

Kocking S7

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 Mark A. Chandler PHONE \_\_\_\_\_

- 1) Determine if petition has sufficient information for processing. (Copy to County Attorney.) It should address all the pertinent information listed in:
  - a) The form of the petition
  - b) Section 7-14-2602
  - c) Identify owners abutting the road to be abandoned (7-14-2604)
  - d) Owners of private land to which the road gives access (7-14-2615(4))
- 2) Determine if there are sufficient qualified signatures as per 7-14-2601.
- 3) Complete "Report of Qualified Signatures".
- 4) Schedule the first hearing on the petition on Commissioner's agenda. DATE: 6/18/19
  - a) Prepare draft resolution appointing viewing committee and assigning Petition # 851.
  - b) Forward copy to county attorney for review
- 5) Make copies of petition and Report of Qualified Signers. Forward to:
  - County Attorney (attach note of date on Commissioner's agenda)
  - County Road Superintendent (attach note of date on Commissioner's agenda)
  - County Commission (3 copies)
- 6) Commissioners receive petition and assign viewing committee at first hearing via resolution.
- 7) Viewing committee (7-14-2603) completes road report and report is received. DATE: 7/12/19
- 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 9/3/19
- 10) a) Type regular mail envelopes for:
  - 1) All landowners named on the petition
  - 2) All signers on the petition
  - 3) All landowners determined by viewing committee and county staff abutting the road to be abandoned and landowners of private land to which the road gives access.
  - 4) The postmaster of the area PLWA
 b) Type and prepare certified mail envelopes for:
  - 1) All landowners abutting the road to be abandoned and landowners of private land to which the road gives access.
  - 2) The postmaster of the area
- 11) Mail a copy of the public hearing notice and viewers report to the people listed in 10) a) above.
- 12) Publish public hearing legal notice two times in Chronicle for a county road (7-1-2121) and if necessary in another newspaper. DATES 8/11 - 8/25/19
- 13) Post notice in 5 public places 30 days prior to hearing and prepare affidavit of posting. At least 2 of the postings should be on or near the portion of road to be abandoned on yellow notice signs.
- 14) Post a copy of the viewing committee report and public hearing notice to the following online and with County Commission staff.
- 15) Prepare draft resolution for Commissioners to consider at next public hearing. Email to County Attorney for review.
- 16) Commissioners hold public hearing to grant or deny petition and pass resolution if granted.
- 17) Within 10 days of passage of resolution send copies of resolution to all persons listed in #10b (BY CERTIFIED MAIL) and forward certified copy to County Road Superintendent (per 7-14-2613).
- 18) Type affidavits of mailing and posting for the notice, and the final board decision.
- 19) If the petition is granted, a certified copy of the resolution must be recorded.
- 20) Scan petition file and file away in basement drawer for road petitions.

PETITION TO ABANDON COUNTY ROAD

RECEIVED

MAY 14 2019

Clerk & Recorder  
Gallatin County, Mont.

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

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

1. The road or portion of the road to be abandoned: Rocking S7 Road within Minor Subdivision No. 282B

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

All of Rocking S7 Road within Minor Subdivision No. 282B as shown on the attached Amended Plat

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. Chris Galle, manager, Big Red Tomatoes, LLC

850 W. Adams St., Apt. 5C

Chicago, IL 60607-3085

Legal Description of Property Lots 2 & 3, Minor Subd. No. 282B, Sec. 26, T2N R4E

2. Stephen B. Carlson

P.O. Box 1797

Bozeman, MT 59771-1797

Legal Description of Property Lots 1 & 5, Minor Subd. No. 282B, Sec. 26, T2N R4E

3. Daniel Emery Ruggles II

705 E. Orange St.

Bozeman, MT 59715-3025

Legal Description of Property Lot 4, Minor Subdivision No. 282B, Sec. 26, T2N R4E

4. \_\_\_\_\_

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

5. \_\_\_\_\_

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

RECEIVED

JUN 05 2019

Clerk & Recorder  
Gallatin County, Mont.

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

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

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

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

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

n/a  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

The landowners prefer Rocking S7 Road to be a private road to protect livestock, prevent trespass, property damage, theft and littering beyond the right of way. The road will never access any other property or public lands since further subdivision is prohibited, and no connectivity will ever be needed beyond Rocking S7 Subdivision since access already exists.

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

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, just utilities to the lots within Minor Subd. No. 282B. A utility easement will be maintained for these utilities.

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

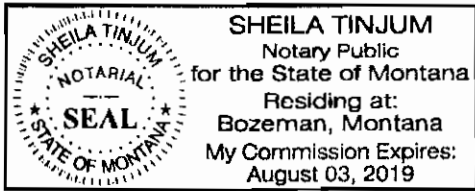
State of Montana  
County of Gallatin

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

Mark A. Chandler  
(Signature of petition gatherer.)

Signed and sworn to (or affirmed) before me on MAY 14, 2019  
by MARK A. CHANDLER.

(Seal, if any)



Sheila Tinjum  
Signature of notarial officer  
Sheila Tinjum  
Name - typed, stamped, or printed  
Office Administrator  
Title (and Rank)  
Bozeman, MT  
Residing at  
My commission expires: 08/03/2019

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

①

1. SBC POB 1797  
Signature STEPHEN CARLSON Address Bozeman, MT  
Printed Name 5.3.2019 City, State, Zip 59771  
Date  
Legal Description of Property Lot 1 & 5 Minor Sub. No. 282 B, Sec 26, T2N R4E

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

②

3. [Signature] POB 1082  
Signature Daniel Ruggles Address Bozeman, MT 59771  
Printed Name 5/16/19 City, State, Zip \_\_\_\_\_  
Date  
Legal Description of Property Lot 4, Minor Sub. No. 282 B, Sec 26, T2N, R4E

③

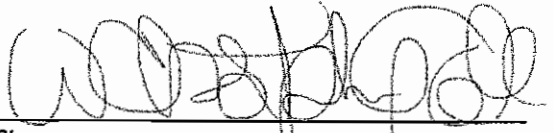
4. [Signature] 2406 Fern Glouice  
Signature DANIEL SIEBELS Address Bozeman, MT 59718  
Printed Name 5.13.19 City, State, Zip \_\_\_\_\_  
Date  
Legal Description of Property Wildflower Sub S15, T01S, R05E, Lot 29 Acres 1.005, Plat 5-53

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

6. \_\_\_\_\_  
Signature \_\_\_\_\_ Address \_\_\_\_\_  
Printed Name \_\_\_\_\_ City, State, Zip \_\_\_\_\_  
Date \_\_\_\_\_  
Legal Description of Property \_\_\_\_\_

④

11.



Signature  
William C. Galle, manager, Big Red

Printed Name  
5/28/2019

Date

850 W. Adams St., Apt. 5C

Address  
Chicago, IL 60607-3085

City, State, Zip

Legal Description of Property Lots 2+3, Minor Subd. 282B, Sec. 26, T. 2N, R. 4E

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

Signature

Address

Printed Name

City,State,Zip

Date

Legal Description of Property

5

7. Michael A. Basile  
Signature  
MICHAEL A. BASILE  
Printed Name  
5/4/19  
Date

41 C Hitching Post RD  
Address  
BOZEMAN, MT 59715  
City,State,Zip

Legal Description of Property Minor Sub 73, S30, T02S, R06E,  
Lot 3, Acres 1 HEETDERKS

8. David G. Loseff  
Signature  
DAVID G. LOSEFF  
Printed Name  
5/7/19  
Date

201 S. GRAND AVE  
Address  
BOZEMAN, MT 59715  
City,State,Zip

Legal Description of Property Alderson Add, S07, T02S, R06E  
Block D, Lot 1-2, Acres .232, N2 Lot 3

9. Curtis S. Smith  
Signature  
CURTIS S. SMITH  
Printed Name  
5/7/2019  
Date

710 NORTH MONTANA  
Address  
BOZEMAN, MONTANA 59715  
City,State,Zip

Legal Description of Property FMES Add, S06, T02S, R06E, Block 42  
Lot 17A, Acres .192, Plat C-41-I

6

10. Jon L. Edwards  
Signature  
Jon L. Edwards  
Printed Name  
5/7/2019  
Date

8430 Bridger Cyn Rd  
Address  
Bozeman, MT 59715  
City,State,Zip

Legal Description of Property Minor Sub 167, S30, T02S, R07E  
Lot B2, Acres 40

7

11. Michael J. Schreiber  
Signature  
Michael J Schreiber III  
Printed Name  
5-6-2019  
Date

4 Stepanek Drive  
Address  
Bozeman MT 59715  
City, State, Zip

Legal Description of Property Sourdough Cr. Prop. 14, S30, T02 S  
ROBE, Block 2. Lot 6 Acres 1.0012

12. Don Pilotte  
Signature  
DON PILOTTE  
Printed Name  
5-8-19  
Date

2007 S TRACY  
Address  
BOZEMAN, MT 59715  
City, State, Zip

Legal Description of Property THOMPSON ADD 3 AMND,  
S18, T02 S, ROBE, BLOCK 4  
LOT 8, REARR

13. Richard Romney  
Signature  
Richard Romney  
Printed Name  
5-10-19  
Date

1321 Headlands Dr  
Address  
Bozeman, MT 59715  
City, State, Zip

Legal Description of Property Headlands Sub. S32 T02S ROBE LOT 1  
Acres .554 Plat J-346

14. Jerry Ruggiero  
Signature  
Jerry Ruggiero  
Printed Name  
5-11-19  
Date

720 E. Orange St  
Address  
Bozeman, MT  
City, State, Zip

Legal Description of Property Northern Pacific ADD, S07, T02S, ROBE  
Block 52, Lot 4-5, Plat C-23

8

15. Michael A. Gordon Jr.  
Signature  
Michael A Gordon Jr.  
Printed Name  
5 June 2019  
Date

123 Longhorn Spur  
Address  
Belgrade, MT 59714  
City, State, Zip

Legal Description of Property Minor Sub 354, S03, T01S,  
RO5 E, Lot 1



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.

9

1. Mark A. Chandler 135 ALTA VISTA DR.  
Signature Address  
MARK A. CHANDLER BOZEMAN, MT 59715  
Printed Name City,State,Zip  
5/28/2019  
Date

Legal Description of Property TRACT 3, COS No. 10; SW 1/4  
SEC. 28, T 2S, R 6E

2. [Signature] 5195 Copeland Ave  
Signature Address  
Bozeman, MT 59715  
Printed Name City,State,Zip  
5/28/2019  
Date

Legal Description of Property LOT 4, SYPEES CANYON SUBD. SEC. 17, T 1S, R 6E

10

3. [Signature] 725 SOLAR WAY  
Signature Address  
BRENDAN HENRY BOZEMAN MT 59715  
Printed Name City,State,Zip  
5/30/2019  
Date

Legal Description of Property LOT 8, SKYVIEW SUBD., SEC. 16, T 2S, R 6E

4. \_\_\_\_\_  
Signature Address  
Printed Name City,State,Zip  
Date

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

5. \_\_\_\_\_  
Signature Address  
Printed Name City,State,Zip  
Date

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

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

AMENDED PLAT REQUESTED BY OWNERS TO CHANGE ROCKING ST ROAD FROM A PUBLIC ROAD TO A PRIVATE ROAD.

OWNER OF LOTS 2 & 3: BIG RED TOMATOES, LLC  
 DEED REF.: DOC. NO. 2394104

OWNER OF LOTS 1 & 5: STEPHEN B. CARLSON  
 DEED REF.: DOC. NO. 2383548

OWNER OF LOT 4: DANIEL EMERY RUGGLES II  
 DEED REF.: DOC. NO. 2567803

# ROCKING S7 MINOR SUBDIVISION NO. \_\_\_\_\_ BEING AN AMENDED PLAT OF LOTS 1-5, MINOR SUBDIVISION NO. 282B

## LOCATED IN THE NW 1/4, THE NE 1/4 AND THE SE 1/4 OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 4 EAST OF PMJM, GALLATIN COUNTY, MONTANA

**CERTIFICATE OF CONSENT**  
 We, the undersigned property owners, do hereby certify that we have caused to be surveyed, subdivided and platted into lots and roads, as shown by this plat hereunto included, the following described tract of land, to wit:

**LEGAL DESCRIPTION**  
 Lot 1, Lot 2, Lot 3, Lot 4, and Lot 5, Minor Subdivision No. 282B, according to the plat thereof, on file and of record in the office of the Clerk and Recorder, Gallatin County, Montana, and located in the Northwest Quarter, the Northeast Quarter and the Southeast Quarter of Section 26, Township 2 North, Range 4 East of P.M.M., Gallatin County, Montana.  
 Area = 6,967,558 sq. feet, 159.9531 acres, or 647,307.3 sq. meters. Subject to existing easements.

