

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 Alanah Griffith PHONE 624-3585

- 1) Determine if petition has sufficient information for processing. (Copy to County Attorney.) It should address all the pertinent information listed in:
  - a) The form of the petition
  - b) Section 7-14-2602
  - c) Identify owners abutting the road to be abandoned (7-14-2604)
  - d) Owners of private land to which the road gives access (7-14-2615(4))
- 2) Determine if there are sufficient qualified signatures as per 7-14-2601.
- 3) Complete "Report of Qualified Signatures".
- 4) Schedule the first hearing on the petition on Commissioner's agenda. DATE: 3/27/18
  - a) Prepare draft resolution appointing viewing committee and assigning Petition # 850
  - 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. View 4/19/18
- 7) Viewing committee (7-14-2603) completes road report and report is received. DATE: 10/1/18
- 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 11/27/18
- 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 11/4 - 11/18 lockout 11/15 - 11/22
- 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. - served
- 20) Scan petition file and file away in basement drawer for road petitions.

N/A -

RECEIVED

AUG 15 2017

Clerk & Recorder  
Gallatin County, Mont.

**PETITION TO ABANDON COUNTY ROAD**

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

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

1. The road or portion of the road to be abandoned: Stream Side Way and Greathorn Road, Big Sky, MT

2. The general route of the road or portion of road to be abandoned is described as follows (please include a map(s) that shows the location of the road or portion of the road to be abandoned and shows all property within a 1 mile radius):

Starting from the Greathorn Subdivision Monument arch on Lot 2, Minor Sub 446, Section 11, T7S, R3E  
and then the following property owner's properties as shown on the map. The Stream Side Way public road becomes a private Road as it enters  
the Stream Side MT, LLC Property. The Greathorn Road becomes a private road as it enters the Stream Side Property. Therefore,  
the parties are requesting that the public portions of both roads between the monument arch and the Stream Side property  
be abandoned.

3. The lands and owners affected by the abandonment (include names and addresses of property owners which abut the road or portion of the road to be abandoned or owners of private land to which the road gives access): (do not sign in this section)

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

**MAILING ADDRESS**

1. William and Cynthia Kunkel

312 Elm St., #49

New Canaan, CT 06840

Legal Description of Property Lot 2 and Open Space 2a, Minor Sub 446, Section 11, T7S, R3E, Gallatin Co. MT

2. Sanford and Kathleen Kunkel

10703 Torrey Pines Circle

Camel, IN 46032

Legal Description of Property Lot 4A and 4a, Minor Sub 446A, Section 11, T7S, R3E together with Open Space,  
4A, 4B-1, 4C & 4D (4A, 4C and 4D shown in MS 466) Gallatin Co., MT

3. Stream Side MT, LLC

c/o Janet Jacobs 119 W. Main St.

Fayette, MO 65248

Legal Description of Property Parcel 1, COS 2409, Section 11, T7S, R3E, Gallatin Co, MT

4. Gerard and Kerry McMahon

P.O. Box 319

Big Sky, MT 59716

Legal Description of Property Minor Sub 430, Section 11, T7S, R3E Lot 1 & Open Space Parcel A, Gallatin Co. MT

5. TS Four, LLC

6785 S. Eastern Ave. Ste. 6

Las Vegas, NV 89119

Legal Description of Property Minor Sub 430A, Section 11, T7S, R3E Lot 2 & Open Space Parcel B, Gallatin Co. MT

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

**MAILING ADDRESS**

6. David Vap and Margaret Burns Rev. Trust

1258 Dooney Way  
Bozeman, MT 59718

Legal Description of Property Minor Sub 430A, Section 11, T7S, R3E Lot 3 & Open Space Parcel C, Gallatin Co. MT

7. Jason and Karen Mittelstaedt

P.O. Box 160647  
Big Sky, MT 59716

Legal Description of Property Minor Sub 430A, Section 11, T7S, R3E Lot 4 & Open Space Parcels D and F  
Gallatin Co., MT

8. Great Point, LLC

P.O. Box 4995  
Jackson Hole, WY 83001

Legal Description of Property Minor Sub 430, Section 11, T7S, R3E Lot 5 & Open Space Parcel E, Gallatin Co. MT

9. Landmark Properties, LLC  
c/o Brian MacDonald

54 Cathlow Dr.  
Riverside, CT 06878

Legal Description of Property Parcel 3, COS 2409, Section 11, T7S, R3E, Gallatin Co, MT

10. \_\_\_\_\_

\_\_\_\_\_

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

11. \_\_\_\_\_

\_\_\_\_\_

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

12. \_\_\_\_\_

\_\_\_\_\_

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

13. \_\_\_\_\_

\_\_\_\_\_

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

14. \_\_\_\_\_

\_\_\_\_\_

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

15. \_\_\_\_\_  
\_\_\_\_\_

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

4. Do all the landowners who abut the road to be abandoned or owners of private land to which the road gives access listed in Section 3 above consent to the abandonment? Yes. If no, list those landowners and their reasons for not consenting:

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

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

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

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

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

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

No.

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

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

Yes, but only for the people who have consented.

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

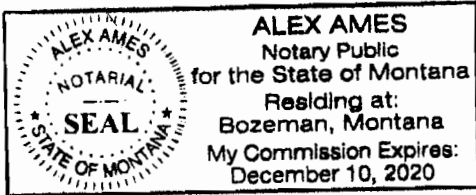
State of Montana  
County of Gallatin

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

*Alan Griffith*  
(Signature of petitioner.)

Signed and sworn to (or affirmed) before me on 07/31/2017  
by Alan Griffith.

(Seal, if any)



*Alex Ames*  
Signature of notarial officer

Name - typed, stamped, or printed

Title (and Rank)

Residing at

My commission expires: \_\_\_\_\_

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. William & Cynthia Kunkel \* 312 Elm St., #49  
Signature \_\_\_\_\_ Address \_\_\_\_\_  
William and Cynthia Kunkel New Canaan, CT 06840  
Printed Name \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
7/31/2017  
Date \_\_\_\_\_

Legal Description of Property Lot 2 and Open Space 2a, Minor Sub 446,  
Section 11, T7S, R3E, Gallatin Co. MT

2. Sanford & Kathleen Kunkel 10703 Torrey Pines Circle  
Signature \_\_\_\_\_ Address \_\_\_\_\_  
Sanford and Kathleen Kunkel Carmel, IN 46032  
Printed Name \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
7/31/2017  
Date \_\_\_\_\_

Legal Description of Property Lot 4A and 4a, Minor Sub 446A, section 11, T7S, R3E together with open space, 4A,  
4B-1, 4C & 4D (4A, 4C and 4D shown in MS 466) Gallatin Co. MT

3. C. F. Y. 300 S. Northwest Hwy. Ste. 209  
Signature \_\_\_\_\_ Address \_\_\_\_\_  
Christopher F. Yannella, Stream Park Ridge, IL 60068  
Printed Name \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
5/12/2017  
Date \_\_\_\_\_ L Sole Member

Legal Description of Property Parcel 1, COS 2409, Section 11, T7S, R3E,  
Gallatin Co, MT

4. Gerard & Kerry McMahon PO Box 319  
Signature \_\_\_\_\_ Address \_\_\_\_\_  
Gerard and Kerry McMahon Big Sky, MT 59716  
Printed Name \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
7/31/2017  
Date \_\_\_\_\_

Legal Description of Property Minor Sub 430, section 11, T7S, R3E Lot 1 &  
Open Space Parcel A, Gallatin Co. MT

5. Steve Taylor 6785 S. Eastern Ave. Ste. 6  
Signature \_\_\_\_\_ Address \_\_\_\_\_  
FS Four LLC : Steve Taylor Las Vegas, NV 89119  
Printed Name \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
7/31/2017  
Date \_\_\_\_\_ Managing Member

Legal Description of Property Minor Sub 430 A, Section 11, T7S, R3E Lot 2  
& open space parcel B, Gallatin Co MT

6. Paul Vap 1258 Dooney Way

\* signed w/ permission. All original signatures were  
misplaced after submission with no...

Signature *David Vap* *Trustee of the David Vap Revocable Trust*  
Printed Name David Vap Address Bozeman, MT 59718  
Date 7/31/2017 City, State, Zip

Legal Description of Property Minor Sub 430 A, Section 11, T7S, R3E Lot 3  
Open Space Parcel C, Gallatin Co. MT

7. *Jason Mitchell* P.O. Box 160647  
Signature Jason and Karen Mitchell Address Big Sky, MT 59716  
Printed Name Jason Mitchell City, State, Zip  
Date 7/31/2017

Legal Description of Property Minor Sub 430 A, Section 11, T7S, R3E Lot 4  
Open Space parcels D and F Gallatin Co., MT

8. *Sam LaPoint* PO Box 4995  
Signature Great Point, LLC Address Jackson Hole, WY 83001  
Printed Name Samantha LaPoint RA and Managing Member City, State, Zip  
Date

Legal Description of Property Minor Sub 430, Section 11, T7S, R3E Lots  
Open Space Parcel E Gallatin Co. MT

9. *Brian McDonald* Managing Member  
Signature Landmark Properties LLC c/o Brian McDonald Address 54 Southlow Dr. Riverside, CT 06878  
Printed Name Brian McDonald City, State, Zip  
Date

Legal Description of Property Parcel 3, Cos 2409, Section 11, T7S, R3E,  
Gallatin Co MT

10. *David Smith* of behalf of John Moffet  
Signature Cold Smokey Partners, LLC Address Managing Member  
Printed Name David Smith City, State, Zip  
Date

Legal Description of Property Lot 3A of minor 446A and  
lot OS 2B-1 of minor 446A

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



There are a number of reasons for the request. Obviously, the request is being made so that the owners can move forward with the next step of securing, in some way that is acceptable to the county and emergency services, the access.

As you may know, the applicants currently maintain the public roads that are sought to be abandoned. Because of the increased use of the roads to trespass on the private roads, their cost to maintain the roads has increased. The owner would like to reduce this cost by limited access to those who actually are using the road legally.

First and foremost the request is made to protect the owners' safety. As stated in the letter from the Big EZ, the applicants have noticed a large increase in vehicular traffic that is unrelated to guests of the owners. As all of the roads mentioned in the abandonment request lead to either the owners' homes or onto private roads (Rapier and McDonald properties) there is no reason for increased, unrelated through traffic except for those using the currently public portion of the road to trespass on those private roads. That is certainly occurring. The use of the public portion of the road to access private roads is causing strife amongst the neighbors. As seen in the Big EZ's letter, the trespassing is cause altercations, which seem to be escalating recently.

Also, some of the increased traffic is due to hunters who are using the public road to access the owners' private land for hunting. The hunters do not have permission. However, this seems to matter little to them. Now that there are a few full time residents in the area, trespassing hunters are placing the owners at risk of bodily harm. There have been altercations between these trespassing hunters. As guns are naturally involved in these altercations, there is an increased possibility of bodily harm to the owners and their guests.

The portion of the public road that the applicants wish the County to abandon only provides access to the owners in the application, and beyond them, provides the opportunity for the public to trespass upon their property, and the private roads beyond Greathorn Ranch and Greathorn Ranch 2. In other words, there is really no reason for these roads to be public, other than the rule that when a portion of land is subdivided, the roads must be dedicated to the public. In most cases, this is certainly beneficial. However, in this case, it has caused harm to the owners along the public road, and harm to the landowners who have private access beyond the Greathorn subdivisions. Therefore, the applicants ask that the County take a close look at special circumstances that surround this particular request, and grant the abandonment.

Alanah N. Griffith Esq.



Mindy T. Cummings, Esq.

**RECEIVED**

**FEB 14 2017**

**Clerk & Recorder  
Gallatin County, Mont.**

To Gallatin Clerk and Recorder.

My name is DAVID VAP. I gave Alanah Griffith permission to sign on my behalf to abandon the road in my subdivision, Greathorn Ranch.

Thank you.

\_\_\_\_\_



Alanah N. Griffith Esq.



Mindy T. Cummings, Esq.

To Gallatin Clerk and Recorder.

My name is BRIAN P. MACDONALD. I gave Alanah Griffith permission to sign on my behalf to abandon the road in my subdivision, Greathorn Ranch.

Thank you.



10/4/17

Alanah N. Griffith Esq.



Mindy T. Cummings, Esq.

To Gallatin Clerk and Recorder.

My name is William A. Kunkel. I gave Alanah Griffith permission to sign on my behalf to abandon the road in my subdivision, Greathorn Ranch.

Thank you.





Alanah N. Griffith Esq.  
Mindy T. Cummings,  
Esq.

To Gallatin Clerk and Recorder.

My name is Samantha LaPointe. I gave Alanah Griffith permission to sign on my behalf to abandon the road in my subdivision, Greathorn Ranch.

