

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 Barry Robinson EMAIL _____ PHONE 580-6649

- 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: 6/30/20
 - a) Prepare draft resolution appointing viewing committee and assigning Petition # 854.
 - b) Forward copy to county attorney for review
 - c) Scan petition and Report of Qualified Signers. Forward to County Attorney, County Road Superintendent and County Commission.
- 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: _____
- _____ 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 _____
- _____ 10) a) Type regular mail envelopes for:
 - i) All landowners named on the petition
 - ii) All signers on the petition
 - iii) 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.
 - iv) The postmaster of the area
 - v) The Public Lands Access Association, PO Box 80987 Billings 59108
- _____ b) Type and prepare certified mail envelopes for:
 - i) All landowners abutting the road to be abandoned and landowners of private land to which the road gives access.
 - _____ ii) The postmaster of the area
 - _____ iii) The Public Lands Access Association
- 11) Mail a copy of the public hearing notice and viewers report to the people listed in 10) a) above. 9/23
- 12) Publish public hearing legal notice two times in Chronicle for a county road (7-1-2121) and if necessary in another newspaper. DATES 9/23 9/30
- 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 ^{Denial} 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. NA
- 20) Scan petition file and file away in basement drawer for road petitions.

RECEIVED

APR 27 2020

Clerk & Recorder
Gallatin County, Mont.

PETITION TO ABANDON COUNTY ROAD

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

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

- The road or portion of the road to be abandoned: 370' Public roadway easement on the north end of Hyalite meadows. "Lot 14."
- 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):
Route of easement runs East and West on Lot 14 of Hyalite meadows Subdivision, S03, T03 S, R05 E, Lot 14, IN S2SE4, Plat J9

- 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. <u>TODD & KRISTEN WILLIAMSON</u>	<u>PO Box 6074</u> <u>BOZEMAN, MT 59711</u>
Legal Description of Property	<u>S03, T03 S, R05 E, 426A, PARCELA</u>

2. <u>David & Barbara Moe</u>	<u>8265 Fowler Ln</u> <u>Bozeman, MT 59718-8321</u>
Legal Description of Property	<u>S03, T03 S, R05 E, C.O.S, 682, TR IN NW4SE4</u>


3. <u>Bret Olson</u>	<u>PO Box 5102</u> <u>Bozeman, MT 59717-5102</u>
Legal Description of Property	<u>S03, T03 S, R05 E, C.O.S. 520F, Parcel 9B</u>

4. _____	_____
Legal Description of Property	_____

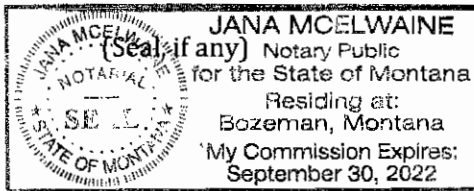
5. _____	_____
Legal Description of Property	_____

State of Montana
County of Gallatin

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


(Signature of petitioner.)

Signed and sworn to (or affirmed) before me on April 27, 2020
by Barry A. Robinson



Jana McElwaine
Signature of notarial officer

Jana McElwaine

Name - typed, stamped, or printed

Banker Officer

Title (and Rank)
2800 W. Main Bozeman, MT

Residing at
My commission expires: Sept 30, 2022

PETITION TO ABANDON COUNTY ROAD

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

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

- 1. The road or portion of the road to be abandoned: road easment at north end of Hyalite Meadows, between Cayuse Trail and Indian Paintbrush dr
- 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):
Easment at north side of Lot 14. 30' road easment running from Indian Paintbrush rd to Cayuse Trail.

- 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. _____ _____	_____
Legal Description of Property _____ _____	
2. _____ _____	_____
Legal Description of Property _____ _____	
3. _____ _____	_____
Legal Description of Property _____ _____	
4. _____ _____	_____
Legal Description of Property _____ _____	
5. _____ _____	_____
Legal Description of Property _____ _____	

15. _____

Legal Description of Property _____

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

Bret Olsen - Contacted Bret who stated he would sign form if we gave him an easement for power along south side of property. Tried to reach Bret by phone but was unable to get in contact.

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:

Bret Olsen - Contacted place of business and had a meeting set up but he never showed up.

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

To stop people from trespassing on our land. Our dog has been harassed and hit with 4 wheelers. Our house has been egged by people passing by. We have had our mail thrown on the ground by trespassers. People have ridden horses and bikes into our yard. We are worried about the possibility of someone getting injured and swing us.

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?

NO

JUN 08 2020

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

1. [Signature] Janita Ann 28 Indian Paintbrush Dr
 Signature Address
Betsy Robinson Sennite Robinson Bozeman MT 59718
 Printed Name City, State, Zip
4/28/2020 4/28/2020
 Date

Legal Description of Property Sq3, T03S, R05, Lot 14

[Signature] Barbara Colleen Moe 5-2-20
 Signature Address
David Moe 8265 Fowler Ln
 Printed Name City, State, Zip
5-2-2020
 Date

Legal Description of Property S03, T03S, R05 E, C.O.S. 426A, Parcel A

3) [Signature] Todd & Kristen Williamson 21 Indian Paintbrush
 Signature Address
[Signature] Bozeman, MT 59718
 Printed Name City, State, Zip
5/2/20
 Date

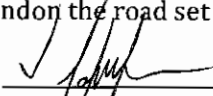
Legal Description of Property S03, T03S, R05 E, C.O.S. 682, Trac in NW 1/4 SE 4

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

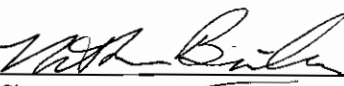
5. _____
 Signature Address
 Printed Name City, State, Zip
 Date
 Legal Description of Property _____

6. _____

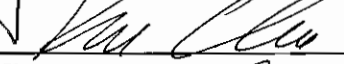
The undersigned state that they are freeholders in the Gallatin County Road District and petition to abandon the road set forth herein. If more than 10 freeholders sign, use additional pages.

1.  _____
Signature _____ Address 109 PARKLANDS TRAIL
JACOB H. WAGNER _____ BOZEMAN, MT 59718
Printed Name _____ City,State,Zip
JUNE 7, 2019 _____
Date _____

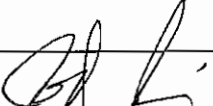
Legal Description of Property _____

2.  _____
Signature _____ Address 16 Kelly Ct
Nathan Bailey _____ Bozeman, MT 59718
Printed Name _____ City,State,Zip
June 7, 19 _____
Date _____

Legal Description of Property _____

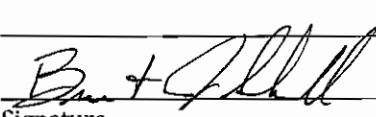
3.  _____
Signature _____ Address 374 Rocky Rd
KEVIN CHASE _____ BOZEMAN, MT 59718
Printed Name _____ City,State,Zip
6/10/19 _____
Date _____

Legal Description of Property _____

4.  _____
Signature _____ Address 810 Acrow Tr
Josh SUSIK _____ BOZEMAN MT 59718
Printed Name _____ City,State,Zip

Date _____

Legal Description of Property _____

5.  _____
Signature _____ Address 51 Whisper Ln.
Brent J. Schroll _____ Bozeman, MT-59718
Printed Name _____ City,State,Zip
6/11/19 _____
Date _____

Legal Description of Property _____

6. _____

Signature Troy Chase
Printed Name TROY CHASE
Date 6/11/19
Legal Description of Property _____

Address 54 OLSON COURT BOZEMAN, MT 59718
City,State,Zip

7. ✓ [Signature]
Signature Michael McDonough
Printed Name 6-11-19
Date
Legal Description of Property _____

Address 8508 Laramie Dr. ste 1B
Bozeman MT. 59718
City,State,Zip

8. ✓ [Signature]
Signature KENT A. BENDER
Printed Name 6-11-19
Date
Legal Description of Property _____

Address 15 Indian Paintbrush Dr.
Bozeman MT 59718
City,State,Zip

9. ✓ [Signature]
Signature Michael Thorne
Printed Name 6-12-19
Date
Legal Description of Property _____

Address 176 Saddle Peak Cir.
Bozeman, MT 59715
City,State,Zip

10. ✓ [Signature]
Signature Tyrell DeGrande
Printed Name 6-12-19
Date
Legal Description of Property _____

