

Montana Department of Transportation
Right-of-Way Bureau
PO Box 201001
Helena, MT 59620-1001

SENATE HIGHWAYS AND TRANSPORTATION	
EXHIBIT NO.	2
DATE:	3/24/05
BILL NO.	HB 492

astro\row\forms\res\pro\152

Revised 03/15/2005

State Of Montana Department Of Transportation

Project ID: I 90-8(16) 437
Designation: Mossmain-Billings; North Frontage Road
Project No.: Z430-005-000

County: Yellowstone

ABANDONMENT ORDER

Know All Men By These Presents:

Pursuant to Mont. Code Ann. ~~§ 60-4-202~~ The State of Montana Transportation Commission, ["Commission"], in regular meeting assembled, does concur in the following findings and order and hereby releases and forever abandons the following described property with no intention to reclaim or use again.

Tracts of land within the S1/2 of Section 28, Township 1 South, Range 25 East, M.P.M., Yellowstone County, Montana, as shown by the shaded areas on the plat, consisting of two sheets attached hereto and made a part hereof, containing an area of 4.22 acres, more or less, ["Subject Property"].

Findings:

THAT on the 28th day of August, 2003, the Commission received a petition for the abandonment of a portion of highway right-of-way; the petition was in writing and was signed by three or more owners of contiguous property.

THAT the Department has determined that the Subject Property is not necessary to the laying out, altering, construction, improvement, or maintenance of a highway.

THAT the Commission has found:

- that the cost of disposing of the Subject Property by sale pursuant to Mont. Code Ann. § 60-4-202 or exchange pursuant to § 60-4-201 exceeds the fair market value of the Subject Property;

- that a remainder exists to provide reasonable access as required by Mont. Code Ann. § 60-2-107(4) and (5); and

[CHOOSE ONE]

- the disposal qualifies as an exception to 23 CFR 710.403(d).
- reimbursement of federal funds is not required.
- the Commission agrees to any required reimbursement of federal funds.

THAT on the _____ day of _____, 20____, the Commission notified the Yellowstone

County Board of Commissioners in writing of the Commission's intent to abandon the Subject Property.

THAT the Commission published notice of the proposed abandonment and public hearing for three successive weeks in

THAT on the _____ day of _____, 2005, the Commission held a public hearing in Yellowstone County.

NOW THEREFORE, subject to all easements and utilities apparent or of record, the Commission hereby discharges, releases and forever abandons the Subject Property with no intention to reclaim or use the right-of-way again.

The Commission directs the Department to record this order, with exhibits attached, in the office of the clerk and recorder of Yellowstone County.

IN WITNESS WHEREOF, WE, the Undersigned, Transportation Commissioners, do hereby certify that the above findings and this order were adopted and executed upon the favorable vote of at least three members of the State of Montana Transportation Commission at a meeting of said commission, held on the _____ day of _____, 2005.

DATED this _____ day of _____, 2005.

STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION

Jim Lynch, Director

STATE OF MONTANA
TRANSPORTATION COMMISSION

William T. Kennedy aka Bill Kennedy, Chairperson

ATTEST:

Lorelle M. Demont, Secretary

[COMMISSION SEAL]

STATE OF MONTANA)
):ss
LEWIS & CLARK COUNTY)

This instrument was acknowledged before me on the _____ day of _____, 2005, by Jim Lynch as director of the Montana Department of Transportation.

_____, Notary Public
Residing at _____
My commission expires: _____

[NOTARIAL SEAL]

ABANDONMENT ORDER
Project ID: I90-8(16) 437
Designation: Mossmain-Billings; North Frontage Road

County: Yellowstone
Project No.: Z430-005-000

STATE OF MONTANA)
):ss
COUNTY)

This instrument was acknowledged before me on the day of , 2005, by
William T. Kennedy aka Bill Kennedy as chairperson of the Montana Transportation
Commission.