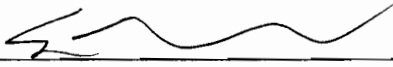
Thank you.



To Gallatin Clerk and Recorder.

My name is SANFORD KUNKEL. I gave Alanah Griffith permission to sign on my behalf to abandon the road in my subdivision, Greathorn Ranch.

Thank you.



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Alanah N. Griffith Esq.



**GRIFFITH & CUMMINGS** PLLC  
ATTORNEYS AT LAW

Mindy T. Cummings, Esq.

To Gallatin Clerk and Recorder.

My name is Steve Taylor. I gave Alanah Griffith permission to sign on my behalf to abandon the road in my subdivision, Greathorn Ranch.

Thank you.



Greathorn 2



Alanah N. Griffith Esq.



Mindy T. Cummings, Esq.

To Gallatin Clerk and Recorder.

My name is John H. Moffet, and I am a Managing Member of Cold Smoke Partners, LLC. I gave Alanah Griffith permission to sign on my behalf to abandon the road in my subdivision, Greathorn Ranch.

Thank you.

  
\_\_\_\_\_





Alanah N. Griffith Esq.



Mindy T. Cummings, Esq.

To Gallatin Clerk and Recorder.

My name is Jason Mittelstaedt. I gave Alanah Griffith permission to sign on my behalf to abandon the road in my subdivision, Greathorn Ranch.

Thank you.

Jason Mittelstaedt



Alanah N. Griffith Esq.



Mindy T. Cummings, Esq.

To Gallatin Clerk and Recorder.

My name is John Moffet, and I am a Managing Member of Cold Smoke Partners, LLC. I gave Alanah Griffith permission to sign on my behalf to abandon the road in my subdivision, Greathorn Ranch.

Thank you.

\_\_\_\_\_



Alanah N. Griffith Esq.



Mindy T. Cummings, Esq.

To Gallatin Clerk and Recorder.

My name is GERARD MUMFORD. I gave Alanah Griffith permission to sign on my behalf to abandon the road in my subdivision, Greathorn Ranch.

Thank you.

\_\_\_\_\_



RECEIVED

APR 02 2018

TO: Gallatin County

My name is Karin Mittelstaedt and I am an owner of Lot 4 in Great Horn Ranch.

Clerk & Recorder  
Gallatin County, Mont.

I support the road application to abandon the county road that runs through Great Horn Ranch and my property.

Thank you,



3-20-18

RECEIVED

APR 02 2018

Clerk & Recorder  
Gallatin County, Mont.

To: Gallatin County

My name is Cynthia Kunkel and I am an owner of Lot 1 and 2 in Great Horn Ranch.

I support the road application to abandon the county road that runs through Great Horn Ranch and my property.

Thank you,

A handwritten signature in cursive script that reads "C. B. Kunkel". The signature is written in black ink and is positioned below the "Thank you," text.

3/16/18

TO: GALLATIN COUNTY

My name is Nathalea Kunkel and I am an owner of Lot 4 in Great Horn Ranch.

I support the road application to abandon the county road that runs through Great Horn Ranch and my property.

Thank you,



RECEIVED

APR 06 2018

Clerk & Recorder  
Gallatin County, Mont.

RECEIVED

APR 16 2018

Clerk & Recorder  
Gallatin County, Mont.

TO: Gallatin County

My name is Kerry Ann McMahon and I am an owner of Lot 1 in Great Horn Ranch.

I support the road application to abandon the county road that runs through Great Horn Ranch and my property.

Thank you,

A handwritten signature in black ink, appearing to read "K McMahon", written in a cursive style.

Kerry Ann McMahon

25 March 2018

TO: Gallatin County

*Margaret Burns Vap*

My name is \_\_\_\_\_ and I am an owner of Lot 3 in Great Horn Ranch.

I support the road application to abandon the county road that runs through Great Horn Ranch and my property.

Thank you,

*Margaret Burns Vap*

RECEIVED

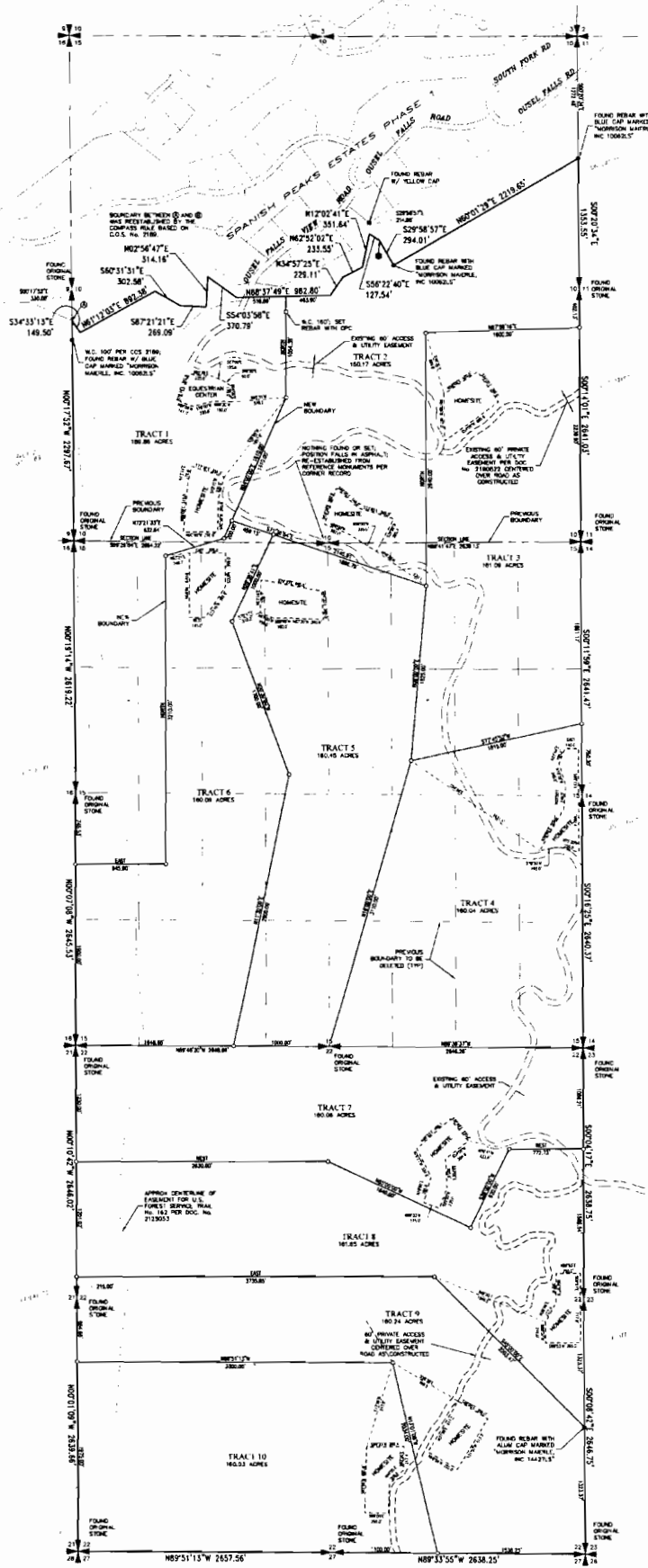
APR 23 2018

Clerk & Recorder  
Gallatin County, Mont.



# CERTIFICATE OF SURVEY 2594

A TRACT OF LAND BEING SECTIONS 15 AND 22, T7S, R3E, AND TRACT 4 OF C.O.S. NO. 2189 SITUATED IN SECTION 10, T7S, R3E, P.M.M., GALLATIN COUNTY, MONTANA



**PURPOSE:**  
 TO AGGREGATE AND EXPAND THE ALMOST 20-ACRE TRACTS OF LAND IN SECTION 10  
 TO RELOCATE A COMMON BOUNDARY BETWEEN ADJOINING TRACTS OF LAND  
 TO CREATE 10 TRACTS OVER 160 ACRES

**OWNER:**  
 SOUTH FORK MONTANA, LLC  
 1702 W. 8<sup>TH</sup> ST.  
 DENVER, CO 80233-1601



**BASIS OF BEARING:**  
 BEARINGS FOR THIS SURVEY ARE BASED ON THE SOUTH HALF OF THE EAST LINE OF SECTION 10 BEING S00°14'01\"/>

**LEGEND**

- FOUND PUBLIC LAND SURVEY SYSTEM SECTION AND 1/4 SECTION CORNER AS DESCRIBED
- SET REBAR BY OWNER MAIERLE CAP MARKED MORRISON MAIERLE, INC. 133715
- FOUND CORNER MONUMENT AS NOTED

**DESCRIPTION:**  
 A tract of land being Sections 15 and 22 and Tract 4 of C.O.S. No. 2189, as filed with the Gallatin County Clerk and Recorder, situated in Section 10 of T7S, R3E, P.M.M., Gallatin County, Montana.

**CERTIFICATE OF CONSENT:**  
 We, the undersigned property owners, do hereby certify that the purpose of this survey is to aggregate and enlarge the subject 20-acre tracts of land in Section 10, to relocate a common boundary between adjoining tracts of land, and to create 10 parcels of land over 160 acres.

Dated this 11<sup>th</sup> day of December, A.D. 2008.  
 SOUTH FORK MONTANA, LLC  
 By: William C. Schrock  
 its Manager  
 STATE OF Colorado  
 COUNTY OF Denver  
 This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2008 by William C. Schrock as Manager of South Fork Montana, LLC.

**CERTIFICATE OF SURVEYOR:**  
 I, the undersigned, Craig L. Brown, Professional Land Surveyor, do hereby certify that between June 1, 2008, and October 1, 2008, personal certificates of survey and described the same as shown on the accompanying plat and plat(s) in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 16-3-101 and through 16-3-803, MCA, and the Gallatin County Subdivision Regulations.  
 DATED this 6<sup>th</sup> day of December, 2008  
Craig L. Brown  
 MORRISON MAIERLE, INC.  
 PROFESSIONAL LAND SURVEYOR

**CERTIFICATE OF COUNTY TREASURER:**  
 I, Kimberly Burdette, Treasurer of Gallatin County, Montana, do hereby certify that the accompanying certificate of survey has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.  
 DATED this 16<sup>th</sup> day of December, 2008.  
Kimberly Burdette  
 Deputy Treasurer of Gallatin County, Montana

**CERTIFICATE OF CLERK & RECORDER:**  
 I, Shirley Harris, Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was filed in my office of 11:52 A.M. (A.M. or P.M.) this 11<sup>th</sup> day of December, 2008, and assigned Certificate of Survey No. 2594. Records of the Clerk and Recorder, Gallatin County, Montana.  
 DATED this 11<sup>th</sup> day of December, 2008.  
Shirley Harris  
 Clerk & Recorder of Gallatin County, Montana

2250532  
 11/28/08 11:52 AM  
 2594

 <b>MORRISON MAIERLE, INC.</b> 1111 13 <sup>TH</sup> STREET, SUITE 201, DENVER, COLORADO 80202 PHONE: 303.733.1111 FAX: 303.733.1111	1/4 SEC.	SECTION	TOWNSHIP	RANGE
		10,15,22	7S	3E
PRINCIPAL MERIDIAN, MONTANA COUNTY: GALLATIN				
CLIENT:	SOUTH FORK MONTANA, LLC			
FIELD WORK/DATE:	11/28/08			
DRAWN BY:	SMR			
PLOTTED DATE: Nov/29/2008 - 04:04:36 PM		DRAWING NAME: 2594		
SCALE: 1"=100'		MORRISON MAIERLE, INC. 1111 13 <sup>TH</sup> STREET, SUITE 201, DENVER, CO 80202		

Line	Name 1	Name 2	Name 3	Signed	Legal Description	Parcel ID	Address	City	ST	Zip
1	Gerard McMahon	Kerry McMahon			2 Lot 1 + OS A MINOR 430		PO Box 160319	Big Sky	MT	59716
2	T S Four LLC				1 Lot 2 + OS B MINOR 430A		6785 S. Eastern Ave. Ste. 6	Las Vegas	NV	89119
3	David Vap, Trustee	Margaret Burns Vap, Trust David Vap Revocable Trust, Margaret Burns Vap Revocat			1 Lot 3 + OS C MINOR 430A		1258 Dooney Way	Bozeman	MT	59718
4	Jason Mittelstaedt	Karin Mittelstaedt			2 Lot 4 + OS D&F MINOR 430A		PO Box 160647	Big Sky	MT	59716
5	Great Point LLC				1 Lot 5 + OS E MINOR 430		PO Box 4995	Jackson Hole	WY	83001
6	Kathleen O. Kunkel	Sanford S. Kunkel	William A. Kunkel, Cynthia B. Kunkel	See lines 7 and 9	Lot 1 MINOR 446					
7	William A. Kunkel	Cynthia B. Kunkel			2 Lot 2 + OS 2A, OS 2B-1 MINOR 446		312 Elm St #49	New Canaan	CT	06840
8	Cold Smoke Partners LLC				1 Lot 3A MINOR 446A		2408 Quenby Ave	Houston	TX	77005
9	Kathleen O. Kunkel	Sanford S. Kunkel			2 Lots 4A, 5A + OS 4A, OS 4B-1, OS 4C, OS 4D		10730 Torrey Pines Cir	Carmel	IN	46032
10	Streamside MT LLC	c/o Janet Jacobs			1 Tr 1 COS 2409		119 W. Main St.	Fayette	MO	65248
11	Landmark Mountain Property LLC				1 Tr 3 COS 2409		54 Cathlow Dr.	Riverside	CT	06878