Address 1511 Rainbow Rd
Bozeman MT 59715
City,State,Zip

11. Jennifer May
Signature
Jennifer May
Printed Name
6/13/19
Date

168 Forest Creek Dr
Address
Bozeman, MT 59718
City, State, Zip

Legal Description of Property _____

12. _____
Signature

Printed Name

Date

Address

City, State, Zip

Legal Description of Property _____

13. _____
Signature

Printed Name

Date

Address

City, State, Zip

Legal Description of Property _____

14. _____
Signature

Printed Name

Date

Address

City, State, Zip

Legal Description of Property _____

15. _____
Signature

Printed Name

Date

Address

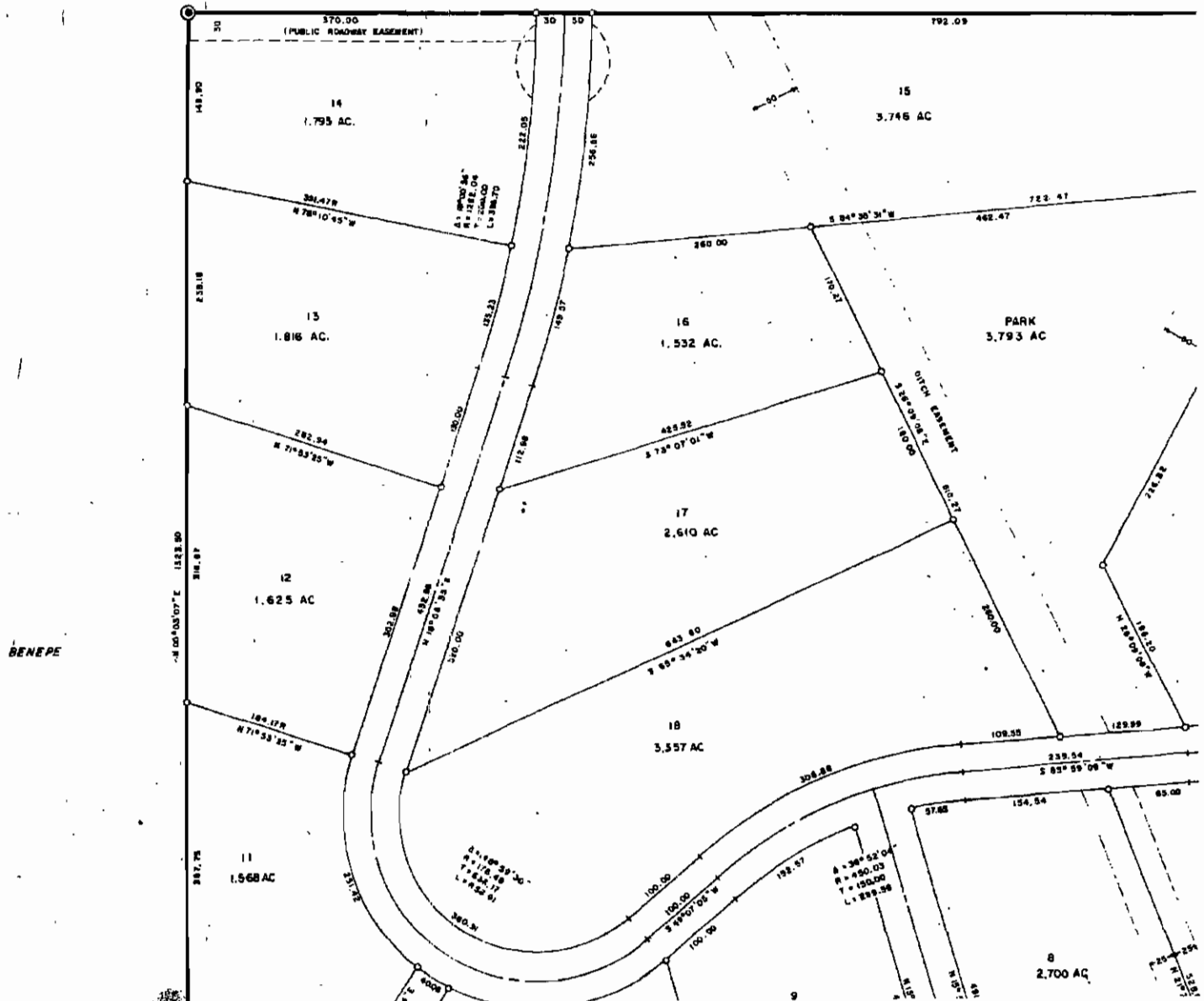
City, State, Zip

Legal Description of Property _____

HYA

A TRACT
GALLATI

W 1/16 SE 1/4 SEC 3



CERTIFICATE OF SURVEY NO. 520 F

A TRACT OF LAND IN THE SW 1/4 OF SECTION 3 T. 3S, R. 6 E., P.M.M.
IN GALLATIN COUNTY, MONTANA BY BRIAN SULLIVAN
FOR THE PURPOSE OF OCCASIONAL SALE

CERTIFICATE OF SURVEYOR

I, the undersigned, ROBERT H. BARR, Engineer-Surveyor, do hereby certify that on October 18, 1978, under my supervision the land was surveyed and I placed the marks shown on the accompanying map and as described in accordance with the provisions of the Subdivision and Platting Act, Sections 11-3-509 through 11-3-516, M.C.L., 1973, and the Gallatin County Subdivision Regulations.

Dated this 20th day of October, A.D. 1978



Robert H. Barr
ROBERT H. BARR
452325

CERTIFICATE OF EXAMINING LAND SURVEYOR

Checked for errors and omissions in setting and calculations only.

Dated this 8 day of Nov, A.D. 1978

Donald R. Reinhardt
DONALD REINHARTH
7462 ES

LEGAL DESCRIPTION

A tract of land located in the SW 1/4 of section 3, T. 3S, R. 6 E., P.M.M. in Gallatin County, Montana more particularly described as follows:
TRACT 9A
RESIDUAL OF A PLOT FROM WHICH THE S 1/4 CORNER OF SAID SECTION 3 BEARS S 0° 03' 07" E - 1455.00 FEET TO THE TRUE POINT OF BEGINNING, THENCE S 89° 55' 48" W - 1817.00 FEET, THENCE S 39° 53' 23" E - 947.80 FEET, THENCE N 39° 53' 23" E - 947.80 FEET TO THE POINT OF BEGINNING CONTAINING 10.188 ACRES MORE OR LESS.
TRACT 9B
A tract of land located in the SW 1/4 of section 3, T. 3S, R. 6 E., P.M.M. in Gallatin County, Montana more particularly described as follows: BEGINNING at the S 1/4 CORNER of said section 3, the TRUE POINT OF BEGINNING, THENCE S 89° 55' 48" W - 1455.00 FEET, THENCE S 39° 53' 23" E - 947.80 FEET, THENCE N 39° 53' 23" E - 947.80 FEET TO THE POINT OF BEGINNING CONTAINING 10.188 ACRES MORE OR LESS.

WITNESSE MY HAND AND SEAL OF OFFICE
THIS 23rd DAY OF NOV 1978

CLERK AND RECORDER

I, CARL L. STUCKY, Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was filed in my office this 23rd day of November, A.D. 1978, at 11:22 A.M. in the Records of the County Clerk and Recorder, Gallatin County, Montana. Certificate of Survey No. 520 F.

Donald R. Reinhardt
By: *Carl L. Stucky*
Carl L. Stucky
County Clerk and Recorder

CERTIFICATE OF EXEMPTION

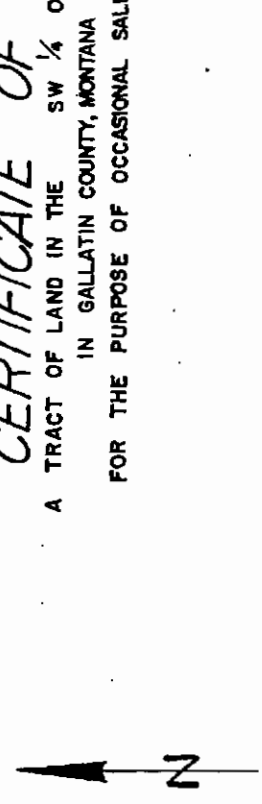
I, the undersigned, the Trustee of the Trust created by the heretofore attested Map and Certificate, do hereby certify that creation of Tract 9A is for the purpose of an occasional sale and in accordance with Section 11-3-502 (5) of the Montana Subdivision Platting Act, and is exempt from regulations for subdivisions.

Robert H. Barr
Robert H. Barr, Surveyor

NOTARY

Subscribed and sworn to before me, this 10 day of NOV, 1978

Lois E. White
Lois E. White
Notary for the State of Montana
Residing at
Montana 04650
My commission expires 10-7-83



TRACT 12
C of S 820

TRACT 9A
10.188 ac.

TRACT 9B
10.18326

TRACT 9C
10.00000

TRACT 9D
10.18326

TRACT 10
C of S 820

TRACT 11
C of S 820

TRACT 12
C of S 820

80' ROAD EASEMENT
AS SHOWN ON C of S 820

HYALITE
MEADOWS

FOUND STONE
3 1/4 COR. SEC 3

LEGEND
▲ FOUND CORNER-AS DESCRIBED
○ SET 1/2 DIA. REBAR WITH CAP METHOD 452325

BASIS OF BEARING - GALLATIN COUNTY RECORDS - CERTIFICATE OF SURVEY 820

SCALE - 1" = 200'

CERTIFICATE OF SURVEY NO. 4264

A TRACT OF LAND BEING THAT TRACT RECORDED ON C.O.S. 426 AND LOCATED IN THE SE1/4, SEC. 3, T3S, R5E, MP.1M.
GALLATIN COUNTY, MONTANA

FOR DON MURRAY TO CREATE A TRACT OF LAND FOR OCCASIONAL SALE, TRACT A TO BE SOLD, TRACTS B TO BE RETAINED

TRACT A

A tract of land being that tract recorded on Certificate of Survey No. 426 and located in the Southeast One-quarter of Section Three, Township Three South, Range Five East, Montana Principal Meridian, Gallatin County, Montana; being further described as follows:

Beginning at the Southwest corner of that tract recorded on Certificate of Survey No. 426, Thence North 00° 01' 57" East along the East line of said tract a distance of 596.54 feet, Thence South 89° 58' 01" East along the North line of said tract a distance of 201.00 feet, Thence South 00° 06' 59" West a distance of 596.54 feet to a point on the South line of said tract, Thence North 89° 54' 01" West a distance of 219.00 feet, Thence South 00° 06' 59" West a distance of 731.00 feet to the Point of Beginning. Said tract being 10.007 Acres, along with and subject to any existing assessments.

TRACT B

A tract of land being that tract recorded on Certificate of Survey No. 426 and located in the Southeast One-quarter of Section Three, Township Three South, Range Five East, Montana Principal Meridian, Gallatin County, Montana; being further described as follows:

Beginning at the Southeast corner of that tract recorded on Certificate of Survey No. 426, Thence North 00° 04' 01" East along the East line of said tract a distance of 808.12 feet, Thence South 89° 58' 01" East a distance of 396.54 feet to a point on the North line of said tract, Thence South 89° 54' 01" East along said North line a distance of 547.00 feet, Thence South 39° 00' 00" East along the East line of said tract a distance of 415.00 feet, Thence continuing along said East line South 00° 06' 59" West a distance of 276.00 feet to the Point of Beginning. Said tract being 10.057 Acres, along with and subject to any existing assessments.

CERTIFICATE OF SURVEYOR

Surveyed under the supervision of MICHAEL F. BARR, Montana Registration #49775.

Dated this 11th day of November, 1993.
MICHAEL F. BARR, Surveyor

CERTIFICATE OF EXAMINING LAND SURVEYOR

Examined for errors and omissions by ROBERT H. BARR, Montana Registration #49235.

Dated this 16th day of Nov 1993.
ROBERT H. BARR, Examining Land Surveyor

CERTIFICATE OF EXEMPTION

I certify that the purpose of this survey is to create a parcel as an occasional sale and that this exemption complies with all conditions imposed on this type of survey. It is exempt from review as a subdivision pursuant to Section 76-3-207 (1) (b) M.C.A., 1993, as amended.

Donald D. Murray

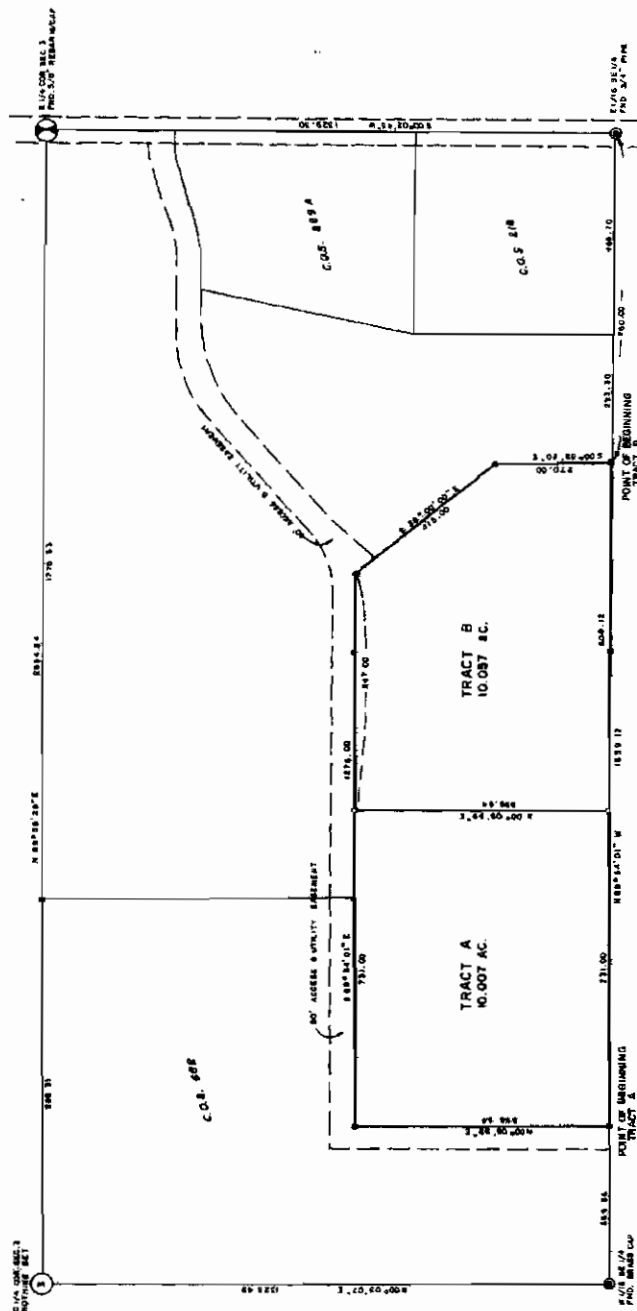
Subscribed and sworn to before me this 16th day of November, A.D., 1993.

