

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 Ryan Dee PHONE _____

- 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: 12/12/17
 - a) Prepare draft resolution appointing viewing committee and assigning Petition # 849.
 - 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: 3/29/18
- 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 5/1/18
- 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 area~~b) Type and prepare certified mail envelopes for:
 - 1) All landowners abutting the road to be abandoned and landowners of private land to which the road gives access.
 - 2) The postmaster of the area
- 11) Mail a copy of the public hearing notice and viewers report to the people listed in 10) a) above. 4/3/18
- 12) Publish public hearing legal notice two times in Chronicle for a county road (7-1-2121) and if necessary in another newspaper. DATES 4/8 + 4/22 2018
- 13) Post notice in 5 public places 30 days prior to hearing and prepare affidavit of posting. At least 2 of 3/30/18 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. _____

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? _____ If no, list those landowners and their reasons for not consenting: All owners of land who abut the abandonment have signed the petition giving their consent to the abandonment.

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

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

The current location of the physical road is located north and partially outside of the surveyed county road right-of-way in the Northeast one quarter of the Northwest one quarter of Section 28, Township 1 South, Range 7 East. It is the intent of the petitioners to abandon the existing county road right-of-way and to grant a new easement for the county road in the proper location using COS 2842 to correctly establish a public right-of-way for Jackson Creek Road.

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

No public lands are accessed via this portion of county road.

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

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 November 21, 2017 by Ryan Dec

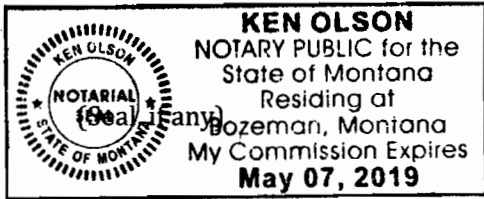
[Signature]
Signature of notarial officer

Ken Olson
Name - typed, stamped, or printed

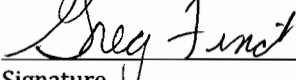
Notary
Title (and Rank)

Residing at: Bozeman, Montana


My commission expires: May 7, 2019



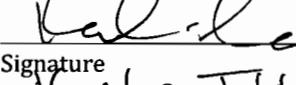
The undersigned state that they are freeholders in the Gallatin County Road District and petition to abandon the road set forth herein. If more than 10 freeholders sign, use additional pages.

1.  8455 CHURCHILL ROAD
Signature Address
GREG FINCK MANHATTAN, MT 59741
Printed Name City,State,Zip
11/21/17
Date

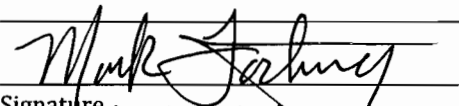
Legal Description of Property TRACT SHOWN IN COS 327
GALL. CO.

2.  3520 Sunflower Rd.
Signature Address
Ron Orton Bozeman, MT 59715
Printed Name City,State,Zip
11/30/17
Date

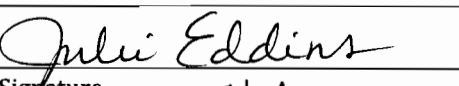
Legal Description of Property LOT 52 OF HARVEST HILLS SUB.

3.  21 HARVESTER LN
Signature Address
Kyle Tiltonson Belgrade, MT, 59714
Printed Name City,State,Zip
11/30/17
Date

Legal Description of Property LOT 1, BLOCK 5, LANDMARK SUB., PH. 2

4.  126 Bow Perch Lane
Signature Address
Mark Fastiny Bozeman, MT 59718
Printed Name City,State,Zip
12/1/17
Date

Legal Description of Property TRACT 2 OF DEP. SURVEY NO. 17A

5.  15 Fireside Drive
Signature Address
Julie Eddins Bozeman, MT 59718
Printed Name City,State,Zip
12/1/17
Date

Legal Description of Property Lot 13 of Wylie Creek Estates,
Phase 1

6. ✓ Stella Kitzmiller 38 Hardin Ln
Signature Stella Kitzmiller Address Bozeman, MT 59718
Printed Name City,State,Zip
12/1/17
Date

Legal Description of Property Lot 4 Hardin J-302

7. ✓ Veronica Shallcross-Wing 5795 Sypes Canyon Road
Signature Veronica Shallcross-Wing Address Bozeman, MT 59715
Printed Name City,State,Zip
12/01/2017
Date

Legal Description of Property Tract A1 of COS 1646

8. ✓ Lina M Altimus 3065 Buell Dr.
Signature Lina M Altimus Address Bozeman, MT 59718
Printed Name City,State,Zip
12/1/2017
Date

Legal Description of Property Lot 3 Block 1 Baxter Creek #2

9. ✓ Michelle DeLange 331 SHELTER GROVE CIRCLE
Signature MICHELLE DELANGE Address BOZEMAN MT 59718
Printed Name City,State,Zip
12/1/2017
Date

Legal Description of Property LOT 95 BLK 5
NORTHSTAR RESIDENTIAL PH 1 & 2

10. _____
Signature Address
Printed Name City,State,Zip
Date

Legal Description of Property _____

11. _____
Signature Address

Printed Name City,State,Zip

Date

Legal Description of Property

12. _____
Signature Address

Printed Name City,State,Zip

Date

Legal Description of Property

13. _____
Signature Address

Printed Name City,State,Zip

Date

Legal Description of Property

14. _____
Signature Address

Printed Name City,State,Zip

Date

Legal Description of Property

15. _____
Signature Address

Printed Name City,State,Zip

Date

Legal Description of Property

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. Melanie L. Danhof 8240 Mitchell-Dewitt Rd.
Signature Melanie L. Danhof Address Plain City OH 43064
Printed Name 4/3/2016 City, State, Zip
Date

Legal Description of Property Parcel A of COS 770 located in the Northeast one quarter of the Northwest one quarter of Section 28, Township 1 South, range 7 East M.P.M. Gallatin County

2. Scott Danhof 8240 Mitchell-Dewitt Rd.
Signature Scott Danhof Address Plain City, OH 43064
Printed Name 4/3/2016 City, State, Zip
Date

Legal Description of Property Same As #1 Above

3. _____
Signature _____ Address _____
Printed Name _____ City, State, Zip _____
Date _____

Legal Description of Property _____

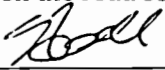
4. _____
Signature _____ Address _____
Printed Name _____ City, State, Zip _____
Date _____

Legal Description of Property _____

5. _____
Signature _____ Address _____
Printed Name _____ City, State, Zip _____
Date _____

Legal Description of Property _____

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.  Owner, Little B, LLC. 6100 Jackson Creek Road
Signature Neal Driscoll Address Bozeman, MT 59715
Printed Name 3/30/2017 City,State,Zip
Date
Legal Description of Property Tracts 3 and 4 of COS 2842, Section 28, T1S, R7E

2. _____
Signature _____ Address _____
Printed Name _____ City,State,Zip
Date _____
Legal Description of Property _____