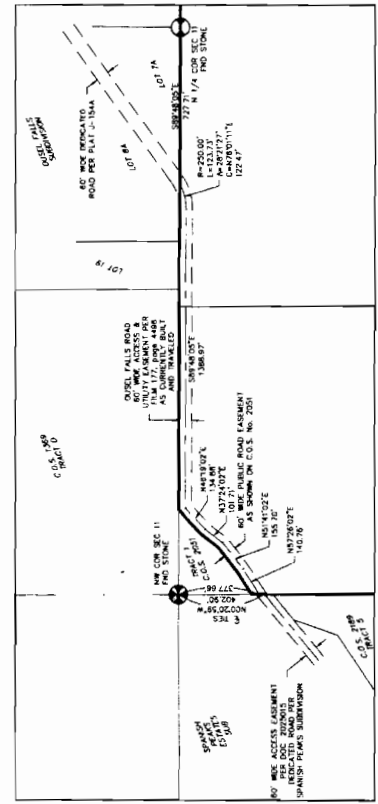
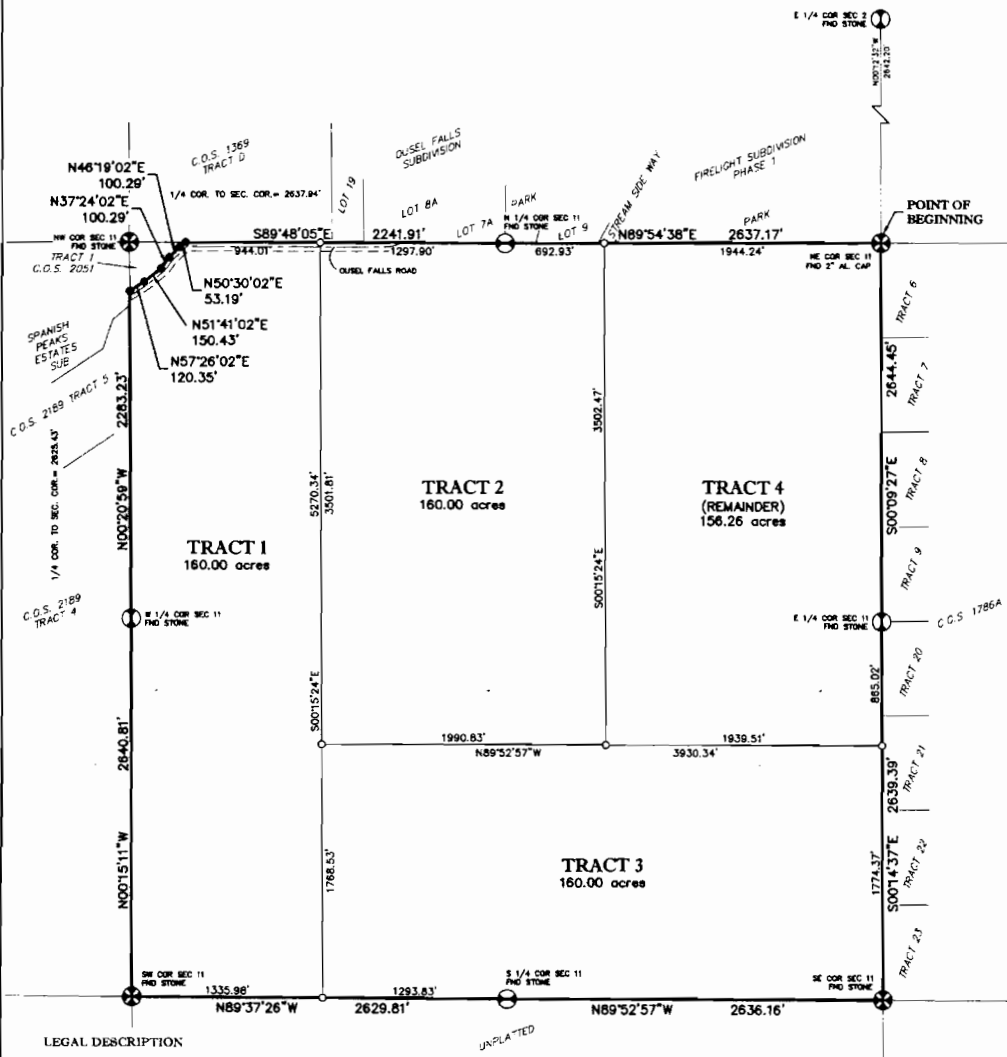
14

total signed

# CERTIFICATE OF SURVEY No. 2409

A TRACT OF LAND LOCATED IN SECTION 11, TOWNSHIP 7 SOUTH, RANGE 3 EAST,  
PRINCIPAL MERIDIAN MONTANA, GALLATIN COUNTY, MONTANA

OWNERS: JOHN BAUCHMAN AND JOHN ROBBINS  
PURPOSE: TO CREATE THREE 160 ACRE TRACTS AND SHOW THE REMAINDER



**OUSEL FALLS ROAD DETAIL**  
SCALE: 1"=400'

**LEGAL DESCRIPTION**

A tract of land located in Section 11, Township 7 South, Range 3 East, Principal Meridian Montana, Gallatin County, Montana, and being more particularly described as follows:

Beginning at the Northeast Corner of said Section 11;  
thence South 00°08'27" East, along the east line of said Section 11, a distance of 2644.45 feet to the East One-Quarter Corner of said Section 11;  
thence South 00°14'37" East, along the east line of said Section 11, a distance of 2639.39 feet to the Southeast Corner of said Section 11;  
thence North 89°52'57" West, along the south line of said Section 11, a distance of 2636.16 feet to the South One-Quarter Corner of said Section 11;  
thence North 89°37'26" West, along the south line of said Section 11, a distance of 2629.81 feet to the Southwest Corner of said Section 11;  
thence North 00°15'11" West, along the west line of said Section 11, a distance of 2640.81 feet to the West One-Quarter of said Section 11;  
thence North 00°20'59" West, along the west line of said Section 11, a distance of 2283.23 feet to the Southwest Corner of Tract 1 of Certificate of Survey No. 2051;  
thence along the south line of said Tract 1 through the following courses:  
North 57°26'02" East, a distance of 120.35 feet;  
North 51°41'02" East, a distance of 150.43 feet;  
North 37°24'02" East, a distance of 100.29 feet;  
North 46°19'02" East, a distance of 100.29 feet;  
North 50°30'02" East, a distance of 53.19 feet to a point on the north line of said Section 11;  
thence South 89°48'05" East, along the north line of said Section 11, a distance of 2241.91 feet to the North One-Quarter Corner of said Section 11;  
thence North 89°54'38" East, along the north line of said Section 11, a distance of 2637.17 feet to the Point of Beginning.  
Said tract of land being 636.26 acres, along with and subject to any existing easements.

**CERTIFICATE OF SURVEYOR**

I, the undersigned, Gregory L. Finck, Professional Land Surveyor, do hereby certify that October 29, 2003 I surveyed this Certificate of Survey and plotted the same as shown on the accompanying plat and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-625, M.C.A., and the Gallatin County Subdivision Regulations.

Gregory L. Finck  
Montana Registration No. 13174LS



**CERTIFICATE OF COUNTY TREASURER**

I, ANNA ROSENBERG, Treasurer of Gallatin County, Montana, do hereby certify that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be subdivided are paid.

Dated this 24<sup>th</sup> day of NOVEMBER, 2003

Kimberly Buchanan  
Treasurer of Gallatin County DEPUTY



**CERTIFICATE OF CLERK AND RECORDER**

I, \_\_\_\_\_, Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was filed in my office at 3:34 o'clock (AM or PM) this 24<sup>th</sup> day of November, 2003, and recorded as Certificate of Survey No. 2409. Records of the Clerk and Recorder, Gallatin County, Montana.

Dated this 24<sup>th</sup> day of November, 2003. Document # 2132955

Clerk and Recorder  
Gallatin County

TOTAL AREA=636.26 ACRES

**BASIS OF BEARING:**  
UPLANDS RESIDENTIAL CLUSTER B SUBDIVISION, PLAT J-500



**LEGEND**

- PROPERTY LINE
- - - LOT LINE
- - - EASEMENT LINE
- - - ADJOINING PROPERTY LINE
- FND. 5/8" REBAR W/2" AL. CAP
- SET 5/8" REBAR W/2" AL. CAP

1/4	Sec.	T.	R.
08	11	7S	3E



Civil Engineering  
Land Surveying  
Geotechnical Engineering  
Structural Engineering

33 DISCOVERY DRIVE  
BOZEMAN, MT 59718  
PHONE (406) 582-4221  
FAX (406) 582-5770

PROJECT SURVEYOR: GLF  
DRAWN BY: ARD  
REVIEWED BY: GLF  
DATE: 11/19/03

SHEET  
1 OF 1

11-2003-03-19-1, Section 11 Boundary Survey, Z-BND.dwg

## Alanah Griffith

---

**From:** William Kunkel <wakunkel@aol.com>  
**Sent:** Tuesday, July 18, 2017 11:54 AM  
**To:** Alanah Griffith  
**Cc:** alanahgriffith@yahoo.com  
**Subject:** FW: Photos

**From:** Jason Mittelstaedt [mailto:jmittelstaedt@gmail.com]  
**Sent:** Thursday, May 25, 2017 4:16 PM  
**To:** Kiv Kunkel <Wakunkel@aol.com>  
**Subject:** Photos

Found the photos:

1. Topping of trees (illegal harvesting Christmas trees)
2. Recreational ATV/ UTV road damage
3. Dumping of construction debris.

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December 15, 2015

GREATHORN RANCH Board of Directors  
c/o Mr. William Kunkel  
312 Elm Street #49  
New Canaan, CT. 06840

Re: Access Gate

Gentlemen:

On behalf of the Board of Directors of the Big EZ Estates Homeowners Association, Inc., I am writing to express our strong support for the installation of an access gate at the most eastern entrance to Greathorn Ranch, adjacent to the development's arched monument. Currently, no such gate exists, enabling unauthorized individuals to access the Big EZ Estates, the Gallatin Preserves, and private roads and developments by circumventing the existing gate on Ousel Falls View Road at the entrance of the Gallatin Preserves.

Our homeowners in the Big EZ development have noticed a significant increase in unauthorized vehicles entering our property by transiting through the Greathorn Ranch development, effecting a short-cut that avoids the only existing gate at the formal entrance to the Gallatin Preserves. These vehicles have included hunters, drivers of all-terrain vehicles, and others with less apparent intentions. On a number of occasions, our members have stopped these trespassing parties and asked them to leave the area. These confrontations obviously have the potential for violence and on more than one occasion have resulted in drivers fleeing at highly excessive speeds. In addition to these inherent dangers, this unauthorized access to the Big EZ development also creates the potential for property damage or theft at our residences and liability associated with any accidents caused on our private road system. For these reasons, we view the installation of this gate as addressing a critical need and promoting vital public safety interests of our residents, our guests and the many authorized and welcome visitors in our development.

We hope that you will share our endorsement of this idea with the appropriate authorities to whom Greathorn Ranch presents its proposal. Our association would gladly meet with these authorities in person and work toward the implementation of this project.

Thank you for your assistance.

A handwritten signature in black ink, appearing to read "David Walls". The signature is fluid and cursive, written over a white background.

David Walls  
President  
Big EZ Estates Homeowners Association, Inc.

RECEIVED

SEP 17 2018

Clerk & Recorder  
Gallatin County, Mont.



September 14, 2018

Gallatin County Commission  
311 W. Main Street, Room 108  
Bozeman, Montana 59715

Re: Greathorn Ranch Road Abandonment

Ladies and Gentlemen:

On behalf of the homeowners' association for the Big EZ Estates, I write to support in the strongest terms the request by the Greathorn Ranch community for public abandonment of Streamside Way and Greathorn Ranch Road (collectively, the "Greathorn Roads").