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

CLERK AND RECORDER

Paula C. Swales, Clerk and Recorder of Gallatin County, Montana, certifies that the foregoing instrument was filed in my office at Helena, Montana, on this 16th day of November, A.D., 1993, and assigned Certificate of Survey No. 4264.

By: Paula C. Swales, Clerk and Recorder



TOTAL AREA = 20.064

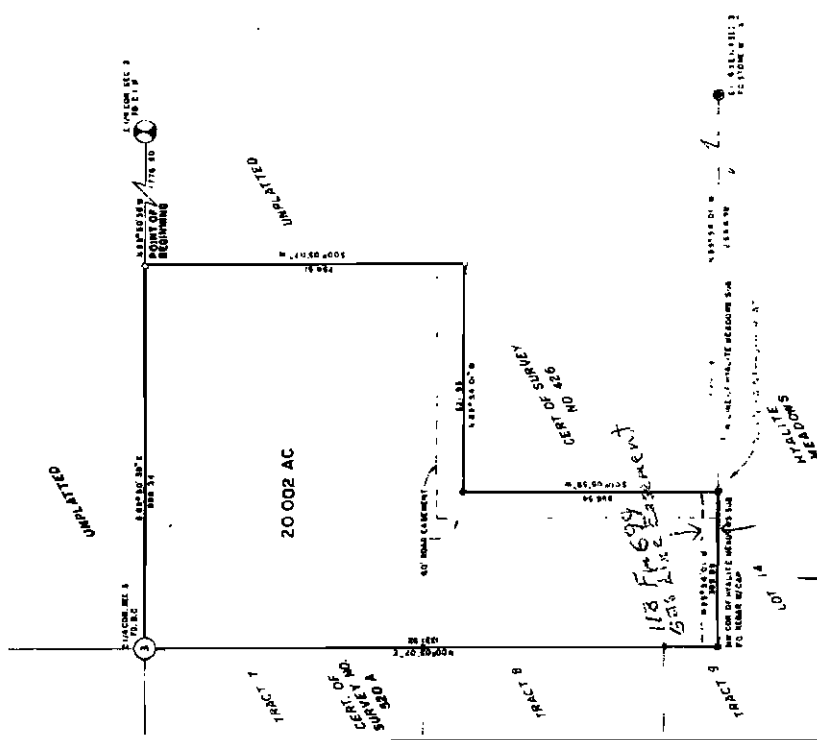
SCALE 1" = 200'
 B PER 1/4" REBAR W/CAP
 O BY 5/8" X 36" REBAR W/CAP
 BASIS OF BEARING: C.O.S. NO. 426

MUST BE KEPT ON HAND
 PER 1/4" REBAR W/CAP

0 100 200 300 400 500 600 700 800 900 1000
 MURPHY, INC.
 HELENA, MONTANA

CERTIFICATE OF SURVEY NO. 682

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SECTION 3, T.39, R.9E, M.P.M.
GALLATIN COUNTY, MONTANA
FOR THE CALLANTINE TO CREATE A TRACT OF LAND



DESCRIPTION

A tract of land located in the Southeast One-quarter of Section Three, Township Three South, Range Five East, Montana Principal Meridian, Gallatin County, Montana, and being further described as follows:

Beginning at a point on the North line of said Southeast One-quarter, said point being North 89° 30' 30" West a distance of 1776.50 feet from the Northeast corner of said Southeast One-quarter, Thence South 00° 03' 07" West a distance of 734.51 feet, Thence North 89° 54' 01" West along the North line of Certificate of Survey No. 429, Gallatin County Records, a distance of 521.95 feet, Thence South 00° 05' 59" West along the West line of said Certificate of Survey No. 429 a distance of 521.95 feet to a point on the North line of Hyalite Meadows Subdivision, Gallatin County Records, 521.95 feet to a point on the North line of Hyalite Meadows Subdivision, Gallatin County Records, 1331.92 feet, Thence North 00° 03' 07" East a distance of 1331.92 feet, Thence North 89° 30' 30" West along the North line of said Southeast One-quarter a distance of 888.34 feet to the Point of Beginning.

Said tract of land being 20.002 Acres, along with and subject to all existing easements.

CERTIFICATE OF SURVEYOR

Surveyed under the supervision of RONALD L. BURGESS, Montana Registration #37045.

Dated this 22 day of February, A.D., 1979.

Ronald L. Burgess
RONALD L. BURGESS
MONTANA
REGISTERED SURVEYOR
#37045

CERTIFICATE OF EXAMINING LAND SURVEYOR

Examined for errors and omissions by ROBERT H. BARR, Montana Registration #492285.

Dated this 24 day of January, A.D., 1979.

Robert H. Barr
ROBERT H. BARR
MONTANA
REGISTERED SURVEYOR
#492285

CLERK AND RECORDER

586003

Ann C. Shupe
Clerk and Recorder of Gallatin County, do hereby certify that the foregoing instrument was filed and recorded this 22 day of February, A.D., 1979, and assigned Certificate of Survey No. 682

By: *Ann C. Shupe*

SCALE 1" = 200'

• FOUND 5" IRON NAIL CORNER

○ SET 5" IRON NAIL CORNER

BEARING BASES ON HYALITE MEADOWS SUBDIVISION

DATE 1/71



Try Cadastral Beta
Print Button
workarounds



201

201000000

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201000000

CERTIFICATE OF SURVEY NO. 520 F

A TRACT OF LAND IN THE SW 1/4 OF SECTION 3 T. 35 R. 5 E., P.M.M.
IN GALLATIN COUNTY, MONTANA BY BRIAN SULLIVAN
FOR THE PURPOSE OF OCCASIONAL SALE

CERTIFICATE OF SURVEYOR

I, the undersigned, ROBERT H. BARR, Engineer-Surveyor, do hereby certify that on October 18, 1978, under my supervision this land was surveyed and I plotted the same shown on the accompanying map and as described in accordance with the provisions of the Montana Subdivision and Plotting Act, Sections 11-387.6, R.C.M., 1947, and the Gallatin County Subdivision Regulations.

Dated this 30th day of October, A.D. 1978



Robert H. Barr
ROBERT H. BARR 4523 ES

CERTIFICATE OF EXAMINING LAND SURVEYOR

Checked for errors and omissions in drafting and calculations only.

Dated this 8 day of Nov, A.D. 1978

Donald R. Reichmuth
Donald Reichmuth 7462 ES

LEGAL DESCRIPTION

A tract of land located in the SW 1/4 of section 3 T. 35 R. 5 E., P.M.M. in Gallatin County, Montana more particularly described as follows:
TRACT 9 A
BEGINNING at a point from which the S 1/4 corner of said section 3 bears S 0° 03' 07" W - 1455.00 feet, the TRUE POINT OF BEGINNING, thence S 89° 58' 29" W - 1217.00 feet, thence S 39° 53' 23" E - 947.81 feet, thence N 39° 55' 48" E - 949.07 feet to the point of beginning containing 10.162 acres more or less.

TRACT 9 B
A tract of land located in the SW 1/4 of section 3 T. 35 R. 5 E., P.M.M. in Gallatin County, Montana more particularly described as follows: BEGINNING at the S 1/4 corner of said section 3, the TRUE POINT OF BEGINNING, thence N 0° 03' 07" E - 1453.00 feet, thence S 39° 55' 48" W - 949.07 feet, thence S 39° 53' 23" E - 947.80 feet to the point of beginning containing 10.163 acres more or less.

WITNESSE BY COUNTY RECORDER
The 53 day of Nov, 1978

653385

CLERK AND RECORDER

I, CARL L. STUCKY, Clerk and Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was filed in my office this 28 day of November, A.D. 1978, at 11:30 A.M. in the Records of the County Clerk and Recorder Gallatin County, Montana. Certificate of Survey No. 520-F

State of Montana

By: Carol M. Chapman

CERTIFICATE OF EXEMPTION

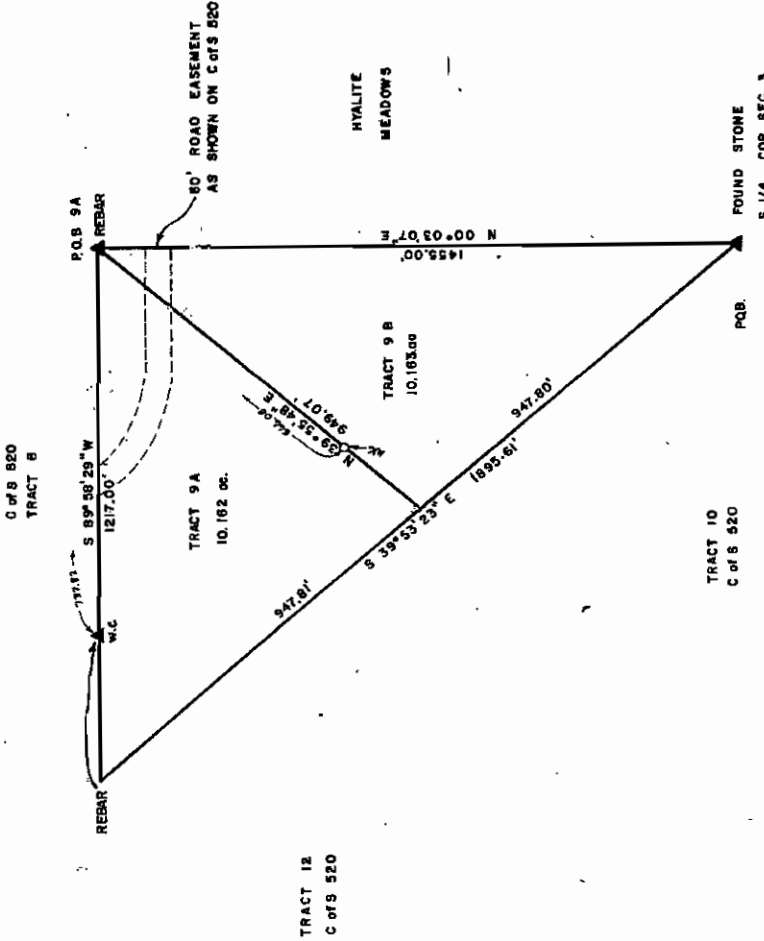
I, the undersigned, the Trustee of the heretofore affixed Map and Certificate, do hereby certify that creation of Tract 9 A is for the purpose of an occasional sale and in accordance with Section 11-386.2 (6d) of the Montana Subdivision Plotting Act, and is exempt from regulations for subdivisions.

