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## PETITION TO OPEN EXISTING COUNTY ROADS

This is a petition brought pursuant to Montana Code Annotated, Title 7, Chapter 14, Part 26, to affect certain county roads or public highways under the jurisdiction of Broadwater County that were closed--not abandoned by said county in 1954, known as Lefler and Red Hill County Roads located in: Sections 13, 14 & 24 of T9N, R1W; and in: Sections 17 & 18 of T9N, R1E and more particularly described as follows:

**Lefler Road, to wit:** Beginning at the common corners of Sections 23, 24, 25 & 26 of T9N, R1W, the intersection of Lefler and Filson County Roads, then North and East on the route of the existing public highway of Lefler Road to its intersection with the Red Hill Road in Section 24, then North and West on the existing route to the section line between Sections 13 & 14 of T9N, R1W, then North on said section line to the ½ mile corners of said sections 13 & 14.

**Red Hill Road, to wit:** Beginning in Section 24 of T9N, R1W at the intersection of Red Hill and Lefler County roads, then North and East on the route of the existing public highway to and through Section 18 of said Township and Range and Section 17 of T9N, R1E to the east shoreline of Canyon Ferry Reservoir.

A map or diagram is attached that illustrates the proposed action, which is incorporated herein by reference. The County Commissioners are requested to re-open these existing county roads (public highways) to the public immediately as they provide existing points of public access to public land and water and therefore are of great social and economic importance to the citizens and taxpayers of Broadwater County and the State of Montana.

There are no landowners affected by the proposed action because the Lefler and Red Hill County Roads are existing Public Highways as defined by Montana Code Annotated: TITLE 60. HIGHWAYS AND TRANSPORTATION CHAPTER 1. HIGHWAY CODE.

Therefore, we, the undersigned being at least ten freeholders and tax payers of Broadwater County, Montana, do hereby petition the Board of Broadwater County Commissioners to open the Lefler and Red Hill County Roads to the public.

Signature	Date	Printed name	Mailing address
1. Alan E. Wright	3-20-20	ALAN E. Wright	PO Box 51 Townsend MT 59644
2. Joan Potter	3-20-20	Joan Potter	207 S. Maple St 59644
3. Terry P. Smith	3/20/2020	Terry P. Smith	PO Box 991 Townsend MT 59644
4. Melissa Smith	3/20/2020	Melissa Smith	P.O. box 991 Townsend MT 59644
5. Duane Holom	3/20/2020	Duane Holom	PO Box 188 Townsend MT 59644
6. <del>Melinda Holom</del> Melinda Holom	3/20/2020	Melinda Holom	Box 188 Townsend, MT 59644
7. Ron Campbell	3/20/2020	Ron Campbell	48 Whitehorse Rd Townsend,
8. Christine Ravndal	20 Mar 2020	Christine Ravndal	PO Box 287 Townsend 59644
9. Harvey Ravndal	3/20/2020	Harvey Ravndal	101 Winston St Winston MT 59647
10. Aurora Hurlburt	3/20/2020	Aurora Hurlburt	101 Winston St Winston MT 59647
11. Ed Chamberlain	3/23/20	Ed Chamberlain	PO Box 1082 Townsend MT 59644
12. Mark Bennett	3/23/20	Mark Bennett	PO Box 373 Townsend MT 59649

Primary contact for the petitioners: Joseph H. Schmaus Ph. 406 437 4534; Email: joeschmaus@gmail.com

**From:** Joe Schmaus <joeschmaus@gmail.com>

**Date:** 3/19/2020, 2:58 PM

**To:** Tim <thornyacre43@gmail.com>

**INTERROGATORY NO. 4:** Admit or deny that Lefler Road is a Broadwater County Road that has not been abandoned by order of the Board of County Commissioners of Broadwater County, Montana. If you deny, explain the basis for your denial and list all documents you believe supports a conclusion that Lefler Road was officially abandoned by order of the Board of County Commissioners of Broadwater County, Montana.

**ANSWER:** Defendants object to this question. This is an improper question, which should be framed as a Request for Admission. Notwithstanding the objection, the Defendants state they currently understand Lefler Road is a Broadwater County Road that was closed by order of the County Commission.

**INTERROGATORY NO. 5:** Admit or deny that Red Hill Road is a Broadwater County Road that has not been abandoned by order of the Board of County Commissioners of Broadwater County, Montana. If you deny, explain the basis for your denial and list all - documents you believe supports a conclusion that Red Hill Road was officially abandoned by order of the Board of County Commissioners of Broadwater County, Montana.

**ANSWER:** Defendants object to this question. This is an improper question, which should be framed as a Request for Admission. Notwithstanding the objection, the Defendants currently understand that Red Hill Road was closed by the Broadwater County Commission by means of two different decisions. In 1941, the Commission closed portions of Red Hill Road in T9N, RI E all the way to the western section line of Section 18. In 1954, the Commission closed a portion of Red Hill Road in T9N, RI Win Section 24 to the eastern section line. The Defendants are without knowledge of whether there were other actions to close Red Hill Road.

— Attachments: —

Schmaus v Broadwater et al - BDV - Defendants' Responses To Plaintiff's 1st Set  
of Interrogatories and Requests For Production.pdf

186 KB