

**REGINA PLETTENBERG  
RAVALLI COUNTY CLERK & RECORDER  
215 S 4<sup>TH</sup> ST STE C  
HAMILTON, MT 59840  
(406) 375-6551**

**DATE:** January 23, 2017  
**TO:** Ravalli County Commissioners  
**FROM:** Ravalli County Clerk and Recorder   
**RE:** Petition to abandon right-of-way running along north side of Sunnyside Orchards No. 4 Block 21

Attached you will find the road petition to abandon a right of way in Sunnyside Orchards No. 4.

In looking at the properties around this easement, it appears to affects 5 properties. The properties included in this petition are owned by the following owners and I have indicated who has consented to the abandonment:

<u>Parcel #</u>	<u>Name</u>	<u>Consented</u>
1288910	Kirkpatrick, Robert M & Siglinde	Yes
1273391	Dibrito, Anthony	Yes
1273392	Kirkpatrick, Robert M & Siglinde	Yes
1273390	Grimmett Family LLC	Yes
1257630	Marthens, Kimberly Trust	Yes

The petition contains the signatures of at least 10 freeholders of the road district. There are 5 total landowners listed and all of signed the petition, which represents 100% of the landowners.

I believe you can proceed with the process to abandon the road.

Thank you.



**REGINA PLETTENBERG  
RAVALLI COUNTY CLERK & RECORDER  
215 S 4<sup>TH</sup> ST STE C  
HAMILTON, MT 59840  
(406) 375-6551**

**DATE:** December 15, 2016  
**TO:** Ravalli County Commissioners  
**FROM:** Ravalli County Clerk and Recorder   
**RE:** Petition to abandon right-of-way running along north side of Sunnyside Orchards No. 4 Block 21

Attached you will find the road petition to abandon a right of way in Sunnyside Orchards No. 4.

In looking at the properties around this easement, it appears to affect 5 properties. The properties included in this petition are owned by the following owners and I have indicated who has consented to the abandonment:

<u>Parcel #</u>	<u>Name</u>	<u>Consented</u>
1288910	Kirkpatrick, Robert M & Siglinde	Robert
1273391	Dibrito, Anthony	Anthony
1273392	Kirkpatrick, Robert M & Siglinde	Robert
1273390	Grimmett Family LLC	No one on behalf of LLC
1257630	Marthens, Kimberly Trust	No one on behalf of Trust

The petition contains the signatures of at least 10 freeholders of the road district. There are 5 total landowners listed, only 2 have consented on the attached petition, which represents 40% of the landowners. No landowner affected by this abandonment has actually signed the petition.

The submitter should obtain the signatures of all of the landowners. Those owning land in a trust or LLC will need to be signed by someone who is authorized to sign on behalf of the trust as a trustee or LLC as member (and be sure they designate that they are signing on behalf of the trust or LLC and not as individuals). Once this is done, please re-submit the petition to my office to process.

Thank you.

Bob Kirkpatrick  
4798 Store Lane  
Stevensville, MT 59879

*Oct 21, 2016*

County Commissioners  
Ravalli County Commission  
215 S. 4th Street  
Suite A  
Hamilton, MT 59840

Dear County Commissioners:

Enclosed is an application for abandonment of an approximately 20 feet wide County Right-of-Way running along the north side of Sunnyside Orchards No 4, parcels 1 and 32 (shown on the first attachment to the application). This which would be difficult to use for a county roadway and does not appear to meet any county standards.

There were similar Rights-of Ways on the East and South sides of the Sunnyside Orchards No. 4 which have been abandoned previously (Latest being in 2013 by Resolution No. 3066).

This Right-Of-Way does not connect to any roads to the east. In addition, BRID Line # 95 is buried under the section adjacent to Lot 1. This will complicate any construction that would be performed.

Thanks you for your time on this matter. Please let me know if you need any additional information. My phone number is 531-2517.

Respectfully,



Bob Kirkpatrick

**RECEIVED**

**OCT 21 2016**

Ravalli County Commissioners

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Petition to Abandon, Alter, Establish a County Road continued:

Robert Jenni 101 Nicol Lane, Hamilton MT Robert Jenni

2. ~~KIMBERLY A. MATTHEWS 4776 STORE LN, STEVENSVILLE~~  
Print Name Address

~~Kimberly A. Matthews 4776 Store Ln, Stevensville~~  
Signature

3. ~~MAX R. GRIMMETT 674 STAGE SPRING LAKE, Stevensville~~  
Print Name Address

Max R. Grimmer 597 Dry Gulch Rd  
Signature STEVENSVILLE, MT 59870

4. Scott Pearson 4758 Store Lane  
Print Name Address

Scott Pearson  
Signature

5. Jeffrey Johnson 486 Ashberry Ln  
Print Name Address

Jeffrey Johnson  
Signature

6. Shuan Broulee 462 Ashberry Ln.  
Print Name Address

Shuan Broulee  
Signature

7. BONNI EHRENBERG 463 ASHBERRY LN  
Print Name Address

Bonni Ehrenberg 7/29/16  
Signature

8. NATHAN Beckwith 463 ASHBERRY LN  
Print Name Address

Nathan Beckwith  
Signature

Petition to Abandon, Alter, Establish a County Road continued:

9. SANDRA + MARY BRILL 4725 LONGLEY LANE, STEVENSVILLE

Print Name

Address

Signature

*Sandra J. Brill* *Mary Brill*

10. Kelsey Kempfert 4762 Store Lane

Print Name

Address

Signature

*Kelsey Kempfert* *Stevensville*

The Owners of property affected by this action are: - and here by Give consent by signing

1. Kimberly A Mathens on behalf of Trust  
Kimberly A Mathens 4776 Store Ln, Stevensville

Print Name and Mailing Address

2. Max R. Grimmett, GRIMMETT FAMILY LLC  
597 Dry Gulch Rd, Stevensville

Print Name and Mailing Address

3. Anthony Dibrito POB 22 Lolo MT 59847

Print Name and Mailing Address

4. Robert M Kirkpatrick 4798 Store Ln, Stevensville

Print Name and Mailing Address

5. Siglinde Kirkpatrick 4798 Store Ln, Stevensville

Print Name and Mailing Address

6. \_\_\_\_\_  
Print Name and Mailing Address

7. \_\_\_\_\_  
Print Name and Mailing Address

8. \_\_\_\_\_  
Print Name and Mailing Address

**Petition to Abandon, Alter, Establish a County Road continued:**

9. \_\_\_\_\_  
Print Name and Mailing Address

10. \_\_\_\_\_  
Print Name and Mailing Address

**We have contacted the above named landowners and the following landowners  
consent to the proposed (Abandonment), (Alteration), (Establishment)**

1. Kimberly A. Marthens 4776 Stone Ln, Stevensville  
Print Name and Mailing Address

2. MAX R. GRIMMETT 597 Dry Gulch Rd, Stevensville  
Print Name and Mailing Address

3. Robert M Kirkpatrick 4798 Stone Ln, Stevensville  
Print Name and Mailing Address

4. ANTHONY DIBRITO P.O. Box 22 Lolo, MT 59847  
Print Name and Mailing Address

5. \_\_\_\_\_  
Print Name and Mailing Address

6. \_\_\_\_\_  
Print Name and Mailing Address

7. \_\_\_\_\_  
Print Name and Mailing Address

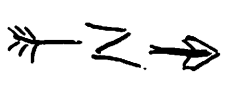
8. \_\_\_\_\_  
Print Name and Mailing Address

9. \_\_\_\_\_  
Print Name and Mailing Address

10. \_\_\_\_\_  
Print Name and Mailing Address

**Attach additional sheets as necessary**

ATTACHMENT 1



# SUNNY SIDE ORCHARDS NO. 4 BLOCK 21

SUBJECT N 20' Right-of-way  
TO ABANDON.

DEBR' 19

BRIDLINE 95 Buried 7'

