

Road No 191 By
No. of Case G. H. Richman et al

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

Change in the
Richman Road.

Plaintiff

Views report accepted
and road ordered opened
Sept 4th 1907 by order of the board
J. Patterson
Entire Vol. 9 Conjunction Pg. 159

Defendant

Action for

Attorney for Plaintiff

Attorney for Defendant

PETITION FOR ROAD

TO THE HON. BOARD OF COUNTY COMMISSIONERS, of Gallatin County, Montana:

The Undersigned, Your petitioners, Citizens of the United States, respectfully show and represent that they are residents of Road District No. 7, in the County of Gallatin State of Montana, where the road, hereafter petitioned for, is to be located, laid out and established, if this petition be granted; that the proposed road is a public convenience, and, we think, the public good requires it.

Your petitioners do respectfully ask and petition that a County Road, sixty feet in width, to be a public highway, to be laid out, located and established, and show:— (a) The general route of the proposed road; (b) over what lands it is proposed to be established; (c) who are the owners thereof; (d) whether such of them as can be found, consent thereto; (e) who of them do not consent; (f) the probable cost of the right-of-way where such consent is not had; (g) the necessity for and the advantages of the proposed road as follows, to-wit:

Beginning at a point in the North line of the N. E. 1/4, of Sec. 32 T. 3 N. R. 7 E. said point being 1579.3 ft. east of the N. 1/4 Sec. Cor. of said Sec. 32. Said point being in the center line of the Connell or Reichman Road, as originally laid out, thence S. 74° 05' W. 557. ft., S. 40° 43' W. 381.5 ft., S. 56° 58' W. 815 ft., S. 67° 58' W. 1436.5 ft., S. 84° 55' W. 302. ft., N. 63° 41' W. 1561. ft., N. 73° 42' W. 818. ft., S. 79° 40' W. 400. ft., S. 89° 00' W. 330. ft., N. 84° 54' W. 1582. ft., S. 85° 59' W. 561. ft., S. 38° 19' W. 313. ft., S. 69° 24' W. 448.5 ft.,

to a point in the W. line of the N. W. 1/4 OF Sec. 31 said T. and R. said point being 1524.5 ft. North of the W. 1/4 Sec. Cor. of said Sec. 31. and being in the center line of the said "Connell and Reichman" Road as originally laid out. said point to be the terminus of the proposed change. The portion of the said old road from the above described starting point, to the terminus of the said change as described above to be vacated and discontinued. The above described change of road is as surveyed by C. M. Thorpe County Surveyor. on Dec. 21 1900.

The said change passes through the N. 1/2 of SEC. 32 owned by John Pereira and Cliff. Hudson. and through the N. E. 1/4 of Sec. 31 owned by George H. Reichman, and through the N. W. 1/4 of said Sec. 31, owned by George A. Reichman, all of said land owners consent to give the right of way for said road, provided the above described portion of the old road shall be vacated and discontinued.

The object of the proposed change is to avoid very steep hills on the road as originally laid out, which are so steep as to render the said old road impracticable.

NAMES:

- 1 G. H. Reichman
- 2 H. G. Harde
- 3 J. S. Woodley
- 4 Louis Authier
- 5 Lowell M. Jones

NAMES:

- 6 Lewis N. Kennedy
- 7 A. J. Mc-Donnell
- 8 Pereira & Hudson
- 9 J. J. Clarke
- 10 G. A. Reichman

J. L. Young
P. L. Peterson

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

HON. J. L. PATTERSON,
Chairman of the Board of County Commissioners, Gallatin County, Montana.