The above described tract of land is to be known and designated as Minor Subdivision No. \_\_\_\_\_ Gallatin County, Montana.  
 The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of all easements, rights-of-way, and other facilities, in, over, under, and across each area designated on this plat as 'Utility Easement' to have and to hold forever.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
 Daniel Emery Ruggles II

Notary Public for the State of \_\_\_\_\_  
 Printed Name: \_\_\_\_\_  
 Residing at: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
 Stephen B. Carlson

Notary Public for the State of \_\_\_\_\_  
 Printed Name: \_\_\_\_\_  
 Residing at: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
 Big Red Tomatoes, LLC  
 a Montana Limited Liability Company  
 By: Chris Galle, Manager

Notary Public for the State of \_\_\_\_\_  
 Printed Name: \_\_\_\_\_  
 Residing at: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
 Mark A. Chandler, PE, FLS  
 Montana License No. 9518ES

**CERTIFICATE OF COUNTY COMMISSIONERS**  
 I, the Chairman of the Board of County Commissioners, Gallatin County, Montana, do hereby certify that the accompanying plat has been duly examined, and have found the same to conform to the law, and approve it.

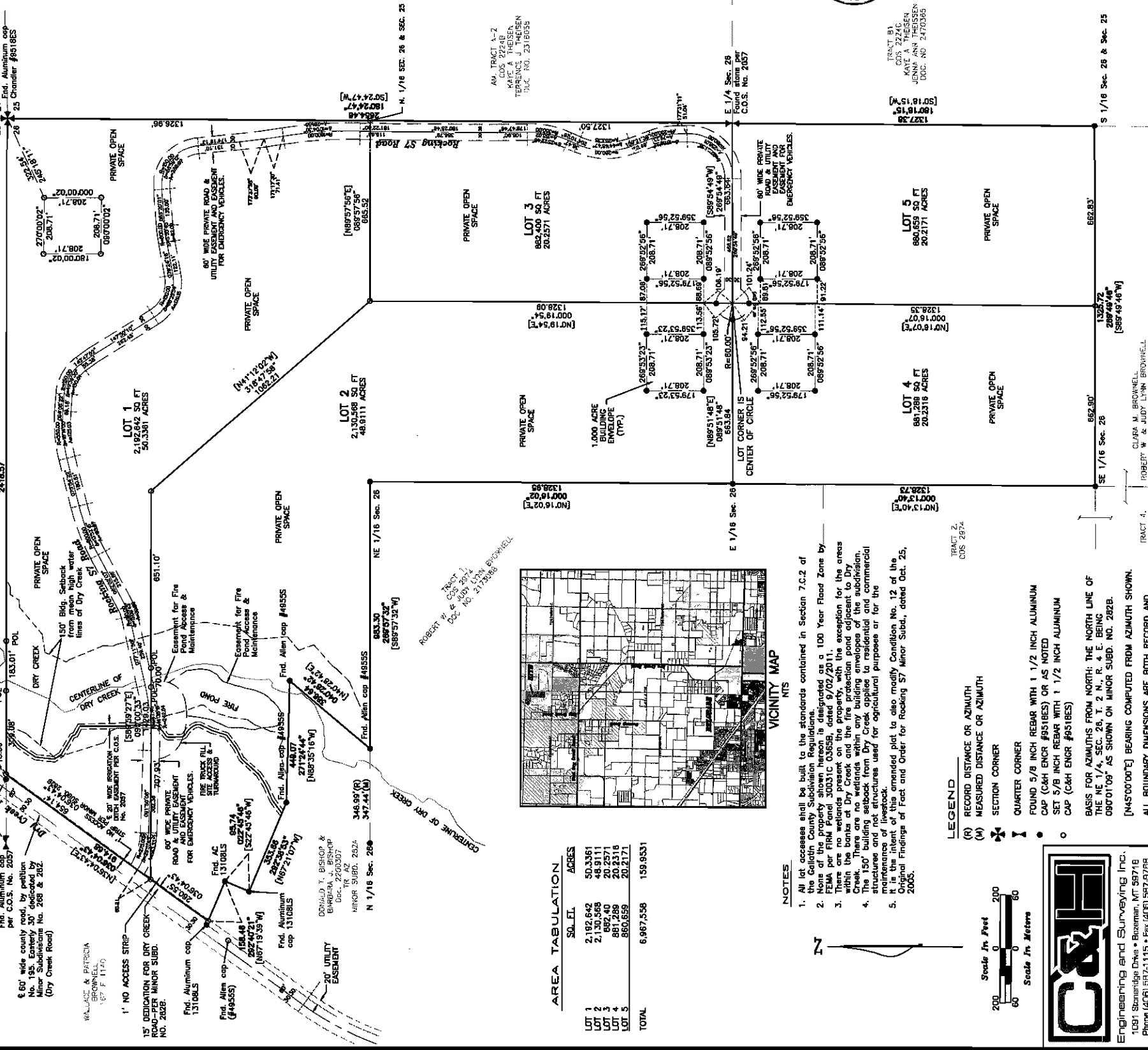
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
 Chairman, Board of County Commissioners

**CERTIFICATE OF COUNTY TREASURER**  
 I, Jennifer Blossom, Treasurer of Gallatin County, Montana, do hereby certify that the accompanying Minor Subdivision has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
 Deputy Treasurer of Gallatin County

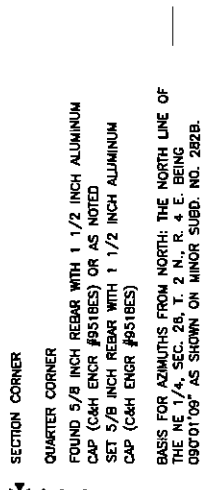
**CLERK AND RECORDER**  
 I, Eric Samenod, Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was filed in my office at \_\_\_\_\_ o'clock \_\_\_\_\_ M., this day of \_\_\_\_\_, A.D., 2019, and recorded as Minor Subdivision No. \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.  
 Deputy Clerk and Recorder



- NOTES**
- All lot accesses shall be built to the standards contained in Section 7.C.2 of the Gallatin County Subdivision Regulations.
  - None of the property shown herein is designated as a 100 Year Flood Zone by FEMA.
  - There are no wetlands present on the property with the exception for the areas within the banks of Dry Creek and the fire protection pond adjacent to Dry Creek. There are no wetlands within any building envelopes of the subdivision.
  - The 150' building setback from Dry Creek applies to residential and commercial structures and not structures used for agricultural purposes or for the maintenance of livestock.
  - Original Findings of Fact and Order for Rocking S7 Minor Subd., dated Oct. 25, 2005.

- LEGEND**
- (R) RECORD DISTANCE OR AZIMUTH
  - (M) MEASURED DISTANCE OR AZIMUTH
  - SECTION CORNER
  - QUARTER CORNER
  - FOUND 5/8 INCH REBAR WITH 1 1/2 INCH ALUMINUM CAP (C&H ENCR #9518ES) OR AS NOTED
  - SET 5/8 INCH REBAR WITH 1 1/2 INCH ALUMINUM CAP (C&H ENCR #9518ES)
  - BASIS FOR AZIMUTHS FROM NORTH: THE NORTH LINE OF THE NE 1/4, SEC. 26, T. 2 N., R. 4 E. BEING 090°01'09" AS SHOWN ON MINOR SUBD. NO. 282B.
  - [N45°00'00"E] BEARING COMPUTED FROM AZIMUTH SHOWN.
  - ALL BOUNDARY DIMENSIONS ARE FROM RECORD AND MEASURED.



**C&H**  
 Engineering and Surveying Inc.  
 1081 Stoneledge Drive • Bozeman, MT 59718  
 Phone (406) 597-1115 • Fax (406) 597-9788  
 www.chandlengineers.com • info@chandlengineers.com

RESOLUTION NO. 2019-058

A RESOLUTION MADE TO ASSIGN THE VIEWING COMMITTEE AND  
PETITION NUMBER FOR A PETITION TO ABANDON ROCKING S7 ROAD  
NO. 851, GALLATIN COUNTY, MONTANA

This Resolution was introduced by CLERK & RECORDER  
ERIC SEMERAD; moved by  
Commissioner MACFARLANE and seconded by Commissioner SELFERT.  
This Resolution was adopted UNANIMOUSLY.

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on June 5, 2019, to abandon Rocking S7 Road, (hereinafter referred to as the "Road"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated; and

WHEREAS, the Road to be abandoned is described all of Rocking S7 Road located within Minor Subdivision 282B located in the NW¼, the NE¼ and the SE¼ of Section 26, Township 2 North, Range 4 East P.M.M. Gallatin County Montana.

WHEREAS, on June 5<sup>th</sup>, 2019, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2616, MCA; and

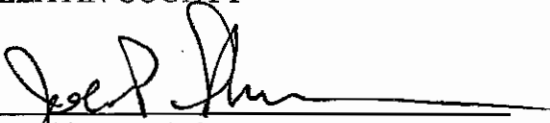
WHEREAS, according to Section 7-14-2603, MCA, the Board of County Commissioners shall cause an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the Petition. The investigation shall be sufficient to properly determine the merits or demerits of the Petition.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

NOW THEREFORE BE IT RESOLVED:

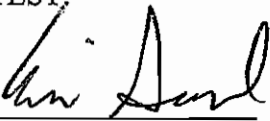
1. The Board hereby accepts the petition for abandonment of Rocking S7 Road, located within Minor Subdivision 282B located in the NW¼, the NE¼ and the SE¼ of Section 26, Township 2 North, Range 4 East P.M.M. Gallatin County Montana.
2. The petition is assigned Road Petition Number 851.
3. Commissioner Joe P. Skinner and County Surveyor Eric Semerad are assigned to investigate the feasibility, desirability, and cost of granting the prayer of the Petition, and to report their findings back to the Board.

DATED this 18TH day of June 2019.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

  
\_\_\_\_\_  
Joe P. Skinner, Chairman

ATTEST:

  
\_\_\_\_\_  
Eric Semerad  
Clerk and Recorder  
Gallatin County



---

**Patrick Byorth**

*Director of Montana Water, Western Water & Habitat Project*

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

September 5, 2019

RE: Petition to Abandon Rocking S7 Road

Dear Commissioners,

I am writing to offer information and comment regarding the Rocking S7's petition to declare its road a private road. Over the past several years, Trout Unlimited's Montana Water and Habitat Program, which I direct, has partnered with local landowners including the Petitioner to restore habitat, water quality, and fish passage along Dry Creek. In our efforts, we gained a significant understanding of Dry Creek and the role it plays in the fisheries of the East Gallatin Watershed that may shed light on the petition before you. As a former state fisheries biologist and 30-year stream restorationist, I hoped a characterization of the stream might be useful to you.

As you are certainly aware, Trout Unlimited has long been a fierce advocate for stream access and access to public lands. We are heartened to see the Commission's interest in preserving public access, especially with mounting loss of public access to streams in the valley. However, in the petition before you, it appears that stream access has assumed a disproportionate weight in your decision-making process, which may be unwarranted due to the limited sportfishing value in the reach.

Through Trout Unlimited's partnership with local landowners, including the Petitioner, we have gained a thorough understanding of factors limiting fisheries in Dry Creek and the East Gallatin River. Our partnership has leveraged landowners' significant private funding with state grant funds to restore fish migrations into Dry Creek past the Dry Creek Canal, which historically blocked fish passage. We also restored over 4,970 feet of banklines and riparian vegetation removing tons of vertical eroding banks and the sedimentation that would choke spawning habitat and invertebrate life. While our work will certainly improve fishing in Dry Creek to some extent, the greater goal of the work was to reconnect Dry Creek to the East Gallatin River, providing access to spawning and rearing habitat and thermal refuge during late summer. The real public fishery benefits of the restoration efforts will be realized in the East Gallatin River, with its higher public use and established recreational fishery.

