

JUN 3 0 2020

Maritza H. Reddington Clerk & Recorder/Election Administrator/Surveyor

Petition Requirements for the Establishment, Alteration or Abandonment of a County Road The following items are required in the Petition

- The names of all adjoining landowners and a line which illustrates the road shall be shown and marked clearly on a topographical map. Letter size also needs to be a part of the petition either in survey form or topographic form.
- A letter sized and full sized survey of the road for reference. This requirement may be waived by the Commission. If the survey requirement is waived a letter from the commission waiving the requirement must accompany the petition when it is submitted to the Clerk & Recorder.
- o A legal description of the petitioned road.
- o The common name of the road.
- Whether or not the adjoining landowners consent to the petition.
- Where consent is not given, the probable cost of the right-of-way.
- o Necessity for and advantage of the petitioned action.
- A complete list of all adjoining landowners using or adjoining the road including their property tax identification number.
 (PLEASE INCLUDE COMPLETE 10 DIGIT #) Tax ID Numbers are available from County Treasurer.
- o Proof that all landowners and adjoining landowners have been notified of the petition.
- o Signature page of the freeholder(s) requesting the, alteration or abandonment of the county road.
- o Printed Name of the Freeholder. 10 free holders are required per state statute.
- o Freeholders 10 Digit Tax ID number.
- o Complete Mailing Address
- o Signature Line.
- \$300.00 filing fee. It is the responsibility of the person submitting the petition that it meets the requirements set by the state of Montana and Park County prior to submitting the petition. Filing fee is not refundable. Filing fee may be waived by the board of commissioners. If fee is waived a letter from the commission waiving the fee must accompany the petition when it is submitted to the Clerk & Recorder.

Petition must be submitted with an affidavit by the person or persons who witnessed the signatures, (Affidavit sample is attached) unless all of the signatures have been notarized.

Road Petition Format

MCA to	/, Montana, petition this Board pursuant to Section 7-14-260
☐ Establish	
☐ Alter Abandon	
Abalidoli	
A county road located in Park County, Montana and represent	as follows:
The road to be abandoned or altered is particularly described a	s follows: (legal description of where the road is located):
SEE ATTACHED	
The road is commonly known as:	
CANYON VIEW DRIVE	
The general route of the road is described as follows:	
NEST ON SHAMROCK FROM	89 SOUTH, TURN SOUTH ON
CANYON VIEW TO THE ENK The lands and owners immediately adjacent to the road are as)
The lands and owners immediately adjacent to the road are as	follows:
MARY GEIGER	
The lands and owners immediately adjacent to the road are as CHULK SHANNY MARK GEISSER JOAN BOZLEE	SIGNED PETITION
Whether the owners who can be found consent to the petition	ı:
YES	
Where consent is not given, the probable cost of the right-of-v	/ay:
EVERYONE CONSENTED	
THE CONSERT ED	
Necessity for and advantage of the petitioned action.	
THE ROAD IS A DEMP END A	AND I GET TREE MAN ERS
ON A MIGHTLY BASES	1 40 / (1265) A 95 (12)
Landowner(s) name & Mailing Addresses	
GREGORY C. PARKS	
LIVINGSTON, MT. SAG	047

Petition Information - Sample Forms

Duplicate as Necessary. Ten signatures are required per state statute Petition Information – Sample Form

Establishment, Alteration, and Abandonment of County Roads - MCA

Petition To Establish, Alter, Or Abandon A County Road

- **7-14-2601. Petition to establish, alter, or abandon a county road.** (1) 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.
- (2) When the road petitioned for is on the dividing line between two counties, the same procedure must be followed except that a copy of the petition must be presented to each board. The two boards shall act jointly.
 - (3) As used in this part, unless the context requires otherwise:
 - (a) "board" means the board of county commissioners;
- (b) "abandonment" means cessation of use of right-of-way (easement) or activity thereon with no intention to reclaim or use again and is sometimes called "vacation".

Contents Of Petition

7-14-2602. Contents of petition. The petition must set forth:

- (1) the particular road or roads to be opened, established, constructed, changed, abandoned, or discontinued;
- (2) the general route thereof;
- (3) the lands and owners affected;
- (4) whether the owners who can be found consent thereto;
- (5) where consent is not given, the probable cost of the right-of-way;
- (6) the necessity for and advantage of the petitioned action.

