellis.
Chairman

ROAD PETITION # 825

60-foot-wide public road easement along
the south boundaries of Tracts 1 through 8
and then north between Tracts 8 and 9 to
the north property line, such COS 632

Granted May 6, 2008

This is technically not a road abandonment however it was given Road Petition #825 in order to keep track for research purposes.

per Eric - in minutes of 1988
abandonment - says the new easement
was to be created -

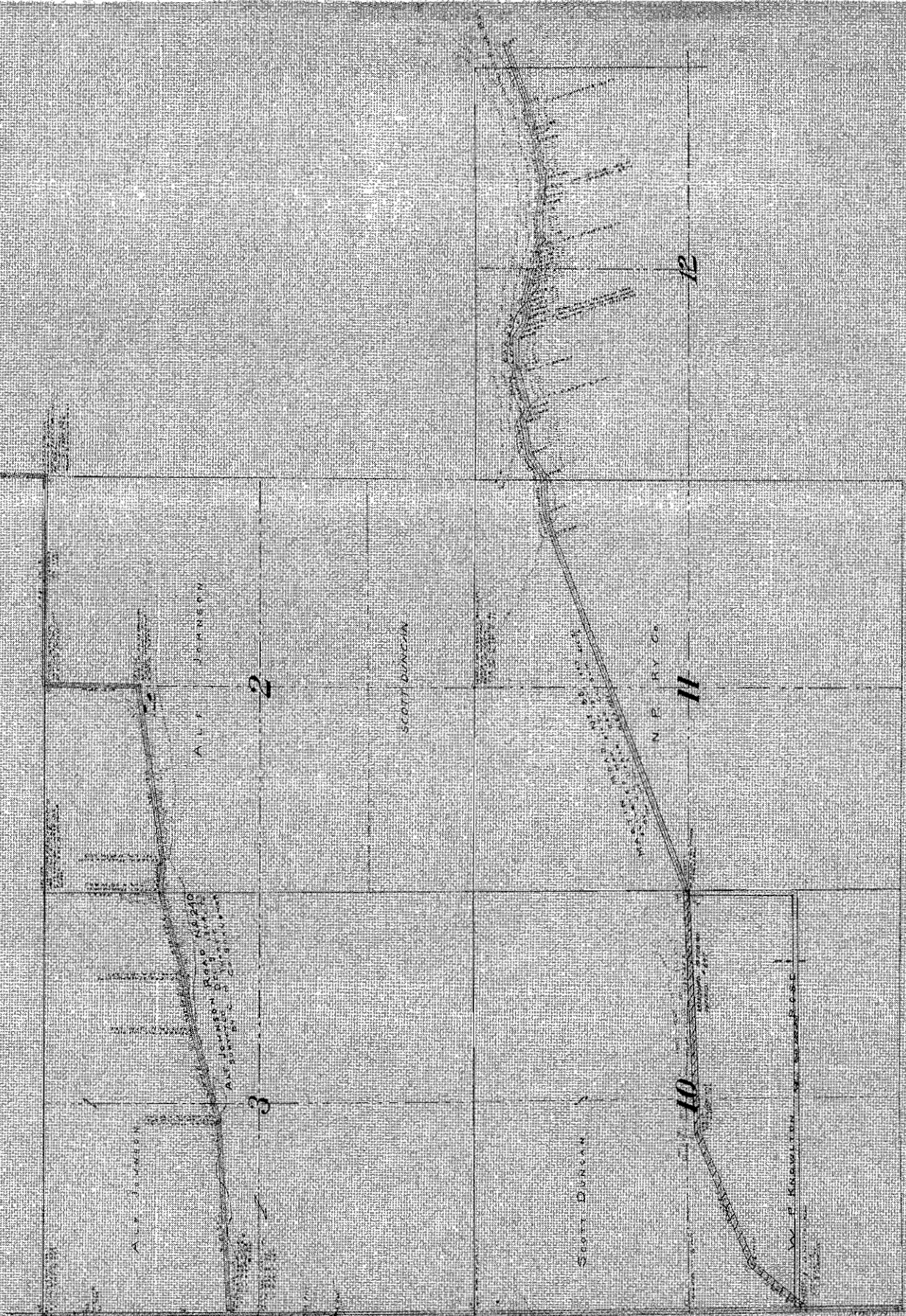
It never was and therefore
never dedicated to the public

CHECKLIST OF PROCEDURES FOR ROAD PETITIONS

Original signed petition must be submitted to the Clerk and Recorder along with a map showing the area of the road under consideration. Stamp the date received on the petition. Get name and phone number of contact person for questions.

NAME Jane Mersen PHONE 5864383

- ~~1) Determine if there are sufficient qualified signatures as per 7-14-2601 MCA.~~
- 2) Check list of adjacent landowners for completeness and that they consent as per 7-14-2602(4) and 7-14-2615(4) MCA.
- ~~3) Complete "Report of Qualified Signatures".~~
- 4) Schedule ~~petition~~ on Commissioner's agenda. DATE: 3/25/08
- 5) Make copies of ~~petition~~ and report. Forward to:
 - County Attorney (attach note of date on Commissioner's agenda) *copy from Jane Mersen*
 - County Road Superintendent (attach note of date on Commissioner's agenda)
 - County Commission (3 copies) *copies from Jane Mersen*
- ~~6) Commissioners receive petition and assign viewing committee.~~
- ~~7) Assign Road Petition Number. 825~~
- 8) a) Type regular mail envelopes for:
 - All landowners named on the petition
 - All signers on the petition
 - All individuals named in the petition who could be affected
 - The postmaster of the area
 - The Public Lands Access Associationb) Type and prepare certified mail envelopes for:
 - All owners of land abutting the road
 - All individuals named in the petition who could be affected
 - The postmaster of the area
 - The Public Lands Access Association
- 9) Viewing committee completes road report.
- 10) Schedule public hearing on Commissioner's agenda and prepare notice. DATE 5-6-08
- 11) Publish public hearing notice one time. DATE 5-4-08
- 12) Send a copy of the viewing committee report and public hearing notice to the following:
 - Persons listed in #8a
 - County Road Superintendent (certified copy per 7-14-2613)
 - County Attorney
 - County Commissioners (3 copies)
- 13) Prepare affidavit of mailing for petition file (regarding the viewers report).
- 14) Commissioners hold public hearing to grant or deny petition.
- 15) County Attorney drafts resolution for Commissioners to consider at next public hearing. *from Jane Mersen*
- 16) Commissioners pass resolution */order*
- 17) Within 10 days of passage of resolution send copies of resolution to all persons listed in #8b (BY CERTIFIED MAIL) and forward certified copy to County Road Superintendent (per 7-14-2613).
- 18) Type affidavit of mailing for petition file (regarding the boards decision).
- 19) If the petition is granted, a certified copy of the resolution must be recorded. 5/9/08



2

3

11

10

12

ALF. JOHNSON

SCOTT DUNCAN

N.E. RY. CO.