The Big EZ Estates is a community of 53 lots upon which approximately twelve homes are built. The roads into the Big EZ Estates – Ousel Falls View Road and Beaver Creek Road – are private, gated roads. The Greathorn Ranch community lies to the North of the Big EZ Estates, separated only by lots comprising part of the Gallatin Preserves community (also a private, gated community).

Even though the Greathorn Roads are maintained at the expense of the owners within the Greathorn Ranch community, they continue to be designated as public roads. This designation obviously precludes the Greathorn Ranch from erecting security gates on the Greathorn Roads. In support of Greathorn Ranch's request for public abandonment of these roads, our community submits that:

- The Greathorn Roads lead only to other private roads and property. They provide no public access to public lands or other public roads. In fact, Streamside Way provides an indirect route onto the private portion of Ousel Falls View Road (FS 324B), circumventing the security gate for the Gallatin Preserves and Big EZ Estates. This route provides hunters and other trespassing parties unauthorized access to the Gallatin Preserves and the Big EZ Estates (both of which are comprised of large forested lots maintained in an environmentally sensitive manner) as well as to the National Forest. In other words, the public status of the Greathorn Roads *enables* trespassing across private property in Greathorn Ranch, Gallatin Preserves and the Big EZ Estates, for hunters seeking the easiest access to the National Forest or to hunt on private property. This anomaly presents a real and present danger to residents of our community, as we have had numerous encounters and confrontations with hunters and others trespassing on our properties.
- The residents of Greathorn Ranch have similarly experienced on many occasions hunters and other trespassers on their property. Like us, they find stashes of

ammunition, camp sites, marked hunting paths, and trash. And occasionally trees are cut and stripped from private property. This activity presents obvious risks to homes and property from fires started, wittingly or unwittingly, by trespassers as well as from burglaries or home invasions. It also presents the real risk of hunting activity occurring in the immediate proximity of residents.

- The sheriff's department is aware of these issues and has been supportive of measures to increase security and privacy. However, the resources of the sheriff's department understandably do not permit it to maintain a regular presence on our roads or the Greathorn Roads, especially given their remoteness. These factors combine to make security gates (and the privatization of public roads accessing only private property) a reasonable and achievable means to afford these residents greater security, individually and for their property. In these circumstances, the use of security gates may actually *reduce* the demand upon the sheriff's public resources as unauthorized access, and the hazards associated with it, would be predictably reduced.
- In weighing the merits of Greathorn Ranch's request, it is worth noting that the Greathorn Ranch community has been remarkably supportive of public initiatives throughout Big Sky. They have graciously made easements available to the public in and around the Ousel Falls Park and made possible a new trail (Ralph's Pass) linking the Ousel Falls Park to the Big Sky Town Center.

In these particular circumstances, our community recognizes the need and justification for the abandonment of the Greathorn Roads. Nothing good will come from keeping the Greathorn Roads public, as they lead only to private property and provide no authorized public outlet. With the existing risks to lives and property associated with keeping the Greathorn Roads public, we respectfully submit that the appropriate exercise of the Commission's discretion in these specific circumstances is to enable the abandonment of the Greathorn Roads.

Thank you for your time and consideration.

Sincerely,

THE BIG EZ ESTATES HOMEOWNERS  
ASSOCIATION

By: 

David S. Walls, President

cc:

Mr. Eric Semerad

# *Gallatin Preserve*

BIG SKY • MONTANA

Ranch Board of Directors  
Mr. William Kunkel  
312 Elm Street #49  
New Cannan, CT. 06840

Dear William,

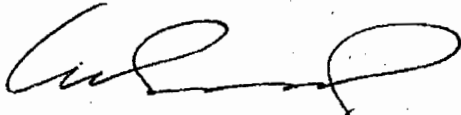
I am the developer of Gallatin Preserve and write today to express my support of installing a code accessed gate at the most eastern entrance of Greathorn Ranch. The absence of such a gate enables anyone to access the private roads and lands located within Mountain Meadows, Big EZ, and Gallatin Preserve. Unfortunately, many in Big Sky use these roads and properties without permission for a variety of purposes. The use of dirt bikes and ATV's on our gravel driveways have caused substantial damage to private property that constantly needs to be repaired. Additionally, hunting without permission and the taking of Christmas trees is a yearly event.

The development process of Gallatin Preserve involved a substantial effort on our part to maintain the privacy of roads and surrounding lands. Private property rights, at a minimum, should be held sacred. The mere posting of property as "Private" should be enough to deter trespassing in a community the size and tenor of Big Sky. Sadly, some residents of Big Sky feel that the privacy rights we hold dear do not apply to them because they live locally.

Hopefully you'll find a way to secure our roads for their intended use.

Respectfully,

**Gallatin Preserve**



William C. Schwab



**BIG SKY**  
COMMUNITY ORGANIZATION

October 28, 2016

Gallatin County Planning Department  
Tim Skop, Planner  
311 W. Main St Room 108  
Bozeman, MT 59715

RE: Ralph's Pass Trail Location in relation to Great Horn Rd.

Dear Tim,

On behalf of the Big Sky Community Organization, a 501 c(3) that connects people to recreational opportunities by acquiring, preserving and promoting sustainable places and programs for all, we submit this letter to share our support of the Great Horn Ranch HOA desire to keep vehicle speeds low unnecessary traffic off of Great Horn Rd. Our concern with this road is connected to a recent trail that we have constructed, named Ralph's Pass. The 3.0 mile natural surface trail connects two existing popular trails in Big Sky, Ousel Falls Trail to Uplands Trail. The route of this new trail is largely through the Great Horn Ranch HOA properties and has two road crossing. One of these crossing is across Great Horn Road. As with all of our trails we do our best to create an environment of safety for all users. We recognize that any vehicle interaction with pedestrians and bicyclist increases risk for users of our trails. Please consider this component when reviewing Great Horn Ranch's request to ensure low vehicle speeds and keep unnecessary traffic off of this road. Please feel free to contact me with any further questions.

Sincerely,

Ciara Wolfe, Executive Director  
Big Sky Community Organization  
406-570-2418

# Gallatin Preserve

BIG SKY • MONTANA

September 28, 2018

RECEIVED  
OCT 05 2018  
Clerk & Recorder  
Gallatin County, Mont.

Dear Gallatin County Commisisoniers,

I write you today in support for public abandonment of the Greathorn Ranch Road located in Big Sky.

I represent a 1632 acre tract of land known as Gallatin Preserve. Our property sits immediately to the west of Greathorn Ranch, to the east of Yellowstone Club and to the south of Spanish Peaks Mountain Club. Gallatin Preserve consists of 10, 160 acre tracts of land accessed by a 2.5 mile gated, code controlled private section of Ouzel Falls View Road in sections 10,15 and 22. Part of our road also services The Big EZ which lies to the southwest, also dependent on a system of private roads within their boundaries.

In 2005 I negotiated a secondary access connection for Gallatin Preserve that connects to the Greathorn Ranch Road. Although the road within Greathorn is public, it becomes private once it enters Gallatin Preserve. For years tourists, campers and hunters have entered the public roads in Greathorn Ranch and driven through Gallatin Preserve at leisure. I have posted numerous "Private Property" and "No Trespassing" signs with little to no effect. Several signs have been stolen, and several torn down. The lack of respect of private property rights has unfortunately been appalling. Every year we spend money to repair our gravel driveways that have been used as playgrounds for local ATVs and dirt bikes. The taking of Christmas trees without permission is a yearly event as well. Recently I discovered a lean-to and three separate fire rings on the property littered with empty alcohol containers and trash. Maintenance vehicles parked on the property have recently been vandalized; windows broken and tires punctured. Most of the violations appear to have been committed by teenagers, as we found a young girl's orthodontist appointment receipt at one of the sites! I have no interest in prosecuting kids for small crimes of opportunity. Gallatin County law enforcement has been contacted; parents of the girl have been called and names of others have been collected in our effort to warn those involved that trespassing and private property rights are taken seriously in Gallatin County. This problem will only

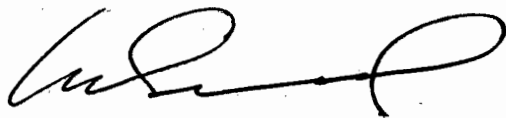
increase as Big Sky matures as a tourist mecca, hotels are built and law enforcement personnel become stressed with a new dynamic.

My greatest concern is that someone will unwittingly start a fire that burns out of control at great loss to me and others in Big Sky. Open bonfires in the woods of Big Sky are a threat to us all, and abandonment of the public road within Greathorn will go a long way to curtail the trespassing and violations of common law I have experienced.

Please feel free to contact me with any questions you may have.

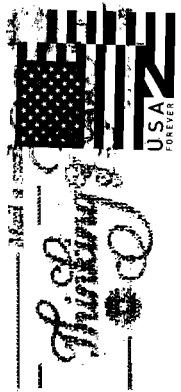
I appreciate your attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Schwab', with a large, stylized flourish at the end.

William Schwab

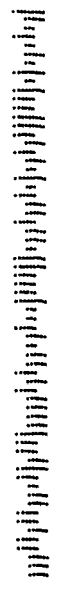
**South Fork Montana LLC**



BILLINGS MT 591  
03 OCT 2018 PM 2 L

Alannah Griffith  
Griffith & Cummings, PLLC  
P.O. BOX 160748  
Big Sky, MT 59716

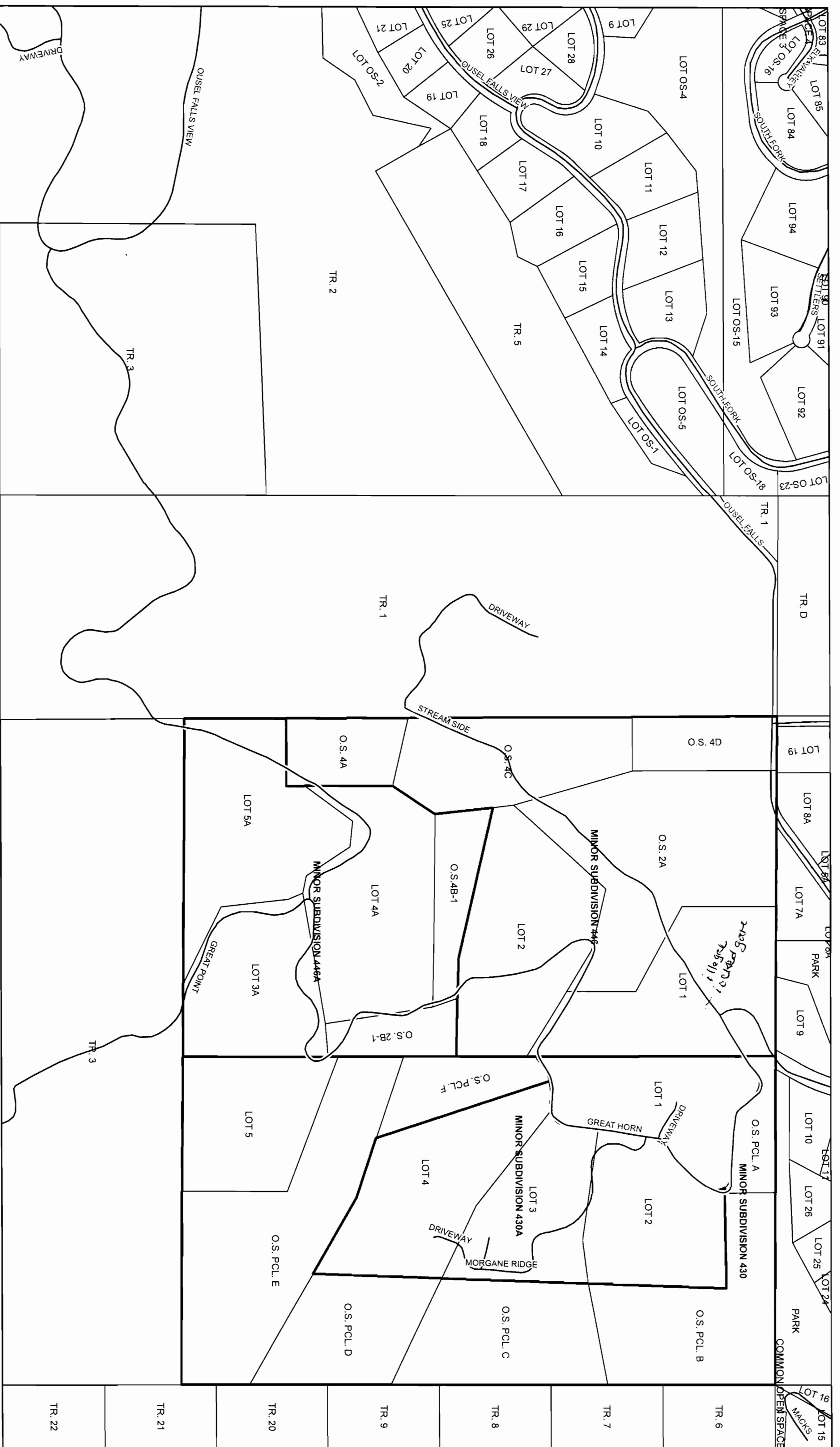
Gallatin County Clerk & Recorder's Office  
Attn: Eric Semerad  
311 West Main  
Room 203  
Bozeman, MT 59715



5971634574



STREAMSIDE WAY AND GREAT HORN ROAD WITHIN MINOR SUBDIVISION 430, 430A, 446, 446A



N  
1 inch = 516.67 feet  
GALLATIN COUNTY CLERK AND RECORDERS OFFICE 02/26/2018

State of Montana

*County of Gallatin*

Bozeman



**CERTIFICATE OF THE COUNTY CLERK AND RECORDER  
RELATING TO  
QUALIFICATIONS OF THE SIGNERS**

Statement of Purpose: Petition to abandon Stream Side Way and Greathorn Road, Big Sky, MT.