Investigation Of Request Concerning Road -- Decision

- 7-14-2603. Investigation of request concerning road -- decision. (1) At its next regular or special meeting or in any case at a date within 30 days after filing of any petition, the board 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.
 - (2) No more than one member of the board and the county surveyor shall make the investigation.
 - (3) After considering the petition and the results of the investigation, the board shall make an entry of its decision on the minutes.

Notice Of Decision On Petition

7-14-2604. Notice of decision on petition. Within 10 days thereafter, the board shall cause notice of its decision to be sent by certified mail to all owners of land abutting on the road petitioned for. The owners shall be those listed on the last county assessment roll.

AFFIDAVIT FOR PERSON CIRCULATION PETITION

circulating the petition to which are the signatures of the person	affirm, or being first sworn, depose and say that I circulated or assisted in this affidavit is attached and I believe the signatures thereon are genuine, ons whose names they purport to be, are the signatures of landowners and the signers knew the contents of the petition and legal description of the before signing the same.
Signature	Ah
Property Tax ID # (From the Park County Treas	urer)
Address:	191 CANYON VIEW DOZ.
	LIVINGSTOIN, MT. 59047
Notary:	
State of Montana	
County of Park	
This instrument was signed be	efore me on $\frac{\sqrt{29}}{\sqrt{2000}}$
Print name of signer(s)	arks.
TERESA DORVALL NOTARY PUBLIC for the State of Montana Residing at Livingston, Montana My Commission Expires August 20, 2020	Notary Signature Residing at August 20, 2020
	Affix seal/stamp as close to signature as possible.

Petition Information - Sample Forms

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name: MARK GEISSLER & VICTORIA

Address: 185 CANYON VIEW DO. LIVINGSTON, MT. 5904

Property Tax Identification # (10 Digit Number):

Signature: Muk Janos

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name:

DAVID L. & JULIE SERAFIN

Address:

162 CANYON VIEW DR. LIVINGSTON, MT. 59047

Property Tax Identification # (10 Digit Number):

Signature:

0000039660

Serager

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name:

LEVIE KAREN ROCKHILL 34 CONVICT GRADE RD.

Address:

LIVINGSTON, MT. 59047

Property Tax Identification # (10 Digit Number):

0003482025

Signature:

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name:	RAHDYM. & MELISSAJ. STANOS	
Address:	18 SHAMROCK LN. LIVINGSTON, MT. 59047	
Property Tax Identifi	cation # (10 Digit Number):	
Signature: Bu	200037550 my AstarS	
mel	essa Jands	

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name:	JORDAN F. ALLER
Address:	172 CANYONVIEW DR. LIVINGSTON, MT. SADYT
Property Tay Iden	stification # (10 Digit Number):

Property Tax Identification # (10 Digit Number):

0000035460

Signature:

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name:	ARTATHERTON		
Address:	169 CANYON VIEW FR.		
	LIVINGSTON, MJ. 59047		
Property Tax Identification # (10 Digit Number):			
m	11, 0000037010		
Signature:			

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name:	JOAN H. BOZLEE
Address:	181 CANYON VIEW PRIVE LIVINGSTON, MT. 59047
	tion # (10 Digit Number):
	0000037820
Signature: <u>Joan</u>	4 Boyloo

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name:	SHAWN WATSON
Address:	54 BILMAN LN.
	LIVINGSTON, MT. 59047

Property Tax Identification # (10 Digit Number):

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name:

BRIDGER JEFFERSON HALL

Address:

213 N. YELLOWSTONE ST. LIVINGSTON, MT. S9047

Property Tax Identification # (10 Digit Number):

0000004400

Signature:

Bridger L. Hall

6/24/2020

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name:	ARYN FORGEY	
Address:	64 WILLOW PR. LIVINGSTON, MT. 59047	
Property Tax Identif	fication # (10 Digit Number):	
	0000040575	
Signature: _ Aug	+ Forgey	
ARYN F	Greey Gy	125/20

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name:	CHARIES SHANDY
Address:	190 CANYON VIEW DRIVE
	LIVINGSTON, MT. 59047

Property Tax Identification # (10 Digit Number):

0000040830

Signature:

The undersigned petitioner respectfully requests the Board of County Commissioners of the County of Park, State of Montana, to hear this road abandonment petition:

Printed Name: JERROD T JESSEN

Address: 5050 US Hwy 89 5

LIVINGSTON, MT. S9047

Property Tax Identification # (10 Digit Number):

0000040690

Signature:



the process of third between thich the boundary is to be replied are both hed being multiple investigation, and the control of the order opens, hardly either both the farm eating compiled from matter than the control opens and that the farm eating compiled from matter than the control opens of the last of an execution. The control opens of the control opens of the control opens of execution common boundary time between optimizing arounds. (Maintens Subdivision and Positray Adv. Series 745—2407 (kg)).