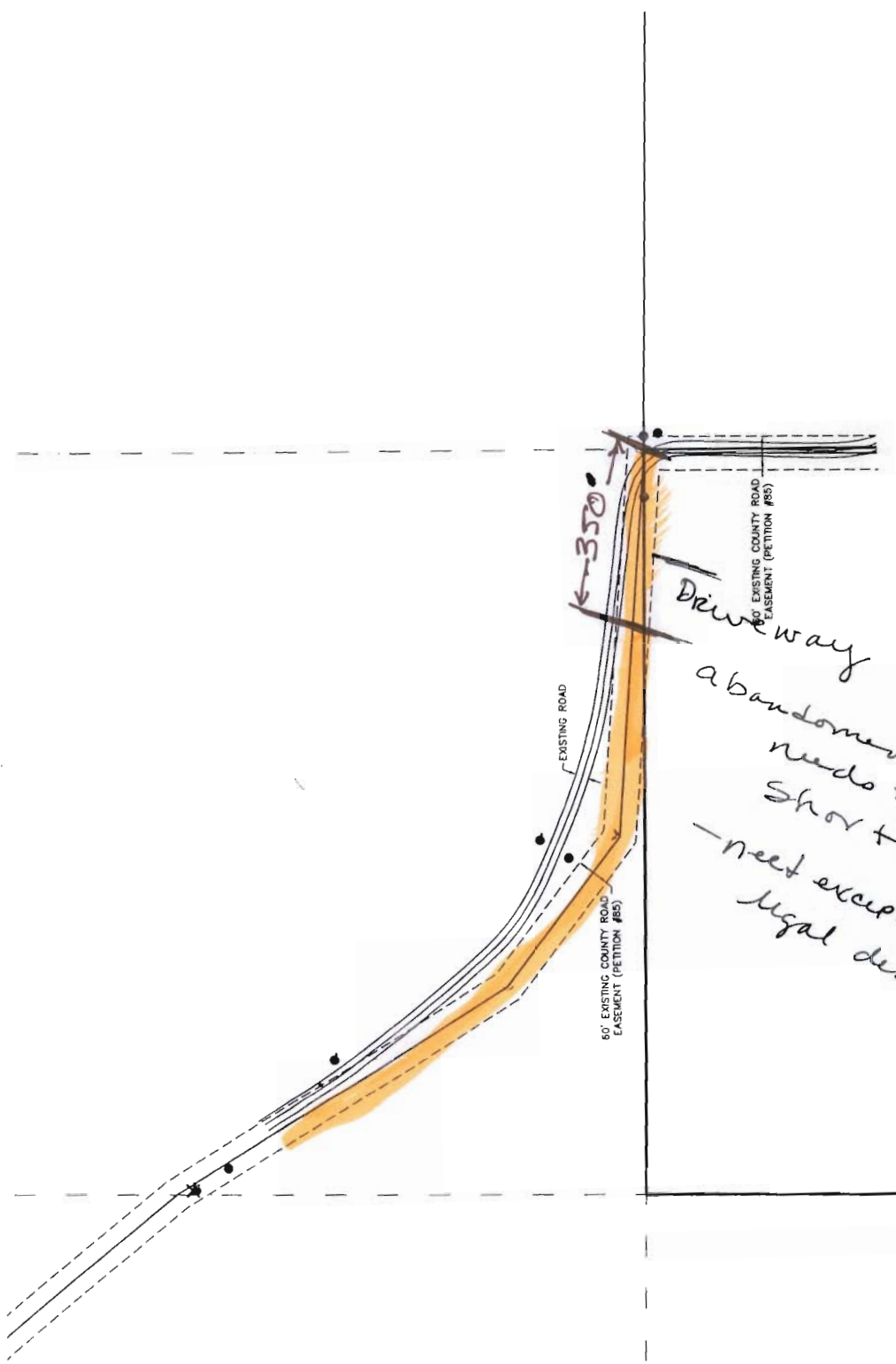
3. _____
Signature _____ Address _____
Printed Name _____ City,State,Zip
Date _____
Legal Description of Property _____

4. _____
Signature _____ Address _____
Printed Name _____ City,State,Zip
Date _____
Legal Description of Property _____

5. _____
Signature _____ Address _____
Printed Name _____ City,State,Zip
Date _____
Legal Description of Property _____

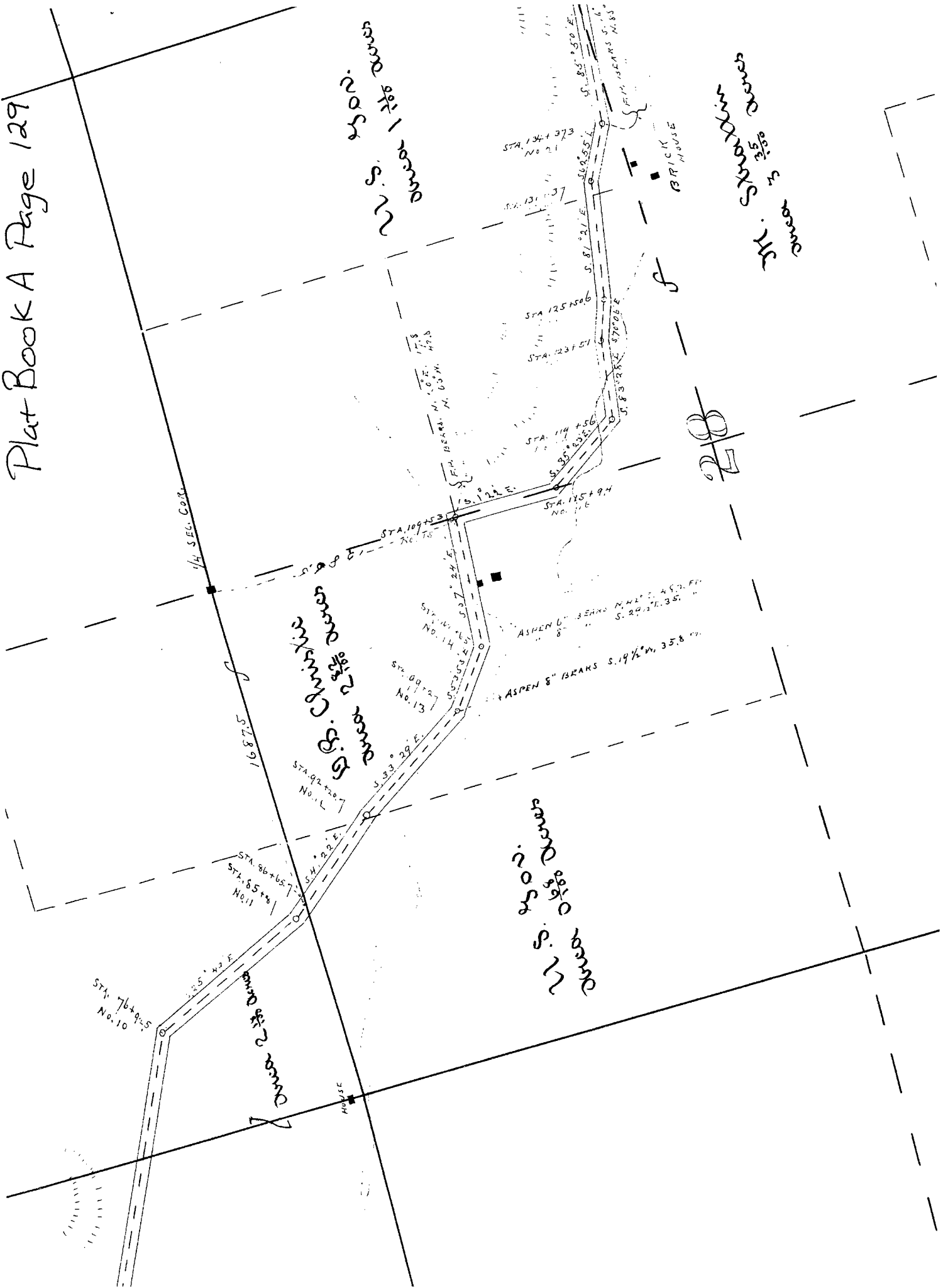
6. _____





Driveway
 abandonment
 needs to be
 shown
 - need exception in
 legal description