ALF. JOHNSON

SCOTT DUNCAN

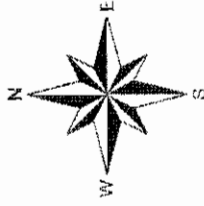
W. P. KIRKILTON

ALEXANDER ROAD
ALEXANDER

MCKEAN ROAD No. 22

P. 56

MARTIN ROAD AREA MAP

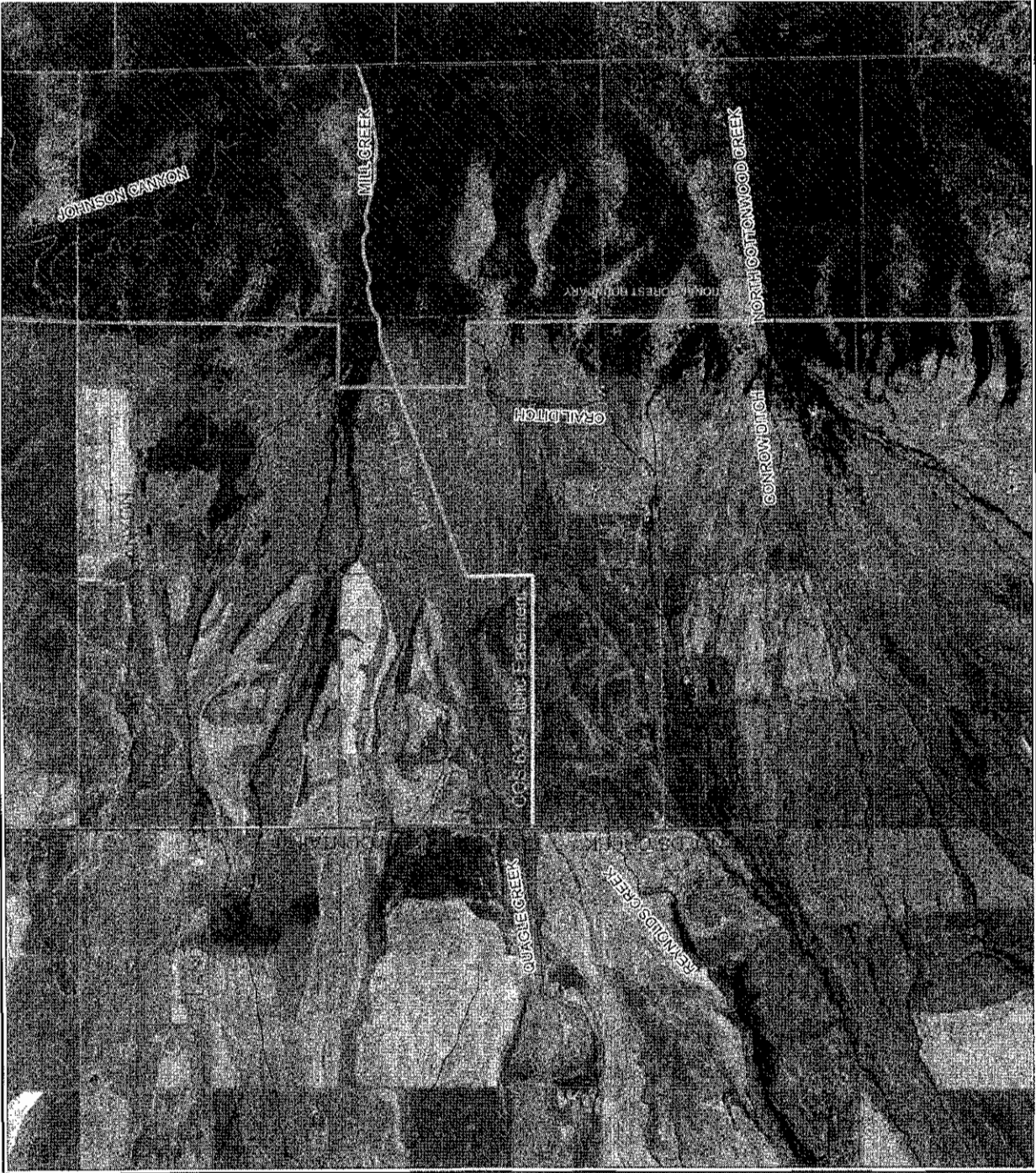


0 0.5 1 Miles

Legend

Martin_rd
 COS 532 Public Easement
 Martin Rd. No. 88
 roads
 streams
OWNER
 Forest Service
 Parcels

Drawn by Lisa Ferguson and Eric Gaudin
 Cassia County Clerk & Recorder's Office
 April 28, 2008
 NOTE: The location of Martin Road and the easement
 shown on COS 532 are approximate only.

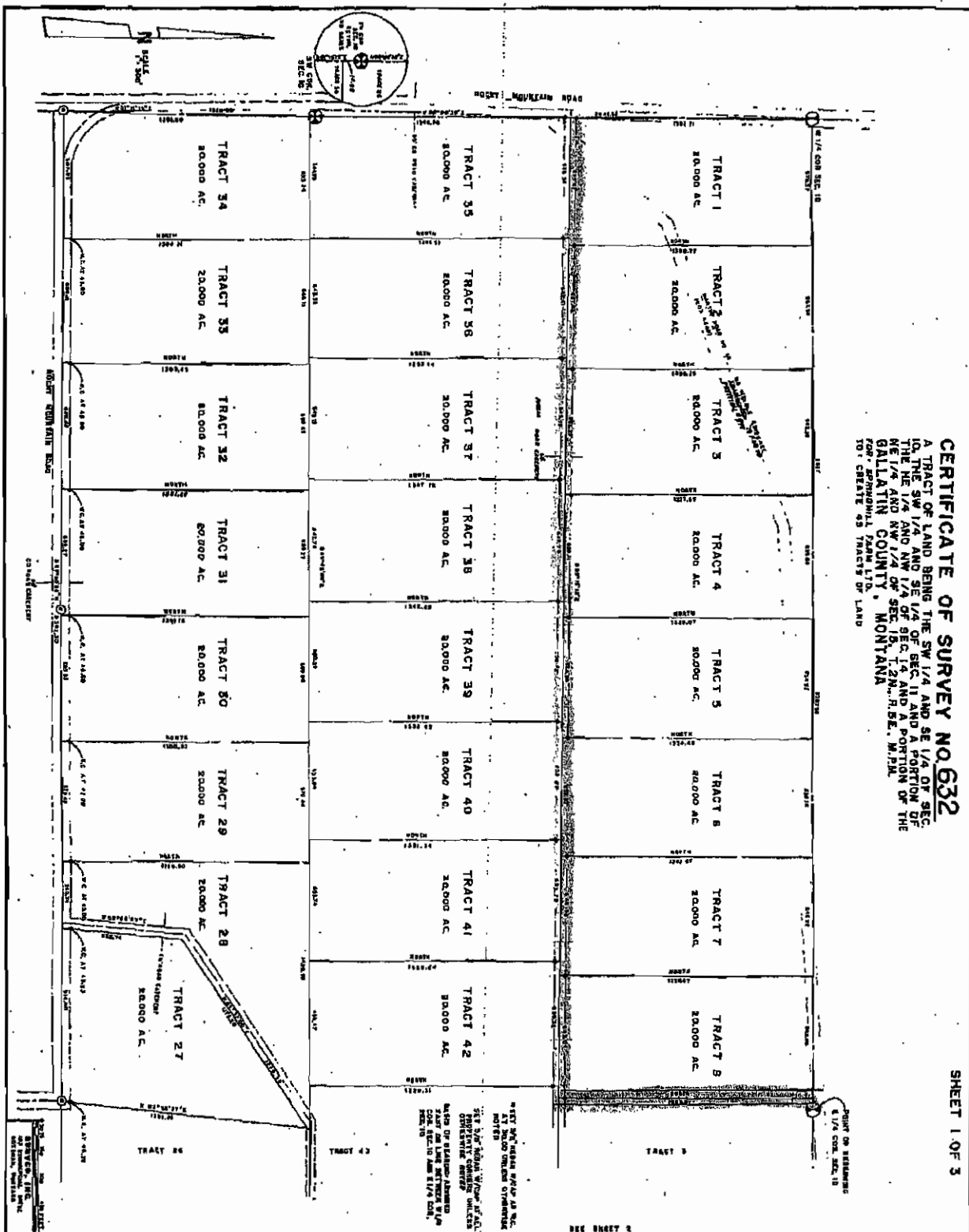


COPY

Attachment # 1

Attachment # 2

This sketch is furnished without charge solely for the purpose of assisting in locating said premises and the company assumes no liability for inaccuracies therein.



Attachment # 3



FILE 55 PAGE 782

State of Montana
COUNTY OF GALLATIN

Bozeman
February 19, 1980

NOTICE TO PETITIONERS & ADJOINING LANDOWNERS

This is to notify you that the Board of County Commissioners held a hearing on Road Petition # 697, for the abandonment of the following county roadway.

Starting point is 1200' more or less from the Southwest corner of Section 10, Township 2 North, Range 5 East; thence North 40°30' E 882 feet; thence North 67°53' E 1740 feet; thence North 87°45' E to a point 51.67 feet West of the East 1/4 corner of Section 10, Township 2 North, Range 5 East. The portion of road to be abandon is part of Martin Road, Number 88.

In exchange for abandonment of the above road the land owners do hereby agree to provide to the public an easement 60' wide for road purposes and being more particularly described as follows:

Point of beginning is on the Rocky Mountain Road a point North 00°08'30" E 1348.94 feet from the Southwest 1/4 corner of Section 10, Township 2 North, Range 5 East; thence South 89° 16'18" E as shown on COS 632 between Tract 1 and 35, 2 and 36, 3 and 37, 4 and 38, 5 and 39, 6 and 40, 7 and 41, 8 and 42 to the Southeast corner of Tract 8; thence North a sixty foot easement with 30 feet on each side of boundary between Tract 8 and 9 for 1359.07 feet to a point where easement would intersect with the Martin road 51.67 feet from the East 1/4 corner of Section 10, Township 2 North, Range 5 East.

There being no objections it was unanimously carried by the Board of County Commissioners that the road be closed.

Sincerely,

Walter Thompson
Road Office Supervisor

71737

INDEXED
PLATED

OFFICE OF COUNTY RECORDER,
STATE OF MONTANA
COUNTY OF GALLATIN.

THIS INSTRUMENT WAS FILED FOR RECORD IN THIS OFFICE ON THE
27 DAY OF FEBRUARY, A.D., 19 80
AT 1:15 P.M., AND WAS DULY RECORDED IN BOOK 55
OF MISCELLANEOUS RECORDS, PAGE 782

Fee \$ ---
FILE

Lucille C. Bridges

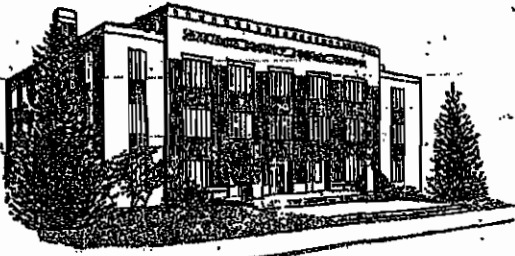
RECORDER.

BY

Carol M. Taylor

DEPUTY

Attachment # 4



State of Montana
COUNTY OF GALLATIN

Bozeman

February 19, 1980

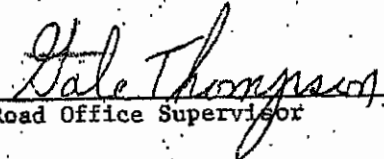
Mrs. Margaret M. Potter
114 Helena Drive
Belgrade, Montana 59714

Dear Mrs. Potter;

Attached is letter notifying you that Martin Road, Number 88 has been abandon with the stipulation that the landowners provide to the public an easement 60' wide for road purposes.

Would you please follow up on this easement.