CRITICAL IN EMPRIOR

man & game

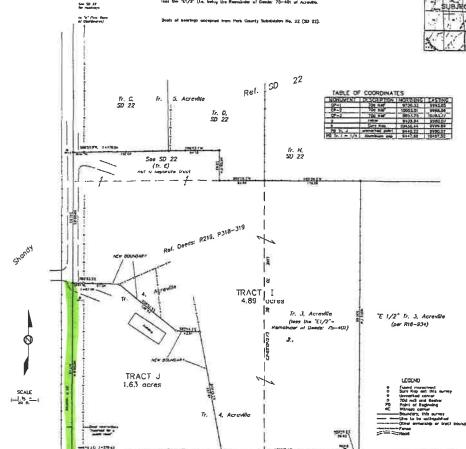
TAR OF MONIGHA

Sheet 1 of 1

CERTIFICATE OF SURVEY

for boundary adjustment In the S 1/2 of Section 26, T29, R9E, MPM, PARK COUNTY, MONTANA

Survey requested by Juny J. Parks, It seems har deams to explict the boundary between limit 4 of Accessive (boundary is purction of Freet 5 and Accessive as where on Parks County Supplication No. 22) and Front 3—less the "\$1/2" (i.e. being the Remailsed of Decode: 75—40) of Accession.





A tract of land in the 5 1/4 of Section 20, F23, FVE, MPM, Purk Clausty, Municipal to pertion of Tract 4 of Agraydia.

ye up miles of front 4 of Annyale.

From the South (1/4 comm of Section 28), which point is manufal with an attanholic point of beginning in SSTML/N. In distance of SST/20 feet. The point properties in SSTML/N. In distance of SST/20 feet. The point properties is not recommendated and the section of the se

The above described tract contains 1,63 acres, more or less.

PARK COUNTY PLANNING EGAND

Pak Conty Flaming Sould

POWER COUNTY CONVERSED TO CRACE

i the Onlinear at the Room of Chines Countrivious de northy certify that talk Confirmate of Survey hose head day resident, and has been found to be exempted from the readingment of the Subdelation and Notified Ast, Section 76—2—101 at any S.C.A. and the Periodoxy Subdelation regulations.