Deborah Richard Sullivan

NOTARY

Subscribed and sworn to before me, this 10 day of Nov, 1978

Lois E. White
Notary for the State of Montana
Residing at Montana City, MT
My commission expires 10-7-83



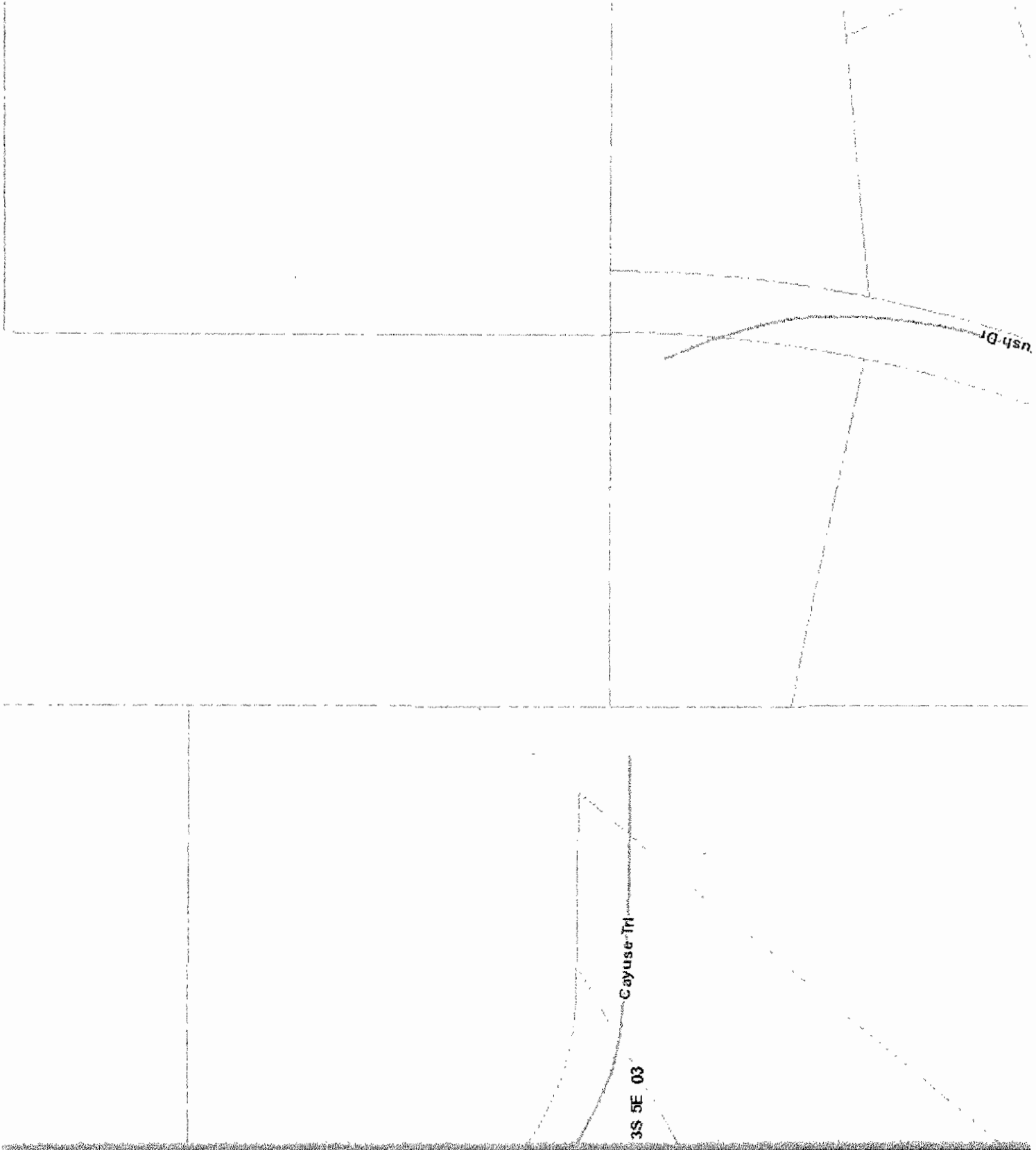
LEGEND

- ▲ FOUND CORNER-AS DESCRIBED
- SET 3/8" DIA. REBAR WITH CAP MARKED BARR 4523 ES

BASIS OF BEARING - GALLATIN COUNTY RECORDS - CERTIFICATE OF SURVEY 520

SCALE - 1" = 200'

Try Cadastral Beta
 Print Button
 workarounds



State of Montana

County of Gallatin

Bozeman



September 21, 2020

Board of County Commissioners
Gallatin County Courthouse
Bozeman, MT 59715

RE: Petition to abandon an easement in Hyalite Meadow Subdivision.

Legal Description: Route of 370' long 30' wide easement runs east and west on Lot 14 of Hyalite Meadows Subdivision between Indian Paintbrush Dr. and Cayuse Trail, located in Section 3, Township 3 South, Range 5 East, P.M.M. Gallatin County, Montana.

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 the public roadway easement on the north side of Lot 14 of Hyalite Meadow Subdivision was received on April 27, 2020. The original petition did not have the signatures of the adjacent landowners when submitted. The adjacent landowners submitted an addendum to the petition with their signatures on June 8, 2020. The petition was certified by the Gallatin County Clerk and Recorder on June 12, 2020.

The 370' long 30' wide public roadway easement is shown on the north side of Lot 14 of the plat of Hyalite Meadow Subdivision. It is a connector between Indian Paintbrush Drive, which is a publicly dedicated road on the plat of Hyalite Meadows Subdivision, and Cayuse Trail, which is a private road shown as an easement on the Certificates of Survey 520 and its' amendments.

The petition states that the necessity for abandonment is:

“To stop people from trespassing on our land. Our dog has been harassed and hit with 4-wheelers. Our houses has been egged by people passing by. We have had our mail thrown on the ground by trespassers. People have ridden horses and bikes into our yard. We are worried about the possibility of someone getting injured and suing us.”

The County Commission accepted the petition, assigned it Petition Number 854, and assigned the Viewing Committee consisting of Commissioner Donald Seifert and Clerk & Recorder Eric Semerad, at a public meeting held on June 30, 2020.

On August 12, 2020, the undersigned met with Road Supervisor Bill Brownell to view the road petitioned for abandonment. Petitioner and landowner of Lot 14, Barry Robinson, was present with the Viewing Committee at the time of the viewing. The Viewing Committee observed the road has not been constructed and that there is a worn walking path along the north fence line of Lot 14. There is a chicken coop partially built upon the easement. The landowner has also constructed an extensive gravel parking area on the east side of the lot that is partially within the right-of-way, and has parked several vehicles and a trailer within the right-of-way as well.

“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. The Committee finds that all of the abutting landowners have signed the petition. Abandonment therefore is not prohibited by § 7-14-2615(4), MCA.

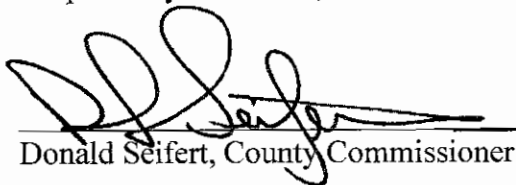
None of the adjoining lands are known to be public land. Consequently, the abandonment would not prevent legal access to public lands per § 7-14-2615(3), MCA.

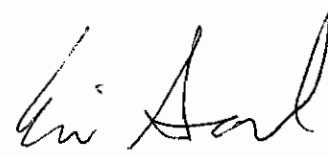
However, there is year round travel over this public roadway easement by motorcyclists, four-wheelers, bicyclists, horseback riders and pedestrians, which are all legitimate uses of a public road. While not heavily used, it is regularly used as a public road. If this road is abandoned as requested, it will permanently be unavailable for any public use.

It also is significant to note that the public roadway easement may be needed to access the adjacent property to the north when it is developed. The easement is only 30’ wide because it was anticipated to be used as the south half of a 60’ easement for access to of Certificate of Survey 682.

Due to the recreational and regular public use of the road, and the location of the public roadway easement for access to Certificate of Survey 682, it is our finding and recommendation that abandoning this public easement is not in the best interest of the public and should be denied.

Respectfully submitted,


Donald Seifert, County Commissioner


Eric Semerad, Clerk & Recorder



COS 520I

TR 7A-1

TR 7B-1A
COS 520U

COS 520U

TR 7B-1B

COS 682

TR B1
COS 2385

COS 520Q
TR 8A-1

TR 8A-2

CAVUSE TR

COS 520Y

TR A
COS 426A

**30' ROADWAY EASEMENT
TO BE ABANDONED**

LOT 1
COS 520V

LOT 2
COS 520W

TR 9B

COS 520F

LOT 18 J-9

INDIAN PAINTBRUSH DR

LUPINE LN

RESOLUTION NO. 2020-064

A RESOLUTION MADE TO ASSIGN THE VIEWING COMMITTEE AND PETITION NUMBER FOR A PETITION TO ABANDON A 30 FOOT EASEMENT LOCATED IN LOT 14 OF HYALITE MEADOWS SUBDIVISION IN GALLATIN COUNTY, MONTANA

This Resolution was introduced by Eric Semerad Clerk & Recorder; moved by Commissioner MacFarlane and seconded by Commissioner Skinner. This Resolution was adopted unanimously.

WHEREAS, On April 27, 2020 the Gallatin County Clerk and Recorder received a Petition to abandon a public easement on the north end of Lot 14 of Hyalite Meadows Subdivision, in Gallatin County, MT (hereinafter referred to as the "Road"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated;

WHEREAS, the Road is described as 370' long 30' wide easement runs east and west on Lot 14 of Hyalite Meadows Subdivision between Indian Paintbrush Rd. and Cayuse Trail, located in Section 3, Township 3 South, Range 5 East, P.M.M. Gallatin County, Montana.

WHEREAS, the original petition did not have the signatures of the adjacent landowners when submitted;

WHEREAS, the adjacent landowners submitted an addendum to the petition with their signatures on June 8, 2020;

WHEREAS, on June 12, 2020, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by Section 7-14-2601, MCA;

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

NOW THEREFORE BE IT RESOLVED:

1. The Board hereby accepts the petition for abandonment of that 370' long 30' wide easement that runs east and west on Lot 14 of Hyalite Meadows

Subdivision between Indian Paintbrush Rd. and Cayuse Trail, located in Section 3, Township 3 South, Range 5 East, P.M.M. Gallatin County, Montana.

2. The petition is assigned Road Petition Number 854.
3. Commissioner Donald F. Seifert 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.

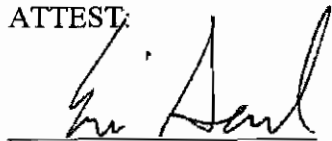
DATED this 30th day of March 2020.

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY



Donald F. Seifert, Chairman

ATTEST:

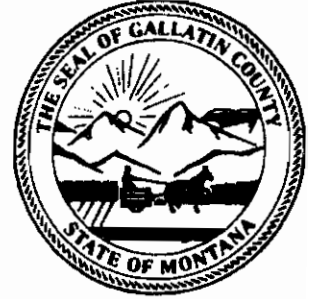


Eric Semerad
Clerk and Recorder
Gallatin County

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 October 20, 2020, 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 a public road easement being that 370' long 30' wide easement runs east and west on Lot 14 of Hyalite Meadows Subdivision between Indian Paintbrush Rd. and Cayuse Trail, located in Section 3, Township 3 South, Range 5 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 21st day of September, 2020.

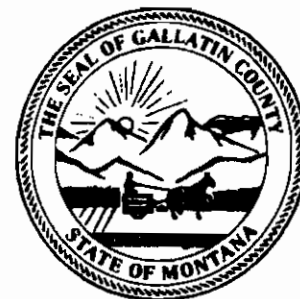
A handwritten signature in black ink, appearing to read "Eric Semerad".