Sincerely,


Road Office Supervisor

GT:pu

Attachment # 5

443-7027

FILM 1697003299

DEED OF CONSERVATION EASEMENT

THIS GRANT DEED OF CONSERVATION EASEMENT ("Easement") is made this 30th day of Dec., 1976, by Triple O Ranch, Inc. of Atlanta, Georgia, (hereinafter together with its heirs, personal representatives, successors, and assigns collectively referred to as "Grantor"), and THE MONTANA LAND RELIANCE, a non-profit Montana corporation with a principal office at 324 Fuller Avenue, Helena, Montana 59601 (hereinafter referred to as "Grantee");

R E C I T A L S:

WHEREAS, Grantor is the owner of certain real property in Gallatin County, Montana, more particularly described in Exhibit A attached hereto and made a part hereof by reference (hereinafter the "Property"); and,

WHEREAS, the Property has significant natural habitat, scenic and open space values as recognized in the Montana Open Space Land and Voluntary Conservation Easement Act, Montana Code Annotated (MCA) Section 76-6-101, et seq.; and,

WHEREAS, the Property constitutes a valuable element of the natural habitat of the Bridger Mountain Range and its scenic, open space, and ecological values, including flora, fauna, soils, water resources, and habitat for various species of wildlife (hereinafter the "Conservation Values"), which are of great importance to Grantor and to the people of the State of Montana, and are worthy of preservation; and,

WHEREAS, Grantor desires and intends that the Conservation Values of the Property be preserved and maintained by a continuation of land uses that will not substantially impair those Values; and,

WHEREAS, the State of Montana has recognized the importance of private efforts toward voluntary conservation of private lands in the state by the enactment of MCA Sections 76-6-101, et seq., and 76-6-201, et seq.; and,

WHEREAS, Grantee is a qualified organization under MCA Sections 76-6-104(5) and 76-6-204, organized to conserve land for natural habitat, scenic, and open space purposes, and is an organization described in Section 170(h)(3) of the Internal Revenue Code of 1986 (hereinafter the "Code") qualified to receive and hold conservation easements;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and, further, pursuant to MCA Section 76-6-201, et seq., Grantor does hereby convey to Grantee this Easement in perpetuity, consisting of the rights hereinafter enumerated on, over and across the Property.

SECTION I

Purpose and General Effect of Easement

A. Purpose. It is the purpose of this Easement to assure that the Conservation Values will be maintained forever and to prevent any use of, or activity on, the Property that will significantly impair those Values. Grantor intends that this Easement will limit the use of the Property to such activities as are consistent with that purpose (including farming, ranching and other agricultural uses; hunting, fishing and other recreational uses; guest ranching and outfitting operations; bed and breakfast business; and, mineral exploration and extraction consistent with the terms hereof).

B. Perpetual restrictions. This Easement shall run with and burden title to the Property in perpetuity, and shall bind Grantor and all future owners and tenants.

C. Dedication. The Property is hereby declared to be open space and natural land, and may not, except as specifically provided herein, be converted from open space and natural land.

SECTION II

Rights Conveyed

The rights conveyed by this Easement are the following:

A. Identification and protection. To identify, and to preserve and protect in perpetuity the Conservation Values, subject, however, to Grantor's reserved rights as herein provided and further subject to all third party rights of record in the Property existing at the time of conveyance of this Easement and not subordinated to this Easement.

B. Access. Upon prior written notice to Grantor, typically a letter is sent in the spring to Grantor, to enter upon the Property to inspect the same and to monitor Grantor's compliance with the terms of this Easement in a manner that will not unreasonably interfere with the use of the Property by Grantor. Aside from the rights of access granted in the preceding sentence of this paragraph B, this Easement does not grant to Grantee, nor to the public, any rights to enter upon the Property.

C. Injunction and restoration. To enjoin any activity on, or use of, the Property which is inconsistent with the purpose of

this Easement and to enforce the reasonable restoration of such areas or features of the Property as may be damaged by such activity or use.

SECTION III
Reserved Rights and Prohibited Uses

A. Reserved rights. Grantor reserves to itself, and to its personal representatives, heirs, successors and assigns, all rights accruing from its ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the terms of this Easement. Without limiting the generality of the foregoing sentence, those uses and practices described in Exhibit B, attached hereto and incorporated by this reference, are expressly permitted.

B. Prohibited uses. Any activity on or use of the Property that is inconsistent with the terms of this Easement is prohibited. Without limiting the generality of the foregoing sentence, the activities and uses described in Exhibit C, attached hereto and incorporated by this reference, are expressly prohibited.

SECTION IV
Prior Notice by Grantor and Approval of Grantee

Mineral exploration or extraction or road construction activities to be done or undertaken by Grantor require the prior approval of Grantee pursuant to an express provision of this Easement (as specified in Exhibit B or Exhibit C) and shall be commenced only after satisfaction of the notice and approval conditions of this Section IV.

A. Grantor's written notice. Prior to the commencement of any mineral exploration or extraction or road construction activities requiring Grantee's approval, Grantor shall send Grantee written notice of the intention to commence or undertake such activity. Said notice shall inform Grantee of all aspects of such proposed activity, including, but not limited to, the nature, siting, size, capacity and number of structures, improvements, facilities or uses.

B. Grantee's address. Said notice shall be sent by registered or certified mail, return receipt requested, and shall be addressed to Grantee at P.O. Box 355, Helena, Montana 59624, or to such other address as Grantor from time to time may be informed of in writing by Grantee.

C. Grantee's response. Grantee shall have thirty (30) days from the mailing of such notice, as indicated by the registered or certified return receipt, to review the proposed

enterprise, use or activity and to notify Grantor of any objection thereto. Such objection, if any, shall be based upon Grantee's opinion that the proposed enterprise, use or activity is inconsistent with the purpose of this Easement. If, in Grantee's judgment, conformity with the purpose of this Easement is possible, said notice shall inform Grantor of the manner in which the proposed enterprise, use or activity can be modified to be consistent with this Easement. Except as provided in paragraph E of this Section IV, only upon Grantee's express written approval may the proposed enterprise, use, or activity be commenced and/or conducted, and only in the manner explicitly represented by Grantor and approved by Grantee.

D. Grantor's address. Grantee's response to Grantor's notice shall be sent by registered or certified mail, return receipt requested, to Grantor at Triple O Ranch, Inc. Suite B-200, 2900 Paces Ferry Rd NW, Atlanta, GA 30339, or to such other address as Grantee from time to time may be informed of in writing by Grantor.

E. Grantee's failure to respond. Should Grantee fail to post its response to Grantor's notice within thirty (30) days of the posting of said notice, the proposed enterprise, use or activity shall automatically be deemed consistent with the purpose of this Easement, Grantee having no further right to object to the enterprise, use or activity identified by such notice.

F. Acts beyond Grantor's control. Grantor shall be under no liability or obligation for any failure in the giving of notice with regard to any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property or to any person resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any other cause beyond the control of Grantor similar to those occurrences specified.

SECTION V
Breach and Restoration

A. Grantee's remedies. If Grantee determines that Grantor or a third party sanctioned by Grantor is in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured. If Grantor:

(i) fails to cure the violation within thirty (30) days after receipt of notice thereof from Grantee,

(ii) under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fails to begin curing such violation within thirty (30) days of the date mutually agreed to between Grantor and Grantee as the date when efforts to cure such violation can reasonably begin, or,

(iii) fails to continue diligently to cure such violation until finally cured,

Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Easement, and to require the restoration of the Property to the condition that existed prior to any such injury. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to any Conservation Value, Grantee may pursue its remedies under this paragraph without waiting for the period provided for cure to expire. Grantee's rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

B. Costs of enforcement. Any costs incurred by Grantee in enforcing the terms of this Easement against Grantor, including reasonable costs of suit and attorneys' fees, and any costs of restoration necessitated by Grantor's violation of the terms of this Easement shall be borne by Grantor. If Grantor prevails in any action to enforce the terms of this Easement, Grantor's reasonable costs of suit, including reasonable attorneys' fees, shall be borne by Grantee.

C. Grantee's discretion. Enforcement of the terms of this Easement shall be at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any provision of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such provision or of any subsequent breach of the same or any other provision of this Easement or of any of Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver

D. Acts beyond Grantor's control. Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

SECTION VI
Costs and Taxes

Grantor shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property, including responsibility for the control of noxious weeds in accordance with Montana law. Grantor shall pay any and all taxes, assessments, fees, and charges levied by competent authority on the Property, except any tax or assessment on this Easement herein granted. Any lawful tax or assessment on this Easement shall be paid by Grantee.

SECTION VII
Indemnities

Grantor shall hold harmless, indemnify, and defend Grantee and its directors, officers, employees, agents, and contractors and the heirs, personal representatives, successors and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with (i) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, except to the extent of the adjudicated proportionate fault of any of the Indemnified Parties; (ii) the obligations specified in Section VI; and, (iii) the obligations arising from past, present or future presence of any hazardous substance on the Property, and any obligation associated with the cleanup of any such hazardous substance or the containment of its impact.

For purposes of this Easement, the term "hazardous substance" means (i) any chemical, compound, material, mixture or substance that is now or hereafter defined or listed in, or otherwise classified pursuant to any federal, state or local law, regulation or ordinance as a "hazardous substance," "hazardous material," "hazardous waste," "extremely hazardous waste," "infectious waste," "toxic substance," "toxic pollutant," or any other formulation intended to define, list or classify substances by reason of deleterious properties such as ignitability, corrosivity, reactivity, carcinogenicity, toxicity, reproductive

toxicity, or "EP toxicity" and (ii) any petroleum, natural gas, natural gas liquid, liquefied natural gas, synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas), ash produced by a resource recovery facility utilizing a municipal solid waste stream, and drilling fluids, produced waters, and other wastes associated with the exploration, development or production of crude oil, natural gas, or geothermal resources.

Except to the extent of the adjudicated proportionate fault of Grantor or its agents or employees, Grantee shall hold harmless and indemnify Grantor and its agents, employees, personal representatives, successors and assigns from and against all liabilities, claims, penalties, costs, demands or judgments, including reasonable attorney's fees, arising from or in any way connected with injury to employees, officers, or directors of Grantee while on the Property in the course of carrying out the duties and obligations of Grantee under the terms of this Easement.