Comme L. Darry

CENTRALE OF CENTY MEASURED

ALLIAMS, MARKET CHIEF CHIE Yourn Sanken by Web Potone

> in ACREVILLE (5 Acre Frocte oreo) 26 25 9E

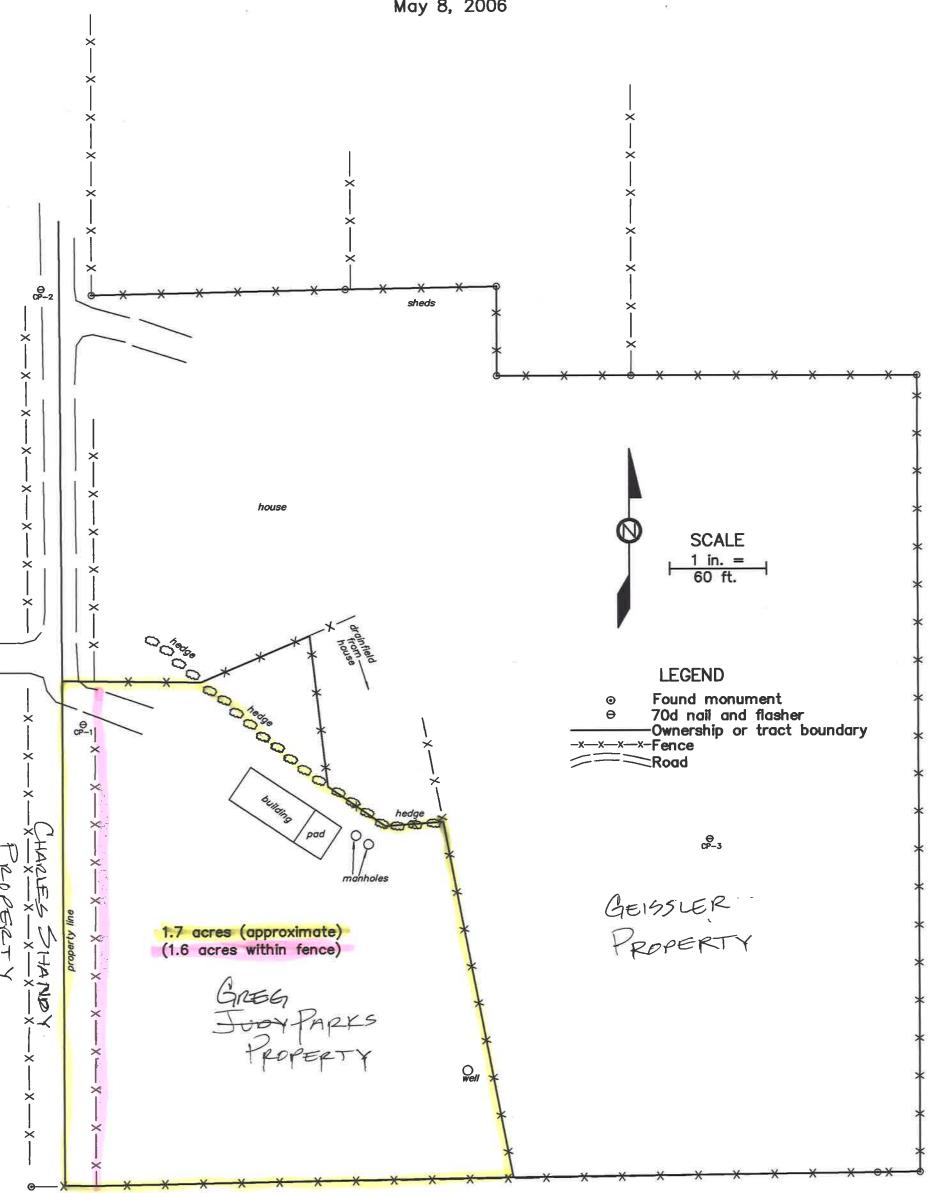
STATE OF MENTANA Park County

-of a portion of SD 22

-purpose: to show structures and fences relative to property boundary for discussion regarding proposed "division" line

-prepared by: Henry A. Rate 3716S -drawn by: Becky Johnson

May 8, 2006



BROCKWAY FAMILY LINTO PARTNERSHIP PROPERTY



July 1, 2020

Park County Commission 414 East Callender Street Livingston, MT 59047

RE: Road Abandonment Petition # 157, Portion of Canyon View Drive

Dear Commissioners.

Please see the attached signature report based on the submittal of the petition to abandon a portion of Canyon View Drive. The petition was submitted on June 30, 2020 with a total of 14 signatures, 13 signatures were valid and can be accepted. MCA 7-14-2601 states that 10 signatures are required and the petition can be reviewed. A copy of the petition has been attached.

Thank you,

Maritza H Reddington, Clerk & Recorder

cc: Shannan Piccolo, Civil Deputy Attorney

		Canyon View Drive			
		Signature Report			
		Submitted on June 30, 2020			
	<u>Tax ID</u>	<u>Ownership</u>	<u>Signator</u>	Counted	<u>Notes</u>
I	0000038480	Geissler, Mark & Victoria	Geissler, Mark	yes	
2	0000039660	Serafin, David L & Julie	Serafin, David	yes	
3			Serafin, Julie	yes	
4	0003482025	Rockhill, Levi & Karen	Rockhill, Levi	yes	
5	0000037550	Stands, Randy M & Melissa J	Stands, Randy M	yes	
6			Stands, Melissa J	yes	
7	0000035460	Aller, Jordan F	Aller, Jordan F	yes	
8	0000037010	Atherton, Art j & Jessica L	Atherton, Art	yes	
9	0000037820	Joan H Bozlee Living Trust	Bozlee, Joan	no	Did not sign as trustee
10	0000036440	Watson, Shawn & Danielle	Watson, Shawn	yes	
П	0000004400	Hall, Bridger Jefferson	Hall, Bridger	yes	
12	0000040575	Forgey, Aryn & Nelson, Kara	Forgey, Aryn	yes	
13	0000040830	Shandy, Buck E, Barbara, Charles WK & Debra	Shandy, Charles	yes	
14	0000040690	Jessen, Jerrod F	Jessen, Jerrod F	yes	
			Total Signatures	14	
			Sumbitted:	-	
			Total Accepted:	13	
			Total Not Accepted:	1	



DATE:

July 24, 2020

TO:

Park County Clerk and Recorder's Office

Park County Commissioners

RE:

Abandonment of a Portion of Canon View Drive

An abandonment petition was filed with the Clerk and Recorder's Office to abandon a portion of the Canon View Drive. The petition contained a sufficient number of signatures. Canon View Drive does not provide access to public lands or waters. However, Canyon View Drive is used to access more than two properties. Pursuant to Section 7-14-2615, MCA, the County "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." It appears from the petition that all adjacent landowners agree to the abonnement.