DEAR SIR:—You are hereby notified that a petition for a ^{change of a} County Road has been received in this office,
signed by J. H. Reichman et al
of Road District No. 7

The petition above referred to, petitions that a Road be established, commencing
at a point being 1579.5 ft. East of the N. 1/4 Sec. cor. of said Sec. 32.
Said point being in the center line of the Connell or Hetchman Road, as
originally laid out, thence S. 74° 5' W. 557 ft., S. 40° 43' W. 381.5 ft., S. 50° 58'
W. 815 ft., S. 87° 58' W. 1486.5 ft., S. 84° 38' W. 502 ft., N. 63° 41' W. 1561 ft., N. 72° 42' W.
818 ft., S. 79° 40' W. 400 ft., S. 89° 00' W. 380 ft., N. 84° 54' W. 1582 ft., S. 85° 59' W. 561 ft.
S. 80° 19' W. 313 ft., S. 69° 24' W. 448.5 ft. to a point in the west line of the N.
1/4 of Sec. 31 said T. 4 R. said point being 1504.5 ft. North of the west
1/4 Sec. cor. of said Sec. 31 and being in the center line of the said
Connell & Hetchman Road.

You are hereby notified to appoint three Viewers to view the above proposed Road.

Yours, Very Respectfully,

E. V. Blankenship
County Clerk and Recorder.

Dated at, Bozeman, Montana, this 9th day of July 1901.

OFFICE OF

The Board of County Commissioners,

GALLATIN COUNTY, MONTANA.

MR. E. V. BLANKENSHIP,
County Clerk, Gallatin County, Montana.

DEAR SIR:—In pursuance of the above notice, ^{we} hereby appoint:

J. G. Woosley
Chas. Morrison
Chas. Hooper

to act in behalf of the Board of County Commissioners as viewers of the above petitioned Road

Yours, Very Respectfully,

J. L. Patterson
Chairman of the Board of County Commissioners, Gallatin County, Montana.

Dated at Bozeman, Montana, this 9 day of July 1901.

Warrant for Road Viewers.

County Clerk's Office, }
Gallatin County, Montana. }

Mr. C.M. Thorpe, J. J. Hoosly & C.M.C. Morrison

You are hereby notified that you were duly appointed Road Viewer by

~~Chairman~~ of the Board of County Commissioners of Gallatin County, Montana, on the 9th day of July 1901, to view and ~~lay out~~ ^{change a} ~~proposed~~ road, as prayed for in the petition of J. A. Reichman and others, described as follows, to-wit:

Beginning at a point in the N. line of the N.E. 1/4 of Sec. 32, T. 2, N. R. 7 E., said point being 1579.3 ft. East of the W. 1/4 Sec. cor. of said Sec. 32. Said point being in the center line of the Connell or Reichman road, as originally laid out, thence S. 74° 5' W. 357 ft. S. 40° 43' W. 281.5 ft. S. 59° 59' W. 315 ft. S. 67° 58' W. 1436.5 ft. S. 34° 55' W. 302 ft. N. 63° 41' W. 1561 ft. N. 73° 42' W. 318 ft. S. 79° 40' W. 400 ft. S. 89° 00' W. 500 ft. N. 84° 54' W. 1582 ft. S. 85° 59' W. 561 ft. S. 82° 19' W. 313 ft. S. 69° 34' W. 448.5 ft. to a point in the West line of the N. W. 1/4 of Sec. 31 said T. 2 N. said point being 1524.5 ft. North of the West 1/4 Sec. cor. of said Sec. 31 and being in the center line of the said Connell & Reichman Road.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in company with each other who were duly appointed as Viewers on said road by the ~~Chairman~~ of the Board of County Commissioners on the 13th day of August 1901, commencing at the place designated in said petition as the starting point of the road sought to be at 1 o'clock P.M. and proceed to view and lay out the same by setting stakes, blazing trees, turning furrows, or other appropriate monuments to the terminus named in said petition, by the most practical route that you in your judgment can find. You shall notify the resident owner or agent of land over which it passes, of the proposed route; ascertain whether such owner consents thereto and the amount of damages, if any, claimed or demanded for the right of way over the same. You shall estimate the actual damage to any land over which the proposed road passes and the cost of any bridges or grading necessary. You shall report the necessity for and the public convenience to be subserved by the highway, if opened, and whether the opening thereof or the change therein proposed should be made, and make and sign a report of your proceedings, as required by law.

Roads shall, in all cases, when practical, be laid out on subdivisional or section lines.

In witness whereof I hereunto set my hand, at my office this 24th day of July 1901.