SECTION VIII
Assignment of Easement

The benefits of this Easement shall be assignable, but Grantee may not transfer or assign its interest in the Property created by this Easement except to a "qualified organization," within the meaning of Section 170(h)(3) of the Code. Grantor and Grantee shall mutually agree upon which qualified organization shall be chosen for assignment. Any such qualified organization shall agree to enforce in perpetuity the conservation purpose of this Easement. Grantee agrees that it will make a reasonable effort in the event of any assignment to suggest an assignee which is a qualified organization other than a governmental unit referred to in Section 170(c)(1) of the Code, which has conservation of natural resources as a substantial organizational purpose, and Grantee further represents to Grantor that its present intention is to assign its interest in this Easement only in connection with a dissolution of Grantee.

SECTION IX
Resource Data

Grantor has made available to a representative of Grantee, prior to the execution of this Easement, information sufficient to document the condition of the natural resources of the Property at the time of the grant of this Easement. The parties acknowledge that this information has been compiled and developed into a resource documentation report, in accordance with Treasury Regulation §1.170A-14(g)(5)(i). Further, the parties have signed a written acknowledgement stating that this resource documentation report accurately documents the condition of the Property as of the date of the grant of this Easement. This acknowledgement of the resource documentation report's accuracy

is attached hereto as Exhibit D and made a part hereof by reference. The resource documentation report is on file with Grantee.

The parties intend that the resource data shall be used by Grantee to monitor Grantor's future uses of the Property and practices thereon. The parties further agree that, in the event a controversy arises with respect to the biological or physical condition of the Property or a particular resource thereof, the parties shall not be foreclosed from utilizing any other relevant document, survey, or report to assist in the resolution of the controversy. Grantor and Grantee recognize that changes in economic conditions, in agricultural technologies, in accepted farm, ranch and forest management practices, and in the situation of Grantor may result in an evolution of agricultural and related uses of the Property provided that such uses are consistent with the purpose of this Easement.

SECTION X

Extinguishment: Grantee's Entitlement to Proceeds

A. Extinguishment. If circumstances arise in the future which render the purpose of this Easement impossible to accomplish, this Easement may only be terminated or extinguished, (as provided for in Treasury Regulations Section 1.170A-14(g)(6)(i)) whether in whole or in part, by judicial proceedings in a court of competent jurisdiction, and the amount of the compensation to which Grantee shall be entitled from any sale, exchange, or involuntary conversion of all or any portion of the Property, subsequent to such termination or extinguishment, shall be determined, unless otherwise provided by Montana law at the time, in accordance with paragraph 2 of this Section X. Grantee shall use any such proceeds in a manner consistent with the purpose of this Easement.

B. Compensation. The value of this Easement, at any time, shall be calculated as (i) the fair market value of the Property unencumbered by this Easement, less any increase in value attributable to any improvements to the Property after the date hereof, multiplied by (ii) the ratio of the value of this Easement, as of the date of this Easement, to the value of the Property, as of the date of this Easement, unencumbered by this Easement. The values referred to in the preceding sentence shall be those values established by Grantor's qualified appraisal (pursuant to Treasury Regulation §1.170A-13) for federal income, gift or estate tax purposes. For the purpose of this paragraph, the ratio of the value of the Easement to the value of the Property unencumbered by the Easement, as established at the time of this grant, shall remain constant. Within one (1) year of completion of the qualified appraisal, Grantor, Grantee, and Grantor's appraiser shall sign a written acknowledgment of the values thus established in the form attached hereto as Exhibit 2.

The original of said acknowledgment shall be held on file with Grantee at Grantee's normal place of business.

C. Eminent domain. If all or a portion of the Property is taken in exercise of eminent domain by public, corporate, or other authority, so as to abrogate the restrictions imposed by this Easement, Grantor and Grantee may join in appropriate actions to recover the full value of the Property (or portion thereof) taken and all incidental or direct damages resulting from such taking. Any expense incurred by Grantor or Grantee in any such action shall be first reimbursed out of the recovered proceeds; the remainder of such proceeds shall be divided between Grantor and Grantee in proportion to their interest in the Property, or portion thereof, as established by paragraph B of this Section X.

SECTION XI
Miscellaneous Provisions

A. Partial invalidity. If any provision of this Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Easement and the application of such provisions to persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.

B. "Grantor" and "Grantee". The terms "Grantor" and "Grantee", as used herein, and any pronouns used in place thereof, shall mean and include the above-named Grantor and its heirs, personal representatives, executors, successors in interest and assigns, and The Montana Land Reliance and its successors and assigns, respectively.

C. Titles. Section and paragraph titles and subtitles are for convenience only and shall not be deemed to have legal effect.

D. Subsequent transfers. Grantor agrees that reference to this Easement and reference to its dates and places of recording in the Public Records of Gallatin County will be made in any subsequent deed or other legal instrument by which it conveys any interest in the Property, including any leasehold interest. Grantor further agrees to attach a copy of this Easement to any deed by which Grantor conveys title to the Property.

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E. Governing law. In the event any dispute arises over the interpretation or enforcement of the terms and conditions of this Easement, the laws of the State of Montana shall govern resolution of such dispute.

IN WITNESS WHEREOF, Grantor and Grantee have hereunto set their hands.

GRANTOR:

TRIPLE O RANCH, INC.

By: Geo. D. Averb, pres.
[Name and title]

GRANTEE:

THE MONTANA LAND RELIANCE,
a corporation

By: George O. Sec. Treas
[Name and title]

FILM 169753309

EXHIBIT A
LEGAL DESCRIPTION

Gallatin County

Township 2 North, Range 5 East, M.P.M.

Tracts 1-16, 18-20 and 28-43 of Certificate of Survey No. 632, located in portions of Sections 10, 11, 14 and 15, Township 2 North, Range 5 East, M.P.M., Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Gallatin County, Montana.

AND

Tract 44A of Certificate of Survey No. 632-A, located in a portion of Sections 11 and 14, Township 2 South, Range 5 East, M.P.M., Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Gallatin County, Montana.

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EXHIBIT B
PERMITTED USES AND PRACTICES

The following uses and practices, though not an exhaustive recital of consistent uses and practices, are hereby deemed to be consistent with the purpose of this Easement and are expressly permitted:

1. Agricultural activities. To conduct farming, ranching and other agricultural activities, including raising and managing livestock and planting, raising, and harvesting agricultural crops, provided that such activities are consistent with the maintenance and enhancement of the Property's soils, plant communities, water resources, or fish and wildlife species or their natural habitats.

2. Hunting and fishing. To use the Property for hunting of game animals and fishing.

3. Water resources. Water resources on the Property may be developed provided that such development is accomplished in a manner consistent with the maintenance and enhancement of water courses and wetlands in a reasonably natural condition. Under such conditions, water resources may be developed and maintained for permitted agricultural uses, wildlife habitat, domestic needs, and private recreation. Permitted uses include but are not limited to the following: the right to restore, enhance, and develop water resources, including ponds, for fisheries and wildlife habitat improvement in accordance with applicable state and federal regulations; to locate, construct, repair, and maintain irrigation systems; and, to develop stock watering facilities.

4. Maintenance and structures. To maintain, repair, remodel and make limited additions to any existing or subsequently constructed improvements expressly permitted by this Easement including residences, garages, guest houses, barns, sheds, shops, corrals, fences, roads, irrigation structures, ditches, and pipelines. In the event of removal or destruction of any or all of said structures, to replace them with similar structures of the same approximate size in the same general locations. To place upon the Property additional non-residential structures and other improvements as may be necessary for agricultural purposes, pursuant to the terms hereof.

5. New residences. Grantor shall have the right to construct, maintain, and repair four (4) single family residences, each with an associated garage and a guest house (guest house shall not exceed 1,800 square feet), plus agricultural improvements as set forth in Exhibit B, paragraph 4. Selection of the location of the residences and associated structures shall be consistent with the purpose of this Easement

and shall be located so as to minimize impacts to and degradation of water resources, wildlife habitat and the natural, scenic and open space qualities of the Property.

In connection with the upkeep, maintenance and repair of structures and residences, Grantor specifically reserves the right to clear brush, and prune, trim and remove trees, or to plant trees, shrubs, flowers and other native or non-native species for landscaping or gardening purposes without obtaining any approval from Grantee.

In the event of removal or destruction of any residence or structure described in this paragraph 5, Grantor may replace the same with a similar structure in the same general location.

6. Agrichemicals. To use biological control agents and agrichemicals, including, but not limited to, fertilizers, pesticides, herbicides, insecticides, and rodenticides, but only in those amounts necessary to accomplish reasonable agricultural, ranching and residential objectives.

7. Mineral activities. Subject to the prior approval of Grantee as provided in Section IV hereof, to explore for and extract oil, gas, and other minerals (or to lease, sell or otherwise dispose of the rights thereto) in, on or under the Property on the following conditions:

IRC
Subchapter
K

(i) Surface mining. There shall be no extraction or removal of any minerals, oil, gas, hydrocarbons, sand, gravel, peat, stone, rock, flagstone, or any other materials by any surface mining method, within the meaning of Section 170(b)(5)(B) of the Code and the regulations promulgated thereunder, nor shall there be any exploration or extraction by any subsurface mining method if such activity would, in the sole judgment of Grantee, result in the destruction or impairment of any Conservation Value. Any subsurface mining method used must have only temporary and localized impacts that are not destructive of any Conservation Value.

(ii) Water. No water shall be utilized in any mining operation which would cause interference with or degradation of the water rights of Grantor, wells or streams, or other sources of water utilized by Grantor for agricultural or residential purposes. Any waste water resulting from permitted subsurface exploration or extraction activities which is of materially poorer quality than existing water supplies shall be treated so that its quality is substantially equivalent to existing water supplies.