The Commission will need to hold a meeting to appoint the viewers, which is made up of one Commissioner and the County surveyor. Once the viewers have been appointed the County will have to notice a public meeting. The meeting will need to be advertised twice at least 6 days apart in the Enterprise. Additionally, a copy of the abandonment petition should be provided to the Planning Department and Public Works to obtain any comments from these departments. This process must be accomplished within 30 days of the submission of the abandonment petition.

hannan M. Piecolo

Chief Deputy County Attorney



July 24, 2020 Park County Commissioners 414 East Calendar Livingston, Montana 59047

RE: Road Viewer's Report, Canyon View Drive

To the Honorable Board of County Commissioners of Park County:

We the undersigned Road Viewers of that portion of Canyon View Drive subject to Road Abandonment Petition # 157, submitted in the office of the Clerk and Recorder of Park County, Montana on June 30, 2020, respectfully submit the following report:

ROAD VIEWERS REPORT

On Wednesday, July 22nd, 2020, Park County Commissioner Clint Tinsley and I (George Bornemann) viewed that portion of Canyon View Drive subject to said petition.

The portion of Canyon View Road subject to the petition is approximately the southernmost three hundred feet (300') of the road as platted in the Plat of Acreville. This portion of the road is bounded on the west by a portion of Plat 237 which is currently owned by Buck and Barbara Shandy, and on the east by Tract J of Certificate of Survey No. 2092 RB, currently owned by Gregory Parks. Mr. Parks completed and circulated the petition, and Mr. Shandy signed the petition as a Freeholder.

The travelled portion of Canyon View Drive ends at the northerly end of that portion subject to the petition. At this location the physical road ends with two driveways leading into the properties of Shandy and Parks. The portion continues from there, undeveloped, southerly to the south line of Section 26.

The portion of road subject to the petition is twenty feet (20') wide and is currently unused as a travelled way by county residents and would not adversely affect access for the public. However, there is a power line which runs along the approximate north half of the petitioned right-of-way which appears to serve both Shandy and Parks. It is possible that there could be a need in the future for utilities to be extended southward.

We, the undersigned road viewers, would recommend that the Park County Commission resolve to abandon the petitioned portion of road with the following conditions"

A.) There is not a length of road specified in the petition, just a highlighted area on Certificate of Survey 2092 RB. The viewers paced the petitioned portion and found it to be <u>approximately</u> 300'. We recommend that the petitioners provide a specific distance for the portion illustrated in the petition to avoid future conflicts.

B.) We recommend that the county retain an easement for utility purposes over the entire portion of petitioned roadway. This allows for petitioners to gate or fence the petitioned area while still allowing for use of the area by existing and future utility providers.

Respectfully Submitted this 24th day of July, 2020.

George Bornemann Professional Land Surveyor Registration No. 18019S

Clint Tinsley County Commissioner



County Commission Minutes

July 28, 2020

Roll Call

Chairman Steve Caldwell
Commissioner Bill Berg
Commissioner Clint Tinsley
Shannan Piccolo
Erica Strickland
Kristen Galbraith
Mike Inman
Julie Anderson
Brad Bichler
Greg Coleman
Cheryl Jones
Lisa Harreld

Public Hearing

None

Scheduled Public Comment

None

Public Comment

None

Action Items

Discussion/Decision on the Interlocal Agreement for Adult Detention Services between Yellowstone County, MT and Park County, MT

Adult Detention Agreement.pdf

Sheriff Bichler provided background Discussion ensued

Motion:

Motion made by Commissioner Bill Berg to Approve the Interlocal Agreement for Adult Detention Services between Yellowstone County, MT and Park County, MT; second by Commissioner Clint Tinsley; all in favor. Motion passes.

Discussion /Decision on Road Viewers Report and scheduling Public Hearing for Canyon View Drive.