C. V. Blankenship
County Clerk,
By L. P. Bugard
Deputy.

Oath of Road Viewers.

STATE OF MONTANA, }
County of Gallatin. } SS.

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the Board of County Commissioners.

C. M. Thorpe

Subscribed and sworn to before me this 5th day
of Aug., 1901.

E. J. Blankenship

C. Clerk

This must be returned to the County Clerk after execution.

Oath of Road Viewers.

STATE OF MONTANA, }
County of Gallatin. } SS.

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the Board of County Commissioners.

A. M. C. Morrison

Subscribed and sworn to before me this 13th day
of Aug., 1901.

C. M. Thorpe

C. Surveyor

This must be returned to the County Clerk after execution.

Oath of Road Viewers.

STATE OF MONTANA, }
County of Gallatin. } ss.

I, the undersigned, having been appointed a road viewer, do hereby solemnly swear that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the Board of County Commissioners.

J. J. Woosley

Subscribed and sworn to before me this 13th day
of Aug. 1901

C. M. Hooper

County Surveyor.

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 191

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY, MONTANA:

We, the undersigned Road Viewers, consisting of

J. Y. Woosley,
C. M. C. Morrison, + C. M. Thorne.appointed by the Board of County Commissioners
on the 19th day of July 1901appointed to view a ^{change of} proposed road running from a point on the north line of the N.E. 1/4
of Sec. 32 T. 3 N. R. 7 E.

to a point in the W. line of the N.W. 1/4 of Sec. 31 said T. & R.

as described in the annexed petition, say, That on the 13th day of Aug.A. D., 1901 we assembled at the place designated in the petition, as the starting point of such proposed
^{change of} road and proceeded to view the same, and submit the following report:

1. The width of the proposed road, the description of the center line of the same, the length, how defined, the marks and ~~marks~~ grades, character of ground, description of the land and owners of the same, over which the proposed road passes, and probable cost of constructing the said road, as follows:

The width of the proposed road is 60 feet.

The description of the center line is as follows to wit:—

Beginning at a point in the north line of the N.E. 1/4 of Sec. 32 T. 3 N. R. 7 E. said point being 1579.3 ft. east of the N. 1/4 Sec. Cor. of said Sec. 32. Said point being in the center line of the "Cannell or Richman" Road as originally laid out, thence S. 74° 05' W. 557. ft., S 40° 43' W. 881.5 ft., S. 56° 58' W. 815 ft., S 67° 58' W. 1486.5 ft., S 84° 55' W. 302. ft., N. 63° 41' W. 1561. ft., N 73° 42' W. 818. ft., S 79° 40' W. 400. ft., S. 89° 00' W. 380. ft., N. 84° 54' W. 1582. ft., S 85° 59' W. 561. ft., S. 88° 19' W. 313 ft., S 69° 24' W. 448.5 ft., to a point in the W. line of the N.W. 1/4 of Sec. 31 said T. and R. said point being 1524.5 ft. north of the W. 1/4 Sec. Cor. of said Sec. 31. and being in the center line of the said "Cannell or Richman" Road as originally laid out. Said point to be the terminus of the proposed change.

The portion of the said old road from the above described starting point, to the terminus of said change as described above, to be vacated and discontinued.

The above described change of road is as surveyed by C. M. Thorne, County Surveyor on Dec. 21, 1900.

The line of the proposed change is defined & marked out by stakes and mounds of stone. The grades will not exceed 8 to 10% when properly graded.

The character of the ground is excellent for road building.

The road passes through the N. 1/2 of Sec. 32 owned by John Percina and Cliff Hudson, and through the N.E. 1/4 of Sec.

of Sec. 31 owned by Geo. H. Reichman and through
the N.W. 1/4 of said Sec. 31 owned by Geo. A. Reichman
the probable cost of constructing the proposed change of
road is \$75⁰⁰ this would be required to make a safe road.

The change of road is now traveled, quite an amount of
work having been done on the same by Mr. Reichman.
There had been no work done on the portion of the old road
which it is proposed to vacate.