(iii) Surface disturbance. Any surface disturbance resulting from permitted subsurface exploration or extraction activities shall be restored upon completion to a condition

similar or equivalent to its state prior to the disturbance, by restoring soils and replanting suitable native vegetation.

(iv) Reclamation. All permitted subsurface exploration or extraction activities and associated reclamation activities shall be in compliance with applicable state and federal laws.

(v) Roads. Any new road shall conform to the restrictions stated in Exhibit C, paragraph 7. Whenever possible, access to exploration or extraction sites shall be by existing roads.

(vi) Structures. The number and kind of structures used in the exploration for or extraction of oil, gas and other minerals shall be limited to the minimum necessary to accomplish said exploration or extraction. Vehicles and other non-stationary equipment shall be stored off the Property when not in direct use for exploration or extraction.

(vii) Notification. Grantor shall advise Grantee in writing at least sixty (60) days prior to engaging in any exploration for or extraction of oil, gas, and other minerals (or leasing, selling or otherwise disposing of the rights thereto) whether or not such exploration or extraction (or leasing, selling or otherwise disposing of the rights thereto) could result in any surface disturbance.

8. Transfer of land. To sell, exchange, devise or gift the Property as no more than four (4) parcels. Each of the four (4) parcels may contain one (1) of the residences and associated structures provided for in this Exhibit B, paragraph 5. Whether conveyed as a single tract or whether conveyed as separate parcels created pursuant to this paragraph 8, the Property shall be conveyed expressly subject to all terms, conditions, rights, restrictions and obligations contained in this Easement. Grantor shall furnish Grantee a copy of any document or conveyance utilized to effect the transfer of the Property within thirty (30) days of the execution of said document or conveyance.

9. Bed and breakfast business and/or residence-based business. Grantor retains the right to use a maximum of two residences and guest house sites permitted in this Exhibit 2, paragraph 5, for the operation of a bed and breakfast business.

Persons living on the Property may also conduct businesses within their residence so long as any such business, other than the bed and breakfast business permitted above, is not a sales or service business involving dealing with the general public on the Property on a regular basis.

10. Guest ranching/outfitting business. The Property and existing/permitted improvements may be used for the purposes of a guest ranching/outfitting business, provided that such uses are

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conducted at levels consistent with the protection and preservation of the natural and ecological features of the land and water, including wildlife habitat and fisheries, which are protected by this Easement. Consistent with this paragraph 10, Exhibit B, for so long as Grantor maintains title to the Property in unified ownership, Grantor may use all structures, on the Property at the time this Easement is granted, or replacements thereof, and Grantor may use any structures that may be constructed on the Property pursuant to Exhibit B, paragraphs 4 and 5, for guest ranching/outfitting purposes.

If the Property is separately conveyed, as provided in Exhibit B, paragraph 8, only one parcel may be used for a guest ranching/outfitting business. Grantors shall designate in the conveyancing instruments the parcel to which the right to operate a guest ranching/outfitting business attach.

In the event that the guest ranching/outfitting business were to suspend or cease operation, none of the buildings associated with these operations may be occupied as a year-round residence, except for the four (4) residences permitted in this Exhibit B, paragraph 5.

----- END EXHIBIT B -----

**EXHIBIT C
PROHIBITED USES AND PRACTICES**

The following uses and practices, though not an exhaustive recital of inconsistent uses and practices, are hereby deemed to be inconsistent with the purpose of this Easement, and are expressly prohibited:

1. Subdivision. The division, subdivision or de facto subdivision of the Property, except as provided for in Exhibit B, paragraph 8.

2. Mineral activities. Exploration for or extraction of any materials (including, but not limited to oil, gas, other minerals, soils, gravel, peat or rock) by any surface mining method, or the subsurface exploration for or extraction of any materials, except as provided in Exhibit B, paragraph 7.

3. Commercial facilities. The establishment of any commercial or industrial facilities (other than those necessary in the operation or uses of the Property expressly permitted by this Easement), including, but not limited to, any retail sales or service business, restaurant, night club, campground, trailer park, motel, hotel, commercial recreation facility, gas station, retail outlet or facility for the manufacture or distribution of any product (other than products to be grown or produced on the Property in connection with purposes expressly permitted in Exhibit B hereto).

4. Dumping. The dumping or other disposal of non-compostable refuse on the Property, except non-hazardous wastes generated by normal agricultural and ranching operations.

5. Watercourses and wetlands. Except as permitted in Exhibit B, paragraph 3, the change, disturbance, alteration or impairment of any watercourse or wetland on the Property.

6. Construction. The construction of any structures except as provided in Exhibit B, paragraphs 4 and 5.

7. Roads. The granting of road right-of-way easements upon or across the Property, except for residential purposes, agricultural purposes, or mineral exploration or extraction. However, right-of-way easements may be granted by mutual agreement of Grantor and Grantee in cases where eminent domain statutes apply and clear public necessity has been demonstrated to Grantor and Grantee. The construction of roads except in connection with farming, ranching and other agricultural uses; hunting, fishing and other recreational uses; mineral exploration and extraction as provided in Exhibit B, paragraph 7; and, access to residences and associated structures permitted in Exhibit B, paragraph 5. Any road constructed for a permitted purpose shall

be sited and maintained so as to minimize adverse impact to the Conservation Values. Any road construction shall be subject to the prior written approval of Grantee. Grantor's written notice shall include a construction plan describing the purpose of the road, its location on a topographic map and, to the extent deemed necessary by Grantee, discussion of the following: road grade, drainage, erosion/sedimentation impacts and mitigating efforts, areas of cut and fill, and special concerns such as culvert placement, bridges, fords, buffer strips between roads and streams, and fish and wildlife impacts and mitigating efforts. Seeding and reestablishment of cover vegetation on exposed road cuts and banks shall be required.

8. Commercial feed lot. The establishment or maintenance of any commercial feed lot, defined for purposes of this Easement as a facility used for the purpose of receiving, confining and feeding livestock for hire.

9. Utilities. The granting of right-of-way easements for utilities, except to access the residences and associated structures permitted in Exhibit B, paragraph 5. However, right-of-way easements may be granted by mutual agreement of Grantor and Grantee in cases where eminent domain statutes apply and clear public necessity has been demonstrated to Grantor and Grantee. The installation of utility structures, lines, conduits, cables, wires or pipelines upon, over, under, within or beneath the Property, except in connection with the maintenance and construction of permitted structures.

10. Billboards. The construction, maintenance, or erection of any billboards. Roadside signs are permitted only for the purposes of posting the name of the Property, advertising any business permitted on the Property, controlling public access, providing public notification of this Easement, or advertising the property for sale.

11. Mobile homes, etc. The placing, use, or maintenance of any trailer, mobile home or other movable living unit (including any such unit placed on a permanent foundation); provided, however, that Grantor or Grantor's guests may park or use a recreational vehicle on the Property on a temporary basis.

12. Game, fur or fish farms. The raising or confinement for commercial purposes of (i) game farm animals as defined in MCA Section 87-4-406 or its successor statute, (ii) native or exotic fish, (iii) game birds, (iv) furbearers, including mink and fox, or (v) other native and exotic animals as delineated in MCA Title 87 in its entirety.

----- END EXHIBIT C -----

FILE 169M13316

EXHIBIT D
TRIPLE O RANCH, INC. QUIGGLE CREEK PROPERTY
RESOURCE DOCUMENTATION REPORT & ACKNOWLEDGEMENT OF ITS ACCURACY

In accordance with Treasury Regulation §1.170A-14(g)(5)(i), Triple O Ranch, Inc. of Atlanta, Georgia, Grantor of a Deed of Conservation Easement dated Dec 30, 1996, and THE MONTANA LAND RELIANCE, Grantee of said Conservation Easement, hereby acknowledge, declare, and agree that they have reviewed the information contained in the Resource Documentation Report and that the Resource Documentation Report is an accurate representation of the real property to be protected by this Conservation Easement at the time of the transfer.

12/30/96
DATE

Ge. D. Drenth, Pres.
TRIPLE O RANCH, INC.

12/30/96
DATE

George O. Sca-Treas
THE MONTANA LAND RELIANCE

EXHIBIT B
SAMPLE OF FORM TO BE USED FOR ACKNOWLEDGEMENT OF VALUE OF
TRIPLE O RANCH, INC. QUAGLE CREEK PROPERTY
CONSERVATION EASEMENT

Triple O Ranch, Inc. of Atlanta, Georgia, Grantor of a Deed of Conservation Easement dated _____, 19____, and recorded on _____, 19____, at Book _____, Page _____, Records of _____ County, Montana, THE MONTANA LAND RELIANCE, of Helena, Montana, Grantee of said Conservation Easement, and _____, appraiser of the property subject to the Conservation Easement, (hereinafter the "Property"), hereby acknowledge, declare, and agree as follows:

1. That the value of the Property immediately prior to encumbrance by the grant of the Conservation Easement was _____, and the value of the Property immediately after the conveyance of the Conservation Easement to the Montana Land Reliance was _____.

2. Thus, the parties hereto agree that the grant of the Conservation Easement reduced the value of the Grantor's interest in the Property by _____ percent (____%).

The original of this Acknowledgement is to be retained in the files of The Montana Land Reliance, or its successors and assigns, at its normal place of business.

DATE _____

TRIPLE O RANCH, INC.

DATE _____

THE MONTANA LAND RELIANCE

DATE _____

APPRAISER

STATE OF Georgia)
County of Cobb)

: ss.

This instrument was acknowledged before me on this 23rd day
of December, 1996, by George H. Covert, as
President of Tridle O Ranch, Inc.



Kathleen A. Jones
Notary Public for the State of Georgia
Residing at 4341 Shiloh Lane, Roswell, Ga. 30077
My commission expires 2/1/98

STATE OF MONTANA)
County of Lewis & Clark)

: ss.