Viewer's Report, Canyon View Drive.pdf

Commissioner Tinsley provided background Shannan Piccolo provided information that this item requires a public hearing

Motion:

Motion made by Commissioner Clint Tinsley to Advertise and Schedule a Public Hearing for Canyon View Drive on August 11; second by Commissioner Bill Berg; all in favor. Motion passes.

Discussion/Decision on accepting funds from the DPHHS Mt State Public Health Grant funded by the Federal CARES Act

Submissions CARES ACT Contract.pdf

Discussion/Decision to provide a receipt to David Sokol for Road Work at Fiddle Creek Rd. in the amount of \$154,494.42.

Fiddle Creek Receipts.pdf

Commissioner Tinsley commented

Motion:

Motion made by Commissioner Bill Berg to Approve providing a receipt to David Sokol for Road Work at Fiddle Creek Rd. in the amount of \$154,494.42; second by Commissioner Clint Tinsley; all in favor. Motion passes.

Discussion/Decision on task order for Horse Creek Bridge Repair. Horse Creek Bridge Scope of Work.pdf TO15-Horse Creek.pdf

Mat Whitman provided background

Motion:

Motion made by Commissioner Clint Tinsley to Approve the task order for Horse Creek Bridge Repair.; second by Commissioner Bill Berg; all in favor. Motion passes.

Discussion/Decision on revised job description and pay grade for Grants Writer and Special Projects Director.

2019 Grants and Special Projects Director - final 0219.docx

2020 Grants and Special Projects Director - KLG Edits.docx

Kristen Galbraith commented Lisa Harreld commented

Motion:

Motion made by Commissioner Bill Berg to Approve the revised job description and pay grade for Grants Writer and Special Projects Director.; second by Commissioner Clint Tinsley; all in favor. Motion passes.

Commissioner Berg commented

Notice to be Published:

For: Park County Clerk & Recorder

Contact: Maritza Reddington at (406) 222-4110

clerkrecorder@parkcounty.org

Notice of Public Hearing

The Park County Commissioners will hold a virtual public hearing on August 11, 2020 at 9:00 a.m. (Call in number is: 1-571-748-4021 ID: 2896157) to act upon petition requesting the Board to abandon the portion of Canyon View Drive in Park County, Montana and represent as follows:

At least 10 freeholders of the road district of Park County, Montana, petition this Board pursuant to Section 7-14-2616 MCA to abandon the portion of a road that is particularly described as follows:

A portion of Canyon View Road which is the southernmost thee hundred feet (300') of the road as platted in the Plat of Acreville, according to the official plat on file and of record in the office of the County Clerk and Recorder, Park County, Montana.

The lands and owners immediately adjacent to the road are as follows: Gregory Parks, Buck Shandy, Barbara Shandy, Mark Geissler and Joan Bozlee.

The necessity for and advantage of the petitioned action is: This is a dead end road and the landowner has trespassers on a nightly basis

Petition & information submitted by: Gregory Parks

The complete petition may be viewed at the Clerk & Recorders office located in the City/County Complex, 414 East Callender St., Livingston, MT or on parkcounty.org – Clerk & Recorder – Current Petitions

All proponents and opponents of abandoning a portion of this road are welcome to address the Board of Commissioners at the August 11th public hearing. Additionally, any written comments must be received prior to the end of the August 11th public hearing and may be submitted to Park County Commission, 414 East Callender Street, Livingston, MT.

Maritza H. Reddington, Park County Clerk & Recorder

Publish dates: July 31st & August 7th, 2020.



County Commission Minutes

August 11, 2020

Roll Call

Chairman Steve Caldwell Commissioner Bill Berg Commissioner Clint Tinsley

Also in attendance: Erica Strickland, Mike Inman, Maritza H Reddington, Greg Coleman, Cheryl Jones, Lisa Harreld, Matt Whitman

Public Hearing

Public Hearing on passing a Joint Resolution which would create the Big Sky Passenger Rail Authority

RailAuthority_July2020.docx

Commissioner Berg provided background Commissioner Caldwell commented

There was no public comment

Motion:

Motion made by Commissioner Bill Berg to Approve a Joint Resolution which would create the Big Sky Passenger Rail Authority; second by Commissioner Clint Tinsley; all in favor. Motion passes.

Commissioner discussion ensued

Public Hearing on the Abandonment of a portion of Canyon View Road

Commissioner Tinsley provided background There was no public comment

Motion:

Motion made by Commissioner Clint Tinsley to Approve the Abandonment of a portion of Canyon View Road subject to conditions in Road Viewer report; second by Commissioner Bill Berg; all in favor. Motion passes.