abandonment
 already
 executed



Handwritten note: *Duncan 2 St*

Handwritten note: *The Stationing*

Handwritten note: *Duncan 3 St*

Handwritten note: *2/8*

Handwritten note: *Duncan 2 St*

BRICK HOUSE

HOUSE

FM. BEARS. N. 65° W. 17.8

SPA. 119+5.6

SPA. 123+5.1

SPA. 125+5.6

STA. 134+2.73

STA. 131+3.7

STA. 109+5.3

STA. 125+9.4

STA. 85+8

STA. 92+20.7

STA. 76+9.5

STA. 99+2.7

STA. 109+5.3

STA. 123+5.1

STA. 125+5.6

STA. 131+3.7

STA. 134+2.73

ASPEN 6" BRAKS N. 45° W. 45.7

ASPEN 8" BRAKS S. 19 1/2° W. 35.8

ASPEN 8" BRAKS S. 20° 2' 38" W. 38.1

ASPEN 8" BRAKS S. 20° 2' 38" W. 38.1

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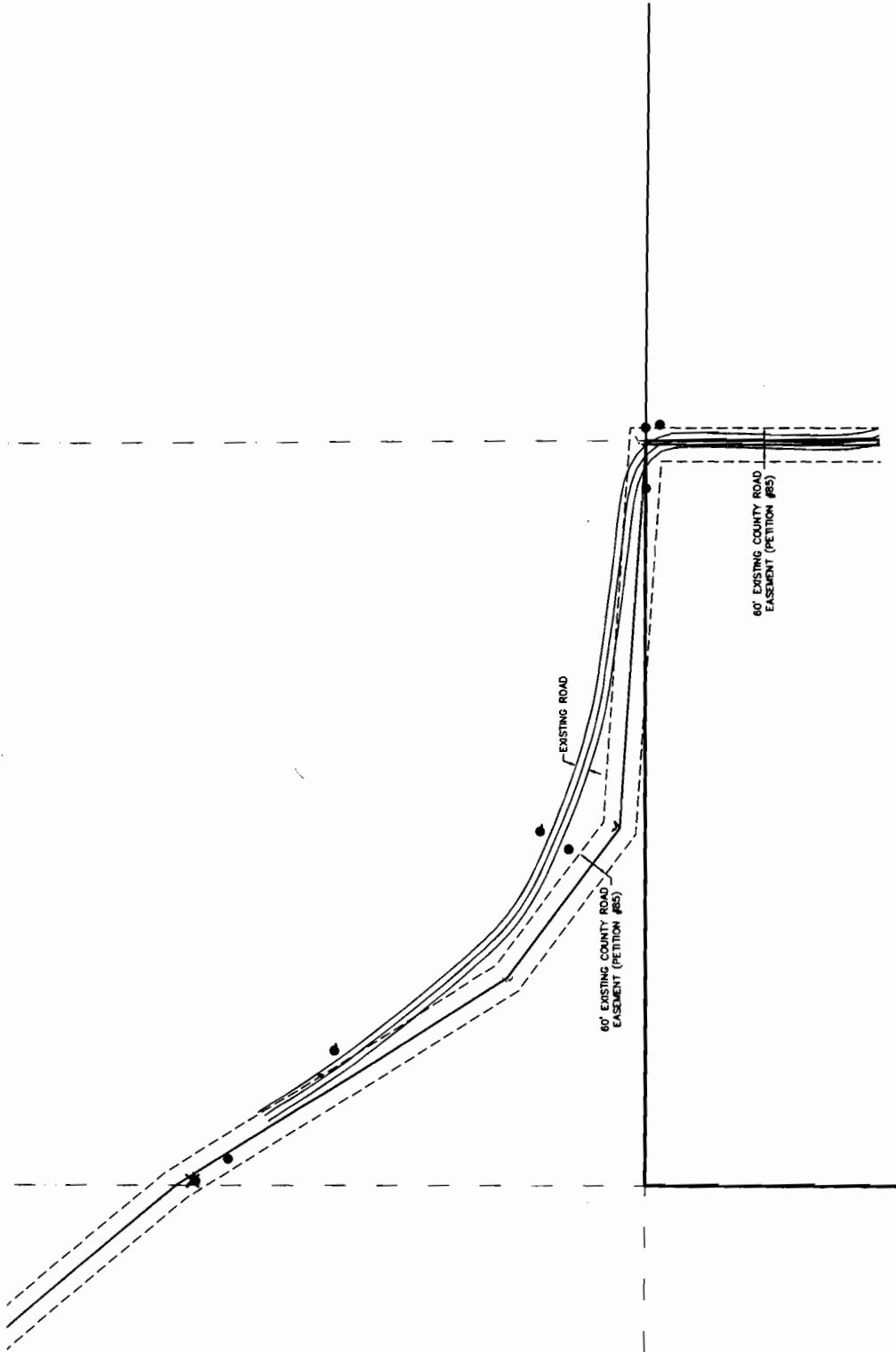
ASPEN 8" BRAKS S. 20° 2' 38" W. 38.1

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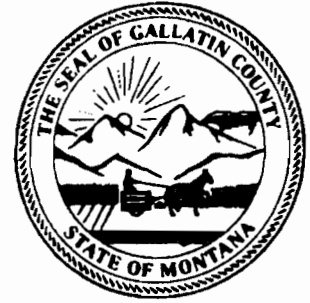
ASPEN 8" BRAKS S. 20° 2' 38" W. 38.1



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 1, 2018, at 9:00 A.M., in the Community Room, 311 W. Main, Bozeman, Montana. Public opinion shall be heard regarding a road petition to abandon that portion of Wytana Rd. described as All that part of Jackson Creek Road, originally known as Eberhart Road No. 85, located in the Northeast one quarter of the Northwest one quarter and the Northwest one quarter of the Northeast one quarter of Section 28, Township 1 South, Range 7 East M.P.M. Gallatin County Montana, excepting the east 350.00 feet of that road measured from the Center North Sixteenth Corner of Section 28.

At the hearing the County Commission will also be considering acceptance of a public easement for the actual location of the road to replace the portion to be abandoned.

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 29th day of March, 2018

Charlotte Mills

Charlotte Mills
Clerk and Recorder
Gallatin County, Montana

State of Montana

County of Gallatin

Bozeman



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At the hearing the County Commission will also be considering acceptance of a public easement for the actual location of the road to replace the portion to be abandoned.

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 29th day of March, 2018

Charlotte Mills

Charlotte Mills
Clerk and Recorder
Gallatin County, Montana

RESOLUTION NO. 2017- 122

A RESOLUTION MADE TO ASSIGN THE VIEWING COMMITTEE AND
PETITION NUMBER FOR A PETITION TO ABANDON A PORTION OF
JACKSON CREEK ROAD NO. 85, GALLATIN COUNTY, MONTANA

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

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on
December 1, 2017, to abandon a portion of Jackson Creek Road (hereinafter referred to
as the "Road"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated;

WHEREAS, the Road is described as all that part of Jackson Creek Road,
originally known as Eberhart Road No. 85, located in the Northeast one quarter of the
Northwest one quarter and the Northwest one quarter of the Northeast one quarter of
Section 28, Township 1 South, Range 7 East M.P.M. Gallatin County Montana.