This instrument was acknowledged before me on this 18th day
of December, 1996, by George S. Olson, as
Secretary of The Montana Land Reliance



Thomas J. Davidson
Notary Public for the State of MT
Residing at Helena
My commission expires 1-16-2000

337127



State of Mont., County of Gallatin, ss. Filed for record DECEMBER 30, 1996
at 4:02 P.M., and recorded in Book 169 of MISCELLANEOUS page 3299
George H. Covert Recorder, By AMAR BROMCOM Deputy
FEE: \$120.00 PD
RT: MARK NOKEN
PO BOX 788
BIG TIMBER, MT 59011

Attachment # 6

Gallatin County Attorney
Marty Lambert, County Attorney



Judge () Luther Memorial Center
1709 West College, Bozeman, MT 59715
Phone: (406) 582-3745
Fax: (406) 582-3758

RECEIVED
FEB 06 2008

02/05/2008

BY:.....

Ms. Jane Mersen
Attorney at Law
716 S. 20th Ave, Suite 101
Bozeman, MT 59718

Re: COS 632G

Dear Jane:

I have the opportunity to address your recent letter to me regarding Quagle Creek, LLC with the Gallatin County Road and Bridge Department.

That department takes the following position in the matter: the reference to the 60 foot public easement recorded at Film 55 Page 782 creates enough of nexus to a public road under Montana law that it will need to be abandoned. To that end the Road and Bridge Supervisor indicates that he will not oppose such abandonment. The Road and Bridge Department will be the first source to begin processing that abandonment.

One party that has shown an interest in the road in the past has been the United States Forest Service. I attach a letter from 1988 which indicates their awareness of the road and need to maintain public access. It would be useful to the abandonment process if the USFS formally disavowed their 1988 position.

Please contact me with any questions or concerns you may have regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Gray", written over a large, stylized flourish.

Christopher B. Gray
Chief Civil Deputy County Attorney

C: Lee Provance, County Road Dept.



United States
Department of
Agriculture

Forest
Service

Gallatin
National
Forest

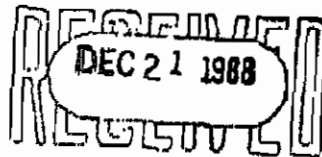
P.O. Box 130
Bozeman, MT 59771

5460

Reply in:

Date: DEC 19 1988

Gallatin County Commissioners
P.O. Box 1905
Bozeman, Montana 59715



Dear Commissioners:

Over the past several years we have had some involvement with you on various actions relative to the Martin Road which is located on the west side of the Bridger Mountains approximately 2 1/2 miles south of Pass Creek.

According to our joint record search, this road (Road # 88) was petitioned a County road in petitions # 88, 312, and 393. It is referred to as the Martin Road in the old map plat book pages 106 to 115. It basically consisted of a set of wheel tracks running east from Rocky Mountain Road in Section 10 to National Forest lands in NE portion of Section 11, T. 2 N., R. 5 E., Gallatin County. A map showing the approximate location of the right-of-way is enclosed for your review.

In 1979 the County received a Petition To Abandon Portion of County Road by a local Real Estate firm. A copy of this petition is also enclosed for your review. The intent of this petition was to relocate the first portion of the Martin road in section 10 from the original route to a planned interior subdivision road that was to be built in the near future. A portion of Section 10 was then platted on Certificate of Survey No. 632 and the replacement road segment dedicated as a 60 foot public road easement.

The subdivision was never developed and the substitute road segment never built. The tract is now in a single ownership.

We are very interested in providing public access to this area of the National Forest and would ask for your help in determining the legal status of the Martin Road.

First, we would like to find out if the original Martin Road Petitions clearly established this as a County Road and you concur with the location indicated on the enclosed map.

Secondly, was the Petition to Abandon Portion of County Road acted upon by the Commissioners? If so, what is the present legal status of the replacement segment which was described and dedicated in Certificate of Survey No. 632?

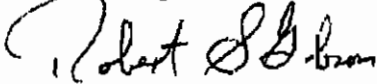


Post-It® Fax Note	7871	Date	# of pages
To	lee	From	ERIN
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

If a public way currently exists, we will want to visit with you this winter on the Forest Service utilizing this right-of-way under a Cooperative Agreement to provide public access to the National Forest.

I appreciate your cooperation and attention on this matter and Mike Williams of my staff will be glad to personally visit with you if you have any questions. His number is 587-6747.

Sincerely,



ROBERT S. GIBSON
Forest Supervisor

Enclosures

KASTING, KAUFFMAN & MERSEN, P.C.
A T T O R N E Y S A T L A W

KENT M. KASTING
JOHN M. KAUFFMAN
JANE MERSEN
DENNIS L. MUNSON

Of Counsel
WILLIAM B. HANSON

716 SOUTH 20th AVENUE, SUITE 101
BOZEMAN, MONTANA 59718
TEL: (406) 586-4383 FAX: (406) 587-7871
E-MAIL: kkm@kklaw.net

March 4, 2008

Gallatin County Commission
311 West Main Street
Bozeman, Montana 59715

COPY

RE: Abandonment of Easement for Quagle Creek LLC

Mr. Bill Murdoch,
Mr. Steve White,
Mr. Joe Skinner,

Greetings. This firm represents Quagle Creek LLC in connection with a cloud on the title to its property. Please consider this our formal request, pursuant to Section 7-14-2615(4), MCA, for Gallatin County to declare that the Notice from Gallatin County, dated February 19, 1980, is not an easement and that the County will not claim it as an easement in the future. If, however, the Commission finds that this notation is an easement, Quagle Creek LLC and Neils Family Partnership, the affected landowners, request the Commission abandon or extinguish any such easement.

Attached for your reference are the following:

1. Certificate of Survey 632G
2. Certificate of Survey 632, 3 pages
3. Notice from Gallatin County, dated February 19, 1980
4. Letter from County to Margaret Potter, dated February 19, 1980.
5. Deed of Conservation Easement, dated December 30, 1996, 20 pages.
6. Letter from Christopher Gray, dated February 5, 2008, 3 pages.

Reviewing the history in this matter, Old Martin Road was abandoned by the County in 1980 pursuant to the request of the landowner who then recorded COS 632 which divided the parcel into numerous 20 acre tracts. This COS showed an easement which would provide access to the lots that did not front the county road, however no Declaration of Easement was ever recorded. The County sent a letter to the landowner asking them to follow up on the easement, but nothing else was done (see letter to Margaret Potter).

Gallatin County Commissioners
March 4, 2008
page 2

In 1996, then owner Triple O Ranch, Inc., declared a conservation easement on the parcels, in effect aggregating all of the 20 acre lots into four tracts. And, although the easement that was shown on the 1980 COS to the interior parcels was not extinguished, it was rendered completely useless as there were no longer any interior tracts to access.

The property was purchased by Quagle Creek LLC in 2005. Quagle Creek LLC recorded a new Certificate of Survey, 632G, which more accurately shows the tracts within the parcel. This COS did not show the easement that was previously shown on COS 632, however a recent title search again brought the February 19, 1980 notice from the County up as a potential encumbrance on the property. The title company refrained from calling the Notice an "easement" but excepted out from the policy, any effect that the notice might have on the property.

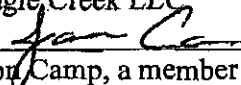
In order to ensure that the 1980 Notice from the County and the notation on the COS 632 do not further encumber the property, the landowners who are or would be affected if this notation was considered an easement request the County abandon or extinguish it. The landowners agree it should be abandoned as signified by their signatures below.

The County Road Department has been contacted about this request and has no objection to the abandonment of an easement (see attached letter from Christopher Gray).


Please set this matter on your agenda for a public hearing and let us know as soon as possible the date of the hearing. It is my understanding that the Clerk and Recorder will publish notice of the hearing. If this is not correct, please let me know and I will be happy to do so.

Thank you for your consideration of this matter.

Sincerely,

Quagle Creek LLC
by: 
Jason Camp, a member

Neils Family Partnership
by: 
Eva Neils, a partner


Jane Mersen
encl.

Gallatin County Commissioners

March 4, 2008

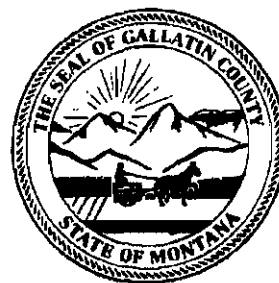
page 3

cc: Chris Gray, Gallatin County Attorneys Office
Eric Semerad, Gallatin County Clerk and Recorder's Office
Cindy Younkin

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 March 25, 2008, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a request to abandon a 60-foot wide public road easement as shown on COS 632 located in the S½ Section 10 T2N, R5E. All interested parties are encouraged to attend.

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

Dated this 12th day of March, 2008.

Charlotte Mills

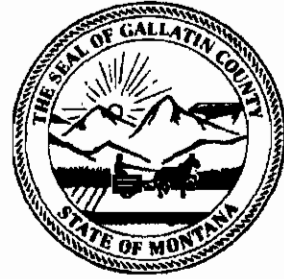
Charlotte Mills
Clerk and Recorder
Gallatin County, Montana

Please publish: March 16 and 23, 2008
Please Bill: Clerk & Recorder

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 notice of public hearing of a petition to abandon a portion of a 60-foot wide public road easement as shown on COS 632 located in the S½ of Section 10 T2N, R5E, was mailed to the following land owners on: March 13, 2008.