Unfortunately, in the reach of Dry Creek near the Rocking S7, fisheries habitat values are limited by historic channelization causing a straightened, narrow channel further limited by irrigation withdrawals decreasing flows through the reach. In short, it is very difficult to fish the reach near the Rocking S7 bridge. Still, any angler who wants to experience the challenging fishing

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***Trout Unlimited: America's Leading Coldwater Fisheries Conservation Organization***

321 East Main Street, Suite 411, Bozeman, MT 59715

(406) 548-4830 • email: [pbyorth@tu.org](mailto:pbyorth@tu.org) • [www.tu.org](http://www.tu.org)

conditions of this reach can already access the stream legally from either of two county road bridges less than a mile in either direction.

I am grateful for the Commission's attention to this matter and your work on behalf of public access. Still, I wanted to offer you my observations on the fishery potential to assist your deliberations and ensure that values of public access were not exaggerated. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Patrick Byorth". The signature is written in black ink and is positioned above the printed name.

Patrick Byorth



SENT VIA EMAIL ONLY

Board of Gallatin County Commissioners  
C/O/ Eric Semerad, Gallatin County Clerk and Recorder  
311 W. Main, Bozeman, MT 59715  
Eric.Semerad@gallatin.mt.gov

*Re: Petition to abandon Rocking S7 Road*

Dear Board of Gallatin County Commissioners,

I write on behalf of Public Land/Water Access Association, Inc., (PLWA) in support of the public's interest in protecting legal access to public waters currently jeopardized by the petition to abandon Rocking S7 road.

As I understand the issues presented in the pending petition, the Board of Commissioners cannot legally abandon Rocking S7 road. Section 7-14-2615(3) is clear: "The board **may not** abandon a county road or right-of-way used to provide existing legal access to public lands or waters, including access for public recreational use as defined in 23-2-301 and as permitted in 23-2-302, unless another public road or right-of-way provides substantially the same access" (emphasis added).

Section 7-14-2615(3) is an important statute, designed to ensure that public lands and waters remain accessible to the people of Montana. Rocking S7 road provides legal access to a stretch of Dry Creek that is not accessible by another public road or right-of-way. As a result, the petition to abandon must be denied.

PLWA opposes the pending petition to abandon Rocking S7 road and urges the Gallatin County Board of Commissioners to deny the petition.

Sincerely,

**Paul Burdett**  
Executive Director  
(406) 690-0960  
[paul@plwa.org](mailto:paul@plwa.org)

## Semerad, Eric

---

**From:** Paul <paul@plwa.org>  
**Sent:** Wednesday, August 28, 2019 3:56 PM  
**To:** Semerad, Eric  
**Cc:** Bernard Lea; John Gibson; Carol Fox; Ray Pearson  
**Subject:** Rocking S7 road  
**Attachments:** PLWA comment on Rocking S7 road petition to abandon.docx.pdf

Dear Eric Semerad,

Please find the attached letter from PLWA to the Gallatin County Board of Commissioners regarding the petition to abandon Rocking S7 road. Please confirm that you are in receipt of the letter and that it will be made a part of the record at the upcoming hearing.

Thank you,

**Paul Burdett**  
Executive Director  
(406) 690-0960  
[paul@plwa.org](mailto:paul@plwa.org)



**PLWA**

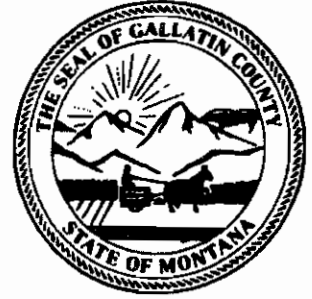
PUBLIC LAND/WATER ACCESS ASSOCIATION, INC.



State of Montana

*County of Gallatin*

Bozeman



July 17, 2019

Board of County Commissioners  
Gallatin County Courthouse  
Bozeman, MT 59715

RE: Petition to abandon Rocking S7 Road.

**Legal Description:** Rocking S7 Road as shown on the Final Plat of Rocking S7 Minor Subdivision No. 282B, located in the NW1/4, NE1/4, and SE1/4 of Section 26, Township 2 North, Range 4 East, P.M.M.

Dear County Commission,

This letter is provided pursuant to § 7-14-2603 MCA. According to that statute, the Board of County Commissioners “shall cause an investigation to be made of the feasibility, desirability, and cost” of granting the prayer of a petition to abandon a county road. The investigation “shall be sufficient to properly determine the merits or demerits of the petition.” § 7-14-2603(1), MCA.

A petition to abandon a county road is allowed by § 7-14-2601, MCA. Section 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 Rocking S7 Road was received on June 5, 2019. The petition was also certified by the Gallatin County Clerk and Recorder on June 5, 2019. Rocking S7 Road is located within the Rocking S7 Minor Subdivision No. 282B (“Subdivision”). The road is identified on the Subdivision’s Final Plat as “60’ wide public road & utility easement dedicated this plat.

The petition states that the necessity for abandonment is:

The landowners prefer Rocking S7 Road to be a private road to protect livestock, prevent trespass, property damage, theft and littering beyond the right of way. The road will never access any other property or public lands since further subdivision is prohibited, and no connectivity will ever be needed beyond Rocking S7 Subdivision since access already exists.

A proposed amended plat for the Subdivision is attached to the Petition. The amended plat identifies Rocking S7 Road as “60’ wide private road & utility easement for emergency vehicles.”

The County Commission accepted the petition and assigned the Viewing Committee at a public meeting held on June 18, 2019. On July 11, 2019, the undersigned met with Road Supervisor Bill Brownell and Erin Arnold, Deputy County Attorney, to view the road petitioned for abandonment.

The Viewing Committee observed there is a gate located across Rocking S7 Road at the entrance to the Subdivision at the intersection of Dry Creek Road. The gate was closed but not locked when the Viewing Committee arrived at the property to view the road. The Viewing Committee did not observe any livestock on the Subdivision property at the time of the road viewing.

Section 7-14-2615, MCA limits the County Commission’s ability to grant a road abandonment petition. That statute states: “The board may not abandon a county road or right-of-way used to provide existing legal access to public land or waters, including access for public recreational use as defined in 23-2-301 and as permitted in 23-2-302, unless another public road or right-of-way provides substantially the same access.” § 7-14-2615(3), MCA. In addition, “the board may not abandon a county road or right-of-way used to access private land if the access benefits two or more landowners unless all of the landowners agree to the abandonment.” § 7-14-2615(4), MCA.

Rocking S7 Road does not connect to any adjacent property other than the entrance to the Subdivision on Dry Creek Road. None of the adjoining lands are known to be public land. Consequently, the abandonment would not prevent legal access to public lands per § 7-14-2615(3), MCA.

The Viewing Committee does find that Rocking S7 Road provides legal access to public waters, specifically Dry Creek, and that substantially the same access to Dry Creek is not available by another public road or right-of-way. Access to this portion of Dry Creek is not available from another public road or right-of-way for approximately ½ mile to the north and approximately 1 mile to the south. Consequently, abandonment of Rocking S7 Road is prohibited by § 7-14-2615(3), MCA.

The Committee also finds that two or more landowners do use Rocking S7 Road to access their private property. However, all of these landowners have signed the petition. Abandonment therefore is not prohibited by § 7-14-2615(4), MCA.

In addition to § 7-14-2615, MCA, the Viewing Committee considered the requirements of the Gallatin County Subdivision Regulations (“Subdivision Regulations”). Section 6.B.8 of the Subdivision Regulations require that each lot has “a minimum of thirty feet (30’) of frontage on a public road or on a public road easement . . . .” Section 7.C.10 requires that all “Access Roads and interior subdivision roads shall be dedicated to the public.”

Section 13.E.2 further states:

[A]ny alteration to a recorded final plat which . . . abandons legal and physical access to any parcel within the Subdivision . . . can only be made by the recording of an Amended Plat showing all alterations. The Amended Plat must be reviewed by the County Commission subject to the procedures for reviewing Major or First Minor Subdivisions, as appropriate. The County Commission may not approve an Amended Plat which will place any portion of the Plat in non-conformance with the standards of these Regulations or with local zoning regulations unless, as concerns the standards of these Regulations, the County Commission grants a variance or waiver.


Section 1 of the Subdivision Regulations defines “Legal Access” as access “provided by a dedicated public road Right-of-Way over which a governing body has accepted or acquired jurisdiction, or over which the County Commission will accept jurisdiction upon approval of the subdivision application.” Physical Access means a “state or federal highway, a public road maintained by Gallatin County, or a road built to the standards of Section 7 and Tables 7.1, 7.2, 7.3, 7.4, 7.5 and Figure 7.A of these Regulations.” Section 1, Subdivision Regulations.

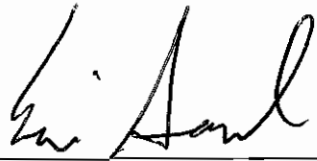
While physical access to the parcels within the Subdivision may still be provided upon abandonment of Rocking S7 Road, legal access would not be provided. Consequently, the petition seeks to abandon legal access to the Subdivision. Per Section 13.E.2 of the Subdivision Regulations, the proposed Amended Plat must be reviewed by the County Commission per the procedures for reviewing a minor subdivision. Any deviation from the standards of the Subdivision Regulations, such as to Sections 6.B.8 and 7.C.10, must be approved through the variance process.

If the County Commission grants the petition to abandon Rocking S7 Road, it will be authorizing a publicly dedicated road right-of-way to become a private road in a subdivision. Such authorization would be contrary to the procedural requirements of Section 13.E.2 for amending a recorded plat. The abandonment also would be contrary to the substantive requirements at Sections 6.B.8 and 7.C.10.

Due to the stream access requirement of § 7-14-2615(3), MCA and the prerequisites of the Subdivision Regulations, it is our finding and recommendation that abandoning Rocking S7 Road is not in the best interest of the public and should be denied

Respectfully submitted,

  
\_\_\_\_\_  
Joe P. Skinner, County Commissioner

  
\_\_\_\_\_  
Eric Semerad, Clerk & Recorder

State of Montana

# County of Gallatin

Bozeman



## AFFIDAVIT OF MAILING

STATE OF MONTANA        )  
  ) ss  
COUNTY OF GALLATIN    )

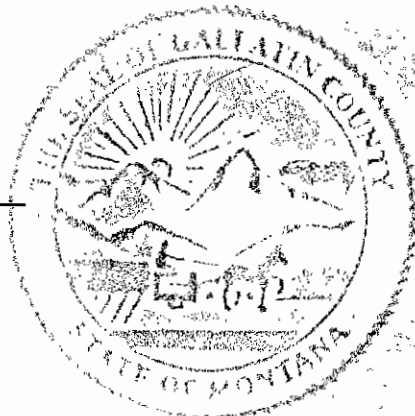
**ERIC SEMERAD, BEING FIRST DULY SWORN ON OATH, deposes and says:**

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 Rocking S7 Road located in Minor Subdivision 282B located in the NW¼, NE¼ and the SE¼ of Section 26, Township 2 North, Range 4 East, and the viewing Committee report regarding abandoning the same, according to Road Petition Number 851, was mailed to those listed below on August 2, 2019.

Name	Address			
Belgrade Postmaster	96 N. Weaver	Belgrade	MT	59714
Public Land/Water Access Association	PO Box 80987	Billings	MT	59108
Michael A. Basil	41C Hitching Post Rd	Bozeman	MT	59715
Stephen B. Carlson	PO Box 1797	Bozeman	MT	59771-1897
Mark Chandler	135 Alta Vista Drive	Bozeman	MT	59715
Jon L. Edwards	8430 Bridger Canyon Road	Bozeman	MT	59715
Chris Galle	850 W. Adams St. Apt 5C	Chicago	IL	60607-3085
Michael A. Gordon JR	123 Longhorn Spur	Belgrade	MT	59714
Brendan Henry	725 Solar Way	Bozeman	MT	59715
David Loseff	201 S Grand Ave	Bozeman	MT	59715
Don Pilotte	2007 S. Tracy	Bozeman	MT	59715
Richard Romney	1321 Headlands Dr	Bozeman	MT	59715
Jory Ruggiero	720 E. Orange St	Bozeman	MT	59715
Daniel Ruggles	PO Box 1082	Bozeman	MT	59771
Daniel Emery Ruggles II	705 E. Orange St	Bozeman	MT	59717-3025
Michael J. Schreiner III	4 Stage Coach Drive	Bozeman	MT	59715
Paul Siebels	2406 Foxglove CT	Bozeman	MT	59718
Curtis S. Smith	710 North Montana	Bozeman	MT	59715
Rusty Squire	5195 Copeland	Bozeman	MT	59715

**ERIC SEMERAD**  
Clerk and Recorder  
Gallatin County, Montana





State of Montana

*County of Gallatin*

Bozeman



**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on September 3, 2019, 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 Rocking S7 Road located in Minor Subdivision 282B located in the NW $\frac{1}{4}$ , the NE $\frac{1}{4}$  and the SE $\frac{1}{4}$  of Section 26, Township 2 North, Range 4 East P.M.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 Scott MacFarlane at 311 W. Main, Room 306, Bozeman, Montana 59715, telephone 582-3000.