Eric Semerad
Clerk and Recorder
Gallatin County, Montana

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 the attached Notice of Public Hearing to abandon a public easement on the north end of Lot 14 of Hyalite Meadows Subdivision, between Indian Paintbrush Rd. and Cayuse Trail, located in Section 3, Township 3S, Range 5E, P.M.M. Gallatin County, Montana and the viewing Committee report regarding abandoning the same, according to Road Petition Number 854, was mailed to those listed below on September 23, 2020.

Table with 5 columns: Name, Address, City, State, and Zip Code. Lists various individuals and families with their mailing addresses in Bozeman, MT, and other locations like Los Altos, CA and Weston, WI.

HO JEFFERY W & SARAH D	150 CAYUSE TRL	BOZEMAN	MT	59718-8044
TAYLOR JAMES M & JANICE J	220 CAYUSE TRL	BOZEMAN	MT	59718-8045
BYERLY KAREN F	1708 RAINBOW RD	BOZEMAN	MT	59715-9553
UTZIGER TIA	87 CAYUSE TRL	BOZEMAN	MT	59718-8038
COLTON BRUCE & NANCY	101 CAYUSE SPUR TRL	BOZEMAN	MT	59718-8046
MCMANIS KURT MATTHEW & JENA BEVIER	139 CAYUSE SPUR TRL	BOZEMAN	MT	59718-8046
STAFFORD RONALD & BARBARA	126 CAYUSE SPUR TRL	BOZEMAN	MT	59718-8046
MYERS DAVID A & MELISSA	285 CAYUSE TRL	BOZEMAN	MT	59718-8045
KING WARD A & KELLY K	345 CAYUSE TRL	BOZEMAN	MT	59718-8050
MCWILLIAMS TIMOTHY L & MARILY J	451 CAYUSE TRL	BOZEMAN	MT	59718-8047
CLEMENTS TIMOTHY C & DAWES KELLY M	453 CAYUSE TRL	BOZEMAN	MT	59718-8048
BRET N PACHECO LIVING TRUST	9 WEST HAVE LANE	ARDEN	NC	28704
BRET N PACHECO TRUSTEE				
BROKER GLENN & MICHELE	330 CAYUSE TRL	BOZEMAN	MT	59718-8050
CANTRELL CHARLES RYAN	390 CAYUSE TRL	BOZEMAN	MT	59718-8050
SLATER MICHAEL R & SANDRA K	424 CAYUSE TRL	BOZEMAN	MT	59718-8047
ALBRECHT MICHAEL J & KARA A	476 CAYUSE TRL	BOZEMAN	MT	59718-8047
PROTZ MICHAEL R	540 CAYUSE TRL	BOZEMAN	MT	59718-8049
VAIL KENNETH V	529 CAYUSE TRL	BOZEMAN	MT	59718-8049
DAHLIN DEBRA J	610 CAYUSE TRL	BOZEMAN	MT	59718-8960
DAHLIN JAMES M	610 CAYUSE TRL	BOZEMAN	MT	59718-8051
HELVEY JOHN B & KATHY L	567 CAYUSE TRL	BOZEMAN	MT	59718-8049
ATKINS BRANDON CLARK & JACQUELINE ANN	686 CAYUSE TRL	BOZEMAN	MT	59718-8051
BARTHOLOMEW CANDICE TRUST	635 CAYUSE TRL	BOZEMAN	MT	59718-8051
BARTHOLOMEW CANDICE TRUSTEE				
URBANI JOSEPH & SYDNE	707 CAYUSE TRL	BOZEMAN	MT	59718-8048
MORSCHHECK LUKE A & JAMIE B	746 CAYUSE TRL	BOZEMAN	MT	59718-8048
MARZLUFF JOHN M & COLLEEN S	19426 75TH AVE SE	SNOHOMISH	WA	98296-7916
OLSON BRET E	PO BOX 5102	BOZEMAN	MT	59717-5102
MOE DAVID JOHN & BARBARA COLVER	8265 FOWLER LN	BOZEMAN	MT	59718-8321
WAGNER JACOB H	109 PARLANDS TRAIL	BOZEMAN	MT	59718
BAILEY NATHAN	16 KELLY CT	BOZEMAN	MT	59718
CHASE KEVIN	374 ROCKY RD	BOZEMAN	MT	59718
SUSIC JOSH	810 ARROW TR	BOZEMAN	MT	59718
SCHMOLL BRENT J	51 WHISPER LN	BOZEMAN	MT	59718
CHASE TROY	54 OCEAN COURT	BOZEMAN	MT	59718
THORNE MICHAEL	176 SADDLE PEAK CIR	BOZEMAN	MT	59715
DELGRANDE TYRELL	1511 RAINBOW RD	BOZEMAN	MT	59715
MAY JENNIFER	168 FOREST CREEK DR	BOZEMAN	MT	59718
PUBLIC LANDS ACCESS ASSOCIATION	PO BOX 80987	BILLINGS	MT	59108
BOZEMAN POSTMASTER	2201 BAXTER LN	BOZEMAN	MT	59718
WILLIAMSON GARY TODD & KRISTEN	R 21 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718

ERIC SEMERAD
 Clerk and Recorder
 Gallatin County, Montana

By: Jasmine Hall, Deputy

Lot	Sub Name	Owner Name (1)	Owner Name (2)	Mailing Address	City	State	Zip Code
1	Hyalite Meadows	MCMANIS KODY M	AMY M	2 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
2	Hyalite Meadows	JUJIANO DANIEL R &		4 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
3	Hyalite Meadows	FELLENE MARY C		6 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8338
4	Hyalite Meadows	HOUSER LARRY M & JANET L FAMILY TRUST		8 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8339
5	Hyalite Meadows	LARIMER RANDAL M &	LORI S	10 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8340
6	Hyalite Meadows	NAKAGAWA YASUSHI &	SATOE & WATARU	5100 EL CAMINO REAL APT 307	LOS ALTOS	CA	94022-1553
7	Hyalite Meadows	DUNKEL FLORENCE VACCARELLO		14 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8339
8	Hyalite Meadows	RICE DANIEL L &	KATE E	2000 LESTER ST	WESTON	WI	54476-1750
9	Hyalite Meadows	GIVEN ROBERT REV TRT	GIVEN ROBERT & SANDRA KAE TRUSTEES	12655 ROUNDUP RD	PARKER	CO	80138-8419
10	Hyalite Meadows	HAMLEY GREGORY (GREG) E	CHRISTINE E	20 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
11	Hyalite Meadows	HALVERSON MICHAEL S &	AKA KATHRIN MALA	22 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
12	Hyalite Meadows	OLSON KATHRIN M	JENNIFER D	24 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
13	Hyalite Meadows	MCDONOUGH MICALJ	ELIZABETH A	3508 LARAMIE DR STE 1B	BOZEMAN	MT	59718-2006
14	Hyalite Meadows	ROBINSON BARRY A &	CATHY A	28 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
15	Hyalite Meadows	WHITE MARSHALL L &	MARSHA A	PO BOX 3615	BOZEMAN	MT	59772-3615
16	Hyalite Meadows	GLUE ERIC A &	ELIZABETH A	17 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
17	Hyalite Meadows	BENDER KENT A &	CATHY A	15 INDIAN PAINTBRUSH RD	BOZEMAN	MT	59718-8337
18	Hyalite Meadows	ROSE KANDY B	VANTIGER DARCY D TRUSTEE	13 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
19	Hyalite Meadows	DARCY D VANTIGER REV TRUST	MARY V	11 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
20	Hyalite Meadows	BARNHISEL DONALD H &	GILLIAN MAIRI	9 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
21	Hyalite Meadows	ABIR EYAL &	ALLYSON	7 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
22	Hyalite Meadows	PITTS JORDAN &	RUTH M	3 SNOWBERRY LN	BOZEMAN	MT	59718-7334
23	Hyalite Meadows	ROLLAND BENNETT ELRA		5 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8338
24	Hyalite Meadows	JOHNSON ROBERT A &		2 SNOWBERRY LN	BOZEMAN	MT	59718-7334
25	Hyalite Meadows	SUTTON CHRISTINE		3 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
26	Hyalite Meadows	SANFORD CAROL JOY REV TR	SANFORD CAROL JOY TRUSTEE	1 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
1	Minor 127	MCLEAN KAREN M & MCENROE CHRISTINE L &	SCHALL DANIEL S & SCHALL DAVID M	BOX 2150	MCCALL	ID	83638
2	Minor 127	HARBAC GREGORY LIVING TRUST 1/2 IN	HARBAC MARY M LIVING TRUST 1/2 IN	70 CAYUSE TRAIL	BOZEMAN	MT	59718-5469
3	Minor 127	FISHER ALDRICH C &	HARBAC GREGORY L & MARY M & TRTEES	100 CAYUSE TRL	BOZEMAN	MT	59718-8044
4	Minor 127	HO JEFFERY W &	DANLOTH FISHER JUDITH R	150 CAYUSE TRL	BOZEMAN	MT	59718-8044
5	Minor 127	TAYLOR JAMES M &	SARAH D	220 CAYUSE TRL	BOZEMAN	MT	59718-8045
	Minor 127	JANICE J					
2A-2	COS 520	BYERLY KAREN F		1708 RAINBOW RD	BOZEMAN	MT	59715-9553
2A-3	520Z	UTZIGER TIA	NANCY	87 CAYUSE TRL	BOZEMAN	MT	59718-8038
2B	520R	COLTON BRUCE &	JENA BEVIER	101 CAYUSE SPUR TRL	BOZEMAN	MT	59718-8046
3B-1	520O	MCMANIS KURT MATTHEW &		139 CAYUSE SPUR TRL	BOZEMAN	MT	59718-8046
3B-2	520O	***		***			
4B-1	520T	STAFFORD RONALD &	BARBARA	126 CAYUSE SPUR TRL	BOZEMAN	MT	59718-8046
4A (REM)	520V	MYERS DAVID A &	MELISSA	285 CAYUSE TRL	BOZEMAN	MT	59718-8045
4A-1	520S	KING WARD A &	KELLY K	345 CAYUSE TRL	BOZEMAN	MT	59718-8050
5A	520C	MCWILLIAMS TIMOTHY L &	MARILY J	451 CAYUSE TRL	BOZEMAN	MT	59718-8047
5B-1	520N	CLEMENTS TIMOTHY C &	DAWES KELLY M	453 CAYUSE TRL	BOZEMAN	MT	59718-8048
5B-2	520N	***		***			
6A	520P	BRET N PACHECO LIVING TRUST	BRET N PACHECO TRUSTEE	9 WEST HAVE LANE	ARDEN	NC	28704