Public Land Access Association, %Bill Fairhurst-105 3rd Ave East, Three Forks, MT 59752
Jane Mersen-716 South 20th Ave, Ste 101, Bozeman, MT 59718
Quagle Creek LLC-1040 Reynolds Creek Rd, Belgrade, MT 59714
Neils Family Limited Partnership-19461 Rocky Mountain Road, Belgrade, MT 59714
Gallatin National Forest, %Bob Dennee-10 E. Babcock, Bozeman, MT 59715

Charlotte Mills by Mary J. Miller, deputy

CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana

State of Montana

County of Gallatin

Bozeman



April 24, 2008

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

RE: Abandonment of a portion of a 60-foot wide public road easement as shown on COS 632 located in the S1/2 of Section 10T2N, R5E, P.M.M. Gallatin County, Montana

Dear Board,

At the March 25, 2008, public meeting to consider the abandonment of the public road easement stated above, it was determined that a viewing committee, according to 7-14-2603 M.C.A., was necessary to determine the merits or demerits of the petition to abandon. Joe Skinner, County Commissioner, and Charlotte Mills, Clerk & Recorder, were assigned to the viewing committee.

On Thursday, April 17, 2008, the following people met the viewing committee at the intersection of Cox Road and Rocky Mountain Road to determine the actual location of the easement and access to public lands.

- Bill Murdock, County Commissioner,
- Steve White, County Commissioner
- Jecyn Bremer, Deputy County Attorney
- Jason Camp, Land Owner
- Jonathan Kempff, Forest Service
- Fred Haas, Forest Service

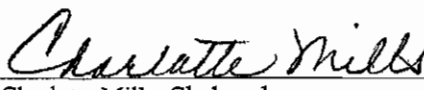
Here are the findings from our investigation.

1. We could find no physical evidence of the easement road or the petitioned Martin Road.
2. Jason Camp, the land owner, testified that to his knowledge the easement had never been used by the public.
3. The access road at Johnson Creek Road provides substantially the same access to the Forest Service public lands as the COS 632 Easement/Martin Road.
4. Jonathan Kempff provided information that the Forest Service has a travel plan which proposes a trail from Johnson Canyon to Cottonwood Canyon which again will provide substantially the same access as the public easement in COS 632.
5. Jonathan Kempff told us that the Forest Service was not interested in constructing a road on this easement.

It is our conclusion that no one would be land-locked, nor denied access to public lands if the abandonment were granted. The viewing committee believes that it is feasible and desirable to grant the petition.

Respectfully submitted,

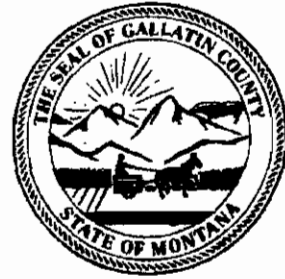

Joe P. Skinner, County Commissioner


Charlotte Mills, Clerk and
Recorder/Surveyor

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 notice of public hearing of a petition to abandon a portion of a 60-foot wide public road easement as shown on COS 632 located in the S½ of Section 10 T2N, R5E, and a copy of the viewing committee report was mailed to the following land owners on: April 30, 2008.

Public Land Access Association, %Bill Fairhurst-105 3rd Ave East, Three Forks, MT 59752
Jane Mersen-716 South 20th Ave, Ste 101, Bozeman, MT 59718
Quagle Creek LLC-1040 Reynolds Creek Rd, Belgrade, MT 59714
Neils Family Limited Partnership-19461 Rocky Mountain Road, Belgrade, MT 59714
Gallatin National Forest, %Bob Dennee-10 E. Babcock, Bozeman, MT 59715

Done this 30th day of April, 2008.

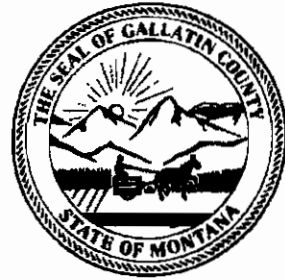
Charlotte Mills

CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana

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 May 6, 2008, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a request to abandon a 60-foot wide public road easement as shown on COS 632 located in the S½ Section 10 T2N, R5E. All interested parties are encouraged to attend.

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

Dated this 30th day of April, 2008.

Charlotte Mills
Clerk and Recorder
Gallatin County, Montana

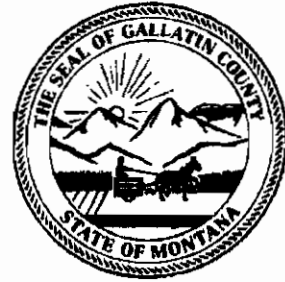
Charlotte Mills

Please publish: May 4, 2008
Please Bill: Clerk & Recorder

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 order of abandonment and vacation of an easement described as a portion of a 60-foot wide public road easement as shown on COS 632 located in the S½ of Section 10 T2N, R5E, County of Gallatin, State of Montana, was mailed to the following landowners on May 29, 2008.

- Bill Fairhurst, Public Land Access Association, 105 3rd Avenue East, Three Forks, MT 59762**
- Jane Mersen, 716 South 20th Ave, Ste 101, Bozeman, MT 59718**
- Quagle Creek LLC, 1040 Reynolds Creek Rd, Belgrade, MT 59714**
- Neils Family Limited Partnership, 19461 Rocky Mountain Road, Belgrade, MT 59714**
- Gallatin National Forest, o/o Bob Dennee, 10 E. Babcock, Bozeman, MT 59715**

Charlotte Mills, by [signature], deputy
CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana

4R. Public Hearing and Decision to Abandon a 60-Foot Wide Public Road Easement as Shown on COS 632, Located In the South Half of Section 10, T2N, R5E

PUBLIC COMMENT

PERSONS WHO WILL TESTIFY AT THIS HEARING SHALL PRINT THEIR NAMES AND ADDRESSES BELOW. YOU WILL TESTIFY IN THE ORDER THAT YOUR NAME IS LISTED.

PLEASE PRINT

LAST NAME

FIRST NAME

ADDRESS

Haas

Fred

USDA Forest Service
Bismarck River District
1040 REYNOLDS CREEK
BELLEVILLE MT 59714

Jason Camp

Gary Valchard

Gary

614 South 7th
Bozeman, MT 59715

R4 5/6

O'Callaghan, Sean

From: cyndi@bridgeband.com
Sent: Tuesday, May 06, 2008 8:41 AM
To: O'Callaghan, Sean; Durkin, George
Subject: Martin Road abandonment of easement

Greetings, County Commissioners,

My name is Cyndi Crayton. I was a member of the original Trails Advisory Committee that drafted the Gallatin County Trails Plan, and am a current member of the Gallatin County Trails Advisory Committee. I would like to speak, strongly, in favor of maintaining (NOT abandoning) the Martin Road easement.

There is absolutely no reason to abandon this section of Martin, and many reasons for keeping it in place. In 1980 (according to the area map), concessions were made to maintain a public easement proving access via Martin Road into public land. Why waste taxpayer time and money undoing this previous action? Once we get rid of a public access to public land, it will cost taxpayers an extraordinary amount of money to restore that access in the future, if it is desired to do so.

With increasing population and relatively few means of public access to the Bridger Range, there should be no decrease of ways for the public to access public land. Since it is an existing public easement but isn't yet a constructed road, few people know that it exists. This easement seems a prime candidate for encouraged use and for enhancement, maybe even through open lands/space funding. As Gallatin County grows, and the numbers of trails and open space users continues to increase, it would be a wise and foresightful decision by the County Commission to keep and to enhance all existing means of public access.

Thank you,

Cyndi Crayton
4027 Bridger Canyon
Bozeman MT 59715

Murdock, Bill

From: Provance, Lee
Sent: Friday, May 02, 2008 11:06 AM
To: Murdock, Bill; Skinner, Joe; White, Steve
Cc: Mathers, Earl
Subject: Martin Road Abandonment

*Please
bring up
@ C.A. if ok..*

Dear BCC,

I spoke with Jane Mercen a couple of months ago about the Martin Road abandonment. She told me at that time there was an additional parcel between her client's property (which was said to be the end of the road) and the USFS boundary. I have since found out that this is not the case. I am told that her client owns all of the parcels and the Martin Road right-of-way does indeed run all the way to the USFS boundary.

If this is the case, the abandonment of Martin Road would be illegal and would easily be overturned in court if challenged by the USFS or any recreational or access group. If I were in your shoes, I'd vote against it, unless it can be proven that the right-of-way does not provide access to public land as stated in the MCA.

I don't know what your plan is, but thought that I'd give my best advice to you, prior to the meeting. I do not plan on attending the meeting, unless you want me there.

Thanks- Lee Provance, Road and Bridge Superintendent

Sean O'Callaghan
117 Meriwether Ave.
Bozeman, MT 59718

Gallatin County Commission
311 W. Main Street
Bozeman, MT 59715

May 3, 2008

Dear Commissioners,

As an avid sportsman that has spent a good deal of time recreating in the northern Bridgers, I am opposed to the proposed abandonment of Martin Road, a public road easement that provides access from Rocky Mountain Road, east to the public land of the Gallatin National Forest. Gallatin County is the fastest growing county in Montana, and recreation opportunities are a major draw to our area and contribute significantly to our economy. While approximately 50% of our County is public land, much of that public land is virtually inaccessible. Public access to the west slope of the Bridgers is challenging at best. As our population increases, so will recreational demands on our public lands, making every existing means of public access crucial to dispersing recreationalists and their impacts.

Per the Commission's action in 1980 the historical alignment of Martin Road (petitioned road No. 88) was modified and a portion of the easement was relocated to the south. While it appears that the realigned portion of the road was never constructed, the existence of that easement provides an opportunity for access to public land to be enhanced in the future. From a property rights perspective it is important to remember that the public easement already exists across this property, this is not a proposal to create a new encumbrance on the property. The proposed abandonment of the Martin Road easement would benefit one landowner, while it will cost taxpayers a great deal of money in the future to restore any public access easements that are abandoned now. That money could be spent on other worthwhile causes if those easements aren't abandoned in the first place.