WHEREAS, on December 4th, 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 all that
part of Jackson Creek Road, originally known as Eberhart Road No. 85, located
in the Northeast one quarter of the Northwest one quarter and the Northwest one
quarter of the Northeast one quarter of Section 28, Township 1 South, Range 7
East M.P.M. Gallatin County Montana.
2. The petition is assigned Road Petition Number 849.

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 12 day of December 2017.

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY



Donald F. Seifert, Chairman

ATTEST:

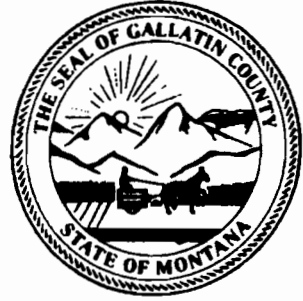


Charlotte Mills
Clerk and Recorder
Gallatin County

State of Montana

County of Gallatin

Bozeman



March 29, 2018

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

RE: Petition to abandon a portion of Jackson Creek Road

Legal Description: The Road is described as that part of Jackson Creek Road, originally known as Eberhart Road No. 85, located in the Northeast one quarter of the Northwest one quarter and the Northwest one quarter of the Northeast one quarter of Section 28, Township 1 South, Range 7 East M.P.M. Gallatin County Montana. according to the records in the office of the Gallatin County Clerk and Recorder.

Dear Board,

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

The petition to abandon the described portion of Jackson Creek Road was received on June 9, 2017, and was certified, by the Gallatin County Clerk and Recorder, on December 1, 2017. The petition states that the necessity for abandonment is that the current location of the physical road is located north and partially outside of the surveyed county road right-of-way in the Northeast one quarter of the Northwest one quarter of Section 28, Township 1 South, Range 7 East. It is the intent of the petitioners to abandon the existing county road right-of-way and to grant a new easement for the county road in the proper location using COS 2842 to correctly establish a public right-of-way for Jackson Creek Road.

The Board of Gallatin County Commissioners accepted the petition and assigned the viewing committee at a public meeting held on December 12, 2017. On Thursday, January 25, 2018, the undersigned met with Bill Brownell from the Gallatin County Road Department and Recording Supervisor Eric Semerad, to view the road petitioned for abandonment. The proposed portion of Jackson Creek Road to be abandoned is located starting southeasterly of the driveway for 6200 Jackson Creek Road and proceeds southeasterly lying south of the roadway as built to a point where the roadway makes a 90 degree turn to the south. There is a house and driveway located at 5815 Jackson Creek Road that would be landlocked if the full portion of the proposed abandonment were to be approved. Surveyor Ryan Dee from Allied Engineering recommends

that the abandonment stop 350 feet from the Center North Sixteenth corner of Section 28 to allow for this driveway to have legal access to the county road.

A new description for the abandonment would read as follows:

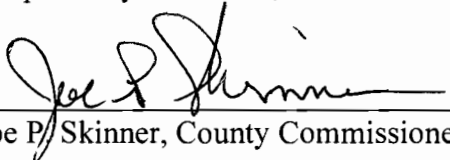
All that part of Jackson Creek Road, originally known as Eberhart Road No. 85, located in the Northeast one quarter of the Northwest one quarter and the Northwest one quarter of the Northeast one quarter of Section 28, Township 1 South, Range 7 East M.P.M. Gallatin County Montana, excepting the east 350.00 feet of that road measured from the Center North Sixteenth Corner of Section 28.

An easement for the actual location of the road has already been prepared and executed by the adjacent landowners Little B, LLC and Scott and Melanie Danhof. This easement uses the description of the road shown on Certificate of Survey 2842 which accurately shows the centerline of Jackson Creek Road. The County Commission should accept the easement by resolution to complete the process of relocating the legal right-of-way.

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

Accordingly, we recommend abandoning the described portion of Jackson Creek Road.

Respectfully submitted,

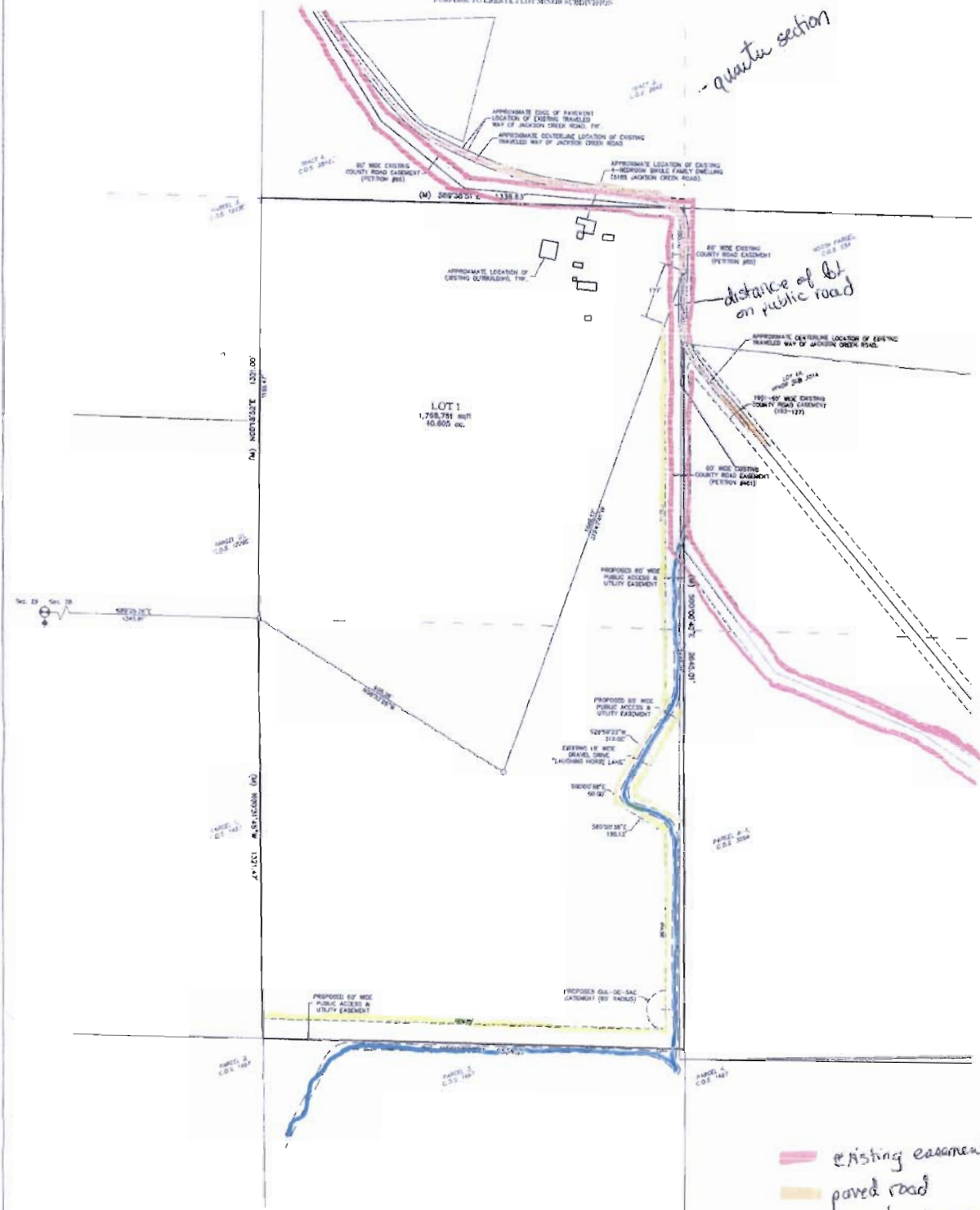


Joe P. Skinner, County Commissioner



Charlotte Mills, Clerk and
Recorder/Surveyor

PRE-APPLICATION SKETCH MAP OF
LUTHER MINOR SUBDIVISION No.
 BEING THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER & THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER
 OF SECTION 28, TOWNSHIP 1 SOUTH, RANGE 7 EAST, PRINCIPAL MERIDIAN MONTANA, GALLATIN COUNTY, MONTANA
 PURPOSE TO CREATE 10 LOTS