Dated this 31<sup>st</sup> day of July, 2019

A handwritten signature in black ink, appearing to read "Eric Semerad".

Eric Semerad

Clerk and Recorder

Gallatin County, Montana

153833 1929912

G.C. CLERK & RECORDER\_LEGALS

311 WEST MAIN ROOM 203  
BOZEMAN MT 59715

AFFIDAVIT OF PUBLICATION  
STATE OF MONTANA )

County of Gallatin )

)SS.  
)

Dill 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 #102960 - ROCKING S7 ROAD ABANDONMENT 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:  
08/11/2019 08/25/2019

Gill Hall

Subscribed and sworn to before me this  
27th day of August , 2019

Kessy Love

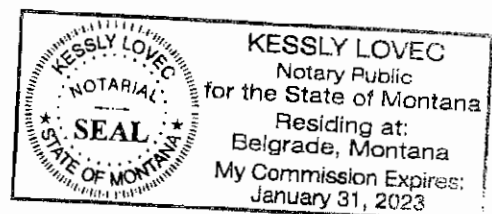
Notary Public for the State of Montana  
Residing at Belgrade, Montana

**NOTICE OF PUBLIC HEARING**

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Dated this 31st day of July, 2019

Eric Semerad  
Clerk and Recorder  
Gallatin County, Montana







# NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Gallatin County Commissioners will conduct a public hearing on September 3, 2019, 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 Rocking S7 Road located in Minor Subdivision 282B located in the NW $\frac{1}{4}$ , the NE $\frac{1}{4}$  and the SE $\frac{1}{4}$  of Section 26, Township 2 North, Range 4 East P.M.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 Scott MacFarlane at 311 W. Main, Room 306, Bozeman, Montana 59715, telephone 582-3000.

Dated this 31<sup>st</sup> day of July, 2019

**Eric Semerad**

Clerk and Recorder

Gallatin County, Montana

RESOLUTION NO. 2019- 102

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION  
NO. 851 TO ABANDON ROCKING S7 ROAD  
GALLATIN COUNTY, MONTANA

This Resolution was introduced by Clerk & Recorder Eric Semerad; moved by  
Commissioner Seifert and seconded by Commissioner MacFarlane.  
This Resolution was ~~adopted~~ DENIED.

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on June 5, 2019, to abandon Rocking S7 Road, (hereinafter referred to as the "Road"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated; and

WHEREAS, the Road to be abandoned is described as all of Rocking S7 Road located within Minor Subdivision 282B located in the NW¼, the NE¼ and the SE¼ of Section 26, Township 2 North, Range 4 East P.M.M. Gallatin County Montana;

WHEREAS, on June 5<sup>th</sup>, 2019, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2616, MCA; and

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;

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

The landowners prefer Rocking S7 Road to be a private road to protect livestock, prevent trespass, property damage, theft and littering beyond the right of way. The road will never access any other property or public lands since further subdivision is prohibited, and no connectivity will ever be needed beyond Rocking S7 Subdivision since access already exists.

WHEREAS, pursuant to § 7-14-2601, MCA, "'abandonment' 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'";

WHEREAS, the County Commission accepted the petition and assigned the Viewing Committee at a public meeting held on June 18, 2019 by passing Resolution 2019-058, which caused an investigation to be made of the feasibility, desirability, and cost of granting the prayer of the Petition; appointed a Viewing Committee consisting of County Commissioner Joe Skinner and the County Surveyor, Eric Semerad; and assigned the Number 851 to the Petition;

WHEREAS, on July 11, 2019, the Viewing Committee met with Road Supervisor Bill Brownell and Erin Arnold, Deputy County Attorney, to view the Road petitioned for abandonment, and thereafter submitted its report to the County Commission;

WHEREAS, the Viewing Committee observed there is a gate located across the Road at the entrance to the Subdivision at the intersection of Dry Creek Road. The gate was closed but not locked when the Viewing Committee arrived at the property to view the Road. The Viewing Committee did not observe any livestock on the property within Minor Subdivision No. 282B ("Subdivision") at the time of the road viewing.

WHEREAS, Section 7-14-2615, MCA limits the County Commission's ability to grant a road abandonment petition. That statute states: "The board may not abandon a county road or right-of-way used to provide existing legal access to public land or waters, including access for public recreational use as defined in 23-2-301 and as permitted in 23-2-302, unless another public road or right-of-way provides substantially the same access." § 7-14-2615(3), MCA. In addition, "the board may not abandon a county road or right-of-way used to access private land if the access benefits two or more landowners unless all of the landowners agree to the abandonment." § 7-14-2615(4), MCA.

WHEREAS, the County Commission has received public comment from the Public Land/Water Access Association, Inc. regarding the Petition, and such comment requests the County Commission deny the Petition pursuant to § 7-14-2615(3), MCA, because the Road "provides legal access to a stretch of Dry Creek that is not accessible by another public road or right-of-way";

WHEREAS, the Viewing Committee reported that the Road does not connect to any adjacent property other than the entrance to the Subdivision on Dry Creek Road. None of the adjoining lands are known to be public land. Consequently, the Viewing Committee concluded that the abandonment would not prevent legal access to public lands per § 7-14-2615(3), MCA;

WHEREAS, the Reviewing Committee also reported that two or more landowners do use the Road to access their private property. However, all of these landowners have signed the petition. Abandonment therefore is not prohibited by § 7-14-2615(4), MCA;

WHEREAS, the Viewing Committee concluded that the Road does provide legal access to public waters, specifically Dry Creek, and that substantially the same access to Dry Creek is not available by another public road or right-of-way. Access to the portion of Dry Creek within the Subdivision is not available from another public road or right-of-way for approximately ½ mile to the north and approximately 1 mile to the south. Consequently, the Viewing Committee determined that abandonment of Rocking S7 Road is prohibited by § 7-14-2615(3), MCA;

WHEREAS, in addition to § 7-14-2615, MCA, the Viewing Committee considered the requirements of the Gallatin County Subdivision Regulations (“Subdivision Regulations”). Section 6.B.8 of the Subdivision Regulations require that each lot has “a minimum of thirty feet (30’) of frontage on a public road or on a public road easement . . . .” Section 7.C.10 requires that all “Access Roads and interior subdivision roads shall be dedicated to the public.” Section 13.E.2 further states:

[A]ny alteration to a recorded final plat which . . . abandons legal and physical access to any parcel within the Subdivision . . . can only be made by the recording of an Amended Plat showing all alterations. The Amended Plat must be reviewed by the County Commission subject to the procedures for reviewing Major or First Minor Subdivisions, as appropriate. The County Commission may not approve an Amended Plat which will place any portion of the Plat in non-conformance with the standards of these Regulations or with local zoning regulations unless, as concerns the standards of these Regulations, the County Commission grants a variance or waiver.

WHEREAS, Section 1 of the Subdivision Regulations defines “Legal Access” as access “provided by a dedicated public road Right-of-Way over which a governing body has accepted or acquired jurisdiction, or over which the County Commission will accept jurisdiction upon approval of the subdivision application.” Physical Access means a “state or federal highway, a public road maintained by Gallatin County, or a road built to the standards of Section 7 and Tables 7.1, 7.2, 7.3, 7.4, 7.5 and Figure 7.A of these Regulations.” Section 1, Subdivision Regulations;

WHEREAS, the Viewing Committee concluded that, while physical access to the parcels within the Subdivision may still be provided upon abandonment of the Road, legal access would not be provided. Consequently, the petition seeks to abandon legal access to the Subdivision. Per Section 13.E.2 of the Subdivision Regulations, the Viewing Committee further determined that the proposed Amended Plat depicting the Road as a private easement must be reviewed by the County Commission per the procedures for reviewing a minor subdivision, and any deviation from the standards of the Subdivision Regulations, such as to Sections 6.B.8 and 7.C.10, must be approved through the variance process; and

WHEREAS, the Viewing Committee found and recommended that abandoning the Road is not in the best interest of the public and should be denied.

NOW THEREFORE BE IT RESOLVED:

1. All that part of Rocking S7 Road located within Minor Subdivision 282B located in the NW $\frac{1}{4}$ , the NE $\frac{1}{4}$  and the SE $\frac{1}{4}$  of Section 26, Township 2 North, Range 4 East P.M.M. Gallatin County Montana. according to the official plat thereof on file and of record in the office of the Gallatin County Clerk and Recorder is hereby abandoned.
2. The Commission hereby requests the Clerk and Recorder, within ten (10) days from the date of passage of this Resolution, to send a copy by certified mail to all owners of land abutting on the abandoned 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 10th day of September 2019.

BOARD OF COUNTY COMMISSIONERS OF  
GALLATIN COUNTY

\_\_\_\_\_  
Joe P. Skinner, Chairman

ATTEST:

DENIED 3:0

\_\_\_\_\_  
Eric Semerad  
Clerk and Recorder  
Gallatin County

State of Montana

# County of Gallatin

Bozeman



## AFFIDAVIT OF MAILING


STATE OF MONTANA            )  
   ) ss  
 COUNTY OF GALLATIN        )

**ERIC SEMERAD, BEING FIRST DULY SWORN ON OATH, deposes and says:**


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

I hereby certify that a copy of Resolution #2019-102, a Resolution made pursuant to Road Abandonment Petition No. 851 to abandon Rocking S7 Road, Gallatin County, Montana, was mailed to the following landowners on September 11, 2019.

Chris Galle	850 S. Adams St.	Chicago	IL	60607-3085
Big Red Tomatoes, LLC	Apt 5C	Bozeman	MT	59771-1797
Stephen B. Carlson	PO Box 1797	Bozeman	MT	59715-3025
Daniel Emery Ruggles II	705 E. Orange St	Belgrade	MT	59714
Belgrade Postmaster	96 N. Weaver			



ERIC SEMERAD  
 Clerk and Recorder  
 Gallatin County, Montana

By:   
 Mary Miller, Deputy

Abutts

Minor 2 & 2B - lots 1-5 3

Lot 14S Stephen B Carlson (signed) #1

Lots 2 & 3 Big Red Tomatoes LLC - William G Gable #2  
~~Not in capacity~~

Lot 4 Daniel Emery Ruggles II #3

↓  
③ Signatures

100% - pg explains capacity?

#4 Paul Siebel ④

#7 Michael A. Basile <sup>Blackball individual</sup> ⑤

#8 David P. Loseff [City] ⑤

#9 Curtis S. Smith [City] ⑤

#10 Jon L. Edwards ⑤

#11 Michael J. Schreiner III ⑥

#12 Don Pilotte [City] ⑥

~~Not in capacity~~  
Trust  
Not in capacity  
Bridger Canyon Station Station  
Not in capacity

#13 Richard Romney ⑦

NO #5 or 6  
#14 Jorey Ruggiero [City] ⑧

#15 Michael A. Gordon ⑧

pg 12  
#1 Chandler Mark ⑨

#2 Rusty Squire ⑩

#3 Brendan Henney ⑩

Elaine B. Squirells  
Not in capacity  
not trustee

2393548

Page: 1 of 4 07/27/2011 03:59:21 PM Fee: \$28.00  
Charlotte Mills - Gallatin County, MT DEED



41

WHEN RECORDED, RETURN TO:

Stephen B. Carlson  
c/o Goetz, Gallik & Baldwin  
35 N. Grand Ave  
Bozeman, MT 59715

### WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS:

THAT for value received, SAGEHORN LAND & LIVESTOCK, L.L.C., a Montana limited liability company of P.O. Box 1797, Bozeman Montana 59771 ("Grantor") does hereby grant, bargain, sell, convey and confirm unto STEPHEN B. CARLSON\* of Bozeman, Montana (the "Grantee"), the following described premises in Gallatin County, Montana, to wit:

\* P.O. Box 1797

Lots 1 and 5 of the Final Plat of Rocking S7 Minor Subdivision No. 282B, being an Amended Plat of Tract B2 of Minor Subdivision No. 282A, located in the NW $\frac{1}{4}$ , the NE $\frac{1}{4}$  and the SE $\frac{1}{4}$  of Section 26, Township 2 North, Range 4 East of P.M.M, Gallatin County, Montana.