MAX Givimeth

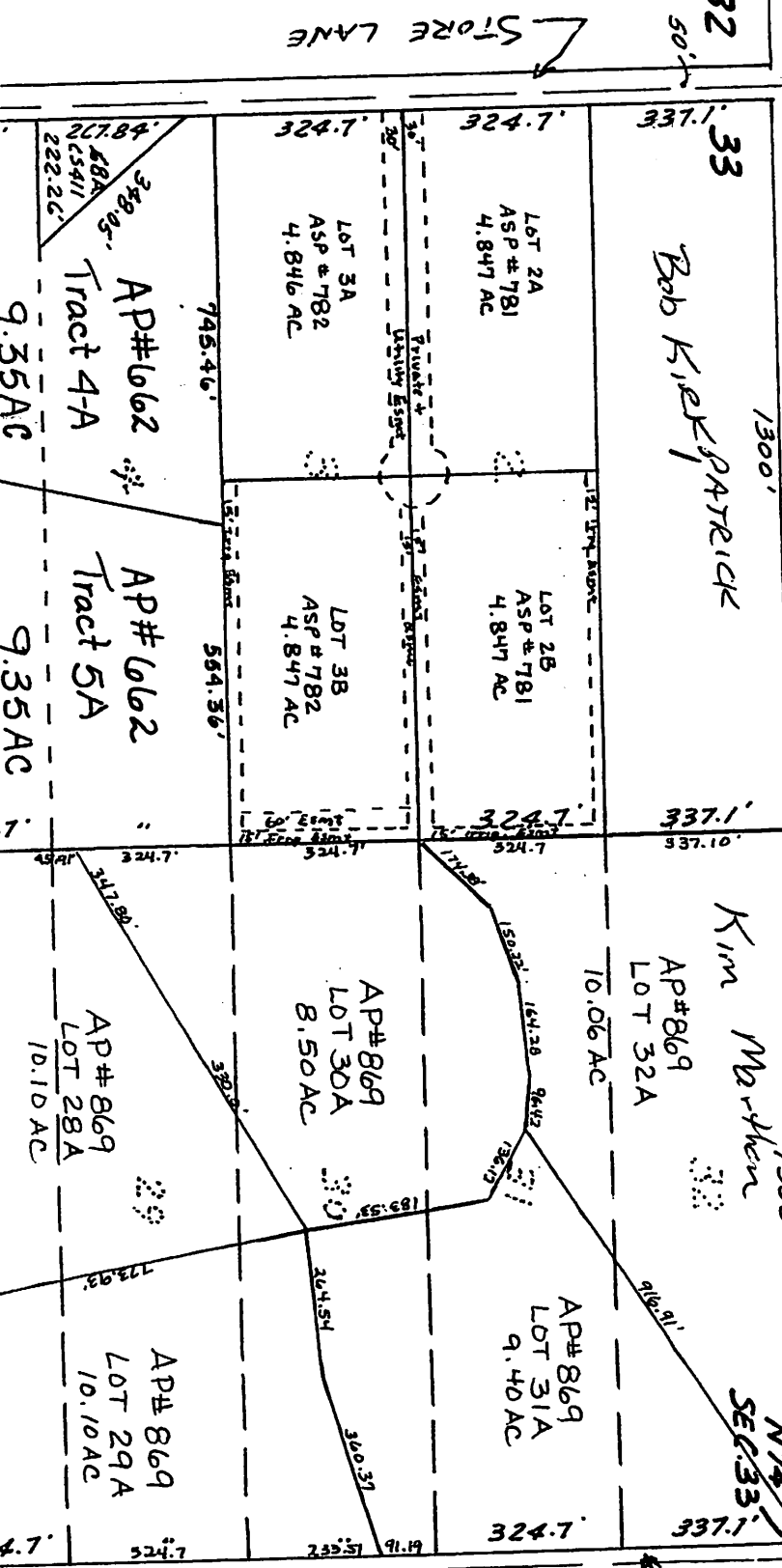
32

33

Bob Kierpatrick

Kim Mathen

SEC 33 N1/4



ABANDON 2013 (ATTACHED RESOLUTION #3066)

# ATTACHMENT 2

## RESOLUTION NO. 3066

### ABANDONMENT OF RIGHT OF WAY NORTH EXTENSION OF FLETCHER LANE, STEVENSVILLE - 20' ROADWAY AS SHOWN ON SUNNYSIDE ORCHARDS NO. 4

WHEREAS, a petition in proper form was filed with the BOARD OF COUNTY COMMISSIONERS of Ravalli County by Richard Teman, to abandon the north extension of Fletcher Lane, in Stevensville Montana, also described as an approximate 20' roadway as shown on Sunnyside Orchards No. 4, platted subdivision. The portion of the roadway lies East of Lots 25 through 32 of Block 21 of Sunnyside Orchards No. 4. The roadway runs approximately along the East line of NW 1/4 of Section 33, T10N, R19W, P.M.M., Ravalli County, Montana; and

WHEREAS, following properly published notice in the paper or record, a public hearing was held on September 4, 2013, in order to take comment and consider action on the petition to abandon; and

WHEREAS, the Viewers Report makes the following recommendation:

*The Viewers have concurred and recommend to the County Commissioners that the right-of-way should be vacated. According to 76-3-305 MC., "The title to the streets and alleys of the vacated portions may revert to one or more of the owners of the properties within the platted area adjacent to the vacated portions." Therefore, it is recommended that the vacated right-of-way-revert to the properties to the West of the right-of-way which are contained within the original plat of Sunnyside Orchards No. 4. Signed by Commissioner Ron Stoltz, Road and Bridge Department Supervisor Dusty McKern and Terry Nelson, Planning Department Administrator and appointed County Surveyor.*

WHEREAS, following public comment and review of the right-of-way to be abandoned, the Commissioners acknowledge the right-of-way does not connect to any other roads to the North and the right-of-way is approximately 20 feet wide, which would be difficult to use for a county roadway without purchasing additional right-of-way. It is also noted there is a drainage that would need a culvert or a bridge installed for crossing; and

WHEREAS, all adjacent property owners have signed the petition to abandon and each of the adjacent properties have legal access apart from this right-of-way as show no AP 179, AP 869, AP 536533, COS 479041, COS 556350 and COS 599200 together with an easement as described in Document 669281.

**THEREFORE BE IT RESOLVED**, the petition by Richard Teman to abandon the 20' right-of-way as shown on Sunnyside Orchards No. 4 be approved; and



STATE OF MONTANA RAVALLI COUNTY Page: 1 of 22  
DOCUMENT: 672283 COUNTY RESOLUTIONS  
RECORDED: 10/4/2013 3:24:01 PM  
Regina Plettenberg, CLERK AND RECORDER  
Fee \$0.00 By *Kelly Olson* Deputy

Return: Commissioners