

## MEMORANDUM

**TO:** Dave Fowler, Road Department Superintendent  
**FROM:** Erin Howard, Road Department Office Manager  
**SUBJECT:** Sixteen Mile Creek Bridge located north of Clarkston  
**DATE:** June 6, 2013

Recently, the question came up regarding the status of the bridge over Sixteen Mile Creek located north of the Clarkston area. Upon examining the records in the Road and Bridge files and the public records of the County Commission, it is my understanding that the bridge and the road leading up to the bridge are private. Up until March of 1979, the County had maintained the bridge as well as the road leading up to the bridge for the purpose of being able to get to the bridge even though the road was considered private. In March of 1979, State law changed and the County stopped maintaining the bridge.

In 1980, Lester Brainard filed a quit claim deed to deed a 60 foot wide swath of land for public road purposes to Gallatin County, however I was unable to find any indication of acceptance of this land by Gallatin County and it was never opened by the Commission as a public road. Two petitions – one to make this land a public road and one to make the bridge a public bridge – were submitted to the Commission in January of 1989. In their May 31, 1989 public meeting the County Commissioner's Rayon White, Jane Jelinski, and A.D. Pruitt denied both petitions. This is the last official stance of the County Commission.

At this time, the road is gated and has the appearance of being a private, two-track road. Letters dating back to 1989 indicate it was gated at that time as well. The bridge is visibly in a state of severe disrepair.

Following is a listing of the pertinent documents that are in the Sixteen Mile Creek bridge file.

November 14, 1989 – Letter to Mr. Ronald Stevens, President of the Public Land Access Association Inc. (PLAAI) responding to his request for the County to “remove all fences, illegal signs, berm on the ford and any other obstructions on the subject Clarkston/Toston county road” and well as the County repair the bridge at Sixteen Mile Creek. Commission states this is not a county road or public highway and they decline to assert jurisdiction over the road. Signed by Ramon White, Jane Jelinski, and A.D. Pruitt.

October 20, 1989 – Opinion to County Commission from County Attorney Mike Salvagni that states in his opinion this is not a county road and the Commission is not obligated to maintain it.

May 31, 1989 – minutes from public meeting in which all three County Commissioners (White, Pruitt, Jelinski) voted to not accept the road or the bridge into the county system.

May 3, 1989 – Letter to County Commission from PLAAI stating their intention to raise money for the purpose of repairing the Sixteen Mile bridge, that the road is a county road by prescription, and their desire to return the right-of-way to operable condition.

April 29, 1989 – Letter to Bill Brainard from PLAAI to document their plan to support efforts to repair the Sixteen Mile Creek Bridge as stated during their meeting on April 26, 1989.

April 18, 1989 – Minutes from public meeting where Sam Gianfrancisco presented the staff report for the petitions to make the road a petitioned road and to make it a County bridge.

April 17, 1989 – unsigned road viewer's report from Jane Jelinski, Commissioner, and Shelley Cheney, Clerk & Recorder in which they recommend denial of the petition.

April 17, 1989 – memo to Board of County Commission from Sam Gianfranciso, Road supervisor regarding the petitions for the Clarkston/Toston road and Sixteen Mile bridge regarding feasibility of the petitions.

April 7, 1989 – letter to County Commissioners from Broadwater Board of County Commissioners stating that Broadwater County considers the road in Broadwater County from Sixteen Mile creek to Toston to be a public road.

January 17, 1989 – Opinion No 89-02 from County Attorney Mike Salvagni stating that 1) the Commission is not obligated to maintain the Sixteen Mile bridge because it is not a public bridge on a county road maintained by the County, 2) if the Commission establishes a county road by petition then they are required to maintain both the road and the bridge, and 3) if it is found to be a bridge on a county road created by means other than petition than the Commission has the discretion to maintain the bridge.

January 1989 – copy of the first page of a petition to the Commission to open and establish for public use and access the road between Clarkston and Toston crossing Sixteen Mile Creek.

December 18, 1988 – petition to the Commission to repair the Sixteen Mile Creek Bridge.

December 5, 1988 – Letter to Bill Brainard from County Commission (Wilbur Visser, Chairman; Jane Jelinski, Member; and Ramon White, Member) that the **Sixteen Mile Creek Bridge is not a public or Gallatin County bridge and that the road to and from the bridge is not a public or Gallatin County road.**

July 13, 1984 – Letter to Joy Nash, County Commissioner from White & Seel requesting the Commission examine the road and advise them of the Commission's final position as to whether it can be included in the County road system for the occasional maintenance that it requires and the immediate repairs to the bridge. His basis for the claim is that the road has been maintained by the County in the past and historical use of the road.

January 31, 1980 – Quit Claim deed from Lester Brainard to Gallatin County for a 60 foot wide right of way through Sections 17 and 9, T4N, R3E for the purpose of public road purposes.

According to notes and documents in the file here is a timeline for the bridge:

1928 – County restructured the bridge

1948 – new deck installed by the County

1960 – bridge replaced by the County

1963 – bridge washed out and replaced by the County

1979 – in March of 1979 Gallatin County stopped maintaining the bridge due to a change in state law which eliminated the requirement that County's maintain all bridges not maintained by the State

1989 – repairs performed by PLAAI