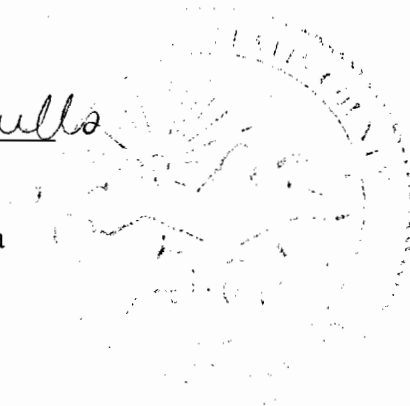
Legal Description: Stream Side Way starting from the Greathorn Subdivision Monument arch on Lot 1 Minor Subdivision 446, Section 11, Township 7 South, Range 3 East and continuing west over Lots O.S. 2A and O.S. 4C of Minor Subdivision 446; and Greathorn Road from its intersection with Stream Side Way in Lot 1 of Minor Subdivision 446 and continuing southward through Minor Subdivisions 430, 430A, 446 and 446A to a point where it exits Lot 5A of Minor Subdivision 446A, Section 11, Township 7 South, Range 3 East M.P.M. Gallatin County Montana.

STATE OF MONTANA )  
 )ss  
COUNTY OF GALLATIN)

I, Charlotte Mills, do hereby certify that I am the qualified and acting County Clerk and Recorder for Gallatin County, State of Montana; that I have examined the petition to which this certificate is attached, and that pursuant to Section 7-14-2601 M.C.A. 2017, it contains the signatures of 10 qualified freeholders of the Gallatin County road district.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of my office at Bozeman, the County Seat of Gallatin County, State of Montana, this 19th day of March, 2018, A.D.

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



RESOLUTION NO. 2018-028

A RESOLUTION MADE TO ASSIGN THE VIEWING COMMITTEE AND PETITION NUMBER FOR A PETITION TO ABANDON PORTIONS OF STREAM SIDE WAY AND GREATHORN ROAD IN BIG SKY, GALLATIN COUNTY, MONTANA

This Resolution was introduced by Recording Supervisor Eric Semerad; 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 August 15, 2017, to abandon a portions of Stream Side Way and Greathorn Road (hereinafter referred to as the "Roads"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated;

WHEREAS, the Roads are described as Stream Side Way starting from the Greathorn Subdivision Monument arch on Lot 1 Minor Subdivision 446, Section 11, Township 7 South, Range 3 East and continuing west over Lots O.S. 2A and O.S. 4C of Minor Subdivision 446; and Greathorn Road from its intersection with Stream Side Way in Lot 1 of Minor Subdivision 446 and continuing southward through Minor Subdivisions 430, 430A, 446 and 446A to a point where it exits Lot 5A of Minor Subdivision 446A, Section 11, Township 7 South, Range 3 East M.P.M. Gallatin County Montana.

WHEREAS, on February 14<sup>th</sup>, 2018, the Gallatin County Clerk and Recorder received authorizations for attorney Alanah Griffith to sign the petition on behalf of her clients, and that on March 14<sup>th</sup> attorney Alanah Griffith signed the final qualifying signature on the petition;

WHEREAS, on March 19<sup>th</sup>, 2017, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2601, MCA;


WHEREAS, according to Section 7-14-2603, MCA, the Board of County Commissioners shall cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the Petition. The investigation shall be sufficient to properly determine the merits or demerits of the Petition. No more than one member of the board and the county surveyor shall make the investigation;

NOW THEREFORE BE IT RESOLVED:

1. The Board hereby accepts the petition for abandonment of that portion of Stream Side Way starting from the Greathorn Subdivision Monument arch on Lot 1 Minor Subdivision 446, Section 11, Township 7 South, Range 3 East and continuing west over Lots O.S. 2A and O.S. 4C of Minor Subdivision 446; and Greathorn Road from its intersection with Stream Side Way in Lot 1 of Minor Subdivision 446 and continuing southward through Minor Subdivisions 430, 430A, 446 and 446A to a point where it exits Lot 5A of Minor Subdivision 446A, Section 11, Township 7 South, Range 3 East M.P.M. Gallatin County Montana.
2. The petition is assigned Road Petition Number 850.
3. Commissioner Don Seifert 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.

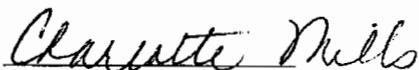
DATED this 27th day of March 2018.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY



R Stephen White, Chairman

ATTEST:

  
Charlotte Mills  
Clerk and Recorder  
Gallatin County

State of Montana

*County of Gallatin*

Bozeman



October 1, 2018

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: Petition to abandon Stream Side Way and Greathorn Rd.

**Legal Description:** Stream Side Way starting from the Greathorn Subdivision Monument arch on Lot 1 Minor Subdivision 446, Section 11, Township 7 South, Range 3 East and continuing west over Lots O.S. 2A and O.S. 4C of Minor Subdivision 446; and Greathorn Road from its intersection with Stream Side Way in Lot 1 of Minor Subdivision 446 and continuing southward through Minor Subdivisions 430, 430A, 446 and 446A to a point where it exits Lot 5A of Minor Subdivision 446A, Section 11, Township 7 South, Range 3 East M.P.M. Gallatin County Montana.

Dear Board,

According to 7-14-2603 M.C.A., 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.

7-14-2601 (1), MCA, states "Any 10, or a majority, of the freeholders of a road district taxable therein for road purposes may petition the board in writing to open, establish, construct, change, abandon, or discontinue any county road in the district."

The petition to abandon Stream Side Way and Greathorn Road was received on August 15, 2017. Deficiencies in the petition delayed certification until proper authority was received that attorney Alanah Griffith could sign for the landowners. The petition was certified, by the Gallatin County Clerk and Recorder, on March 19, 2018.

The petition states that the necessity for abandonment is:

“There are a number of reasons for the request. Obviously, the request is being made so that the owners can move forward with the next step of securing, in some way that is acceptable to the county and emergency services, the access.”

“As you may know, the applicants currently maintain the public roads that are sought to be abandoned. Because of the increased use of the roads to trespass on the private roads, their cost to maintain the roads has increased. The owner would like to reduce this cost by limited access to those who actually are using the road legally.”

“First and foremost the request is made to protect the owners' safety. As stated in the letter from the Big EZ, the applicants have noticed a large increase in vehicular traffic that is unrelated to guests of the owners. As all of the roads mentioned in the abandonment request lead to either the owners' homes or onto private roads (Rapier and McDonald properties) there is no reason for increased, unrelated through traffic except for those using the currently public portion of the road to trespass on those private roads. That is certainly occurring. The use of the public portion of the road to access private roads is causing strife amongst the neighbors. As seen in the Big EZ's letter, the trespassing is cause altercations, which seem to be escalating recently.”

“Also, some of the increased traffic is due to hunters who are using the public road to access the owners' private land for hunting. The hunters do not have permission. However, this seems to matter little to them. Now that there are a few full time residents in the area, trespassing hunters are placing the owners at risk of bodily harm. There have been altercations between these trespassing hunters. As guns are naturally involved in these altercations, there is an increased possibility of bodily harm to the owners and their guests.”

“The portion of the public road that the applicants wish the County to abandon only provides access to the owners in the application, and beyond them, provides the opportunity for the public to trespass upon their property, and the private roads beyond Greathorn Ranch and Greathorn Ranch 2. In other words, there is really no reason for these roads to be public, other than the rule that when a portion of land is subdivided, the roads must be dedicated to the public. In most cases, this is certainly beneficial. However, in this case, it has caused harm to the owners along the public road, and harm to the landowners who have private access beyond the Greathorn subdivisions. Therefore, the applicants ask that the County take a close look at special circumstances that surround this particular request, and grant the abandonment.”

The Board of Gallatin County Commissioners accepted the petition and assigned the viewing committee at a public meeting held on March 27, 2018. On April 19, 2018, the undersigned met with Bill Brownell from the Gallatin County Road Department, to view the roads petitioned for abandonment.

The viewing committee met again at the Courthouse for the purpose of discussing the effect of the Gallatin County Subdivision Regulations on the request for abandonment on August 16, 2018. The meeting included Bill Brownell, County Road Supervisor, Eric Semerad, Recording Supervisor, and Sean O'Callaghan, Planning Director.

The Viewing Committee does find that neither Greathorn Road nor Stream Side Way provide legal access to public lands or waters. The Committee also finds that two or more landowners do use these roads to access their private property. All of these landowners who use the road have signed the petition.

Public roads Great Point Road and Morgane Ridge Road will also be landlocked should the abandonment be granted. There are also properties outside of the subdivisions that would be landlocked without public access or a granted private easement.

Section 7.C.10 of the Gallatin County Subdivision Regulations requires that all access roads and interior subdivision roads to be dedicated to the public or be a public road easement. The two subdivisions would need to be granted a variance from this requirement to be able to abandon the public roads as requested.

Section 5.L.a of the Gallatin County Subdivision Regulations requires "Changes that materially alter any portion of a filed plat ... must be made by filing an amended plat showing all alterations. Any alteration which increases the number of lots or modifies lots, or abandons or alters a public road right-of-way or parkland dedication must be reviewed and approved by the County Commission."

The Gallatin County Subdivision Regulations demand that this process be done by filing an amended plat. By preparing and filing a plat abandoning these roads per Section 5.L.a it would be violating Section 7.C.10 of the regulations.

Therefore, it is our recommendation per these two sections of the Gallatin County Subdivision Regulations that abandoning Stream Side Way and Greathorn Road is not in the best interest of the public, and if pursued further, should be done as an amended plat with the relevant variance requests under the Gallatin County Subdivision Regulations.

Respectfully submitted,

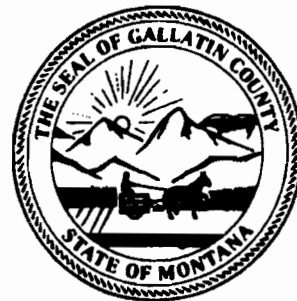
  
Don Seifert, County Commissioner

  
Charlotte Mills, Clerk & Recorder

State of Montana

*County of Gallatin*

Bozeman



**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on November 27, 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 Greathorn Road and Streamside Way in Big Sky, Montana, described as Stream Side Way starting from the Greathorn Subdivision Monument arch on Lot 1 Minor Subdivision 446, Section 11, Township 7 South, Range 3 East and continuing west over Lots O.S. 2A and O.S. 4C of Minor Subdivision 446; and Greathorn Road from its intersection with Stream Side Way in Lot 1 of Minor Subdivision 446 and continuing southward through Minor Subdivisions 430, 430A, 446 and 446A to a point where it exits Lot 5A of Minor Subdivision 446A, Section 11, Township 7 South, Range 3 East M.P.M. Gallatin County Montana.

All interested parties are encouraged to attend. Further information may be obtained from Gallatin County Commissioners Don Seifert, Joe Skinner, or Steve White at 311 W. Main, Room 306, Bozeman, Montana 59715, telephone 582-3000.

Dated this 19<sup>th</sup> day of October, 2018

*Charlotte Mills*

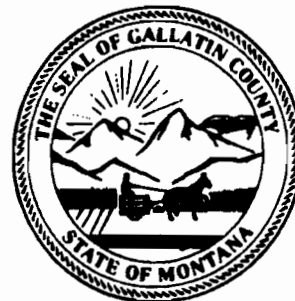
Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana



State of Montana

County of Gallatin

Bozeman



AFFIDAVIT OF MAILING

STATE OF MONTANA )
) ss
COUNTY OF GALLATIN )

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

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

I hereby certify that a copy of the attached Notice of Public Hearing to abandon a portion of that part of Stream Side Way and Greathorn Road, and the viewing Committee report regarding abandoning the same, according to Road Petition Number 850, was mailed to those listed below on October 26, 2018.