According to Section 76-14-2615, MCA, the Commission cannot abandon a county road or right-of-way used to provide existing legal access to public land unless another public road or right-of-way provides substantially the same access. Martin Road provides access to Mill Creek, an area that is very difficult to access from the north (Johnson Road) or from the access further south off of Rocky Mountain Road. I respectfully

argue that if Martin Road is abandoned none of the other public access points on the west slope of the Bridgers provide substantially the same access to the Mill Creek area.

The last issue of concern for me regarding this matter is the way the proposal is worded on the Commission's agenda. Nothing in the wording indicates that the road (Martin Road) through COS 632 is a public access easement that provides access to public land. Had the agenda item been worded differently, I suspect there would have been significantly more public interest in this matter.

Please consider this matter carefully and think about the substantial long-term impacts of abandoning access to our public lands.

Sincerely,

Sean O'Callaghan

CC: Chris Gray, Chief Civil Deputy County Attorney
Lee Provance, County Road Superintendent



GALLATIN COUNTY

311 West Main, Rm. 306 • Bozeman, MT 59715

County Commission

William A. Murdock
Joe P. Skinner
Steve White

Phone (406) 582-3000
FAX (406) 582-3003

FILED A

ORDER OF ABANDONMENT AND VACATION OF AN EASEMENT

Gallatin County, Montana, a political subdivision of the State of Montana with principal address at 311 West Main Street, Bozeman, Montana, acting by and through its elected Board of County Commissioners, pursuant to Section 7-14-2615, MCA, after notice and public hearing, does hereby abandon, vacate and forever release all interest it may have in an Easement recorded in the records of the Gallatin County Clerk and Recorder at COS 632 (recorded December 11, 1978) at document number 57041, showing a 60 foot wide public road easement along the south boundaries of Tracts 1 through 8 and then north between Tracts 8 and 9 to the North property line, such COS 632 being located in SW 1/4 and SE 1/4 of Section 10, the SW 1/4 and SE 1/4 of Section 11 and a portion of the NE 1/4 and NW 1/4 of Section 14 and a portion of the NE 1/4 and NW 1/4 of Section 15, Township 2 North, Range 5 East, M.P.M, Gallatin County, Montana as depicted on Exhibit A attached hereto and incorporated by reference herein.

In that Grant of Easement, Gallatin County, as benefitted party and dominant tenant, recognizes that the grant should be extinguished and abandoned as the purpose for which the easement was granted no longer exists.

Dated this 6th day of May, 2008.

GALLATIN COUNTY COMMISSION

William A. Murdock, Chairman

Joe P. Skinner, Member

R. Stephen White, Member



County Clerk

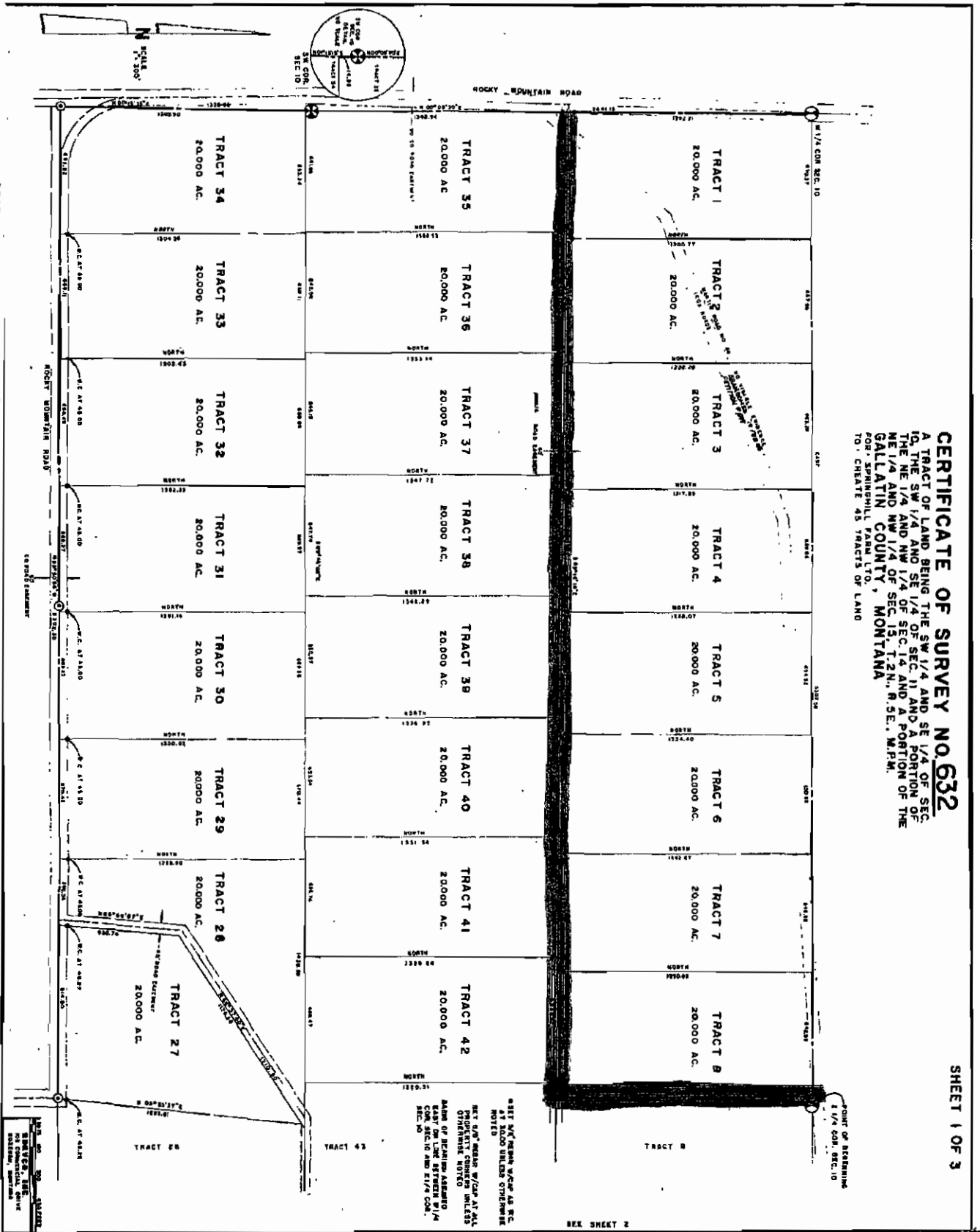
2299494
Page: 1 of 2
05/09/2008 12:10P
0.00
Charlotte Mills-Gallatin Co NTMISC

EXHIBIT "A"

1948 ERIK RASH

2299494
Page: 2 of 2
05/09/2008 12:10P

Charlotte Mills-Gallatin Co MTMISC 0.00



CERTIFICATE OF SURVEY NO. 632
A TRACT OF LAND BEING THE SW 1/4 AND SE 1/4 OF SEC. 10, T22N, R5E, M.P.M. AND THE SW 1/4 AND SE 1/4 OF SEC. 11, T22N, R5E, M.P.M. AND PORTION OF THE NE 1/4 AND NW 1/4 OF SEC. 15, T22N, R5E, M.P.M. IN GALLATIN COUNTY, MONTANA FOR SPONSOR, FEDERAL TO BE CREATED AS TRACTS OF LAND

7002 3150 0004 3917 1281

U.S. Postal Service™
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OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
Gallatin Nat'l Forest
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4
 PS Form 3800, June 2002 See Reverse for Instructions

7002 3150 0004 3917 1311

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Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
Quagle Creek LLC
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4
 PS Form 3800, June 2002 See Reverse for Instructions

7002 3150 0004 3917 1304

U.S. Postal Service™
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Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
Neils Family Limited Partnership
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4
 PS Form 3800, June 2002 See Reverse for Instructions

7002 3150 0004 3917 1328

U.S. Postal Service™
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Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
Jane Wesson
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4
 PS Form 3800, June 2002 See Reverse for Instructions

7002 3150 0004 3917 0659

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
Bill Fairhurst
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4
 PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Bill Fairhurst
% Public Lands Access Assoc
109 3rd Ave. E.
Three Forks, MT 59752

2. Article Number
(Transfer from service label)

7002 3150 0004 3917 0659 #825

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x *William A Fairhurst* Agent Addressee

B. Received by (Printed Name) C. Date of Delivery
WILLIAM A FAIRHURST 06 02 08

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

Box 247
Three Forks, MT 59752

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

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Gallatin Nat'l Forest
% Bob Dennee
10 E. Babcock
Bozeman, MT 59715

2. Article Number
(Transfer from service label)

7002 3150 0004 3917 1281 #825

S Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x *Bentley* Agent Addressee

B. Received by (Printed Name) C. Date of Delivery
Bentley 6/2/08

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

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

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Jane Mersen
716 S. 20th Ave. Ste 101
Bozeman, MT 59718

2. Article Number
(Transfer from service label)

7002 3150 0004 3917 1328 #825

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x *Beth A Sinnema* Agent Addressee

B. Received by (Printed Name) C. Date of Delivery
Beth A Sinnema 6-2-08

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

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

4. Restricted Delivery? (Extra Fee) Yes

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Quagle Creek LLC
1040 Reynolds Creek Rd
Belgrade, MT 59714

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Jodi Camp Agent Addressee

B. Received by (Printed Name) Jodi Camp C. Date of Delivery 5/3/08

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

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7002 3150 0004 3917 1311 #25

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

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

Neils Family Limited Partnership
19461 Rocky Mtn. Rd.
Belgrade, MT 59714

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Bruce R. Neils Agent Addressee

B. Received by (Printed Name) Eva R Neils C. Date of Delivery 5/3/08

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

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7002 3150 0004 3917 1304 #25

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