

No. of ~~Case~~ Road No. 145

GALLATIN COUNTY,  
DISTRICT COURT,  
NINTH JUDICIAL DISTRICT,  
STATE OF MONTANA.

Change of Martin  
Road at A. Benker's  
in Sec 13 T1N, R4E.

Plaintiff

vs.

FILED

DEC 8 1898

*A. P. McNew*  
County Clerk

Action for

Attorney for Plaintiff

Attorney for Defendant

BOZEMAN, MONTANA,

Dec 8

1898

To the Honorable Board of County  
Commissioners of Gallatin Co, Mont:  
Gentlemen,

I have with present  
a petition for a change of road signed  
by A. Burkart et al. As the change is  
all on land owned by Alf. Johnson and as  
he is willing to give a deed I do not  
see that it would be necessary to view the  
road. I would recommend that the change  
be ordered and if so ordered I will secure  
the deed from Mr. Johnson. A portion  
of the Martin Road which was vacated should  
be reestablished in order to give Mr Burkart  
an outlet.

Respectfully  
C. M. Thorpe

BOZEMAN, MONTANA,

May 9

1899

Gave to. atty description for D. C. Reed  
and notified Alf. Johnson to call at  
his office and sign same.

BOZEMAN, MONTANA, March 6 1890

To the Honorable Board of County Commissioners,  
of Gallatin Co. Mont.

Gentlemen:-

As instructed by  
you I have inspected the Walbert Road,  
No. 150, and find the work on the same which  
has been done by Mr. Walbert, and Mr. Kelley, is  
in accordance with the agreement, and  
would recommend that said work be accepted  
by your honorable body.

Some time ago I was instructed to secure a  
deed for a right of way to A. Bernharts, through  
the land of Alf. Johnson. I made a survey,  
and deed, which I left with the Co. Attorney,  
and notified Mr. Johnson to call and sign.  
This Mr. Johnson did not do as he said the  
fees was not satisfactory, the land has been  
transferred to S. Courson who does not wish to  
give the deed.

BOZEMAN, MONTANA,

189

In regard to the matter of collecting from Mrs. Stouten for Road work ~~on~~ the change of road along her south line. I left a bill at her house for \$30.00 with a request that it be paid to the County Clerk. I have since seen Mr. Everson who said he would come in and see the Board this week in regard to the matter. The cost of the work as taken from the Road Managers time book was \$2.50

Very respectfully,  
C. M. Thorpe.  
Co. Surveyor.

Articles of Agreement,

Made this \_\_\_\_\_ day March 1901,  
Between S.H. Courson, the owner  
of the N.W. 1/4 of Section 13, T. 1 N., R. 4 E,  
party of the first part, and A. Burkart,  
the owner of the S.W. 1/4 of Section 12,  
said T. & R. party of the second part.  
Witnesseth;

That the said party of the first part  
hereby agrees to convey by quit claim  
deed to the County of Gallatin, a 40  
foot right of way for a county road,

through the N.W. 1/4 of said Sec. 13 from  
angle point No. 5 of the survey of the  
"Martin" Road, see Plat Book of Roads,  
Vol. A, Page 109, N. 65°4' W. 130.5 ft.  
N. 80°40' W. 215 ft. N. 42°55' E. 235 ft.

S. 88°49' W. 490 ft. N 10°45' W. 1320 ft. to a  
point on the N. line of said N.W. 1/4 of Sec. 13  
said point being 1527 ft. East of the  
N.W. Cor. of said Sec. 13 as surveyed by  
C.M. Thorpe on May 1<sup>st</sup> 1899, and as the  
same has been found by A. Burkart.

Provided the party of the second part shall  
first change the ditch owned by said second  
party, which now runs near the west side of  
said right of way, so that said ditch  
shall run along the west side of the

fence on the West side of said right of way, as near to the said fence as practical. Said ditch to be of a size sufficient to carry the water to which said second party is entitled. Also provided said second party shall fill the old ditch in a manner suitable for said first party to pass over the same in working said land. And provided said second party shall also agree to keep the fence along the above described right of way in good repair.

In consideration of the benefits to be derived said second party hereby fully agrees to comply with all of the above provisions and requirements, and to change said ditch as above required on or before July 1st 1901.

It is mutually agreed that all the covenants, and agreements, herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns of the respective parties.

In witness whereof the parties to these presents have hereunto set their hands seals this day of \_\_\_\_\_ 1901.

Witnesses.



Agreement for Roadway  
between  
S.H. Courson and A. Benhart.

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Agreement  
to allow a gate on E.  
end of road to A. Benhart.



March 22 1901

We the undersigned, residents and land owners in the vicinity of the road running from the "Compromise" Road to A. Benhart's hereby agree to make no objection to the construction and maintenance of a substantial self opening gate, at the East end of said Road when it joins the said Compromise Road, at the S.E. Corner of the N. 1/2 of the S.E. 1/4 of said Section 13. T. 1 N. R. 4 E.