- LEGEND**
- PROPERTY LINE
 - LOT LINE
 - ADJOINING PROPERTY LINE
 - EASEMENT LINE
 - FENCE LINE
 - ROAD CENTERLINE
 - FOUND MONUMENT AS NOTED
 - SET BY NEARBY SURVEYS
 - FOUND SECTION CORNER
 - FOUND ONE-QUARTER CORNER
 - CENTER ONE-QUARTER CORNER
 - FOUND ONE-QUARTER CORNER
 - CONTROL POINT
 - BENCH MARK
 - YELLOW PLASTIC CAP
 - MEASURED
 - RECORDED

BASES OF BEARING
 BEARINGS SHOWN ARE MONTANA STATE PLANE GRID.
 DISTANCES ARE GROUND DISTANCES IN US
 INTERNATIONAL FEET.



- existing easement
- paved road
- laughing horse
- proposed easement

AREA TABLE:

AREA OF LOT 1	= 45,805 acres
AREA OF LOT 2	= 52,732 acres
TOTAL AREA	= 98,537 acres

NOTIFICATION NOTE
 A 1/4" BEAT WEST 7" ALUMINUM CAP WILL BE SET AT ALL LOT CORNERS FOR WHOLE PLOTS, A 3/4" BEAT WEST YELLOW PLASTIC CAP WILL BE SET AT ROAD FCV AND 7/8"

ZONING NOTE
 SEE WISCONSIN REGISTRATION AND GOVERNMENT LAWS OF ZONED AGRICULTURAL EXCLUSIVE (AE)

MONTGOMERY BRINK SURVEYOR OF FEES PHONE (406) 833-8841 FAX (406) 833-8770 www.montgomery.com	Civil Engineering Geotechnical Engineering Land Surveying	PROJECT NUMBER: 200807 DRAWN BY: JAY CHECKED BY: SAE DATE: 04/25/08	SHEET 2 OF 2 PROJECT No. 20-08-004 Planning Phase
----------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------	------------------------------------------------------------------------------	-------------------------------------------------------------------

WHEREAS, in the viewers' report dated March 29, 2018, the viewing committee reported: "The proposed portion of Jackson Creek Road to be abandoned is located starting southeasterly of the driveway for 6200 Jackson Creek Road and proceeds southeasterly lying south of the roadway as built to a point where the roadway makes a 90 degree turn to the south. There is a house and driveway located at 5815 Jackson Creek Road that would be landlocked if the full portion of the proposed abandonment were to be approved. Surveyor Ryan Dee from Allied Engineering recommends that the abandonment stop 350 feet from the Center North Sixteenth corner of Section 28 to allow for this driveway to have legal access to the county road.";

WHEREAS, the viewing committee recommended a new description for the abandonment that reads as follows: All that part of Jackson Creek Road, originally known as Eberhart Road No. 85, located in the Northeast one quarter of the Northwest one quarter and the Northwest one quarter of the Northeast one quarter of Section 28, Township 1 South, Range 7 East M.P.M. Gallatin County Montana, excepting the east 350.00 feet of that road measured from the Center North Sixteenth Corner of Section 28.

WHEREAS, The viewing committee reported that "An easement for the actual location of the road has already been prepared and executed by the adjacent landowners Little B, LLC and Scott and Melanie Danhof. This easement uses the description of the road shown on Certificate of Survey 2842 which accurately shows the centerline of Jackson Creek Road. The County Commission should accept the easement by resolution to complete the process of relocating the legal right-of-way";

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

WHEREAS, on March 30, 2018 notices were posted in four (4) public places including a notice adjacent to the portion of Jackson Creek Road to be abandoned at either end of the proposed abandonment; 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 1, 2018, was published in the Bozeman Daily Chronicle on April 8, 2018 and April 22, 2018; and mailed to petitioners and all landowners adjacent to the Road along with a viewers' report on April 3 2018;

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

WHEREAS, on May 1, 2018, the Gallatin County Commissioners conducted a public hearing, after notice, on the Petition and the results of the investigation; and

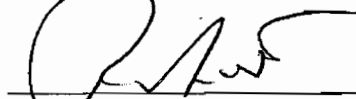
WHEREAS, on May 1, 2018, the Gallatin County Commissioners found that granting the Petition to abandon the Road can be made without detriment to the public interest.

NOW THEREFORE BE IT RESOLVED:

1. All that part of Jackson Creek Road, originally known as Eberhart Road No. 85, located in the Northeast one quarter of the Northwest one quarter and the Northwest one quarter of the Northeast one quarter of Section 28, Township 1 South, Range 7 East M.P.M. Gallatin County Montana, excepting the east 350.00 feet of that road measured from the Center North Sixteenth Corner of Section 28. according to the official plat thereof on file and of record in the office of the Gallatin County Clerk and Recorder is hereby abandoned.
2. The Commission hereby requests the Clerk and Recorder, within ten (10) days from the date of passage of this Resolution, to send a copy by certified mail to all owners of land abutting on the abandoned street. The owners shall be those listed on the last county assessment roll.
3. The Clerk and Recorder shall notify the county road supervisor by furnishing a certified copy of this Resolution to the supervisor.

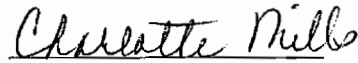
DATED this 1st day of May, 2018.

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY



R. Stephen White
Chairman

ATTEST:


Charlotte Mills
Clerk and Recorder
Gallatin County

2612512

Page: 1 of 3 05/01/2018 10:37:29 AM Fee \$0.00
Charlotte Mills - Gallatin County, MT MISC



**PUBLIC ROAD RIGHT OF WAY EASEMENT
JACKSON CREEK ROAD
SECTION 28, TOWNSHIP 1 SOUTH, RANGE 7 EAST**

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, LITTLE B, LLC, the owner of the legal and equitable title to the following described real estate:

Tracts 3 and 4 of COS 2842 located in the Northeast one quarter of the Northwest one quarter and the Northwest one quarter of the Northeast one quarter of Section 28, Township 1 South, Range 7 East M.P.M. Gallatin County Montana

and

SCOTT N. DANHOF and MELANIE L. DANHOF, joint owners, who are owners of the legal and equitable title to the following described real estate:

Parcel A of COS 770 Located in the Northeast one quarter of the Northwest one quarter of Section 28, Township 1 South, Range 7 East M.P.M. Gallatin County Montana.