6B	520P	BROKER GLENN &	MICHELE	330 CAYUSE TRL	BOZEMAN	MT	59718-8050
6C	520P	CANTRELL CHARLES RYAN		390 CAYUSE TRL	BOZEMAN	MT	59718-8050
6D	520P	SLATER MICHAEL R &	SANDRA K	424 CAYUSE TRL	BOZEMAN	MT	59718-8047
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7A-1	520I	PROTZ MICHAEL R		540 CAYUSE TRL	BOZEMAN	MT	59718-8049
7A-2	520I	VAIL KENNETH V		529 CAYUSE TRL	BOZEMAN	MT	59718-8049
7B-1A	520U	DAHLIN DEBRA J		610 CAYUSE TRL	BOZEMAN	MT	59718-8960
7B-1B	520U	DAHLIN JAMES M	KATHY L	610 CAYUSE TRL	BOZEMAN	MT	59718-8051
7B-2	520L	HELVEY JOHN B &		567 CAYUSE TRL	BOZEMAN	MT	59718-8049
8A-1	520Q	BATHNS BRANDON CLARK &	JACQUELINE ANN	686 CAYUSE TRL	BOZEMAN	MT	59718-8051
8A-2	520Q	BARTHOLOMEW CANDICE TRUST	BARTHOLOMEW CANDICE TRUSTEE	635 CAYUSE TRL	BOZEMAN	MT	59718-8051
1	520Y	URBANI JOSEPH &	SYDNE	707 CAYUSE TRL	BOZEMAN	MT	59718-8048
2	520Y	MORSCHHECK LUKE A &	JAMIE B	746 CAYUSE TRL	BOZEMAN	MT	59718-8048
2	520W	MARZLUFF JOHN M &	COLLEEN S	19426 75TH AVE SE	SNHOMISH	WA	98296-7916
9B	520F	OLSON BRET E		PO BOX 5102	BOZEMAN	MT	59717-5102

COS 682		MOE DAVID JOHN &	BARBARA COLVER	8255 FOWLER LN	BOZEMAN	MT	59718-8321
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A	COS 426A	WILLIAMSON GARY TODD &	KRISTEN R	21 INDIAN PAINTBRUSH DR	BOZEMAN	MT	59718-8337
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Petition Singors not already listed

		WAGNER JACOB H		109 PARLANDS TRAIL	BOZEMAN	MT	59718
		BAILEY NATHAN		16 KELLY CT	BOZEMAN	MT	59718
		CHASE KEVIN		374 ROCKY RD	BOZEMAN	MT	59718
		SUSIC JOSH		810 ARROW TR	BOZEMAN	MT	59718
		SCHMOLL BRENT J		51 WHISPER LN	BOZEMAN	MT	59718
		CHASE TROY		54 OCEAN COURT	BOZEMAN	MT	59718
		THORNE MICHAEL		176 SADDLE PEAK CIR	BOZEMAN	MT	59715
		DELGRANDE TYRELL		1511 RAINBOW RD	BOZEMAN	MT	59715
		MAY JENNIFER		168 FOREST CREEK DR	BOZEMAN	MT	59718

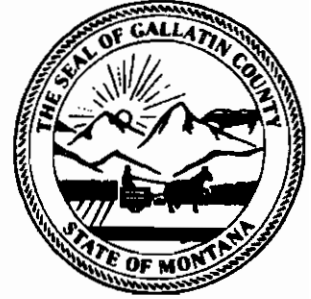
MISC

		PUBLIC LANDS ACCESS ASSOCIATION		PO BOX 80987	BILLINGS	MT	59108
		BOZEMAN POSTMASTER		2201 BAXTER LN	BOZEMAN	MT	59718

State of Montana

County of Gallatin

Bozeman



AFFIDAVIT OF POSTING

STATE OF MONTANA)
) ss
COUNTY OF GALLATIN)

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

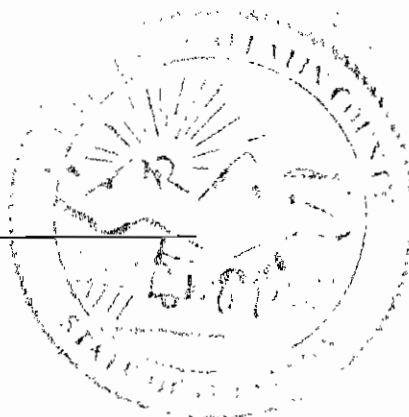
That he is the duly elected, qualified and acting County Clerk and Recorder of Gallatin County, Montana.

I hereby certify that a copy of the **NOTICE OF PUBLIC HEARING** to abandon a 30 foot public roadway easement located on Lot 14 of Hyalite Meadow Subdivision between Indian Paintbrush Dr. and Cayuse Trail in Gallatin County, Montana, pursuant to Road Abandonment Petition No. 854, was posted on September 23, 2020 in the following six (6) public locations:

1. **Intersection of Indian Paintbrush Drive and the Roadway Easement.**
2. **Intersection of Cayuse Trail and the Roadway Easement.**
3. **Intersection of Indian Paintbrush Drive and Fowler Lane.**
4. **Intersection of Cayuse Trail and Johnson Road.**
5. **Office of the Gallatin County Clerk & Recorder.**
6. **Lobby of the Gallatin County Courthouse.**

A handwritten signature in black ink, appearing to read "Eric Semerad", is written over a horizontal line.

ERIC SEMERAD
Clerk and Recorder
Gallatin County, Montana



Semerad, Eric

From: Commission
Sent: Tuesday, October 20, 2020 9:21 AM
To: Semerad, Eric; MacFarlane, Scott; Seifert, Don; Skinner, Joe
Subject: FW: Indian Paintbrush Easement

Pamela Hamlin
Lead Executive Assistant
Gallatin County Commission
311 West Main, Room 306
Bozeman, MT 59715
406.582.3027

From: Seth Last <semeteliski@gmail.com>
Sent: Tuesday, October 20, 2020 8:53 AM
To: Commission <Commission@gallatin.mt.gov>
Subject: Indian Paintbrush Easement

Gallatin county Commission,

I am writing to express my opposition to removing the easement between Indian Paintbrush and Cayuse Trail. I use this easement when I walk with my kids and my dog. I see other people using the connection between the two neighborhoods as a safe alternative to walking the surrounding county roads with no shoulder. It is my understanding that this easement is there and must be kept clear for emergency or an alternative route due to construction. I don't want to see an established road put through here, just a simple path that a fire truck could drive through if needed. Both indian paintbrush and Cayuse have only one point of entry to their property without this easement. I don't see that anything has changed from when the owner bought this property knowing there was an easement. I think that it actually sees more use as it was designed for and should not be abandoned.

Thank You,

Seth Meyer

Monday, October 05, 2020

RECEIVED

OCT 08 2020

Gallatin County Commissioners
Don Seifert, Joe Skinner, Scott MacFarlane

Clerk & Recorder
Gallatin County, Mont

RE: Petition to abandon an easement in Hyalite Meadow Subdivision
Public Hearing, October 20, 2020

Dear Honorable Commissioners,

The subject easement has been in place since the subdivision was developed. It has long been used as an access between Indian Paintbrush Dr. and Cayuse Trail. It was always a fairly level grassy strip. The previous property owners of Lot 14 always left the easement alone. It was used on a fairly regular basis between the two developments.

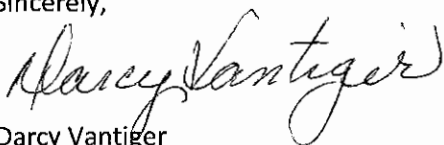
The Robinson's rented the property for many years before purchasing the property, Lot 14. The easement was well known to be there and was well used. After their purchase of the property there has been a concerted effort to prevent people from using the easement. There have been holes dug, large rocks placed, trailers and vehicles parked in order to discourage use of the easement. The Robinson's also own a large aggressive St Bernard dog which is often loose and will charge people in the easement and on Indian Paintbrush roadway. The path which has been noted in the review by the commissioner and road department is a result of the efforts to push any use of the easement to the northern fence line. The effort of the Robinson's to prevent the use of the easement perhaps has been the source of the purported harassment they stated. Some of the overcrossing has likely resulted from easement users navigating around the obstacles which have been placed in the easement. If the Robinson's had constructed a fence on the lot 14 line it would have kept those using the easement from overcrossing onto their property. A fence would also prevent dogs from coming into their yard and also keep their dog in theirs.

The use of the easement has been by horse & riders, bicyclists, ATV, walkers, and children between the two subdivisions for over 25 years. It is a historic access point. It is also provides emergency access in case of fire to the homes in the lower area of both subdivisions or in the Hyalite Creek area. Certainly, Hyalite Fire would need the full 30 foot width for access with engines or water tankers. It is also a possible escape route in case of wildfire.

I respectfully ask the commission to not abandon the easement and support the recommendation that the request for abandonment be denied. In addition the easement should be required to be restored to its previous full width useable condition and left as such. There has long been a 50" opening at the Cayuse Trail end which prevented regular vehicle use.

Thank-you for your time and attention to this matter.

Sincerely,



Darcy Vantiger
Owner, Lot 19 Hyalite Meadow Subdivision
11 Indian Paintbrush Dr. , Bozeman

September 28, 2020

The undersigned Cayuse Trail + Cayuse Trail
Spur property owners oppose the closure
of the easement between Cayuse Trail
and the Hyalite Meadows subdivision.

~~The undersigned also oppose the easement
being developed into a road that could
be used as a between the two subdivisions.~~

<u>Name</u>	<u>Address</u>
Sydne Urbani	707 Cayuse Tr
Kathy Hebel	567 CAYUSE TR
Jamie Morschick	746 CAYUSE TR
Candy Bartholomew	635 CAYUSE TR
Ryan Camell	590 CAYUSE TR
Scott White	150 Cayuse Tr.
Jamie Taylor	220 Cayuse Trail
Mike Johnson	220 Cayuse trail
Delia Johnson	610 CAYUSE TRAIL
J.M. Dahl	610 CAYUSE
LUKE MORSCHICK	746 CAYUSE TR

P. 15

Name

Address

MIKE SIATER

424 CAYUSE TRL

Kelly Davis

453 Cayuse Trl

Tom Bayley

31 Cayuse Trail

Steve Pugh

590 Cayuse Trail

JUDITH FISHER
Alicia FISHER

100 CAYUSE TR

GREG HARBAC

70 CAYUSE TRAIL

Lee W.
(Tim McWilliams)

451 Cayuse Trail

Olympia Gioulekas
24 Indian Paintbrush Dr.
Bozeman MT 59718
oeგიou11@gmail.com

County Commissioner
311 W Main St #306
Bozeman, MT 59715

To the Gallatin County Commissioners:

I am writing this letter to express my strong opposition to privatizing a public pathway in the Hyalite Meadow subdivision. As a renter in this community it has come to my attention that one of my neighbors has put a request to privatize a public road easement that I use on a regular basis. As our Bozeman community continues to expand it is harder to find quiet access to safe, quiet roads. This public easement is often used for horseback riding, bike riding and walking. Personally I use this public easement as a walk and bike way to commute throughout my neighborhood.

It would be a huge loss to myself and my community to no longer be able to use this public easement. It would be a loss to an entire neighborhood for the benefit of one individual. I strongly urge you to consider myself and my community as a whole entity who wants the ability to travel throughout our community on pathways that aren't paved roads with high speed traffic.

Thank you for your consideration,

Olympia Gioulekas

Oct. 13, 2020

Dear Esteemed Members of the Gallatin County Commission,

I am commenting about the petition to abandon the public road easement running east and west of lot 14 of Hyalite Meadows Subdivision between Indian Paint Brush Rd. and Cayuse Trail, located in Section 3, Township 3 South, Range 5 East, P.M.M., Gallatin County, MT. I am a 19-year resident of the El Dorado Estates subdivision, located immediately south of Hyalite Meadows. I am also a frequent user of the public road easement under petition and I am requesting that you not abandon it. I frequently use that easement to recreate (such as running, walking, and riding a bike) as well as access a business on Johnson Road. The primary reason I use this path is to avoid dangerous traffic on Fowler Lane. I am concerned that losing access to this public right-of-way by abandoning that easement will put pedestrian users like me in dangerous situations by forcing us to travel on busy roads (such as Fowler Lane) without suitable shoulders for pedestrians or cyclists. Additionally, I have spoken with several of my neighbors about the need for emergency equipment (such as fire trucks) to access the Indian Paint Brush and Cayuse Trail cul-de-sacs should the main roadways be blocked. It is my understanding that maintaining access for emergency equipment was the original purpose of this easement (which has not changed) and abandoning it will put the safety and welfare of local residents at higher risk of danger should a wildfire occur, and emergency personnel not have suitable access.