REPORT OF BOVD MEMBERS

2. The names of the land owners who consent to give the right of way, and we hereto attach their written consent, as follows:

John Pereira and Cliff Hudson, Geo. H. Reichman
Geo. A. Richardson,

3. The names of the land owners who do not consent, and the amount of damages claimed by each, as follows:

All land owners consent.

4. The estimate of damages in excess of benefits to the owner of any land over which it is proposed to run the highway, as follows:

The owners of the land through which the proposed change passes will be benefited fully equal to the damage.

5. The following facts, bearing upon the subject, which may be of importance to the Board:

We find as stated in the petition, that the road as originally laid out passes over very steep hills which renders said road impracticable and will be avoided by the proposed change.

We believe said ^{change of} road ~~is~~ to be practical and _____ of public utility and necessity and do _____ recommend the establishment of the same.

Dated Aug. 13 A. D., 1890

J. G. Woosley
E. M. Thorne
L. M. Morrison } Road Viewers.

Geo. H. Reichman

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 60 feet for a Right of Way, for a County Road, through ~~or along~~ the NE 1/4 of Sec. 31 T. 3 N. R. 7 E.

as viewed ~~and surveyed~~ by J. Y. Wausley, C.M.C. Morrison + C.M. Thorpe and as surveyed by C.M. Thorpe Dec. 21, 1900 on the 13th day of Aug. 1901. And hereby agree to place my fences on said lines without charge to the County.

Signed G. H. Reichman

Dated at _____ this 15 day of Aug 1901

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 60 feet for a Right of Way, for a County Road, through ~~or along~~ the N 1/2 of Sec. 32 T. 3. N R. 7 E.

as viewed ~~and surveyed~~ by C.M.C. Morrison J. Y. Wausley + C.M. Thorpe and surveyed by C.M. Thorpe Dec. 21 1900 on the 13th day of Aug. 1901. And hereby agree to place my fences on said lines without charge to the County.

Signed Perce F. Hudson

Dated at Sedan this 17 day of August 1901

Please sign & mail to C.M. Thorpe

Geo. A. Reichman

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 60 feet for a Right of Way, for a County Road, through ~~or along~~ the N.W. 1/4 of Sec. 31. T. 3 N. R. 7 E. as surveyed by C.M. Thorpe Dec. 21. 1900. and

as viewed ~~and surveyed~~ by J. Y. Wausley, C.M.C. Morrison + C.M. Thorpe on the 13th day of Aug. 1901. And hereby agree to place my fences on said lines without charge to the County.

Signed Geo. A. Reichman

Dated at _____ this _____ day of _____ 1901

Please sign & return to me C.M. Thorpe

NOTICE OF PETITION FOR OPENING PUBLIC ROAD AND TO DISCONTINUE A PORTION OF THE OLD ROAD.

NOTICE is hereby given that thirteen residents of Road Dist. No. 7 of Gallatin County, State of Montana, have filed a petition in writing with the Clerk of the Board of Commissioners of said County and State, said petition praying that a new road be established and a portion of the old road be discontinued.

A description of the route of the road which it is proposed to lay out and establish is as follows, to-wit:—Beginning at a point in the North line of the N.E. 1/4 of Sec. 32, Twp., 3, R. 7 E, said point being 1559.3 ft East of the N. 1/4 Sec. cor., of said Sec. 32. Said point being in the center line of the "Connell or Reichman" Road as originally laid out, thence S. 74° 05' W. 557 ft., S. 40° 43' W. 881.5 ft., S. 56° 53' W. 815 ft., S. 67° 58' W. 1486.5 ft., S. 84° 55' W. 302 ft., N. 63° 41' W. 1561 ft., N. 75° 02' W. 818 ft., S. 79° 40' W. 400 ft., S. 89° 00' W. 380 ft., N. 34° 54' W. 1582 ft., S. 85° 59' W. 561 ft., S. 88° 19' W. 313 ft., S. 68° 24' W. 448.5 ft., to a point in the West line of the N.W. 1/4 of Sec. 31 said T. & R. said point being 1524.5 ft., North of the W. 1/4 Sec. cor., of said Sec. 31, and being in the center line of the said Connell and Reichman Road as originally laid out. Said point to be the terminus of the proposed change. The portion of the said old road, from the above described starting point to the terminus of the said change as described above to be vacated and discontinued.