(collectively "Grantors")

for and in consideration of the sum of Ten Dollars, cash in hand, paid by GALLATIN COUNTY, MONTANA ("Grantee") and other good and valuable consideration, receipt of which are hereby acknowledged, does hereby bargain, sell, grant, release and convey unto the said Grantee, an easement, through, over, under, and across the following described real property, situated in Gallatin County, Montana to wit:

30 feet on either side of what is described as the center line of Jackson Creek Road as Field Located on August 27, 2013 shown on Detail A of Certificate of Survey 2842 located in the S ½ of Section 21 and the N1/2 of Section 28, Township 1 South, Range 7 East of P.M.M. Gallatin County, Montana, as recorded in the office of the Gallatin County Clerk & Recorder, Bozeman, Montana

for a sixty-foot public road right of way easement for the purpose of travel of the public; together with all necessary and convenient appurtenances thereto but such grant is for only such rights as are necessary for construction, repair, operation and maintenance of a dedicated county road. This instrument grants right-of-way to the Grantee pursuant to Section 7-14-2107, Montana Code Annotated.

That said right-of-way easement is hereby granted for construction, repair, maintenance and operation of a common, public highway or county road of that portion described herein known as Jackson Creek Road, without any reservation or exceptions whatsoever by the Grantors with

respect to the construction, repair or maintenance, operation or control or otherwise of the full width of said right-of-way or of any road which may be constructed upon the right-of-way. By this Grant to the Grantee, the Grantor does also hereby dedicate said right-of-way to the general public for all road and highway purposes provided for in the laws of the State of Montana, including the right of use for surface and subsurface utilities, provided if, at any time hereafter, the use of said right-of-way shall be abandoned by the properly constituted authorities in such matters for all purposes as a public road, as provided by statute, then said easement covered by said right-of-way shall revert to Grantors, their successors or assigns except for that right granted for utilities.

This grant of easement shall be perpetual, shall run with the land and shall inure to the benefit of and bind the heirs, assigns and successors of the parties hereto.

TO HAVE AND TO HOLD such easement and right of way unto Grantee, its successors or assigns, forever.

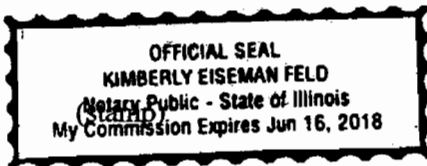
IN WITNESS WHEREOF, the parties have caused this instrument to be executed this 22 day of March 2017

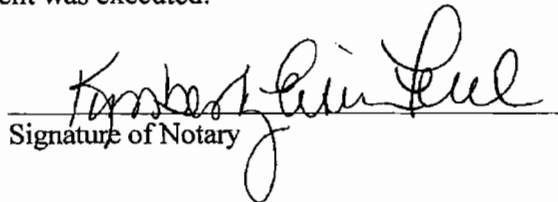
LITTLE B, LLC


Grantor

STATE OF Illinois)
County of Cook) : ss.

On this 22 day of March, 2017, this instrument was acknowledged before me by Nat Driscoll as the owner of Little B, LLC on behalf of whom this instrument was executed.




Signature of Notary

Semerad, Eric

From: Alia Driscoll [alia.driscoll@gmail.com]
Sent: Tuesday, December 08, 2015 8:16 AM
To: Semerad, Eric
Subject: Re: Jackson Creek Road/Allied Engineering

I'll give you a call today. We definitely want to get a better understanding for what's happening.

On Mon, Dec 7, 2015 at 4:28 PM, Semerad, Eric <Eric.Semerad@gallatin.mt.gov> wrote:

Hi Alia,

I'm checking in with you again regarding this issue. I am available to discuss this process with you and/or your husband. There is some required paperwork that is necessary that you will need to sign and some documents that need to be prepared. The county is able to do much of this for you as it will benefit the county as well. There will be some survey costs to prepare an exhibit for the abandonment petition and resolution that the county is willing pick up as well.

Please give me a call about this process when you have a chance,

Thanks

Eric

From: Alia Driscoll [mailto:alia.driscoll@gmail.com]
Sent: Monday, November 16, 2015 8:17 AM
To: Semerad, Eric; Neal Driscoll
Subject: Re: Jackson Creek Road/Allied Engineering

Eric,

My husband and I want to make sure that we have everything straight here. Could you be of assistance in our petition regarding Tract 4? Thank you for your time and efforts, Alia and Neal Driscoll

On Thu, Sep 10, 2015 at 1:49 PM, Semerad, Eric <Eric.Semerad@gallatin.mt.gov> wrote:

Hello Alia,

The letter is in regards to Jackson Creek road as it exists as it goes through your property, tracts 3 and 4 of COS 2842. The road is actually built outside of the legally established right of way. The road is shown in orange on the attached image while the county right of way is in pink. Your survey, COS 2842, improperly shows the location of the county road

right of way being centered on the existing roadbed but it actually is located south of that road. This was uncovered by the surveyors with Allied Engineering while working on the Luther Minor Subdivision to the south of you. That subdivision is just splitting their lot into two lots as you can see on the attached proposed plat.

The county would like to remedy the right of way situation and obtain an easement from you centered on the existing road so that it does match your survey. The road as surveyed on COS 2842 can even be used as the legal description on the document. As the road is the boundary between tracts 3 and 4 this would be beneficial to you since the current county road right of way now bisects Tract 4. Along with your execution of an easement to the county for the right of way as shown on your survey, I can assist you in preparing the petition document that will abandon the Right of way that that lies in Tract 4. We can time the processes to coincide so that it all occurs simultaneously.

Please call or email me if you have further questions.

Eric Semerad
Recording Supervisor
Gallatin County, Montana
311 West Main, Room 203
Bozeman, MT 59715
(406)582-3050
eric.semerad@gallatin.mt.gov

From: Alia Driscoll [mailto:alia.driscoll@gmail.com]
Sent: Thursday, September 10, 2015 10:17 AM
To: Semerad, Eric
Cc: Neal Driscoll
Subject: Jackson Creek Road/Allied Engineering

Good morning Eric. My husband Neal and I own property on Jackson creek road and received a rather vague letter from Allied Engineering regarding realignment. We are totally unclear as to what the intention of this letter is and would love some clarification. Obviously, we think the road is in wonderful shape and don't see any need for a change, we think that is implied in the letter? Also, we are wondering where the proposed subdivision would be that is referred to in the letter. Thank you in advance for a quick and informative reply.

Alia and Neal Driscoll

alia.driscoll@gmail.com

(406) 498-0135

Semerad, Eric

From: Semerad, Eric
Sent: Friday, March 11, 2016 5:08 PM
To: 'Alia Driscoll'; 'danhofsn@battelle.org'
Subject: Jackson Creek Road petition and easement
Attachments: Little B and Danhaf Road Easement.pdf; JACKSON CR ROAD ABANDONMENT PETITION 2016.pdf; 2842.TIF

Hello Alia and Scott,

Here are the final easement document to the county and the petition to abandon the old right of way. They can both be executed by you in parts, meaning that you can just execute each document independently of each other and we will put them together when you mail them back to us. Please print out both documents and follow the instructions below.

The easement needs to be signed by one of the members of Little B, LLC in their capacity for that company and by both Scott and Melanie as individuals. The signatures on the easement must also be notarized as it will eventually be recorded in the land records in my office after the Gallatin County Commission has approved the abandonment and accept the easement for use by the public. The road petition also needs to be similarly signed by a rep from Little B, LLC and Scott and Melanie on page 4 of the petition. The petition signatures do not need to be notarized. Please then mail both completed documents to me at the address below.