TOGETHER WITH the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining thereunto, including all appurtenant water rights, timber rights and mineral rights, if any.

SUBJECT TO reservations and restrictions in federal patents, all real property taxes, covenants, and easements of record.

TO HAVE AND TO HOLD the said premises, with their tenements, hereditaments, and appurtenances unto the said Grantee and its assigns forever. And the Grantor does hereby covenant to and with the said Grantee that the Grantor is the owner in fee simple of said premises; that the Grantee shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances except those limitations set forth above; that the Grantor and all persons acquiring any interest in the same through or from Grantor will, on demand, execute and



deliver to the Grantee, at the expense of the Grantor, any further assurance of the same that may be reasonably required; and that the Grantor will warrant to the Grantee all the said property against every person lawfully claiming the same.

Dated this 25<sup>TH</sup> day of May, 2011.

SAGEHORN LAND & LIVESTOCK, LLC, a  
Montana limited liability company

SBC

By: Stephen B. Carlson  
Its: Member

By: W. Christopher Galle  
Its: Member

STATE OF MONTANA     )  
  :ss  
GALLATIN COUNTY     )

On this 25 day of May, 2011, before me, a Notary Public in and for the State of Montana, personally appeared STEPHEN B. CARLSON, known to me to be a member of Sagehorn Land & Livestock, LLC and to be the person whose name is subscribed to this instrument and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

SEAL



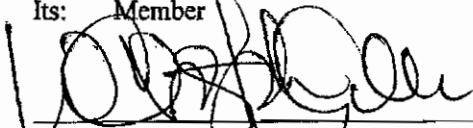
Stacey Larson  
Printed Name Stacey Larson  
NOTARY PUBLIC STATE OF MONTANA  
Residing at: Belgrade MT  
My Commission expires 2-12-2013

deliver to the Grantee, at the expense of the Grantor, any further assurance of the same that may be reasonably required; and that the Grantor will warrant to the Grantee all the said property against every person lawfully claiming the same.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

**SAGEHORN LAND & LIVESTOCK, LLC**, a  
Montana limited liability company

By: Steven B. Carlson  
Its: Member



By: W. Christopher Galle  
Its: Member

STATE OF MONTANA     )  
  :ss  
GALLATIN COUNTY     )

On this \_\_\_\_ day of \_\_\_\_\_, 2011, before me, a Notary Public in and for the State of Montana, personally appeared STEVEN B. CARLSON, known to me to be a member of Sagehorn Land & Livestock, LLC and to be the person whose name is subscribed to this instrument and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

SEAL

\_\_\_\_\_  
Printed Name \_\_\_\_\_  
NOTARY PUBLIC STATE OF MONTANA  
Residing at: \_\_\_\_\_  
My Commission expires \_\_\_\_\_

STATE OF ILLINOIS )  
 )  
COOK COUNTY ) :SS

On this 9 day of MAY, 2011, before me, a Notary Public in and for the State of Montana, personally appeared W. CHRISTOPHER GALLE, known to me to be a member of Sagehorn Land & Livestock, LLC and to be the person whose name is subscribed to this instrument and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.



Diane Marie Ross  
Printed Name DIANE MARIE ROSS  
NOTARY PUBLIC STATE OF ILLINOIS  
Residing at: 203 N. Main St  
My Commission expires SEP 1 2014

#2

2394104

Page: 1 of 4 08/03/2011 03:39:32 PM Fee: \$28.00  
Charlotte Mills - Gallatin County, MT DEED



WHEN RECORDED, RETURN TO:  
Big Red Tomatoes, LLC  
c/o Kasting, Kauffman & Mersen, P.C.  
716 S. 20<sup>th</sup> Ave. Suite 101  
Bozeman, MT 59718

**WARRANTY DEED**

KNOW ALL PERSONS BY THESE PRESENTS:

THAT for value received, SAGEHORN LAND & LIVESTOCK, L.L.C., a Montana limited liability company of P.O. Box 1797, Bozeman Montana 59771 ("Grantor") does hereby grant, bargain, sell, convey and confirm unto BIG RED TOMATOES, LLC, a Montana limited liability company of Melrose, Montana (the "Grantee"), the following described premises in Gallatin County, Montana, to wit: \* 30 BeaverNaw Road Melrose MT 59743

Lots 2 and 3 of the Final Plat of Rocking S7 Minor Subdivision No. 282B, being an Amended Plat of Tract B2 of Minor Subdivision No. 282A, located in the NW¼, the NE¼ and the SE¼ of Section 26, Township 2 North, Range 4 East of P.M.M, Gallatin County, Montana.

TOGETHER WITH the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining thereunto, including all appurtenant water rights, timber rights and mineral rights, if any.

SUBJECT TO reservations and restrictions in federal patents, all real property taxes, covenants, and easements of record.

TO HAVE AND TO HOLD the said premises, with their tenements, hereditaments, and appurtenances unto the said Grantee and its assigns forever. And the Grantor does hereby covenant to and with the said Grantee that the Grantor is the owner in fee simple of said premises; that the Grantee shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances except those limitations set forth above; that the Grantor and all persons acquiring any interest in the same through or from Grantor will, on demand, execute and

deliver to the Grantee, at the expense of the Grantor, any further assurance of the same that may be reasonably required; and that the Grantor will warrant to the Grantee all the said property against every person lawfully claiming the same.

Dated this 25th day of May, 2011.

SAGEHORN LAND & LIVESTOCK, LLC, a  
Montana limited liability company

SBC

By: Stephen B. Carlson  
Its: Member

By: W. Christopher Galle  
Its: Member

STATE OF MONTANA     )  
  :ss  
GALLATIN COUNTY     )

On this 25 day of May, 2011, before me, a Notary Public in and for the State of Montana, personally appeared STEPHEN B. CARLSON, known to me to be a member of Sagehorn Land & Livestock, LLC and to be the person whose name is subscribed to this instrument and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

SEAL



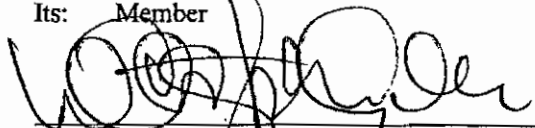
Stacey Larson  
Printed Name Stacey Larson  
NOTARY PUBLIC STATE OF MONTANA  
Residing at: Belgrade MT  
My Commission expires 2-12-2013

deliver to the Grantee, at the expense of the Grantor, any further assurance of the same that may be reasonably required; and that the Grantor will warrant to the Grantee all the said property against every person lawfully claiming the same.

Dated this 9 day of May, 2011.

**SAGEHORN LAND & LIVESTOCK, LLC**, a  
Montana limited liability company

By: Steven B. Carlson  
Its: Member



By: W. Christopher Galle  
Its: Member

STATE OF MONTANA     )  
  :SS  
GALLATIN COUNTY     )

On this \_\_\_ day of \_\_\_\_\_, 2011, before me, a Notary Public in and for the State of Montana, personally appeared STEVEN B. CARLSON, known to me to be a member of Sagehorn Land & Livestock, LLC and to be the person whose name is subscribed to this instrument and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

SEAL

Printed Name \_\_\_\_\_  
NOTARY PUBLIC STATE OF MONTANA  
Residing at: \_\_\_\_\_  
My Commission expires \_\_\_\_\_

STATE OF ILLINOIS )  
:SS  
COOK COUNTY )

On this 9 day of MAY, 2011, before me, a Notary Public in and for the State of Montana, personally appeared W. CHRISTOPHER GALLE, known to me to be a member of Sagehorn Land & Livestock, LLC and to be the person whose name is subscribed to this instrument and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.



Diane Marie Ross  
Printed Name DIANE MARIE ROSS  
NOTARY PUBLIC STATE OF ILLINOIS  
Residing at: 233 N. Michigan Ave  
My Commission expires Sept 1 2014

153

Daniel Emery Ruggles II  
705 East Orange Street  
Bozeman, MT 59715

**2567803**

Page: 1 of 2 12/29/2016 01:01:33 PM Fee: \$14.00  
Charlotte Mills - Gallatin County, MT DEED

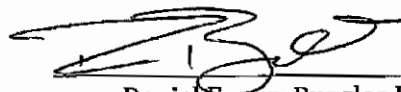
QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT Daniel Emery Ruggles II, Manager of SxS Land and Development, LLC, of PO Box 1082, Bozeman, MT, 59771, for good and valuable consideration, the receipt and sufficiency of which is acknowledged, does hereby grant, convey, release and quitclaim unto Daniel Emery Ruggles II, of 705 East Orange Street, Bozeman, MT, 59715, as tenant all his right, title and interest to the premises situated in the County of Gallatin, State of Montana, particularly described as follows:

**Lot 4 of Minor Subdivision 282B, located in Section 26, Township 2 North, Range 4 East, City of Belgrade, Gallatin County, Montana, according to the official plat thereof on file and of record at the office of the County Clerk and Recorder of Gallatin County, Montana.**

together with all appurtenances and privileges thereunto belonging and appertaining.

IN WITNESS WHEREOF, I have hereunto executed this Instrument this 29 day December, 2016.



Daniel Emery Ruggles II  
Manager  
SxS Land and Development, LLC



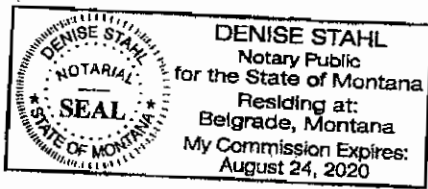
STATE OF MONTANA     )  
  )ss.  
COUNTY OF GALLATIN    )

On this 29<sup>th</sup> day of December, 2016, before me, a Notary Public for the State of Montana, personally appeared Daniel Emery Ruggles II, known to be the person whose name is subscribed to the within instrument, and acknowledged to me that <sup>manager of SXS Land Development</sup> he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

*Denise Stahl*

Notary Public for the State of Montana  
Residing in \_\_\_\_\_  
My Commission expires \_\_\_\_\_



#4

2504979

Page 1 of 1 02/27/2015 01:50:36 PM Fee: \$7.00  
Charlotte Mills - Gallatin County, MT DEED



Return To:  
Paul William Siebels and Nicole Jean Snow  
2406 Foxglove Court  
Bozeman, Montana 59718

MTE # 7001-14969



JOINT TENANCY WARRANTY DEED

FOR VALUE RECEIVED, DONALD CHLEBECK and NICHOLAS CHLEBECK, the Grantors, do hereby grant, bargain, sell, convey and confirm unto PAUL WILLIAM SIEBELS and NICOLE JEAN SNOW of 2406 Foxglove Court, Bozeman, Montana 59718, the Grantees, as joint tenants (and not as tenants in common), the following described premises in Gallatin County, Montana, to-wit:

Lot 29 of Wildflower Subdivision, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Gallatin County, Montana. (Plat J-53)

SUBJECT TO: all reservations and restrictions in prior conveyances or in patents from the United States or the State of Montana; existing easements, encroachments and rights of way of record and those which would be disclosed by an examination of the property; mineral, oil and gas and royalty reservations, conveyances and leases of record; all real property taxes and assessments for the current year and subsequent years; and all building and use restrictions, covenants, agreements, requirements, notices, waivers, and conditions of record.

TO HAVE AND TO HOLD the said premises, with their tenements, hereditaments, and appurtenances unto the said Grantees as joint tenants with right of survivorship (and not as tenants in common) forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that Grantees shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances except those limitations set forth above; that the Grantors and all persons acquiring any interest in the same through or from Grantors will, on demand, execute and deliver to the Grantees, at the expense of the Grantees, any further assurance of the same that may be reasonably required; and that the Grantors will warrant to the Grantees all the said property against every person lawfully claiming the same.