As the fastest growing and most populated county in southwest Montana, there is an important need to connect communities rather than divide them. It is my understanding that open spaces and public trails are an important requirement for new developments in Gallatin County and this easement directly achieves this purpose. The mission of the Gallatin County Open Lands Board is to “preserve our natural resources and provide recreational opportunities for future generations.” Additionally, “Protecting land is the most positive and permanent accomplishment we can achieve” (Gallatin County Open Space Program). As our county continues to grow, connecting neighborhoods connects us all. Moreover, pedestrian paths, like this easement, provide routes incomparably safer for pedestrian users than overly stressed local roadways without shoulders. Thus, I see this easement, and others like it, as being essential to achieving these goals established by our county.

If the landowner(s) who desire to abandon this easement have had problems with users, I am happy to offer my assistance in building a fence to decrease the possibility of conflictual situations. Knowing that property well, I can empathize with what it would be like to have trail users passing near my home. But the solution to this problem lies not in abandoning an important point of connection, but instead, clearly marking the public right-of-way and developing the necessary infrastructure to prevent conflicts. Abandoning the easement divisively separates communities, blocks access for emergency equipment, increases risks for pedestrians, and goes against the stated missions of these Gallatin County boards.

I appreciate the opportunity to share my thoughts and hope that we can collaborate to achieve a solution amenable for all. I request that you do not abandon this public road easement.

Sincerely,

Josh Meyer
6391 Buffaloberry Lane
Bozeman, MT 59718

Olympia Gioulekas
24 Indian Paintbrush Dr.
Bozeman MT 59718
ogiou11@gmail.com

County Commissioner
311 W Main St #306
Bozeman, MT 59715

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It would be a huge loss to myself and my community to no longer be able to use this public easement. It would be a loss to an entire neighborhood for the benefit of one individual. I strongly urge you to consider myself and my community as a whole entity who wants the ability to travel throughout our community on pathways that aren't paved roads with high speed traffic.

Thank you for your consideration,

Olympia Gioulekas

26 September 2020

Don Seifert
Gallatin County Commissioner
311 W Main Rm 306
Bozeman, MT 59715

Subj: DO NOT ABANDON PUBLIC ROAD 30' X 170' EASEMENT EAST/WEST
BETWEEN HYALITE MEADOWS SUBDIVISION AND CAYUSE TRAIL

Dear Don,

We apologize for the length of this note, but hope you grab your favorite business beverage, lean back and absorb what we believe to be germane to a recommendation of NOT abandoning the subject easement.

For 15 years, two to three times a week, myself and up to six folks from the Cayuse Trail neighborhood use the subject easement for walking fitness and recreation... often we are all together in doing so. Old timers in both Hyalite Meadows and Cayuse Trail have been using this easement for over 40 years. On 21 September 2020, we were greeted by a Notice of Public Hearing on Abandonment affixed to a corner post where we enter the easement. At a minimum, I'd opine that the statutory Montana five-year condition for keeping this open because the (Principle?) of 'Adverse Use' might apply. At a maximum, do not abandon this easement.

Recently, you had to consider a similar petition to abandon Bremer Creek Road and rejected the petition in Mr. Skinner's and Mr. Semerad's words, "Due to the recreational, scenic, and regular public use of the road, it is our finding and recommendation that abandoning (it) is not in the best interest of the public and should be denied". Frankly I know residents of Home 40 Subdivision, Hyalite Meadows Subdivision, Cayuse Trail Subdivision, Johnson Road and Fowler Road that use this easement as a CONNECTOR TRAIL, (Non-emergency vehicles 100% prohibited) for recreation, fitness, and general emotional well being as they are able to enjoy quiet walks, bike rides, and horseback rides without subjecting themselves to the ever increasing dangers of those activities on South Cottonwood Road, Fowler Road and Johnson Road. In short, this easement allows bicyclists, elderly walkers, mothers with strollers, marginally disabled folks, cancer survivors, and caregivers for the disabled to peacefully move about without the dangers of dodging traffic on congested roads.

Mr. Semerad's observation that there is a lot of clearing that would have to be done is accurate in the sense that the petitioner has been steadily encroaching on the easement for several years (and should have been already cited?). I propose that Gallatin County not grant the abandonment petition and that Gallatin County ask the petitioner to remove/or move the chicken house, (if appropriate in terms of violating the easement), equipment, trailers, boulder piles, and reject lumber from the easement so that it is accessible to recreational public use and as importantly Emergency Vehicles. Mr. Semerad's observation of easement violation has accelerated in the months since the renter, now owner, now petitioner has taken possession of Lot 14. The walking path over the easement has traditionally been within 10 feet of the existing fence on the North side of Lot 14. One could surmise that short of a petition for abandonment, the owner has actively or passively attempted to change years of local human recreational behavior by my observation of the following: There is a year's-old walkway on the easement running East and West. Holes have been dug or left in the walking trail on the easement approaching knee-deep; the petitioner's dogs have been allowed to be at large or tethered in a way that encroaches on or near the walkway on the easement; boulders have been piled on or near the walkway through the easement; vehicles and trailers have been parked in such a way as to obstruct the walking path by being within inches of the North fence; broken concrete and gravel piles have been placed on the walking trail itself; and snow berms have been piled on the path all of the way to the North fence in the winter.

Some of the testimony about the abandonment of the Bremer Creek Road near Maudlow was along the lines of "...I don't think landowners should just be able to close the road because they don't like people driving on it...". I offer that I don't think the landowner should be able to close this road because they don't like people walking or riding on it. Certainly, there is not, nor never has been an issue of ruts or folks getting stuck in the mud like on Bremer Creek Road North of Belgrade that causes inconvenience to the owner of Lot 14 of Hyalite Meadows.

There is a tradition in Gallatin County and around Bozeman that trails, easements, and open lands have been and are becoming more and more important to our quality of life. Ironically in the case of the petitioner, he is an avid hunter and sportsman and contributes annually the Rocky Mountain Elk Foundation (RMEF). One of the pillars of the RMEF is and I quote: "Opening and securing quality public access lies at the heart of the RMEF

Mission". So why, one might ask, is it good for the petitioner to support a movement to fight for public access for his recreational pursuit while trying to squash it in his own back yard? I hope that strikes you the same way it does me.

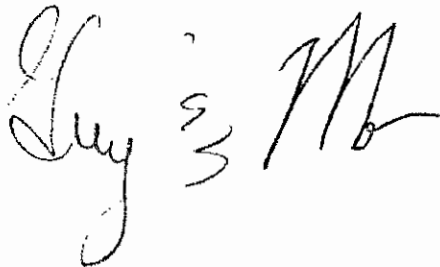
While none of us who have been here a long-time care to imagine it, there will come a time when the neighborhoods connected by this easement will be a part of the City of Bozeman. The Cayuse Trail Subdivision abuts the 'Donut' at Johnson Road already. When (not if) this happens the City/County will need to RE-Buy easements like this (and since it is downhill from Fowler Lane down Indian Paintbrush Road, through the easement to where Cayuse Trail abuts Johnson Road) for water and sewer lines. That alone would seem to be exercising foresight to keep an easement that essentially costs nothing to maintain.

We here on the West end of the easement (Cayuse Trail) have built a cul-de-sac to emergency vehicle specifications and we plow snow in such a way that should a disaster close Cayuse Trail or Indian Paintbrush Road to traffic that emergency vehicles would still be able to quickly traverse the 370' or folks from either end would be able to evacuate Hyalite Meadows with little difficulty. It is also worth considering that Northwest Energy has an easement in or at the same location where the Natural Gas Lines connect both neighborhoods.

Please REJECT this abandonment request.

Very Respectfully,

Greg and Mo Harbac
70 Cayuse Trail
Bozeman, MT 59715

A handwritten signature in cursive script, appearing to read 'Greg & Mo Harbac', written in dark ink.