When we have received all the documents from you I will combine them along with our copy of the petition that will have an additional 7 signatures to fulfill the statutory requirement of 10 necessary to abandon a county road. I will then place the road abandonment petition on the agenda for the Commission to assign a viewing committee. The viewing committee then views the road and makes a recommendation to the County Commission about the abandonment in a report. I then schedule a second hearing and mail notices to you of when that will be. The Commission then considers the petition and the easement at that hearing and if approved the documents are then recorded and the process is complete. You will get a final notice that the road was abandoned after all is done. There is no need to come the hearing unless you really want to. The county is driving this process so there should be very little question of it passing.

I appreciate your patience and participation in this long drawn out process,

Thank you

Eric

Eric Semerad
Recording Supervisor
Gallatin County, Montana
311 West Main, Room 203
Bozeman, MT 59715
(406)582-3050
eric.semerad@gallatin.mt.gov

Semerad, Eric

From: Alia Driscoll [alia.driscoll@gmail.com]
Sent: Friday, March 11, 2016 11:24 AM
To: Semerad, Eric
Subject: Re: Jackson Creek Road right-of-way easement and abandonment

Awesome! Thank you!

On Friday, March 11, 2016, Semerad, Eric <Eric.Semerad@gallatin.mt.gov> wrote:

I spoke with the County Attorney's office and they said that all you need to do is sign the petition and we will get the rest of the necessary signatures. They are also updating the easement document and I will have the final document to you soon.

Thanks for your quick response.

Eric

From: Alia Driscoll [mailto:alia.driscoll@gmail.com]
Sent: Friday, March 11, 2016 9:36 AM
To: Semerad, Eric
Subject: Re: Jackson Creek Road right-of-way easement and abandonment

I would think since we weren't the ones who messed up the road placement and existing easement there would be some wiggle room. ;)

On Fri, Mar 11, 2016 at 9:33 AM, Semerad, Eric <Eric.Semerad@gallatin.mt.gov> wrote:

That is the requirement according to state law. I will check to see if I can help out with it.

From: Alia Driscoll [mailto:alia.driscoll@gmail.com]
Sent: Friday, March 11, 2016 9:32 AM

To: Semerad, Eric
Subject: Re: Jackson Creek Road right-of-way easement and abandonment

Eric,

I'm not sure why I have to petition 10 people for this? Can you facilitate this for me?

On Fri, Mar 11, 2016 at 9:24 AM, Semerad, Eric <Eric.Semerad@gallatin.mt.gov> wrote:

Hello again Alia,

I am checking in to get your assent to this process so that I can send you the final documents for you to sign. Please call or respond to this email and I will send the final documents to you.

I am happy to address any concerns you have about it.

Thanks and have a nice weekend.

Eric

From: Semerad, Eric
Sent: Friday, March 04, 2016 3:06 PM
To: 'Alia Driscoll'

Subject: RE: Jackson Creek Road right-of-way easement and abandonment

Alia,

Certainly, I just wanted to see if you guys were ready to proceed with this. There would need to be at least 10 signatures on the petition of owners of land in rural Gallatin County including yours or Neal's as a member of Little B LLC. When you are ready to execute the easement we will get a final draft to you for you to sign. There are some edits that need to be made to the document at this time. I will also be sending the same information to the Danhofs as well. If you do want to proceed then I will get the final easement to you. The timing of the passage of the petition would be done at the same time as the acceptance of the easement. You can start the process of circulating the petition at any time. Just be sure that each part of the signature section at the end of the petition are filled in by those who sign and when you sign as a member of Little B LLC that you state the name of the entity as well as the representative capacity that you are signing under (member, president, officer).

Again, Please let me know if you have any questions about it.

Eric

From: Alia Driscoll [<mailto:alia.driscoll@gmail.com>]
Sent: Friday, March 04, 2016 1:46 PM
To: Semerad, Eric
Subject: Re: Jackson Creek Road right-of-way easement and abandonment

Eric,

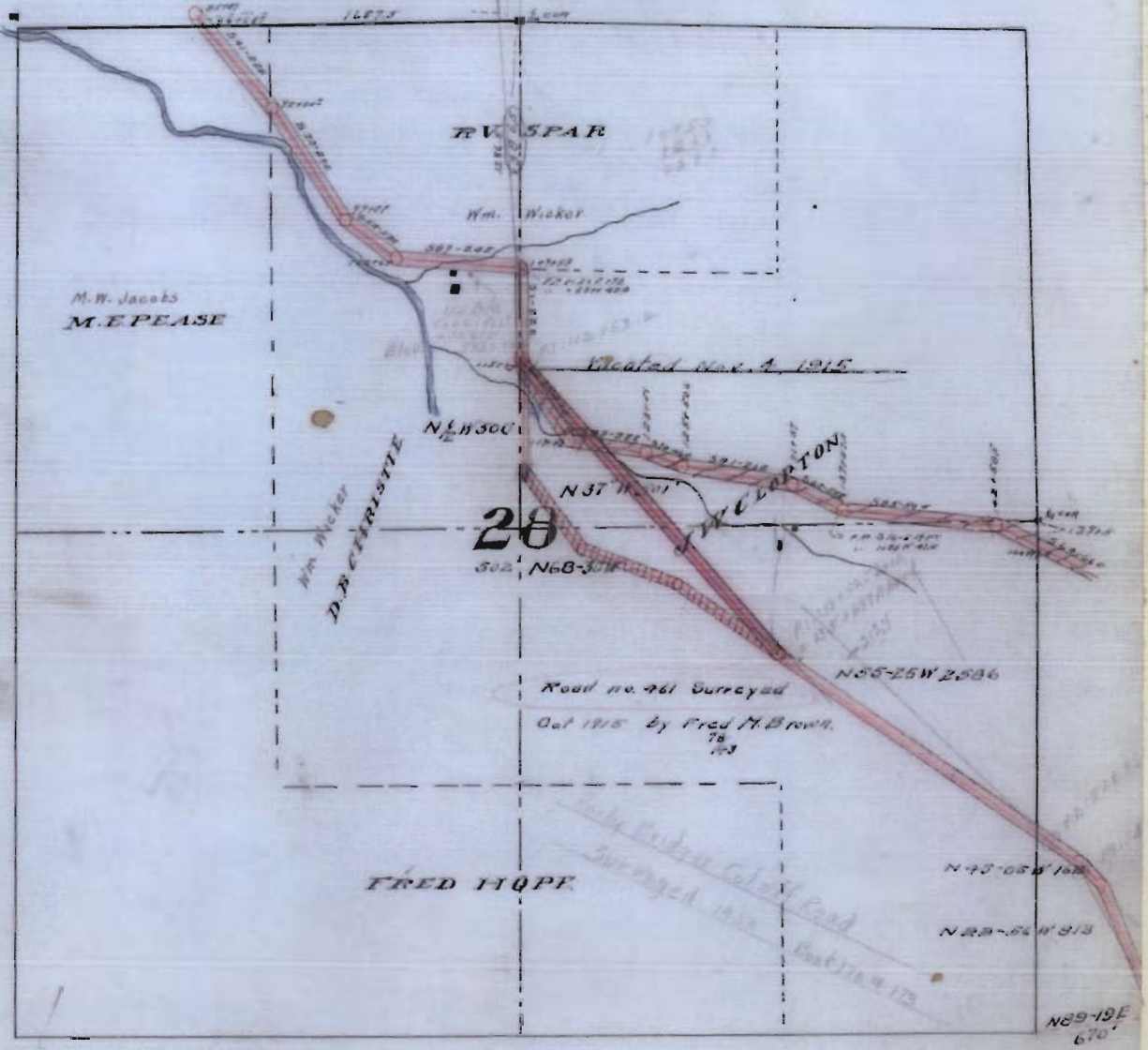
The week just got away from me. I get terrible cell service at my house. Would email work as well as a phone call? Alia