Table with 5 columns: Name, Address, City, State, ZIP. Lists various entities and their mailing addresses across different states.

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



**Gallatin County Clerk and Recorder**  
 Recording Department  
 311 West Main, Room 203  
 Bozeman, Montana 59715-4574



U.S. POSTAGE PITNEY BOWES



ZIP 59715 \$ 000.47<sup>0</sup>  
 02 1W  
 0001391671 OCT 26 2018

Gerard & Kerry McMahon  
 PO Box 319

~~Big Sky, MT 59716~~ *APOLLO Bay*

*Vic 3233 Australia*

NIXIE

994 DE 1

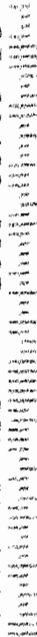
6010/30/18

*NSN*

RETURN TO SENDER  
 NO SUCH NUMBER  
 UNABLE TO FORWARD

NSN 59715-4574

SC: 59715457433 1999-09793-25-92





Gallatin County Clerk and Recorder  
 Recording Department  
 311 West Main, Room 203  
 Bozeman, Montana 59715-4574

U.S. POSTAGE PITNEY BOWES  
 ZIP 59715 \$ 000.47<sup>0</sup>  
 02 1W  
 0001391671 OCT 26 2018

RECEIVED  
 NOV 19 2018

Clerk & Recorder  
 Gallatin County, Mont.

TS Four, LLC  
~~6785 S. Eastern Ave Ste 6~~  
~~Las Vegas, NV 89119~~  
 12 Penny Ln  
 Gallatin County, MT 59730

NIXIE 891 PE 1260 0011/11/18

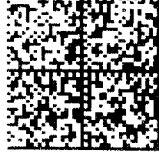
RETURN TO SENDER  
 NOT DELIVERABLE AS ADDRESSED  
 UNABLE TO FORWARD

7 HMERNMP 89119  
 60715457453

EC: 59715457453 \*1995-07450-26-45



Gallatin County Clerk and Recorder  
 Recording Department  
 311 West Main, Room 203  
 Bozeman, Montana 59715-4574



U.S. POSTAGE PITNEY BOWES  
 ZIP 59715 \$ 000.47<sup>0</sup>  
 02 1M  
 0001391671 OCT 26 2018

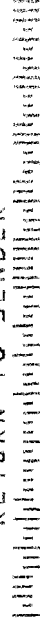
*Received 10/29/18*

David Vap  
 Margaret Burns Rev Trust  
 1258 Dooney Way  
 Bozeman, MT 5971

FORWARD TIME EXP RTN TO SEND  
 VAP  
 122 KUNDERT LN  
 BOZEMAN MT 59712-7868

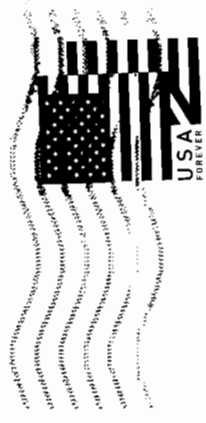
RETURN TO SENDER

4 HMEB5971 58739 4



Alanah Griffith  
Griffith & Cummings, PLLC  
P.O. BOX 160748  
Big Sky, MT 59716

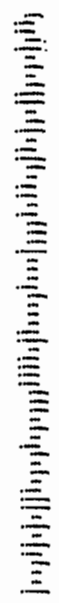
BULLINGS MT 5911  
19 APR 2018 PM 2 T



Clerk & Recorder  
Gallatin County, Mont.

RECEIVED  
APR 23 2018

Gallatin County Clerk & Recorder's Office  
Attn: Eric Semerad  
311 West Main  
Room 203  
Bozeman, MT 59715



59715884574

365790 1830446

LEGA#101778 G.C. CLERK & RECORDER

311 W. MAIN, ROOM 203  
BOZEMAN MT 59715

AFFIDAVIT OF PUBLICATION  
STATE OF MONTANA )

County of Gallatin )

SS.

Jill Hall

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

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

Said notice was published on:  
11/04/2018 11/18/2018

Oliver Hall

Subscribed and sworn to before me this  
27th day of November, 2018

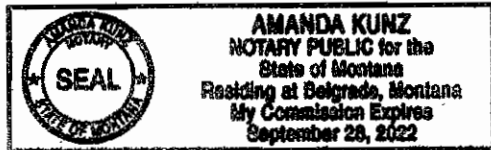
Amanda Kunz  
Notary Public for the State of Montana  
Residing at Bozeman, Montana

**NOTICE OF PUBLIC HEARING**

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Dated this 19th day of  
October, 2018

Charlotte Mills  
Clerk and Recorder  
Gallatin County, Montana



## **PUBLIC MEETING**

DATE: **TUESDAY, NOVEMBER 27, 2018**  
TIME: **9:00 A.M.**  
PLACE: **COURTHOUSE COMMUNITY ROOM**  
BY: **GALLATIN COUNTY COMMISSION**

- ❖ Call to Order, Moment of Silence, Pledge of Allegiance
- ❖ Reminder to public that meetings are televised and audio web-streamed, as well as being recorded.

### **PUBLIC COMMENT –Please limit 5 minutes Per Person**

#### **CONSENT AGENDA**

1. Approval of Claims
2. Approval of Contracts
  - Northern Rocky Mountain Economic Development District FY 2019 Not for Profit Work & Services Agreement to Provide Economic Development Services (\$15,000)
3. Review and Approval of Minutes Summary for October 30, 2018 County Commission Meeting.
4. Decision on a Common Boundary Relocation Exemption from Subdivision Review for Fraser (Jason Karp-Belgrade Planning).

#### **REGULAR AGENDA**

1. Board Appointments
  - Big Sky Water & Sewer District
  - DUI Task Force
2. Public Hearing and Decision on a Resolution Made Pursuant to Road Abandonment Petition No. 845 to Abandon a Portion of Cactus Road (Charlotte Mills, Clerk & Recorder/Surveyor).
3. Public Hearing and Decision on a Resolution Made Pursuant to Road Abandonment Petition No. 850 to Abandon Stream Side Way and Greathorn Road, Big Sky, Montana (Charlotte Mills, Clerk & Recorder/Surveyor).
4. Public Hearing and Decision on the First Reading of an Ordinance for a 25 MPH Speed Limit for Baker Creek and Curtis Lane in Gallatin County, Montana (Commission).
5. Public Hearing and Decision on the First Reading of an Ordinance for a 30 MPH Speed Limit for Stagecoach Trail Road in Gallatin County, Montana (Commission).
6. Public Hearing and Decision on an Improvements Agreement Extension Request for the Woodland Park Phase 1 Major Subdivision (Gallatin County/Bozeman Area Zoning District) (Megan K. Gibson, County Planner).
7. Public Hearing and Decision on a Resolution Adopting a Policy for the Acquisition, Transfer, and Disposal of County Owned Real Property (Jim Doar, County Administrator).
8. Public Hearing and Decision on a Resolution Classifying "Landfill Property" for Exchange between the State of Montana and Gallatin County, approved by the State of Montana Board of Land Commissioners on October 15, 2018 (Jim Doar, County Administrator).
9. Public Hearing and Decision to Authorize the County Commission Chair to Sign Final Closing Documents Regarding the Land Exchange between the State of Montana and Gallatin County, approved by the State of Montana Board of Land Commissioners on October 15, 2018 (Jim Simon, Solid Waste Management District Manager).

*If you have a special need or disability, please contact our A.D.A. Coordinator at 582-3045*

## Semerad, Eric

---

**From:** JeNelle Johnson <jenelle9@hotmail.com>  
**Sent:** Sunday, November 25, 2018 4:16 PM  
**To:** Semerad, Eric; Commission  
**Subject:** Fwd: Greathorn Rd & Stream Side Way abandonment

Dear Eric and Gallatin County Commissioners,

My husband, Fred Orgas, and I are full time residents of the Grey Drake neighborhood, which is also known as Uplands Residential. Grey Drake is just to the east of Moondance, which is adjacent to Great Horn. We are opposed to the Greathorn Rd and Streamside Way abandonment. Our main concern is safety. If there was a fire or other type of disaster that blocked traffic on Hwy 64 or Hwy 191 going north, it would be possible to escape to Hwy 191 south of Big Sky by going through Great Horn and the Big Easy. Wildfires are becoming more frequent and destructive in the west and we also live in a seismically active area. Privatizing roads could cost lives in the event of a natural disaster in our area.

I understand residents concerns about trespassing. In our small development, which includes 16 lots that are 2-5 acres, we have had people set up unauthorized camps on vacant lots. We have also heard gun shots in the middle of the night. We alert our property managers whenever there is suspicious activity and let our neighbors know when there are issues. Fortunately, the trespassing is diminishing with increased vigilance.

I also understand the residents concerns about cars going too fast on the road which cuts through the Ralph's Pass trail. Our neighborhood roads are very popular year round with dog walkers, runners and people out for a stroll. The roads are windy and vehicles sometimes go too fast. I frequently hike Ralph's Pass in the summer and I don't recall ever meeting a car when I cross the road in Great Horn. The trail is only open June 15-Oct 15 and it is closed 8 months of the year.

I am sorry that we will not be able to attend the meeting on Tuesday morning but we wanted to express our concern about the road abandonment. Development in Big Sky is bringing issues to many neighborhoods but I think we all can work together on solutions that do not include closing roads that could result in many casualties if there is a disaster in our area.

Thank you very much for your consideration.

Sincerely,

JeNelle Johnson

Sent from my iPhone

On Nov 21, 2018, at 08:57, Semerad, Eric <[Eric.Semerad@gallatin.mt.gov](mailto:Eric.Semerad@gallatin.mt.gov)> wrote:

Hi Jenelle,

Here are the image files you requested. You can email protests back to me and to the County Commission at [commission@gallatin.mt.gov](mailto:commission@gallatin.mt.gov).

Let me know if you have further questions.

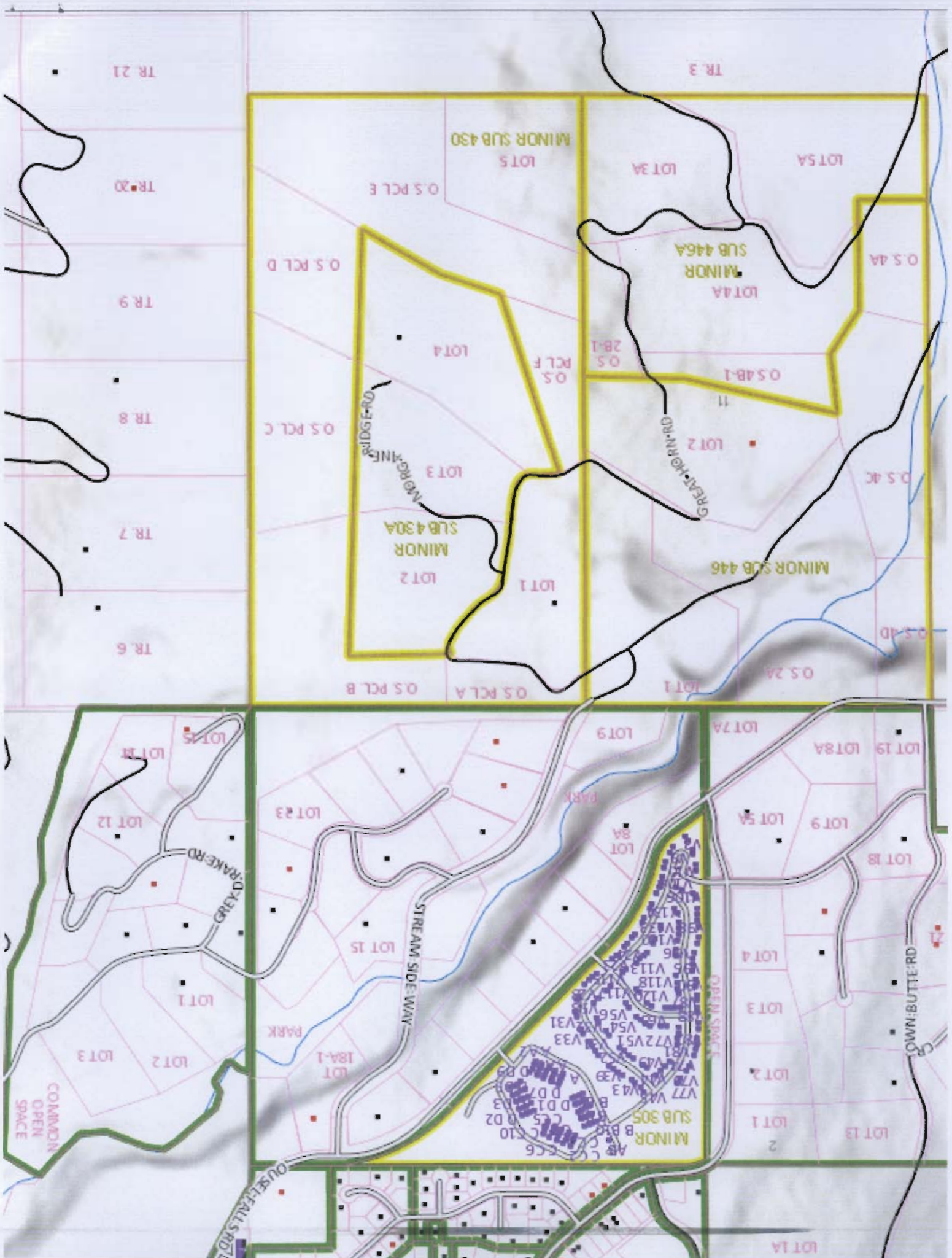
Eric Semerad  
Recording Supervisor



Gallatin County, Montana  
311 West Main, Room 203  
Bozeman, MT 59715  
(406)582-3050  
[eric.semerad@gallatin.mt.gov](mailto:eric.semerad@gallatin.mt.gov)