We further agree to do our portion of the work of constructing and maintaining said gate.

To The Honorable, the Board of  
County Commissioners of Gallatin  
County State of Montana: -

We your petitioners, residents and tax  
payers, of Gallatin County respectfully  
petition ~~petition~~ your Honorable body  
to change the public road in Sec. 13.  
Tp. (1) one, North R. (4) Four, East according  
to the following description; Beginning  
at a point on the section line between  
sect. 12 and 13. in above described Town and  
Range about 86 Rods from the S.W. Corner  
of Sec. (12) twelve, Tp. 1 one, N. R. 4. E. thence  
running in a direction a little East of  
South (78) Seventy eight, rods; Thence East (44) For-  
ty Four, rods; to intersect the <sup>road</sup> Martin in Section  
13. Tp. 1 N. Range 4 East <sup>The proposed change is wholly on</sup>  
<sup>land owned by all persons who consent to give the right of way</sup>  
And your Petitioners will ever pray etc.

Names	Names	Names
A. Bernhart	E. C. Slaughter	James M. Fly
D. A. Lundell	Joseph Spillars	E. N. Daniel
Jas. M. Moore	C. C. Collins	Rufus Thompson
A. M. Gray	H. C. Reding	W. Johnson
Nick Obernd		

BOZEMAN, MONTANA, Sept 5 1907

The County of Gallatin hereby agrees to construct a bridge over Thompson Creek in the road on the south line of the N<sup>1</sup>/<sub>2</sub> of the S.E. <sup>1</sup>/<sub>4</sub> of Sec. 13 T. 1 N. R. 4 E. also to repair the bad places in said road, in such a manner as to put said road in a safe condition for travel.

Articles of Agreement

Made this \_\_\_\_\_ day of \_\_\_\_\_  
between S.H. Courson, Thornton A. Street,  
and James M. Moore all of Gallatin Co. Mont,  
parties of the 1<sup>st</sup> part.  
And A. Benhart, the owner of the S.W. 1/4 of  
Sec. 12 T. 1 N. R. 4 E party of the second  
part.

Witnesseth,

that the said parties of the 1<sup>st</sup> part hereby  
agree to <sup>give</sup> the right of way for a 40 ft private road,  
which right of way shall be kept open for travel,  
excepting a gate at each end, (the construction  
and maintenance of said road to be done by  
the parties benefited,) as follows

a strip 20 ft. wide off the north side, of the S.E. of the  
S.E. 1/4 of Sec. 13. T. 1 N. R. 4 E. and off the East  
End of the north 1/2 of the S.W. 1/4 of said section,  
owned by James M. Moore.

20 feet off the south, and west, sides of the  
north 1/2 of the S.E. 1/4 of said section 13,  
owned by S.H. Courson.

20 feet off the west side of the N.E. 1/4 of said Sec.  
13. Extending from the S.W. corner thereof north  
to angle point No. 5, of the survey of the  
"Martin Road" as plat Book of Roads of Gallatin Co.  
Vol. A. Page. 109. Owned by Thornton A. Street.

20 feet off the east side of the N.W. 1/4 of

Said Section 13, extending from the S.E. corner thereof north to said angle point no. 5. Also a 40 foot <sup>right of way</sup> through said N.W. 1/4 of Sec. 13 owned by S.H. Courrow. the center line of which is described as follows to-wit:

Beginning at said angle point no. 5, thence  
N. 6° 54' W. 130.5 ft. N. 80° 40' W. 215 ft.  
N. 42° 55' E. 235 ft. S. 88° 49' W. 490 ft.

N. 10° 45' W. 1320 ft. to a point on the north line of said N.W. 1/4 of said Sec. 13. said point being 1527 ft. East of the N.W. corner of said Sec. 13, as surveyed by C.M. Thorpe on May 1st, 1899, and as the same as been found by A. Burkart.

In consideration of the benefits to be derived from said right of way the party of the second part hereby agrees to keep the fence along said right of way through the N.W. 1/4 of said Sec. 13 in good repair, and to help build and maintain a gate at the East end of said road.

It is mutually agreed that upon the execution of this contract, a petition shall be filed with the Board of County Commissioners, asking that all that portion of the above described right of way which is a county road, be vacated and discontinued as a County road, but maintained as a private road, by the parties above named.

It is further agreed that all the covenants, and agreements, herein contained shall extend to and be obligatory upon the

with the right and privilege for the use of said road by any and all of the parties of the first part.

heirs, executors, administrators, and assigns of the respective parties, In witness whereof the parties to these presents have hereunto set their hands and seals this            day of            1901,

Parties of the 1st part. { T. A. Street Seal  
Jas. W. Morse Seal  
S. H. Connor Seal

Party of the 2nd part. Seal