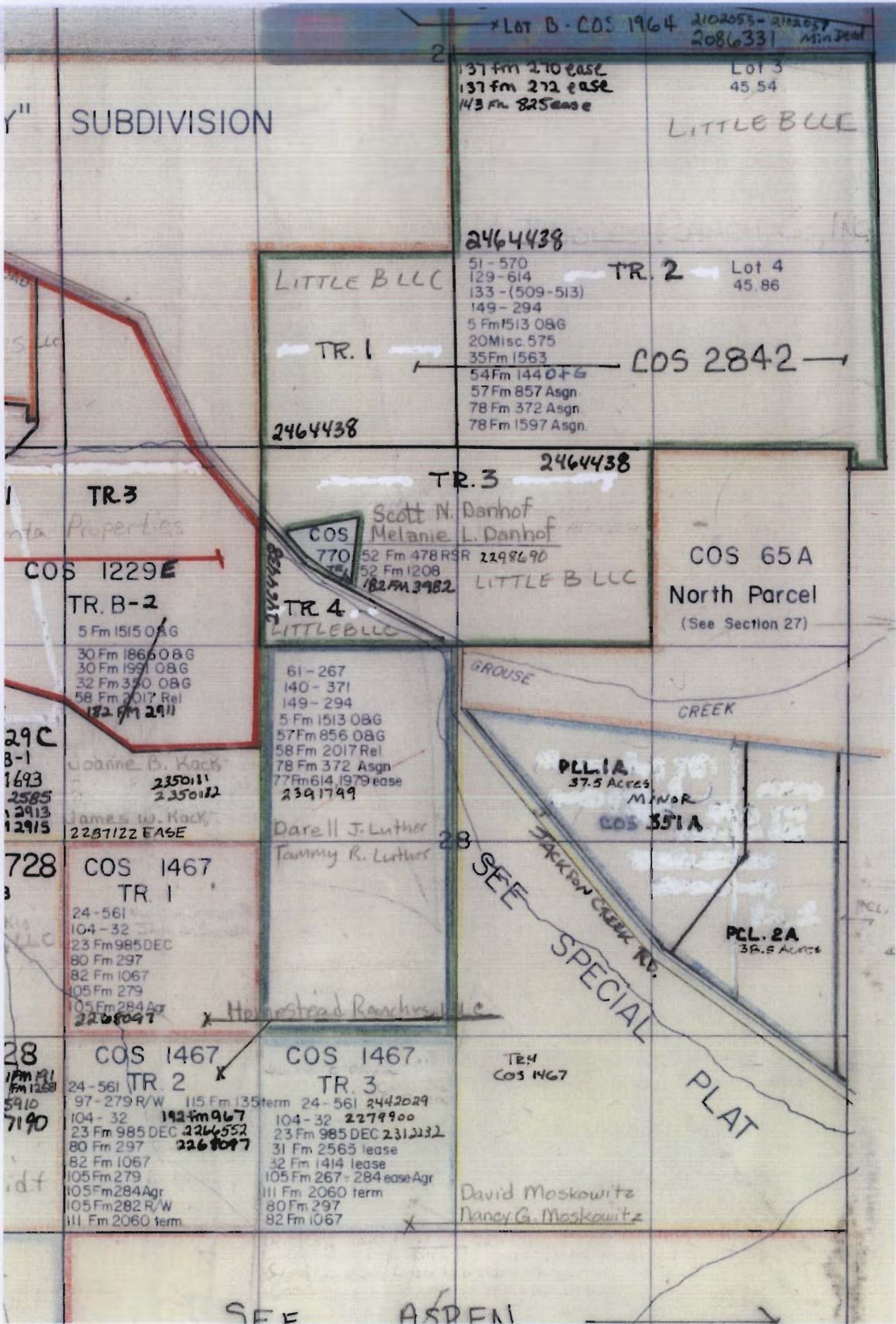
On Fri, Feb 26, 2016 at 8:51 AM, Semerad, Eric <Eric.Semerad@gallatin.mt.gov> wrote:

Hi Alia,

I just left you a message on your phone regarding your property up on Jackson Creek Road. Here is a draft of the easement and the road abandonment petition that we discussed last year. By submitting this petition and granting the easement you will be able to get the county road right-of-way out of the middle of tract 4 of COS 2842 and move it to the boundary of tracts 3 and 4 of COS 2842 as it is shown on the survey. Please give me a call about this process so I can explain it to you and answer any questions that you may have.

Eric Semerad
Recording Supervisor
Gallatin County, Montana
311 West Main, Room 203
Bozeman, MT 59715
(406)582-3050
eric.semerad@gallatin.mt.gov





LOT B - COS 1964 2102055-2102057 2086331 Min Deal

137 Fm 210 EASE
137 Fm 272 EASE
143 Fm 825 EASE

Lot 3
45.54

LITTLE BLUE

Y'' SUBDIVISION

2464438

LITTLE B LLC

TR. 2

Lot 4
45.86

TR. 1

COS 2842

51-570
129-614
133-(509-513)
149-294
5 Fm 1513 O&G
20 Misc 575
35 Fm 1563
54 Fm 144 O+G
57 Fm 857 Asgn
78 Fm 372 Asgn
78 Fm 1597 Asgn

2464438

2464438

TR. 3

Scott N. Danhof
Melanie L. Danhof

COS 65A

North Parcel
(See Section 27)

COS 1229E

TR. B-2

TR. 4
LITTLE B LLC

61-267
140-371
149-294
5 Fm 1513 O&G
57 Fm 856 O&G
58 Fm 2017 Rel
78 Fm 372 Asgn
77 Fm 614, 1979 EASE
2391749

GROUSE

CREEK

29C
B-1
1693
2585
2913
12915

Joanne B. Kack
235011
2350182
James W. Kack
2287122 EASE

Darell J. Luther
Tammy R. Luther

PLL 1A
37.5 Acres
MINOR
COS 351A

728

COS 1467
TR. 1

24-561
104-32
23 Fm 985 DEC
80 Fm 297
82 Fm 1067
105 Fm 279
105 Fm 284 Agr
2268097

JACKSON CREEK RD.
SEE SPECIAL PLAT

PCL. 2A
39.5 ACRES

28

COS 1467
TR. 2

COS 1467
TR. 3

TR. 4
COS 1467

24-561 97-279 R/W 115 Fm 135 term 24-561 2442029
104-32 1924m967 104-32 2279900
23 Fm 985 DEC 2266552 23 Fm 985 DEC 2312222
80 Fm 297 2268097 31 Fm 2565 lease
82 Fm 1067 32 Fm 1414 lease
105 Fm 279 105 Fm 267-284 EASE Agr
105 Fm 284 Agr 111 Fm 2060 term
105 Fm 282 R/W 80 Fm 297
111 Fm 2060 term 82 Fm 1067

David Moskowitz
Nancy G. Moskowitz

SEE ASPEN