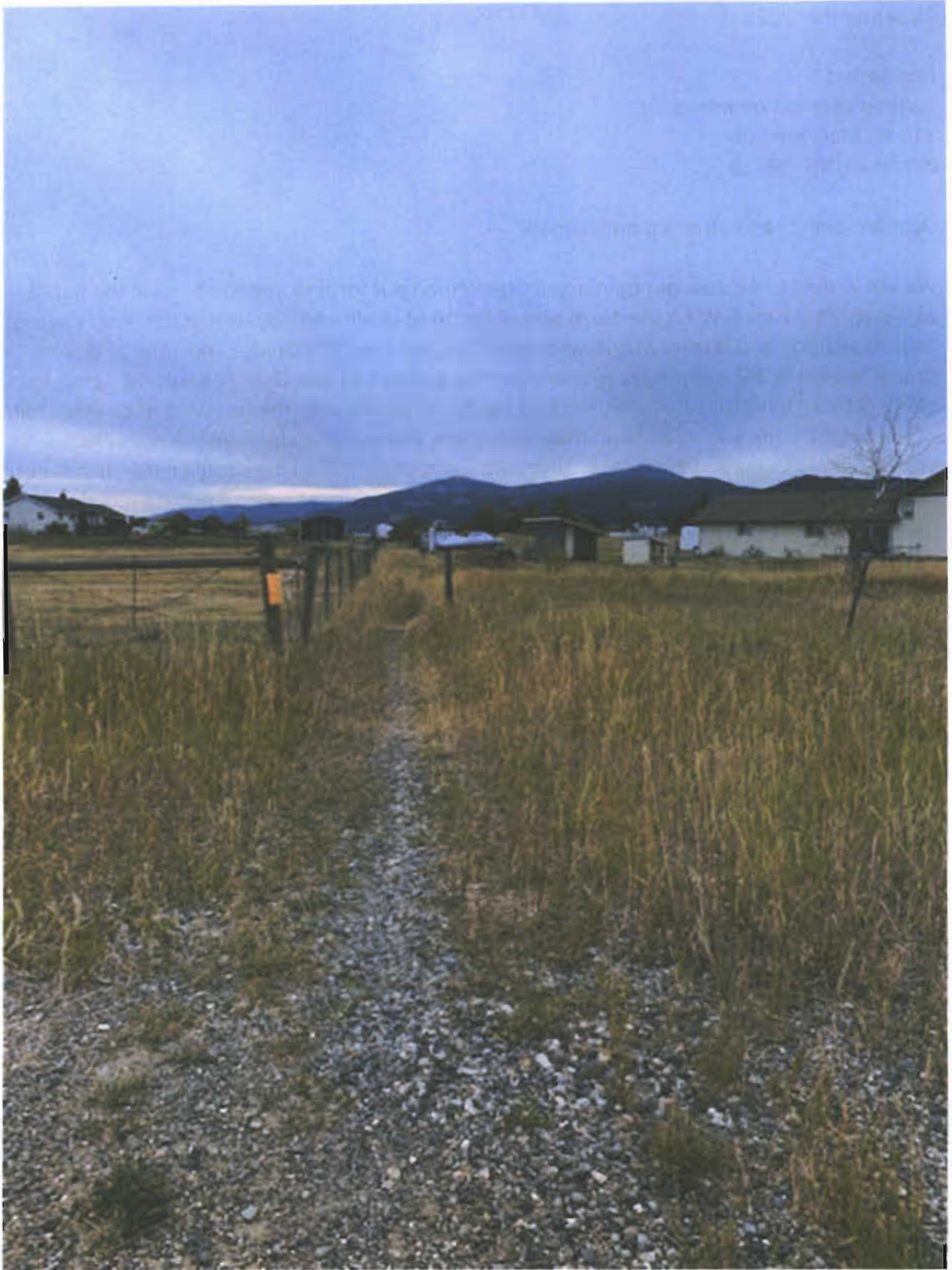
26 September 2020

Don Seifert
Gallatin County Commissioner
311 W. Main Rm 306
Bozeman, MT 59715

Dear Mr. Seifert and other Commissioners,

We are writing to express our opinion on the petition put forth to you to abandon the public easement that runs E-W on the north side of Lot 14 of Hyalite Meadows that connects Cayuse Trail subdivision and Hyalite Meadows subdivision. We own 731 Cayuse Trail (one of closest properties to Lot 14) and ask for you to reject the petition to abandon. The current easement is of importance to us for several reasons: 1) Safety- as we are near the terminus of Cayuse Trail, which has only one way in and out, maintaining the easement enables emergency vehicles ingress/egress to our neighborhood. Fire, police, and personal vehicles could enter or exit our subdivision in case of fire or other emergencies via the easement, even if not upgraded or maintained, provided the owner of Lot 14, Hyalite Meadows, stops blocking it. Given the status of the bridges in the area and threat of fire with increasing drought conditions this is of real concern. 2) Physical/mental well-being- we use the easement (as do many others on both sides of it) as a foot path to extend the area over which we walk. In times like this, and in more normal times, this exercise is vital to our health. The current owner of Lot 14 Hyalite Meadows does not welcome the use of the well-established trail (see photos) and he and his dogs often harass those of us traversing it. Rejecting the proposed abandonment would send a strong message that this area is for public access, which should be granted to all who desire to peacefully use it. 3) Keeping future options open- rejecting the proposal keeps the county's and utility companies' options to further development viable. Abandoning the easement greatly limits further connectivity between Cayuse Trail and Hyalite Meadows/Indian Paintbrush Dr. We thank you for considering our statement and urge you to reject the petition to abandon because we see no compelling public reason to abandon.

Sincerely,
John and Colleen Marzluff
731 Cayuse Trail
Bozeman, MT 59715





RECEIVED

28 September 2020

OCT 05 2020

Eric Semerad
Gallatin County Clerk and Recorder
311 W Main
Bozeman, MT 59715

Clerk & Recorder
Gallatin County, Mont.

Subj: DO NOT ABANDON PUBLIC ROAD 30' X 170' EASEMENT EAST/WEST
BETWEEN HYALITE MEADOWS SUBDIVISION AND CAYUSE TRAIL

Dear Mr. Semerad,

We apologize for the length of this note, but hope you grab your favorite business beverage, lean back and absorb what we believe to be germane to a recommendation of NOT abandoning the subject easement.

For 15 years, two to three times a week, myself and up to six folks from the Cayuse Trail neighborhood use the subject easement for walking fitness and recreation... often we are all together in doing so. Old timers in both Hyalite Meadows and Cayuse Trail have been using this easement for over 40 years. On 21 September 2020, we were greeted by a Notice of Public Hearing on Abandonment affixed to a corner post where we enter the easement. At a minimum, I'd opine that the statutory Montana five-year condition for keeping this open because the (Principle?) of 'Adverse Use' might apply. At a maximum, do not abandon this easement.

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There is a tradition in Gallatin County and around Bozeman that trails, easements, and open lands have been and are becoming more and more important to our quality of life. Ironically in the case of the petitioner, he is an avid hunter and sportsman and provides funding support to the Rocky Mountain Elk Foundation (RMEF). One of the pillars of the RMEF is and I quote: "Opening and securing quality public access lies at the

heart of the RMEF Mission". So why, one might ask, is it good for the petitioner to support a movement to fight for public access for his recreational pursuit while trying to squash it in his own back yard? I hope that strikes you the same way it does me.

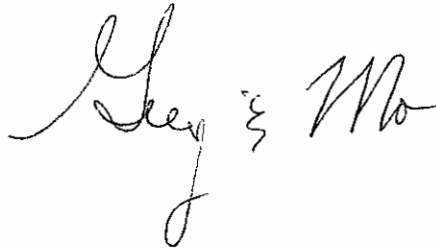
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Please REJECT this abandonment request.

Very Respectfully,

Greg and Mo Harbac
70 Cayuse Trail
Bozeman, MT 59715

A handwritten signature in cursive script, appearing to read "Greg & Mo". The signature is written in dark ink and is positioned to the right of the typed name.

RESOLUTION NO. 2020- 123

A RESOLUTION MADE PURSUANT TO ROAD ABANDONMENT PETITION NO. 854 TO ABANDON A 30 FOOT EASEMENT LOCATED ON LOT 14 OF HYALITE MEADOW SUBDIVISION IN GALLATIN COUNTY, MONTANA

CLERK&RECORDER

This Resolution was introduced by ERIC SEMERAD; moved by Commissioner SKINNER and seconded by Commissioner MACFARLANE.
This Resolution was ~~adopted~~ DENIED 0:3.

WHEREAS, the Gallatin County Clerk and Recorder received a Petition on April 27, 2020, to abandon a 30 foot public roadway easement located on Lot 14 of Hyalite Meadow Subdivision between Indian Paintbrush Dr. and Cayuse Trail (hereinafter referred to as the "Road"), pursuant to Title 7, Chapter 14, Part 26 Montana Code Annotated (MCA);

WHEREAS, the Road is described as 370' long 30' wide easement runs east and west on Lot 14 of Hyalite Meadow Subdivision between Indian Paintbrush Dr. and Cayuse Trail, located in Section 3, Township 3 South, Range 5 East, P.M.M. Gallatin County, Montana

WHEREAS, on June 12, 2020, the Gallatin County Clerk and Recorder certified that the Petition contained sufficient signatures as required by § 7-14-2601, MCA;

WHEREAS, according to § 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:

"To stop people from trespassing on our land. Our dog has been harassed and hit with 4-wheelers. Our houses has been egged by people passing by. We have had our mail thrown on the ground by trespassers. People have ridden horses and bikes into our yard. We are worried about the possibility of someone getting injured and suing us."

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 30, 2020 by passing Resolution 2020-064, 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 Donald F. Seifert and the County Surveyor, Eric Semerad; and assigned the Number 854 to the Petition;

WHEREAS, on August 12, 2020, the Viewing Committee met with Road Supervisor Bill Brownell, to view the Road petitioned for abandonment, and thereafter submitted its report to the County Commission;

WHEREAS, the Viewing Committee observed the road has not been constructed and that there is a worn walking path along the north fence line of Lot 14. There is a chicken coop partially built upon the easement. The landowner has also constructed an extensive gravel parking area on the east side of the lot that is partially within the right-of-way, and has parked several vehicles and a trailer within the right-of-way as well;

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 Viewing Committee reported that 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.

WHEREAS, the Viewing Committee also reported that they found that all of the abutting landowners have signed the petition. Abandonment therefore is not prohibited by § 7-14-2615(4), MCA.

WHEREAS, notice was mailed to all landowners within Hyalite Meadow Subdivision and COS 520 and its amendments on September 23, 2020. Notice was

published in the Bozeman Daily Chronicle on September 23, 2020 and September 30, 2020, notice was posted at 5 public locations within the county on September 23, 2020.

WHEREAS, the Viewing Committee found that there is year round travel over this public roadway easement by motorcyclists, four-wheelers, bicyclists, horseback riders and pedestrians, which are all legitimate uses of a public road. While not heavily used, it is regularly used as a public roadway. If this road is abandoned as requested, it will permanently be unavailable for any public use;

WHEREAS, the public roadway easement may be needed to access the adjacent property to the north when it is developed. The easement is only 30' wide because it was anticipated to be used as the south half of a 60' easement for access to of Certificate of Survey 682;

WHEREAS, the Commission rejects the Viewing Committee's finding that due to the recreational and regular public use of the road, and the location of the public roadway easement for access to Certificate of Survey 682, that abandoning this public easement is not in the best interest of the public and should be denied;

WHEREAS, the Commission finds that due to the potential harm to private property and the lack of heavy use on the public easement, the easement should be abandoned;

WHEREAS, the Commission finds that abandonment is not prohibited by statute;

NOW THEREFORE BE IT RESOLVED:

1. That 370' long 30' wide easement which runs east and west on Lot 14 of Hyalite Meadow Subdivision between Indian Paintbrush Dr. and Cayuse Trail, located in Section 3, Township 3 South, Range 5 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 20th day of October 2020.

BOARD OF COUNTY COMMISSIONERS OF
GALLATIN COUNTY

Donald F. Seifert, Chairman

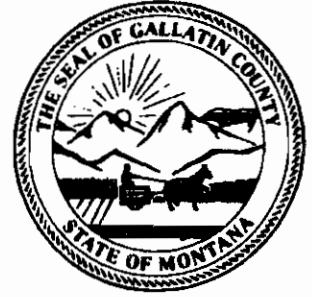
ATTEST:

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 the attached Notice of Decision to abandon a public easement on the north end of Lot 14 of Hyalite Meadows Subdivision, between Indian Paintbrush Rd. and Cayuse Trail, located in Section 3, Township 3S, Range 5E, P.M.M. Gallatin County, Montana, according to Road Petition Number 854, was mailed to those listed below on October 26, 2020.

Name	Address			
MOE DAVID JOHN & BARBARA COLVER	8265 FOWLER LN	BOZEMAN	MT	59718-8321
OLSON BRET E	PO BOX 5102	BOZEMAN	MT	59717-5102
WILLIAMSON TODD & KRISTEN	21 INDIAN PAINT BRUSH DR	BOZEMAN	MT	59771-8337

ERIC SEMERAD
Clerk and Recorder
Gallatin County, Montana

By: Jasmine Hall, Deputy



SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
 WILLIAMSON TODD & KRISTEN
 21 INDIAN PAINT BRUSH DR
 BOZEMAN, MT 59771

RD PETITION #854



9590 9402 4576 8278 9800 97

2. Article Number (Transfer from service label)
 7020 0640 0000 7378 7223

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

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X T. Williamson Agent Addressee

B. Received by (Printed Name) C. Date of Delivery
 PR14 AC C19 10/28/00

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

3. Service Type
- | | |
|------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:
 MOE DAVID JOHN & BARBARA
 COLVER
 8265 FOWLER LN
 BOZEMAN, MT 59718

#854
RD PETITION



9590 9402 4576 8278 9803 49

2. Article Number (Transfer from service label)
 7020 0640 0000 7378 7209

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

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X B. Colver Moe Agent Addressee

B. Received by (Printed Name) C. Date of Delivery
 PR14 AC C19 10/28/00

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

3. Service Type
- | | |
|------------------------------------------------------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |



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

CERTIFIED MAIL



7020 0640 0000 7378 7216



FWD - scanned 10/29/20

OLSON BRET E
PO BOX 5102
BOZEMAN, MT 59717-5102

NIXIE 501 FE 1 0911/08/20
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

59715-5812
EWD 8C: 59715457453 71636-13594-26-43