Said proposed road will be viewed by viewers appointed by the Board of County Commissioners, who will commence said view at the place of beginning of said road so proposed to be laid out and established at One (1) O'Clock P.M. on Tuesday the THIRTEENTH (13th) day of August A.D. 1901

I hereby certify that there was a copy of this above notice posted at the front door of the Recorder's office on the 16th day of July A.D. 1901

Very Respectfully

E. U. Blankenship

Clerk of the Board of Commissioners of Gallatin County,

Mont.

Subscribed and sworn to before me this 20 day of Aug. 1901
and the State Co. Surveyor.

NOTICE OF PETITION FOR OPENING PUBLIC ROAD AND TO DISCONTINUE A PORTION OF THE OLD ROAD.

NOTICE is hereby given that thirteen residents of Road Dist. No. 7 of Gallatin County, State of Montana, have filed a petition in writing with the Clerk of the Board of Commissioners of said County and State. Said petition praying that a new road be established and a portion of the old road be discontinued.

A description of the route of the road which it is proposed to lay out and establish is as follows, to-wit:—Beginning at a point in the North line of the N.E. 1/4 of Sec. 32, Twp. 3, N R. 7 E, said point being 1559.3 ft East of the N. 1/4 Sec. cor., of said Sec. 32. Said point being in the center line of the "Connell or Reichman" Road as originally laid out, thence S. 74° 05' W. 557 ft., S. 40° 13' W. 281.5 ft., S. 56° 58' W. 815 ft., S. 67° 58' W. 1486.5 ft., S. 84° 55' W. 302 ft., N. 63° 41' W. 1561 ft., N 73° 02' W. 813 ft., S 79° 40' W. 400 ft., S. 89° 00' W. 380 ft., N. 84° 54' W. 1582 ft., S. 85° 59' W. 561 ft., S. 88° 19' W. 313 ft., S. 69° 24' W. 448.5 ft., to a point in the West line of the N.W. 1/4 of Sec. 31 said T. & R. said point being 1524.5 ft., North of the W. 1/4 Sec. cor., of said Sec. 31, and being in the center line of the said Connell and Reichman Road as originally laid out. Said point to be the terminus of the proposed change. The portion of the said old road, from the above described starting point to the terminus of the said change as described above to be vacated and discontinued.

Said proposed road will be viewed by viewers appointed by the Board of County Commissioners, who will commence said view at the place of beginning of said road so proposed to be laid out and established at One (1) O'Clock P.M. on Tuesday the THIRTEENTH (13th) day of August A.D. 1901

Very Respectfully

E. J. Plankenship
Clerk of the Board of Commissioners of Gallatin County, Mont.

STATE OF MONTANA, }
County of Gallatin. } ss.

Herman G. Karde being first duly sworn deposes and says, that as the *above notice* that he received from the County Clerk of said County, on the *18* day of *July* 19*01*, ~~1901~~ three copies of the annexed notice, and that on the *19* day of *July* 19*01* he posted a copy of said notice at each of the following points, on the line of road described in said notice, to-wit: One at *the starting point here at or near the center and one at the terminus of said road*

and further deponeth sayeth not.

Subscribed and sworn to before me this *17* day of *Aug.* A. D., 19*01*
Herman G. Karde
C. M. Thorpe
Co. Surveyor.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel } No. 113 Rec'd JUL 25 1901, 190

of Geo Clerk

Bozeman, Mont.

addressed to J. J. Woosley

Sedan Mont

H. B. Burkitt, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel } No. 105 Rec'd JUL 25 1901, 190

of Geo Clerk

Bozeman, Mont.

addressed to C. M. Thorpe

Bozeman

H. B. Burkitt, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.

Registered Letter Parcel } No. 117 Rec'd JUL 25 1901, 190

of Geo Clerk

Bozeman, Mont.

addressed to C. M. Morrison

Sedan Mont

H. B. Burkitt, P. M.