DATED this 27 day of February, 2015.

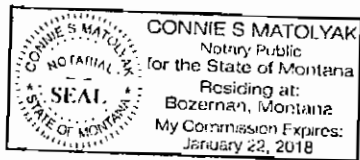
Donald Chlebeck

Nicholas Chlebeck

STATE OF MONTANA     )  
                                      : ss.  
County of Gallatin     )

On this 27 day of February, 2015, before me, a Notary Public in and for said State, personally appeared DONALD CHLEBECK and NICHOLAS CHLEBECK, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Notary Public for the State of Montana  
Printed Name: Connie S. Matolyak  
Residing at Bozeman, Montana  
My commission expires: 1/22/18



#7

After recording, return to:

Return To:  
Security Title Company  
P.O. Box 6550  
Bozeman, MT 59771-6550

① STL-G160707

2543238

Page: 1 of 2    04/26/2016 03:57:17 PM    Fee \$14.00  
Charlotte Mills - Gallatin County, MT    DEED

**WARRANTY DEED**

FOR VALUABLE CONSIDERATION, the receipt of which is acknowledged, Black Bull Owner LLC, with mailing address of 2995 Woodside Road #400, Woodside, California 94062 ("Grantor"), grants unto Michael A. Basile and Karen Burfening, as joint tenants with rights of survivorship, both with a mailing address of 41C Hitching Post Road, Bozeman, Montana 59715 ("Grantee"), real property located in Gallatin County, Montana more particularly described below as follows ("Property"):

Lot 274, of Black Bull Subdivision Phase 1, in Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana. (Plat Reference: J-469)

TOGETHER with all buildings, fixtures and improvements thereon and all rights-of-way, tenements, hereditaments, privileges and appurtenances thereto.

TO HAVE AND TO HOLD unto Grantee, and Grantee's successors and assigns, forever, SUBJECT TO THE FOLLOWING:

- (a) Reservations and exceptions in patents from the United States and the State of Montana.
- (b) Existing easements and rights-of-way, visible or of record, and existing encroachments, if any.
- (c) Mineral and royalty reservations and conveyances of record.
- (d) Building, use, zoning, sanitary and environmental restrictions, requirements, notices, waivers and all other items of record.
- (e) Taxes and assessments for 2016 and subsequent years.

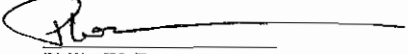
EXCEPT with reference to the items referred to in paragraphs (a) to (e) inclusive, this deed is given with the usual covenants expressed in Montana Code Annotated § 30-11-110.

GRANTOR:

BLACK BULL OWNER LLC,  
a Delaware limited liability company

By: Black Bull Holdings LLC,  
a Delaware limited liability company,  
its Sole Member

By: Schumacher BB Investor LLC,  
a Delaware limited liability company,  
its Administrative Manager

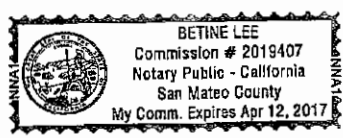
x By:   
Name: Philip W. Barton  
Title: Authorized Agent


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California )  
 )  
County of San Mateo ) : ss.

This instrument was acknowledged before me on April 22, 2016, by Philip W. Barton, as Authorized Agent of Schumacher BB Investor LLC, Administrative Manager of Black Bull Holdings LLC, Sole Member of Black Bull Owner LLC.

(SEAL)



  
Notary Public for the State of California  
BETINE LEE  
(Printed Name)  
Residing at: WOODSIDE, CA [city & state]  
My commission expires: 4-12-17

#7

① Please return to:  
Security Title Company  
600 South 19th  
Bozeman, MT 59718  
STC - G131786

**2466941**

Page: 1 of 2 10/30/2013 03:41:54 PM Fee: \$14.00  
Charlotte Mills - Gallatin County, MT DEED

WARRANTY DEED

FOR VALUE RECEIVED, CLAIR W. DAINES and SHARON DAINES, the Grantors, do hereby grant, bargain, sell, convey and confirm unto MICHAEL A. BASILE, Trustee of the Michael A. Basile Revocable Living Trust Agreement dated August 26, 2008 and KAREN S. BASILE, Trustee of the Karen S. Basile Revocable Living Trust Agreement dated August 26, 2008 of 41C Hitching Post Road, Bozeman, Montana 59715 the Grantees and their assigns, the following described premises in Gallatin County, Montana, to-wit:

Parcel I:

Lot 3 of Heetderks Minor Subdivision No. 73 located in the SE¼ of Section 30, Township 2 South, Range 6 East, M.P.M., Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana.

Parcel II:

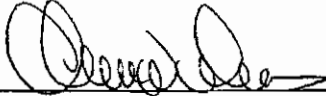
An undivided 1/5th interest as created by Warranty Deed, recorded December 30, 1999, Document No. 2004290, in and to Lot 2 of Minor Subdivision No. 155, located in the SE¼ of Section 30, Township 2 South, Range 6 East, P.M.M., Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana.

SUBJECT TO reservations and restrictions in federal patents, prior conveyances, and mineral reservations of record, all real property taxes and assessments for the current year and subsequent years, and all building and use restrictions, covenants, easements, agreements, conditions and rights of way of record and those which would be disclosed by an examination of the property.

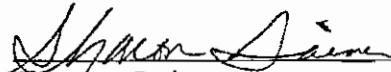
TO HAVE AND TO HOLD the said premises, with their tenements, hereditaments, and appurtenances unto the said Grantees and their assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that Grantees shall enjoy the same without any lawful disturbance; that the

same through or from Grantors will, on demand, execute and deliver to the Grantees, at the expense of the Grantees, any further assurance of the same that may be reasonably required; and that the Grantors will warrant to the Grantees all the said property against every person lawfully claiming the same.

DATED this 30 day of October, 2013.



Clair W. Daines



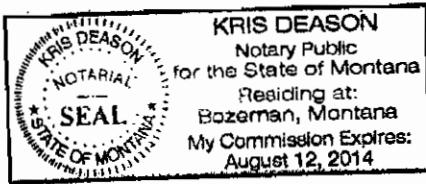
Sharon Daines

STATE OF MONTANA )  
: ss.  
County of Gallatin )

On this 30 day of October, 2013, before me, a Notary Public in and for said State, personally appeared CLAIR W. DAINES and SHARON DAINES, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



Printed Name: \_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_, Montana  
My commission expires: \_\_\_\_\_



#11

Return To:  
Security Title Company  
P.O. Box 6550  
Bozeman, MT 59771-6550

STC-G151629

2516793

Page: 1 of 2 07/07/2015 11:06:50 AM Fee: \$14.00  
Charlotte Mills - Gallatin County, MT DEED

JOINT TENANCY WARRANTY DEED

FOR VALUE RECEIVED, TED C. McMURRAY and CONSTANCE L. McMURRAY, the Grantors, do hereby grant, bargain, sell, convey and confirm unto COURTNEY T. SCHREINER and MICHAEL J. SCHREINER III of 4 Stagecoach Drive, Bozeman, Montana 59715, the Grantees, as joint tenants (and not as tenants in common), the following described premises in Gallatin County, Montana, to-wit:

Lot 6 in Block 2 of Sour Dough Creek Properties Subdivision No. 14, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana. (Plat Reference: J-137)

SUBJECT TO: all reservations and restrictions in prior conveyances or in patents from the United States or the State of Montana; existing easements, encroachments and rights of way of record and those which would be disclosed by an examination of the property; mineral, oil and gas and royalty reservations, conveyances and leases of record; all real property taxes and assessments for the current year and subsequent years; and all building and use restrictions, covenants, agreements, requirements, notices, waivers, and conditions of record.

TO HAVE AND TO HOLD the said premises, with their tenements, hereditaments, and appurtenances unto the said Grantees as joint tenants with right of survivorship (and not as tenants in common) forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that Grantees shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances except those limitations set forth above; that the Grantors and all persons acquiring any interest in the same through or from Grantors will, on demand, execute and deliver to the Grantees, at the expense of the Grantees, any further assurance of the same that may be reasonably required; and that the Grantors will warrant to the Grantees all the said property against every person lawfully claiming the same.

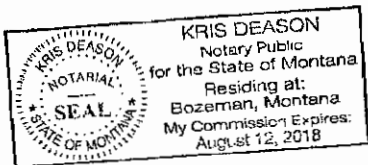
DATED this 2<sup>nd</sup> day of July, 2015.

Constance L. McMurray  
Constance L. McMurray

STATE OF MONTANA )  
                                  ) : ss.  
County of Gallatin )

On this 2 day of July, 2015, before me, a Notary Public in and for said State, personally appeared CONSTANCE L. McMURRAY, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

Kris Deason  
Notary Public for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at \_\_\_\_\_, Montana  
My commission expires: \_\_\_\_\_



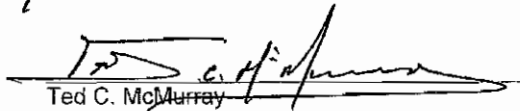
SIGNATURE PAGE for that Warranty Deed from:

TED C. McMURRAY and CONSTANCE L. McMURRAY, the Grantor, to:

COURTNEY T. SCHREINER and MICHAEL J. SCHREINER III, the Grantees, for the following described premises in Gallatin County, Montana, to-wit:

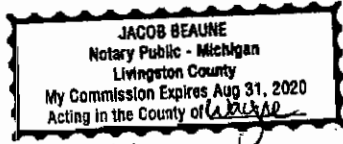
Lot 6 in Block 2 of Sour Dough Creek Properties Subdivision No. 14, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana. (Plat Reference: J-137)

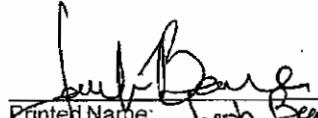
DATED this 2<sup>nd</sup> day of July, 2015.

  
Ted C. McMurray

STATE OF Michigan )  
County of Wayne ) : ss.

On this 2<sup>nd</sup> day of July, 2015, before me, a Notary Public in and for said State, personally appeared TED C. McMURRAY, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.



  
Printed Name: Jacob Beaune  
(Notary) Public for the State of Michigan  
Residing at Westland, MI  
My commission expires: August 31, 2020  
Acting in Wayne County



#13

Return To:  
Security Title Company  
P.O. Box 6550  
Bozeman, MT 59771-6550  
STCG-160020

2537517

Page: 1 of 1 02/12/2016 10:39:54 AM Fee: \$7.00  
Charlotte Mills - Gallatin County, MT DEED

WARRANTY DEED

FOR VALUE RECEIVED, THOMAS M. CARLS and HILLARY P. CARLS, the Grantors, do hereby grant, bargain, sell, convey and confirm unto RICHARD DUSTIN ROMNEY of 1585 8<sup>th</sup> Avenue, San Francisco, California 94122, the Grantee and his assigns, the following described premises in Gallatin County, Montana, to-wit:

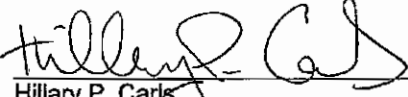
Lot 1 of The Headlands Subdivision, a Planned Unit Development, in the City of Bozeman, Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana. (Plat Reference: J-346)

SUBJECT TO: all reservations and restrictions in prior conveyances or in patents from the United States or the State of Montana; existing easements, encroachments and rights of way of record and those which would be disclosed by an examination of the property; mineral, oil and gas and royalty reservations, conveyances and leases of record; all real property taxes and assessments for the current year and subsequent years; and all building and use restrictions, covenants, agreements, requirements, notices, waivers, and conditions of record.

TO HAVE AND TO HOLD the said premises, with their tenements, hereditaments, and appurtenances unto the said Grantee and his assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that Grantee shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances except those limitations set forth above; that the Grantors and all persons acquiring any interest in the same through or from Grantors will, on demand, execute and deliver to the Grantee, at the expense of the Grantee, any further assurance of the same that may be reasonably required; and that the Grantors will warrant to the Grantee all the said property against every person lawfully claiming the same.

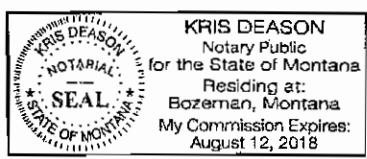
DATED this 10 day of <sup>February TC HPC</sup> January, 2016.

