

Glenda Wiles

From: Melanie Thomas
Sent: Wednesday, August 22, 2018 2:09 PM
To: mking@wordenthane.com; Jesse C. Kodadek
Cc: Commissioners Department; Dan Browder
Subject: Hughes Creek Road
Attachments: 2018 08 22 Letter.pdf

Good Afternoon Mr. King and Mr. Kodadek:

Please see the attached letter from Mr. Browder. Thank you.

MELANIE THOMAS
Ravalli County Attorney's Office
205 Bedford Street, Suite C
Hamilton, MT 59840
406-375-6750 phone
406-375-6731 fax



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Ravalli County Attorney

205 Bedford Street, Suite C ♦ Hamilton, MT 59840 ♦ (406) 375-6750 ♦ Fax (406) 375-6731

County Attorney:
Bill Fulbright

Deputy Attorneys:
**Daniel Browder
Thorin Geist
Bill Lower
Meghann Paddock
Howard Recht
Angela Wetzsteon**

August 22, 2018

Zackary Bugli,
Tracy Bugli,
Wade Cox,
Charlene Cox,
Violet Cox as Trustee of the Cox Family Trust
(via email to counsel Worden Thane)
mking@wordenthane.com
jkodadek@wordenthane.com

Suzanne Raski
Louis Michael Mikolaichik
P.O. Box 177
Darby, MT 59829
(via U.S. Mail and hand delivery to Hughes Creek Road)

Ladies and Gentlemen:

In a public meeting on August 22, 2018, the Ravalli County Board of County Commissioners set a new deadline of September 23, 2018, for removal of obstructions and encroachments into the county road right-of-way at approximately 8.5 miles up Hughes Creek Road. That includes the gate and any other obstructions and encroachments into the 60-foot county road right-of-way.

A short recap of the history of this matter: In January 2017, the Board denied Hughes Creek landowners' Petition to abandon Hughes Creek Road at and above the gate. At that meeting and in consultation with landowners' request for extra time to erect signs, the Board set a deadline of June 2017 for removal of the gate. Some of the landowners among you filed suit in April 2017; that suit was dismissed in July 2017. On July 12, 2017, the Board set a new deadline of August 1, 2017, to remove the gate (copy attached). The plaintiffs in the lawsuit appealed that dismissal to the Montana Supreme Court and also filed a new and separate legal



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action: an application for a writ of review. As part of that litigation, the County suspended its deadline to remove the gate and agreed to await the outcome of litigation. That legal case was also dismissed and the District Court lifted any restraints on actions to remove the gate. Hence the Board's new deadline described in the first paragraph above.

Be advised that if the gate and other obstructions and encroachments are not removed voluntarily, the County may cause their immediate removal, and responsible parties could be liable for costs related to the removal and potential fines.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Browder". The signature is fluid and cursive, with a large initial "D" and "B".

Daniel Browder
Deputy County Attorney

DB:mef

cc: Ravalli County Board of County Commissioners
Ravalli County Sheriff

Ravalli County Attorney

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July 12, 2017

Suzanne Raski & Louis Michael Mikolaichik
P.O. Box 177
Darby, MT 59829

Re: Hughes Creek Gate

COPY

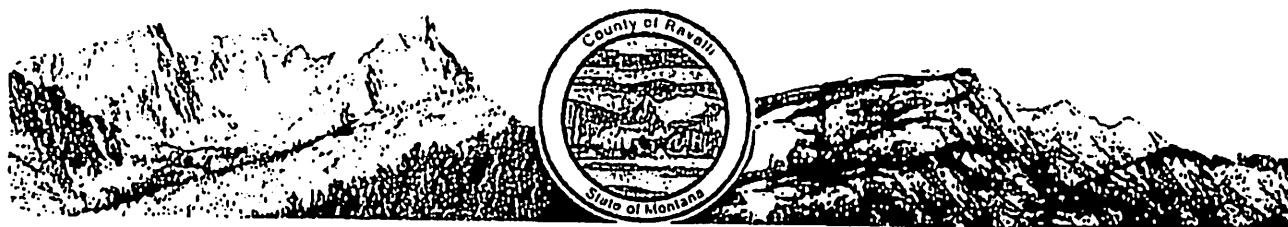
Dear Ms. Raski and Mr. Mikolaichik:

I am sending this letter to you individually, and sending a courtesy copy to the law firm of Worden Thane. If you are represented by other legal counsel, please immediately forward this letter to your attorney and we will address all future communications to your attorney.

You attended and testified at the Board of County Commissioners' meeting in January 2017 regarding the petition to abandon Hughes Creek Road at and above the gate. At that meeting, the Commissioners denied the Petition and ordered that the gate be removed as an encroachment on the County Road. You also received separate notice of that order by the commissioners. In order to allow the landowners to erect road signs and otherwise prepare for public access, the Commissioners gave the landowners until June 1, 2017, to remove the gate. In April 2017, several landowners (not including you) filed suit to prevent removal of the gate. The District Court recently dismissed that case, and the Commissioners' decision and determinations regarding the road are therefore in effect.

As the landowners on whose property the gate is installed, you are in a somewhat different position than the other landowners who petitioned to abandon the road. As the landowners, you could be held responsible for fines for failing to remove the gate as an encroachment, for costs of removal of the gate, and potentially for costs of a court action to force removal of the gate.

Although the Commissioners denied the petition to abandon the road above the gate, they continue to make it very clear that they wish to accommodate the landowners to a reasonable extent and to work cooperatively with them if possible. However, they also believe that having



denied the petition to abandon the road, they must ensure that the gate's encroachment on the county road must be removed.

Because you own the land, you can remove the gate without any other landowner's permission, or you can authorize the gate's removal by another party.

Considering the fact that multiple landowners in the area have heavy equipment to easily remove the Gate, it would be simplest if you or one of those landowners removed the gate and encroachments. In the spirit of cooperation, the County offers you the following. If you arrange the removal of the gate by August 1, 2017, the County will not seek any repayment of costs or fines from you or the other landowners. If the gate is not removed by that date, the County will remove the gate and may seek fines and costs to the extent allowed by law.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Browder', written over a circular stamp or mark.

Daniel Browder,
Deputy Attorney

cc: Martin King, Worden Thane P.C.