<Stream Side Greathorn Petition.pdf>

<Stream Side Greathorn Viewers Rpt.pdf>



TR. 21

TR. 3

TR. 20

MINOR SUB 430

LOT 3A

LOT 5A

O.S. PCL. D

O.S. PCL. E

MINOR SUB 446A

O.S. 4A

TR. 9

LOT 4

O.S. PCL. F

O.S. 28-1

O.S. 4B-1

TR. 8

O.S. PCL. C

MORGAN RIDGE RD

LOT 3

GREAT HORN RD

LOT 2

O.S. 4C

TR. 7

MINOR SUB 430A

MINOR SUB 446

TR. 6

LOT 2

LOT 1

LOT 1

O.S. 2A

O.S. 4D

O.S. PCL. B

O.S. PCL. A

LOT 15

LOT 9

LOT 7A

LOT 19

LOT 14

LOT 23

PARK

LOT 5A

LOT 18A

LOT 13

GREYRAKE RD

LOT 15

LOT 9A

LOT 4

LOT 9

LOT 12

PARK

MINOR SUB 305

LOT 3

LOT 2

LOT 11

LOT 1

LOT 18A-1

LOT 9A

LOT 2A

LOT 1B

LOT 10

LOT 1

MINOR SUB 446

LOT 1

LOT 13

LOT 9

COMMON OPEN SPACE

LOT 18A-1

MINOR SUB 305

LOT 2

LOT 1A

LOT 8

LOT 1

MINOR SUB 446

LOT 1A

LOT 1A

LOT 7

COMMON OPEN SPACE

LOT 18A-1

MINOR SUB 305

LOT 1A

LOT 1A

LOT 6

LOT 1

MINOR SUB 446

LOT 1A

LOT 1A

LOT 5

COMMON OPEN SPACE

LOT 18A-1

MINOR SUB 305

LOT 1A

LOT 1A

LOT 4

LOT 1

MINOR SUB 446

LOT 1A

LOT 1A

LOT 3

LOT 1

MINOR SUB 446

LOT 1A

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MINOR SUB 446

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RESOLUTION NO. 2018- \_\_\_\_

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION  
NO. 850 TO ABANDON PORTIONS OF STREAM SIDE WAY AND GREATHORN  
ROAD IN BIG SKY, GALLATIN COUNTY, MONTANA

This Resolution was introduced by \_\_\_\_\_; moved by  
Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_.  
This Resolution was adopted \_\_\_\_\_.

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on  
August 15, 2017, to abandon a portions of Stream Side Way and Greathorn Road  
(hereinafter referred to as the "Roads"), pursuant to Title 7, Chapter 14, Part 26 Montana  
Code Annotated;

WHEREAS, Deficiencies in the petition delayed certification until proper  
authority was received that attorney Alanah Griffith could sign for the landowners.

WHEREAS, the Roads are described as Stream Side Way starting from the  
Greathorn Subdivision Monument arch on Lot 1 Minor Subdivision 446, Section 11,  
Township 7 South, Range 3 East and continuing west over Lots O.S. 2A and O.S. 4C of  
Minor Subdivision 446; and Greathorn Road from its intersection with Stream Side Way  
in Lot 1 of Minor Subdivision 446 and continuing southward through Minor Subdivisions  
430, 430A, 446 and 446A to a point where it exits Lot 5A of Minor Subdivision 446A,  
Section 11, Township 7 South, Range 3 East M.P.M. Gallatin County Montana.

WHEREAS, the Petition states the necessity for and advantage of the  
abandonment is: "First and foremost the request is made to protect the owners' safety. As  
stated in the letter from the Big EZ, the applicants have noticed a large increase in  
vehicular traffic that is unrelated to guests of the owners. As all of the roads mentioned in  
the abandonment request lead to either the owners' homes or onto private roads (Rapier  
and McDonald properties) there is no reason for increased, unrelated through traffic  
except for those using the currently public portion of the road to trespass on those private  
roads. That is certainly occurring. The use of the public portion of the road to access  
private roads is causing strife amongst the neighbors. As seen in the Big EZ's letter, the  
trespassing is cause altercations, which seem to be escalating recently.

Also, some of the increased traffic is due to hunters who are using the public road to  
access the owners' private land for hunting. The hunters do not have permission.  
However, this seems to matter little to them. Now that there are a few full time residents  
in the area, trespassing hunters are placing the owners at risk of bodily harm. There have  
been altercations between these trespassing hunters. As guns are naturally involved in  
these altercations, there is an increased possibility of bodily harm to the owners and their  
guests.

The portion of the public road that the applicants wish the County to abandon only provides access to the owners in the application, and beyond them, provides the opportunity for the public to trespass upon their property, and the private roads beyond Greathorn Ranch and Greathorn Ranch 2. In other words, there is really no reason for these roads to be public, other than the rule that when a portion of land is subdivided, the roads must be dedicated to the public. In most cases, this is certainly beneficial. However, in this case, it has caused harm to the owners along the public road, and harm to the landowners who have private access beyond the Greathorn subdivisions. Therefore, the applicants ask that the County take a close look at special circumstances that surround this particular request, and grant the abandonment.

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

WHEREAS, on March 19, 2018, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2601, MCA;

WHEREAS, on March 27, 2018, the Board of County Commissioners passed Resolution 2018-028 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 Don Seifert and the County Surveyor, Charlotte Mills, and assigned the Number 850 to the Petition;

WHEREAS, on April 19, 2018, the viewing committee met along with Bill Brownell from the Gallatin County Road Department to view the road being petitioned for abandonment;

WHEREAS, The viewing committee met again at the Courthouse for the purpose of discussing the effect of the Gallatin County Subdivision Regulations on the request for abandonment on August 16, 2018. The meeting included Bill Brownell, County Road Supervisor, Eric Semerad, Recording Supervisor, and Sean O’Callaghan, Planning Director.

WHEREAS, The viewing committee reported that “The Viewing Committee does find that neither Greathorn Road nor Stream Side Way provide legal access to public lands or waters. The Committee also finds that two or more landowners do use these roads to access their private property. All of these landowners who use the road have signed the petition.”

“Public roads Great Point Road and Morgane Ridge Road will also be landlocked should the abandonment be granted. There are also properties outside of the subdivisions that would be landlocked without public access or a granted private easement.”

“Section 7.C.10 of the Gallatin County Subdivision Regulations requires that all access roads and interior subdivision roads to be dedicated to the public or be a public

road easement. The two subdivisions would need to be granted a variance from this requirement to be able to abandon the public roads as requested.”

“Section 5.L.a of the Gallatin County Subdivision Regulations requires “Changes that materially alter any portion of a filed plat ... must be made by filing an amended plat showing all alterations. Any alteration which increases the number of lots or modifies lots, or abandons or alters a public road right-of-way or parkland dedication must be reviewed and approved by the County Commission.””

“The Gallatin County Subdivision Regulations demand that this process be done by filing an amended plat. By preparing and filing a plat abandoning these roads per Section 5.L.a it would be violating Section 7.C.10 of the regulations.”

WHEREAS, the recommendation of the Viewing Committee is “Per these two sections of the Gallatin County Subdivision Regulations that abandoning Stream Side Way and Greathorn Road is not in the best interest of the public, and if pursued further, should be done as an amended plat with the relevant variance requests under the Gallatin County Subdivision Regulations.”

WHEREAS, on October 26, 2018 notices were posted in four (4) public places including a notice at the intersection of Greathorn Road and Stream Side Way; the intersection of Stream Side Way and Morgane Ridge Road; at the Big Sky Post Office; at the office of the Gallatin County Clerk & Recorder. A Notice of Public Hearing to be held on November 27, 2018, was published in the Bozeman Daily Chronicle on November 4, 2018 and November 18, 2018; notice was also published in the Lone Peak Lookout on November 15, 2018 and November 22, 2018; and notices along with the viewer’s report were mailed to petitioners and all landowners adjacent to the Road along with a viewers’ report on October 26, 2018;

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

*Petition  
received  
9/28/18*

WHEREAS, on November 27, 2018, the Gallatin County Commissioners conducted a public hearing, after notice, on the Petition and the results of the investigation; and

WHEREAS, on November 27, 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 Stream Side Way starting from the Greathorn Subdivision Monument arch on Lot 1 Minor Subdivision 446, Section 11, Township 7 South, Range 3 East and continuing west over Lots O.S. 2A and O.S. 4C of Minor Subdivision 446; and Greathorn Road from its intersection with Stream

Side Way in Lot 1 of Minor Subdivision 446 and continuing southward through Minor Subdivisions 430, 430A, 446 and 446A to a point where it exits Lot 5A of Minor Subdivision 446A, Section 11, Township 7 South, Range 3 East M.P.M. Gallatin County Montana according to the official plat thereof on file and of record in the office of the Gallatin County Clerk and Recorder is hereby abandoned.

2. The Commission hereby requests the Clerk and Recorder, within ten (10) days from the date of passage of this Resolution, to send a copy by certified mail to all owners of land abutting on the abandoned 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 27<sup>th</sup> day of November, 2018.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

---

R. Stephen White  
Chairman

ATTEST:

---

Charlotte Mills  
Clerk and Recorder  
Gallatin County

RESOLUTION NO. 2018- 117

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION  
NO. 850 TO ABANDON PORTIONS OF STREAM SIDE WAY AND GREATHORN  
ROAD IN BIG SKY, GALLATIN COUNTY, MONTANA

This Resolution was introduced by CLERK & RECORDER CHARLOTTE MILLS; moved by  
Commissioner SKINNER and seconded by Commissioner SEIFERT.  
This Resolution was ~~adopted~~ denied. UNANIMOUSLY 0:3

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on  
August 15, 2017, to abandon a portions of Stream Side Way and Greathorn Road  
(hereinafter referred to as the "Roads"), pursuant to Title 7, Chapter 14, Part 26 Montana  
Code Annotated; and

WHEREAS, Deficiencies in the petition delayed certification until proper  
authority was received that attorney Alanah Griffith could sign for the landowners; and

WHEREAS, the Roads are described as Stream Side Way starting from the  
Greathorn Subdivision Monument arch on Lot 1 Minor Subdivision 446, Section 11,  
Township 7 South, Range 3 East and continuing west over Lots O.S. 2A and O.S. 4C of  
Minor Subdivision 446; and Greathorn Road from its intersection with Stream Side Way  
in Lot 1 of Minor Subdivision 446 and continuing southward through Minor Subdivisions  
430, 430A, 446 and 446A to a point where it exits Lot 5A of Minor Subdivision 446A,  
Section 11, Township 7 South, Range 3 East M.P.M. Gallatin County Montana; and

WHEREAS, the Petition states the necessity for and advantage of the  
abandonment is:

"First and foremost the request is made to protect the owners' safety. As stated in  
the letter from the Big EZ, the applicants have noticed a large increase in vehicular traffic  
that is unrelated to guests of the owners. As all of the roads mentioned in the  
abandonment request lead to either the owners' homes or onto private roads (Rapier and  
McDonald properties) there is no reason for increased, unrelated through traffic except  
for those using the currently public portion of the road to trespass on those private roads.  
That is certainly occurring. The use of the public portion of the road to access private  
roads is causing strife amongst the neighbors. As seen in the Big EZ's letter, the  
trespassing is cause altercations, which seem to be escalating recently.