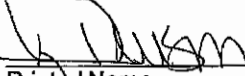
  
\_\_\_\_\_  
Thomas M. Carls

  
\_\_\_\_\_  
Hillary P. Carls

STATE OF MONTANA )  
  ) : ss.  
County of Gallatin )

On this 10 day of <sup>100 February</sup> January, 2016, before me, a Notary Public in and for said State, personally appeared THOMAS M. CARLS and HILLARY P. CARLS, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



  
\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_, Montana  
My commission expires: \_\_\_\_\_

145

WARRANTY DEED

FOR VALUE RECEIVED, SID ARTHUR and PENNY ARTHUR, as joint tenants, of 36 Summer Cutoff Road, Bozeman, Montana 59715, the Grantors, do hereby grant, bargain, sell, convey and confirm unto MICHAEL GORDON, of 143 Old West Trail, Bozeman, Montana 59718, as the Grantee, the following described real estate, situated in the County of Gallatin, State of Montana, to-wit:

STC-G043681

Lot 1 of the Plat of Longhorn Minor Subdivision 354, located in the SE1/4 of Section 3, Township 1 South, Range 5 East, P.M.M., Gallatin County, Montana, according to the official plat thereof on file and of record at the office of the County Clerk and Recorder, Gallatin County, Montana.

Together with all of the metals, stone, oil, gas, coal, and mineral rights appurtenant to the hereinbefore described real property owned by the Grantors. No warranty is made as to the status or extent of such rights.

Together with the water rights appurtenant to the hereinbefore described real property and the ditches and ditch rights to the extent used in connection with such water rights. No warranty is made as to such water and ditch rights.

Subject to all protective or restrictive covenants of record and all easements, reservations, and rights of way of record and those which would be disclosed by an examination of the property.

Subject to the Right of Way granted to Turkey Red Power Line Company for the right to operate, maintain, repair and remove electronic transmission lines over, along, and across the E1/2 of Section 3, recorded January 28, 1937 in Book 11 of Miscellaneous, Page 511, records of Gallatin County, Montana.

Subject to the terms and conditions contained in Certificate of Subdivision Approval, recorded November 17, 2004, Document No. 2170334, records of Gallatin County, Montana.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever, and the said Grantors do hereby covenant to and with the said Grantee that they are the owners of said premises, and that they will warrant and defend title to the same, subject to the limitations set forth, from all lawful claims whatsoever.

DATED this 18<sup>th</sup> day of February, 2005.

*[Signature]*  
SID ARTHUR  
*[Signature]*  
PENNY ARTHUR

STATE OF MONTANA )  
                                  ) ss.  
County of Gallatin )

On this 18<sup>th</sup> day of February, 2005, before me personally appeared SID ARTHUR and PENNY ARTHUR, whose identities were proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to this instrument, and acknowledged that they executed the same.



*[Signature]*  
Notary Public for the State of Montana  
Printed Name: Betty Bos  
Residing at: Notary Public for the State of Montana  
My commission expires: Residing at Bozeman Montana  
My Commission Expires November 12, 2005

2179167  
Page: 1 of 1  
02/22/2005 10:38A  
6.00  
Shelley Vance-Gallatin Co MT DEED

Last pg #1

354812

FILM 179 PAGE 672

State of Mont., County of Gallatin, ss Filed for record November 24, 1997  
at 3:01 P. M., and recorded in Book 179 of Deeds page 672  
Shelley Vance Recorder. By Richard E. Chapman Deputy

Fee: \$6.00 RT: American Land Title Co  
**PERSONAL REPRESENTATIVE DEED**

INDEXED C  
PLAYED 21

**THIS INDENTURE** made the 21st day of October, 1997, between **A. Christine Duntsch**, Personal Representative of the Estate of Edie A. Cooper, deceased, Box 4186, Bozeman, MT 59772, the party of the first part, and **Mark A. Chandler**, of Box 1168 Bozeman, MT 59772, the party of the second part;

**WITNESSETH:**

That the said party of the first part, for and in consideration of the sum of one dollar and other valuable consideration (\$1.00 ovc), in hand paid by the said party of the second part, receipt of which is hereby acknowledged; does hereby grant, bargain and convey unto the said party of the second part, and to his heirs and assigns, all right, title and interest in and to the following described real property, situated in the County of Gallatin, State of Montana, to-wit:

ALT 1-30023-12

Tract 3 of Certificate of Survey No. 10, located in the NW<sup>1</sup>/<sub>4</sub> of Section 28, Township 2 South, Range 6 East, M.P.M., Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder of Gallatin County, Montana.

Together with all the tenements, hereditaments and appurtenances thereunto belonging and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever as well in law as in equity, of the said party of the first party, of, in or to the said premises and every part and parcel thereof.

**TO HAVE AND TO HOLD** all and singular said premises, with the appurtenances unto the said party of the second part, his heirs and assigns forever.

**IN WITNESS WHEREOF**, the said party of the first part hereunto sets her hand and seal the day and year first above written.

A. Christine Duntsch  
**A. Christine Duntsch**  
Personal Representative  
of the Estate of Edie A. Cooper

STATE OF MONTANA )  
                                  : ss  
County of Gallatin )

On this 21 day of November, 1997, before me, a notary public for the State of Montana, personally appeared **A. Christine Duntsch** known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.



Peggy A. Russell  
Notary Public for the State of MT  
Residing at: Bozeman, MT  
My commission expires: 3/16/98

LS 29 #3

Please return to:  
Security Title Company  
600 South 19th  
Bozeman, MT 59718

① STC- 6142307

2500784

Page: 1 of 1 01/02/2015 11:05:03 AM Fee: \$17.00  
Charlotte Mills - Gallatin County, MT DEED



WARRANTY DEED

FOR VALUE RECEIVED, RYAN HOLLY and SARAH STANLEY, the Grantors, do hereby grant, bargain, sell, convey and confirm unto BRENDAN HENRY of 725 Solar Way, Bozeman, Montana 59718, the Grantee and his assigns, the following described premises in Gallatin County, Montana, to-wit:

Lot 8 in Skyview Subdivision, Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana. (Plat Reference: J-95)

SUBJECT TO: all reservations and restrictions in prior conveyances or in patents from the United States or the State of Montana; existing easements, encroachments and rights of way of record and those which would be disclosed by an examination of the property; mineral, oil and gas and royalty reservations, conveyances and leases of record; all real property taxes and assessments for the current year and subsequent years; and all building and use restrictions, covenants, agreements, requirements, notices, waivers, and conditions of record.

TO HAVE AND TO HOLD the said premises, with their tenements, hereditaments, and appurtenances unto the said Grantee and his assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that Grantee shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances except those limitations set forth above; that the Grantors and all persons acquiring any interest in the same through or from Grantors will, on demand, execute and deliver to the Grantee, at the expense of the Grantee, any further assurance of the same that may be reasonably required; and that the Grantors will warrant to the Grantee all the said property against every person lawfully claiming the same.

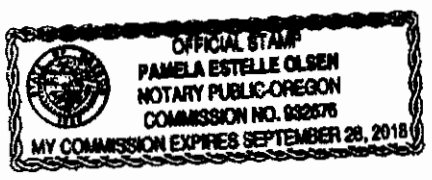
DATED this 30 day of December, 2014.

[Signature]  
Ryan Holly

[Signature]  
Sarah Stanley

STATE OF OREGON ;  
County of LANE ; ss.

On this 31 day of DECEMBER, 2014, before me, a Notary Public in and for said State, personally appeared RYAN HOLLY and SARAH STANLEY, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



[Signature]  
Printed Name: PAMELA OLSEN  
Notary Public for the State of OREGON  
Residing at LANE  
My commission expires: SEPT. 28, 2018

ERIC,  
 THE SIGNATURES  
 FOR PROPERTIES IN  
 THE COUNTY ARE  
 LABELED ①, ②, ETC.  
 IN LEFT HAND  
 MARGIN. Ethan <sup>code</sup>  
 406-587-1115

7016 2290 0000 3970 7584

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Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To  
 Daniel Emery Ruggles II  
 Street and Apt. No., or PO Box No.  
 705 E. Orange St  
 City, State, ZIP+4® Bozeman, MT 59715-3025 451

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 2290 0000 3970 7577

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Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To  
 Stephen B. Carlson  
 Street and Apt. No., or PO Box No.  
 PO Box 1797  
 City, State, ZIP+4® Bozeman, MT 59771-1797 451

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 2290 0000 3970 7560

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Certified Mail Fee \$

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Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To  
 Chris Galle- Big Red Tomatoes, LLC  
 Street and Apt. No., or PO Box No.  
 850 W. Adams St., Apt 5C  
 City, State, ZIP+4® Chicago, IL 60607-3085 451

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 2290 0000 3970 7591

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Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To  
 Belgrade Postmaster  
 Street and Apt. No., or PO Box No.  
 96 N. Weaver  
 City, State, ZIP+4® Belgrade, MT 59714 451

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

AMENDED PLAT REQUESTED BY OWNERS TO CHANGE  
ROCKING S7 ROAD FROM A PUBLIC ROAD TO A  
PRIVATE ROAD.

OWNER OF LOTS 1 & 5: STEPHEN B. CARLSON OWNER OF LOT 4: DANIEL EMERY RUGGLES II  
DEED REF.: DOC. NO. 2393548 DEED REF.: DOC. NO. 2567803

OWNER OF LOTS 2 & 3: BIG RED  
TOMATOES, LLC  
DEED REF.: DOC. NO. 2394104

N 1/4 Sec. 26  
Fnd. Aluminum cap  
per C.O.S. No. 2057

WALLACE & PATRICIA  
BROWNELL  
167 F 1140

15' DEDICATION FOR DRY CREEK  
ROAD-PER MINOR SUBD.  
NO. 282B.

Fnd. Aluminum cap  
1310BLS

Fnd. Allen cap  
#4955S

Fnd. AC  
1310BLS

Fnd. Aluminum cap  
1310BLS

20' UTILITY  
EASEMENT

DONALD T. BISHOP &  
BARBARA J. BISHOP  
Doc. 2200307  
TR. A2  
MINOR SUBD. 282A

N 1/16 Sec. 26

346.99' (R)  
347.44' (M)

Fnd. Allen cap #4955S

Fnd. Allen cap #4955S

Fnd. Allen cap #4955S

Fnd. Allen cap #4955S

Fnd. Allen cap #4955S

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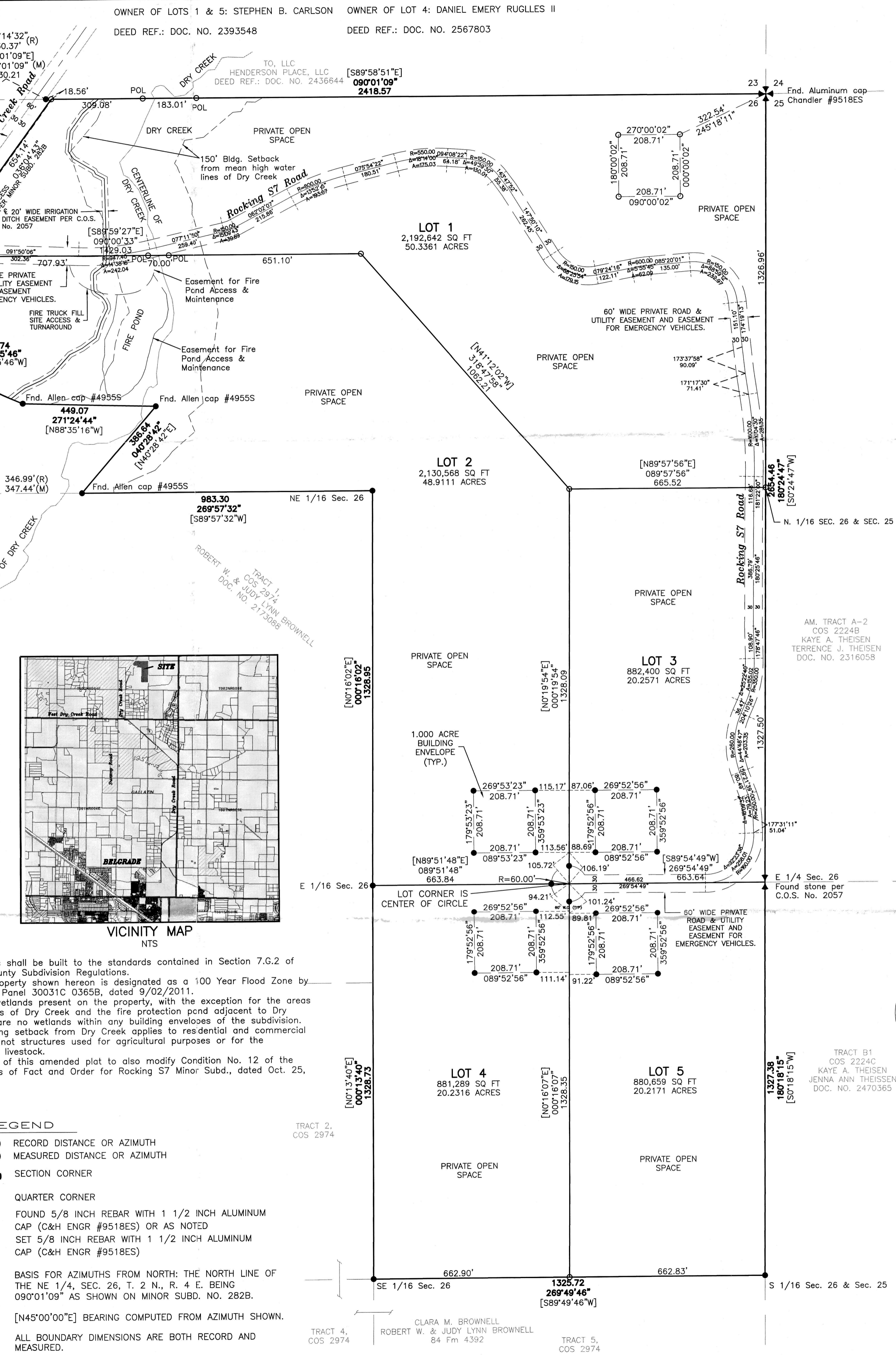
Fnd. Allen cap #4955S