_____, Notary Public
Residing at _____
My commission expires: _____

[NOTARIAL SEAL]

NEW RIGHT-OF-WAY LINE

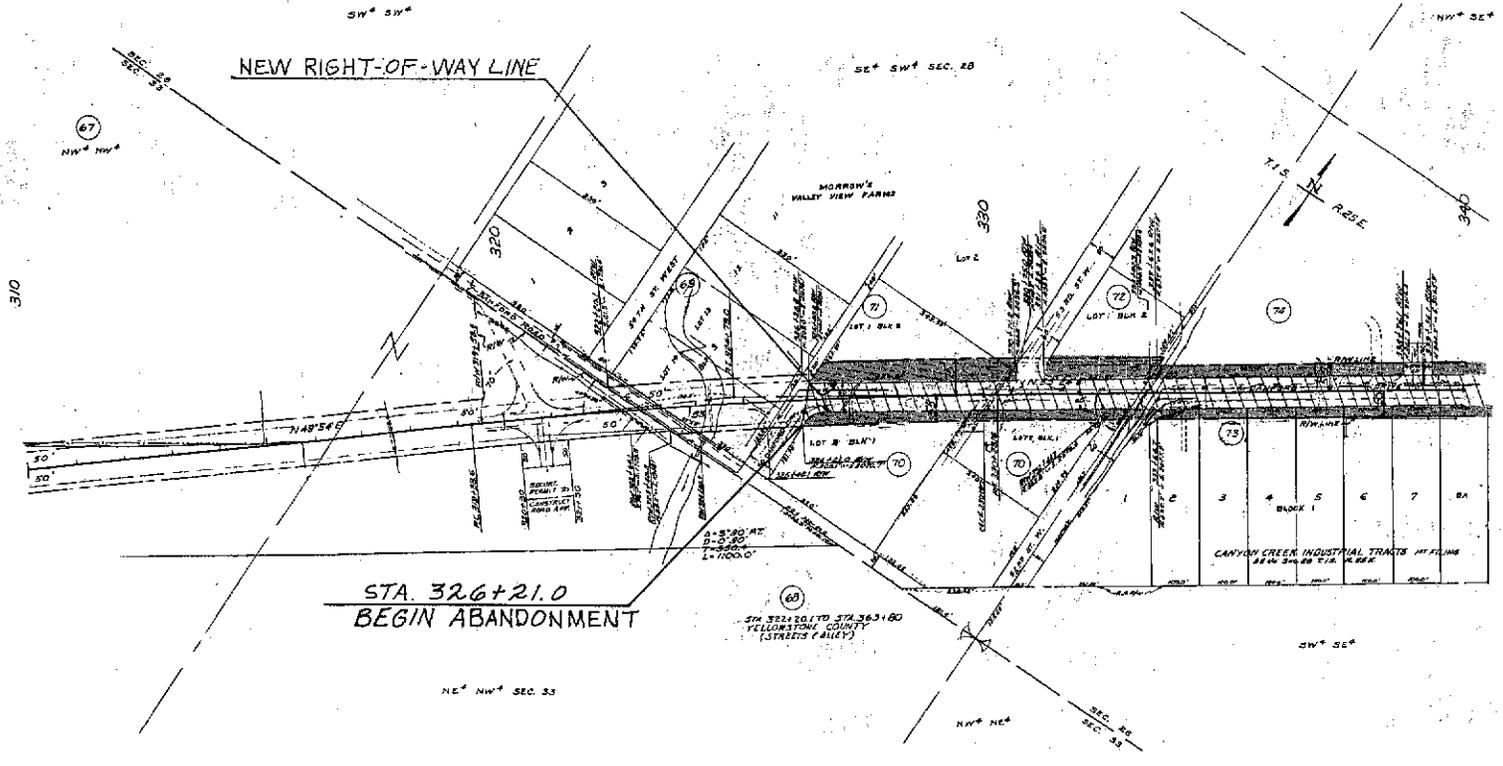
STA. 326+21.0
BEGIN ABANDONMENT

SHEET 1 OF 2

LEGEND	
RIGHT OF WAY LINE	SUBJECT PROPERTY
R.O.W. 6' W. LINE	REMANDED PROPERTY
CENTERLINE	DATE PREPARED
FULL ACCESS CONTROL	THIS PLAN IS PREPARED FROM THE STATE OF MONTANA
LIMITED ACCESS CONTROL	DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP OR
	FILE IN THE SPACE OF THE COUNTY CLERK AND RECORDS

STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
PROPERTY PLAT
YELLOWSTONE COUNTY
SCALE: 1" = 200'