Also, some of the increased traffic is due to hunters who are using the public road to  
access the owners' private land for hunting. The hunters do not have permission.  
However, this seems to matter little to them. Now that there are a few full time residents  
in the area, trespassing hunters are placing the owners at risk of bodily harm. There have  
been altercations between these trespassing hunters. As guns are naturally involved in

these altercations, there is an increased possibility of bodily harm to the owners and their guests.

The portion of the public road that the applicants wish the County to abandon only provides access to the owners in the application, and beyond them, provides the opportunity for the public to trespass upon their property, and the private roads beyond Greathorn Ranch and Greathorn Ranch 2. In other words, there is really no reason for these roads to be public, other than the rule that when a portion of land is subdivided, the roads must be dedicated to the public. In most cases, this is certainly beneficial. However, in this case, it has caused harm to the owners along the public road, and harm to the landowners who have private access beyond the Greathorn subdivisions. Therefore, the applicants ask that the County take a close look at special circumstances that surround this particular request, and grant the abandonment[;]"and

WHEREAS, pursuant to MCA § 7-14-2601(3)(b)“abandonment” as set forth herein means the “cessation of use of the right-of-way (easement) or activity thereon with no intention to reclaim or use again and is sometimes called “vacation” except as may be granted to the public by further easement or petition; and

WHEREAS, on March 19, 2018, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by MCA § 7-14-2601(1); and

WHEREAS, on March 27, 2018, the Board of County Commissioners passed Resolution 2018-028 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 Don Seifert and the County Surveyor, Charlotte Mills, and assigned the Number 850 to the Petition; and

WHEREAS, on April 19, 2018, the viewing committee met along with Bill Brownell from the Gallatin County Road Department to view the road being petitioned for abandonment; and

WHEREAS, The viewing committee met again at the Courthouse to discuss the effect of the Gallatin County Subdivision Regulations on the request for abandonment on August 16, 2018. The meeting included Bill Brownell, County Road Supervisor, Eric Semerad, Recording Supervisor, and Sean O’Callaghan, Planning Director; and

WHEREAS, The viewing committee reported that:

“The Viewing Committee does find that neither Greathorn Road nor Stream Side Way provide legal access to public lands or waters. The Committee also finds that two or more landowners do use these roads to access their private property. All of these landowners who use the road have signed the petition.”

Public roads Great Point Road and Morgane Ridge Road will also be landlocked should the abandonment be granted. There are also properties outside of the subdivisions that would be landlocked without public access or a granted private easement.



Section 7.C.10 of the Gallatin County Subdivision Regulations requires that all access roads and interior subdivision roads to be dedicated to the public or be a public road easement. The two subdivisions would need to be granted a variance from this requirement to be able to abandon the public roads as requested.

Section 5.L.a of the Gallatin County Subdivision Regulations requires “Changes that materially alter any portion of a filed plat ... must be made by filing an amended plat showing all alterations. Any alteration which increases the number of lots or modifies lots, or abandons or alters a public road right-of-way or parkland dedication must be reviewed and approved by the County Commission.

The Gallatin County Subdivision Regulations demand that this process be done by filing an amended plat. By preparing and filing a plat abandoning these roads per Section 5.L.a it would be violating Section 7.C.10 of the regulations[;]” and

WHEREAS, the recommendation of the Viewing Committee is “Per these two sections of the Gallatin County Subdivision Regulations that abandoning Stream Side Way and Greathorn Road is not in the best interest of the public, and if pursued further, should be done as an amended plat with the relevant variance requests under the Gallatin County Subdivision Regulations[;]” and

WHEREAS, on October 26, 2018 notices were posted in four (4) public places including a notice at the intersection of Greathorn Road and Stream Side Way; the intersection of Stream Side Way and Morgane Ridge Road; at the Big Sky Post Office; at the office of the Gallatin County Clerk & Recorder. A Notice of Public Hearing to be held on November 27, 2018, was published in the Bozeman Daily Chronicle on November 4, 2018 and November 18, 2018; notice was also published in the Lone Peak Lookout on November 15, 2018 and November 22, 2018; and notices along with the viewer’s report were mailed to petitioners and all landowners adjacent to the Road along with a viewers’ report on October 26, 2018; and

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

WHEREAS, on November 27, 2018, the Gallatin County Commissioners conducted a public hearing, after notice, on the Petition and the results of the investigation; and

WHEREAS, on November 27, 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 Stream Side Way starting from the Greathorn Subdivision Monument arch on Lot 1 Minor Subdivision 446, Section 11, Township 7

South, Range 3 East and continuing west over Lots O.S. 2A and O.S. 4C of Minor Subdivision 446; and Greathorn Road from its intersection with Stream Side Way in Lot 1 of Minor Subdivision 446 and continuing southward through Minor Subdivisions 430, 430A, 446 and 446A to a point where it exits Lot 5A of Minor Subdivision 446A, Section 11, Township 7 South, Range 3 East M.P.M. Gallatin County Montana according to the official plat thereof on file and of record in the office of the Gallatin County Clerk and Recorder is hereby abandoned.

2. The Commission hereby requests the Clerk and Recorder, within ten (10) days from the date of passage of this Resolution, to send a copy by certified mail to all owners of land abutting on the abandoned 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 27<sup>th</sup> day of November, 2018.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

---

R. Stephen White  
Chairman

ATTEST:

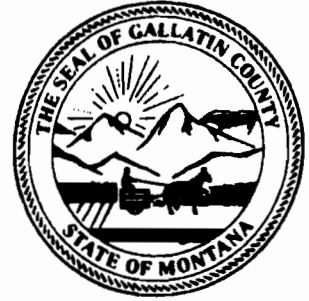
---

Charlotte Mills  
Clerk and Recorder  
Gallatin County

State of Montana

County of Gallatin

Bozeman



AFFIDAVIT OF MAILING

STATE OF MONTANA )
) ss
COUNTY OF GALLATIN )

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

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

I hereby certify that a copy of Resolution #2018-117, a Resolution made pursuant to Road Abandonment Petition No. 850 to abandon portions of Stream Side Way and Greathorn Road in Big Sky, Gallatin County, Montana, was mailed to the following landowners on November 28, 2018.

Table with 5 columns: Name, Address, City, State, ZIP. Lists various landowners and their contact information.

Charlotte Mills

CHARLOTTE MILLS
Clerk and Recorder
Gallatin County, Montana

By: [Signature]
Jasmine Hall, Deputy



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 portions of Stream Side Way and Greathorn Road in Big Sky, Gallatin County, Montana, pursuant to Road Abandonment Petition No. 850, was posted by October 26, 2018 in the following four (4) public locations:

1. **Intersection of Greathorn Road and Stream Side Way**
2. **Intersection of Stream Side Way and Morgane Ridge Road**
3. **Big Sky Post Office**
4. **Gallatin County Courthouse Lobby**

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

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:

WILLIAM & CYNTHIA KUNKEL  
 312 ELM ST # 49  
 NEW CANAAN, CT 06840



9590 9402 2895 7094 1490 06

2. Article Number (Transfer from service label)

7018 1130 0001 1401 9092

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*William Kunkel*  
 B. Received by (Printed Name)  
 William Kunkel

Agent  
 Addressee

C. Date of Delivery

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

3. Service Type

- Adult Signature Restricted Delivery
- Adult Signature Restricted Delivery for Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:

JASON & KAREN MITTELSTAEDT  
 PO BOX 160647  
 IG SKY, MT 59716



9590 9402 2895 7094 1489 48

2. Article Number (Transfer from service label)

7018 1130 0001 1401 9016

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*Karen Mittelsstaedt*

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt



Gallatin County Clerk and Recorder  
 Recording Department  
 311 West Main, Room 203  
 Bozeman, Montana 59715-4574

RECEIVED

DEC 03 2018

Clerk & Recorder  
 Gallatin County, Mont.

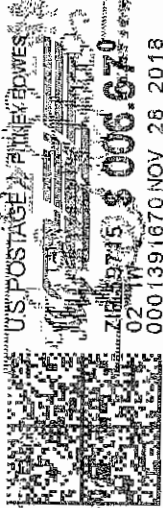
TS Four, LLC  
 12 Penny Ln  
 Gallatin Gatev

*TS*

CERTIFIED MAIL™



7012 0470 0000 2799 3698



U.S. POSTAGE PINNEY BOWES  
 ZID 59715 \$ 006.67  
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 0001391670 NOV 28 2018

NIXIE 591 FE 1 0012/01/18

RETURN TO SENDER  
 NOT DELIVERABLE AS ADDRESSED  
 UNABLE TO FORWARD

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UTF

5973055778 > 4574

114

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE ADDRESS

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:**

TS FOUR, LLC  
 12 PENNY LN  
 GALLATIN GATEWAY, MT 59730

**RD PETITION# 850**



9590 9402 2895 7094 1489 17

**2. Article Number (Transfer from service label)**

7012 0470 0000 2799 3698

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

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

- 3. Service Type**
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail (over \$500)
  - Insured Mail Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt

PS Form 3811, July 2015 PSN 7580-02-000-9053





Gallatin County Clerk and Recorder  
 Recording Department  
 311 West Main, Room 203  
 Bozeman, Montana 59715-4574

**CERTIFIED MAIL**



U.S. POSTAGE PITNEY BOWES



ZIP 59715 \$ 006.67<sup>0</sup>  
 02 1W  
 0001391670 NOV 28 2018

7018 1130 0001 1401 9023

RECEIVED

DEC 06 2018

Clerk & Recorder  
 Gallatin County, Mont.

0012/02/18

NIXIE 591 DE 1  
 RETURN TO SENDER  
 AS ADDRESSED  
 NOT DELIVERABLE TO FORWARD

Day 125  
 Boze

\*0195-00253-29-00  
 49715457453

NIXIE 591 CC 1 2212/04/18

RETURN TO SENDER  
 NOT DELIVERABLE AS ADDRESSED  
 UNABLE TO FORWARD

MANUAL PROC REQ \*0195-00253-29-00

*12/6/18 Resent to Mr. P  
 122. 1/22/18  
 ESTIMATED*

114

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. SEE INSTRUCTIONS ON THE BACK OF THIS STICKER.

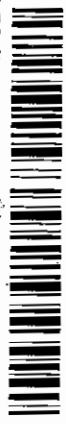
**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:

DAVID VAP & MARGARET BURNS  
 REV. TRUST  
 1258 DOONEY WAY  
 BOZEMAN, MT 59718

RD PETITION#850



9590 9402 2895 7094 1489 55

2. Article Number (transfer from service label)

7018 1130 0001 1401 9023

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

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

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:

STREAM SIDE MT, LLC  
c/o JANET JACOBS  
119 W MAIN ST  
FAYETTE, MO 65248

RD PETITION#850



9590 9402 2895 7094 1489 86

2. Article Number (Transfer from service label)

7016 1130 0001 1401 9054

PS Form 3811, July 2015 PSN 7530-02-000-9003

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature [Signature]  Agent  Addressee  
B. Received by (Printed Name) JULIE MCMANIS C. Date of Delivery 12-3-15

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

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:

GREAT POINT, LLC  
 PO BOX 4995  
 JACKSON HOLE, WY 83001

RD PETITION#850



9590 9402 2895 7094 1489 31

2. Article Number (Transfer from service label)

7018 1130 0001 1401 9009

**COMPLETE THIS SECTION ON DELIVERY**

A. Signatures  Agent  Addressee  
*H. Johns*  
 B. Receiver by (Printed Name)  Date of Delivery  
*H. Johnson* *12-6-18*

D. Is delivery address different from recipient's address?  
 Yes  No



3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail (over \$500)
  - Insured Mail Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

Domestic Return Receipt

PS Form 3811, July 2015 PSN 7530-02-000-9063

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:

LANDMARK PROPERTIES, LLC  
 c/o BRIAN MACDONALD  
 54 CATHLOW DR.  
 RIVERSIDE, CT 06878

RD PETTITTON#850



9590 9402 2895 7094 1489 24

2. Article Number (transfer from service label)

7018 1130 0001 1401 9085

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) \_\_\_\_\_ C. Date of Delivery \_\_\_\_\_

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



3. Service Type  Registered Mail™  
 Registered Mail Restricted Delivery  
 Registered Mail Express®  
 Registered Mail™  
 Return Receipt for Merchandise  
 Signature Confirmation™  
 Signature Confirmation Restricted Delivery  
 Insured Mail (over \$500)  
 Insured Mail Restricted Delivery  
 Certified Mail™  
 Certified Mail Restricted Delivery™  
 Collect on Delivery Restricted Delivery  
 Collect on Delivery Restricted Delivery Restricted Delivery

Domestic Return Receipt