Fnd. Allen cap #4955S

Fnd. Allen cap #4955S

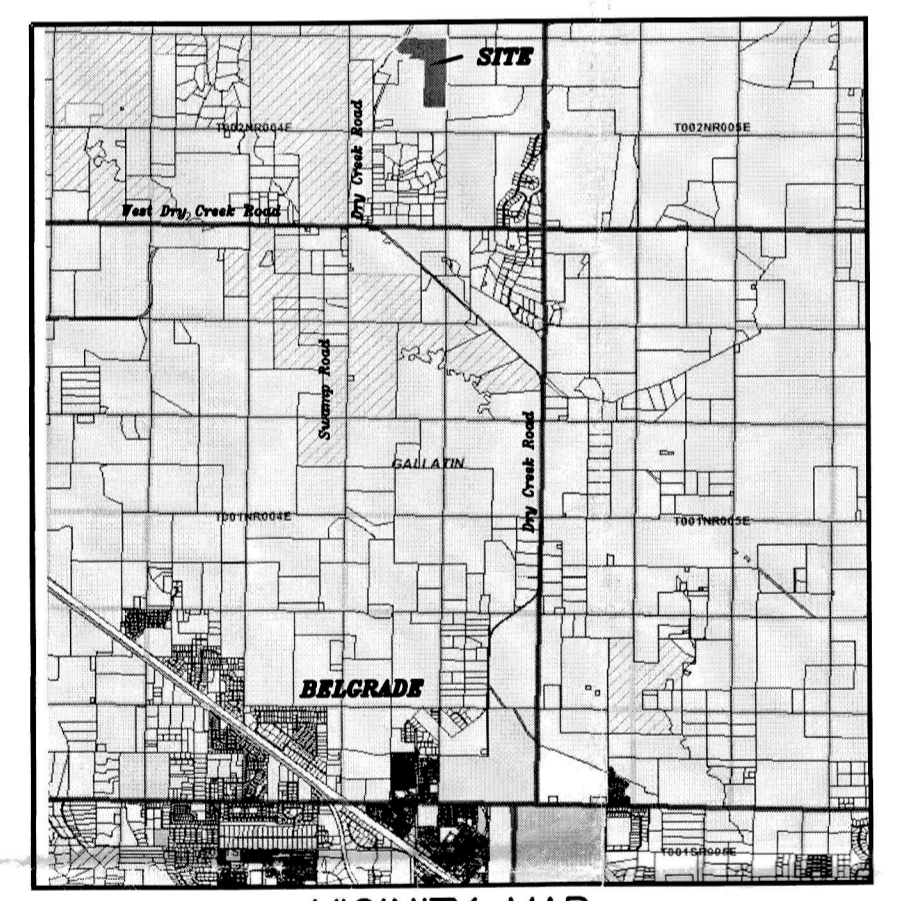
Fnd. Allen cap #4955S

Fnd. Allen cap #4955S



**AREA TABULATION**

LOT	SQ. FT.	ACRES
LOT 1	2,192,642	50.3361
LOT 2	2,130,568	48.9111
LOT 3	882,400	20.2571
LOT 4	881,289	20.2316
LOT 5	880,659	20.2171
TOTAL	6,967,558	159.9531



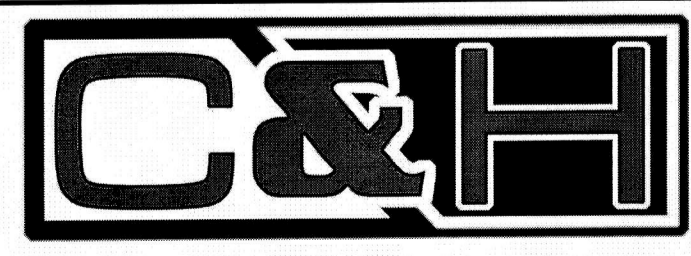
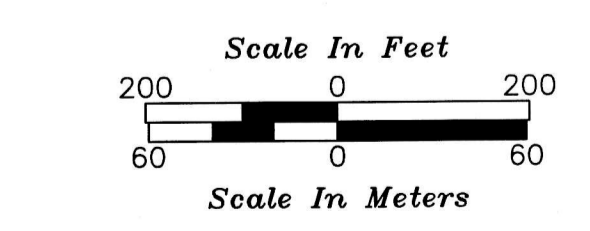
- NOTES**
- All lot accesses shall be built to the standards contained in Section 7.G.2 of the Gallatin County Subdivision Regulations.
  - None of the property shown hereon is designated as a 100 Year Flood Zone by FEMA per FIRM Panel 30031C 0365B, dated 9/02/2011.
  - There are no wetlands present on the property, with the exception for the areas within the banks of Dry Creek and the fire protection pond adjacent to Dry Creek. There are no wetlands within any building envelopes of the subdivision.
  - The 150' building setback from Dry Creek applies to residential and commercial structures and not structures used for agricultural purposes or for the maintenance of livestock.
  - It is the intent of this amended plat to also modify Condition No. 12 of the Original Findings of Fact and Order for Rocking S7 Minor Subd., dated Oct. 25, 2005.

- LEGEND**
- (R) RECORD DISTANCE OR AZIMUTH
  - (M) MEASURED DISTANCE OR AZIMUTH
  - SECTION CORNER
  - QUARTER CORNER
  - FOUND 5/8 INCH REBAR WITH 1 1/2 INCH ALUMINUM CAP (C&H ENGR #9518ES) OR AS NOTED
  - SET 5/8 INCH REBAR WITH 1 1/2 INCH ALUMINUM CAP (C&H ENGR #9518ES)

BASIS FOR AZIMUTHS FROM NORTH: THE NORTH LINE OF THE NE 1/4, SEC. 26, T. 2 N., R. 4 E. BEING 090°01'09" AS SHOWN ON MINOR SUBD. NO. 282B.

[N45°00'00"E] BEARING COMPUTED FROM AZIMUTH SHOWN.

ALL BOUNDARY DIMENSIONS ARE BOTH RECORD AND MEASURED.



Engineering and Surveying Inc.  
1091 Stoneridge Drive • Bozeman, MT 59718  
Phone (406) 587-1115 • Fax (406) 587-9768  
www.chengineers.com • info@chengineers.com

# PLAT OF ROCKING S7 MINOR SUBDIVISION No. \_\_\_\_\_ BEING AN AMENDED PLAT OF LOTS 1-5, MINOR SUBDIVISION No. 282B LOCATED IN THE NW 1/4, THE NE 1/4 AND THE SE 1/4 OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 4 EAST OF P.M.M., GALLATIN COUNTY, MONTANA

**CERTIFICATE OF CONSENT**

We, the undersigned property owners, do hereby certify that we have caused to be surveyed, subdivided and platted into lots and roads, as shown by this plat hereunto included, the following described tract of land, to wit:

**LEGAL DESCRIPTION**

Lot 1, Lot 2, Lot 3, Lot 4, and Lot 5, Minor Subdivision No. 282B, according to the plat thereof, on file and of record in the office of the Clerk and Recorder, Gallatin County, Montana, and located in the Northwest Quarter, the Northeast Quarter and the Southeast Quarter of Section 26, Township 2 North, Range 4 East of P.M.M., Gallatin County, Montana.

Area = 6,967,558 sq. feet, 159.9531 acres, or 647,307.3 sq. meters. Subject to existing easements.

The above described tract of land is to be known and designated as Minor Subdivision No. \_\_\_\_\_, Gallatin County, Montana.

The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as 'Utility Easement' to have and to hold forever.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019. Daniel Emery Ruggles II

STATE OF MONTANA  
COUNTY OF GALLATIN  
This instrument was signed or acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2019, by Daniel Emery Ruggles II.

Notary Public for the State of \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019. Stephen B. Carlson

STATE OF MONTANA  
COUNTY OF GALLATIN  
This instrument was signed or acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2019, by Stephen B. Carlson.

Notary Public for the State of \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019. Big Red Tomatoes, LLC  
a Montana Limited Liability Company  
By: Chris Galle, Manager

STATE OF ILLINOIS  
COUNTY OF COOK  
This instrument was signed or acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2019, by Chris Galle, as manager of Big Red Tomatoes, LLC, a Montana Limited Liability Company.

Notary Public for the State of ILLINOIS  
Printed Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**CERTIFICATE OF SURVEYOR**

I, Mark A. Chandler, Professional Engineer and Land Surveyor No. 9518ES, do hereby certify that between April 30, 2019 and May \_\_\_\_\_, 2019, this MINOR SUBDIVISION was surveyed under my direct supervision, and I have platted 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.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019. Mark A. Chandler, PE, PLS  
Montana License No. 9518ES

**CERTIFICATE OF COUNTY COMMISSIONERS**

I, the Chairman of the Board of County Commissioners, Gallatin County, Montana, do hereby certify that the accompanying plat has been duly examined, and have found the same to conform to the law, and approve it.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019. Chairman, Board of County Commissioners

**CERTIFICATE OF COUNTY TREASURER**

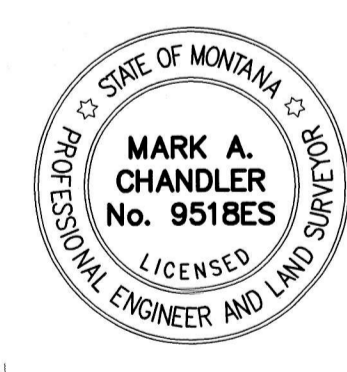
I, Jennifer Blossom, Treasurer of Gallatin County, Montana, do hereby certify that the accompanying Minor Subdivision has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019. By: \_\_\_\_\_  
Deputy Treasurer of Gallatin County

**CLERK AND RECORDER**

I, Eric Semerad, Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was filed in my office at \_\_\_\_ o'clock \_\_\_\_ M. this \_\_\_\_ day of \_\_\_\_\_, A.D., 2019, and recorded as Minor Subdivision No. \_\_\_\_\_, records of the Clerk and Recorder, Gallatin County, Montana.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019. By: \_\_\_\_\_  
Deputy Clerk and Recorder



TRACT B1  
COS 2224C  
KAYE A. THEISEN  
JENNA ANN THEISEN  
DOC. NO. 2470365

TRACT 2,  
COS 2974

TRACT 4,  
COS 2974

CLARA M. BROWNELL  
ROBERT W. & JUDY LYNN BROWNELL  
84 Fm 4392

TRACT 5,  
COS 2974