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

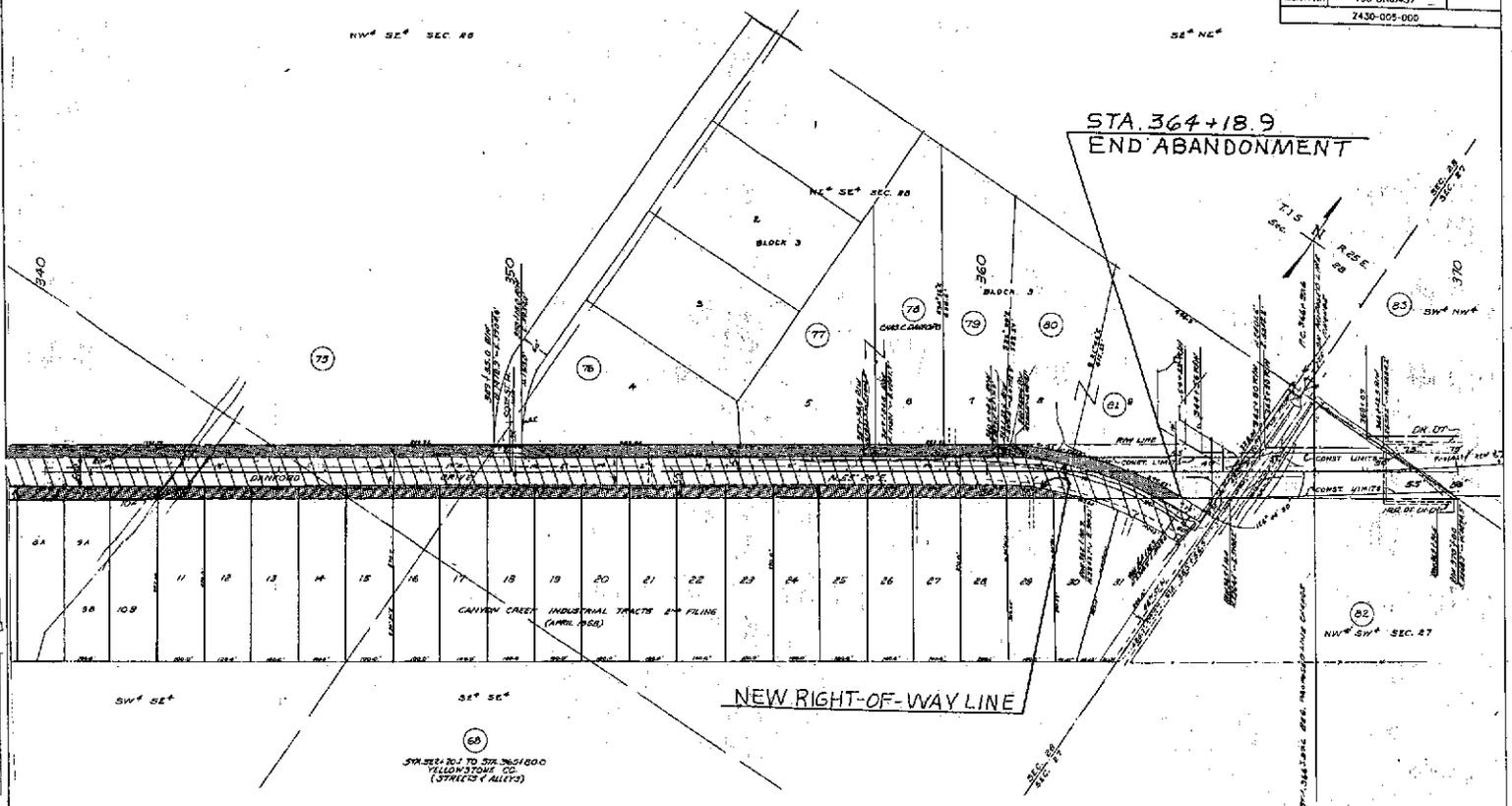


STATE	RIGHT OF WAY ID.
MONTANA	190-81624.37
	2430-005-000

NW 1/4 SEC 28

SE 1/4 NE 1/4

STA. 364+18.9
END ABANDONMENT



NEW RIGHT-OF-WAY LINE

6A
SURRENDER TO STATE OF MONTANA
YELLOWSTONE CO.
(STREETS & ALLEYS)

LEGEND	
RIGHT OF WAY LINE	SUBJECT PROPERTY
R.R. & P.P. LINE	REMAINDER PROPERTY
CENTRAL LINE	DATE PREPARED
FULL ACCESS CONTROL	THIS PLAN IS PREPARED FROM THE STATE OF MONTANA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FILE IN THE OFFICE OF THE COUNTY CLERK, THE RECORDS
LIMITED ACCESS CONTROL	

SHEET 2 OF 2

STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION
PROPERTY PLAT
YELLOWSTONE COUNTY
SCALE: 1" = 200'

UNITS: FEET AND INCHES

SHEET NO. 2