

T 35 R 5 E Sec 67 6

No. 209

PETITIONER,

Geo. R. Saffley et al

Petition filed June 7th 1902

Viewers appointed July 17th 1902

Report filed Dec. 3 1902

Date of hearing 1902

Report approved Dec. 3 1902

Order of survey Dec. 3 1902

Surveyor's Report filed Jan 17 1903

Declared County Road March 7 1904

By order of the Board  
Geo. C. Davis  
Chairman

See Book - 9 - Commissioners' Proceedings,  
pages 291, 430

Recorded, Road Book, pages

County Clerk

# Change of 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. <sup>fresh holders</sup> ~~4~~ <sup>changed</sup> 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 ~~four~~ <sup>forty</sup> 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 the North East corner of section five (5) Township three (3) South range five (5) east, Gallatin County State of Montana. thence due west along the north line of said section to the Bozeman and Salesville road., running along the West line of said section five. The owners of the adjacentland are, F.K.Armstrong, H.O.Gant, D.O.Holland, Geo. R. Safley and Chas. T. Shearer, all of whom consent except said H.O. Gant. It is no damage to the said Gant except the value of the ground taken for the road. This is for the purpose of changing the course of the road which now runs diagonally across said section and locates it on the north line of said section. Your petitioners ask that so much of said road as runs diagonally across said section five be vacated.*

*Chas. T. Shearer  
Geo. R. Safley  
D. O. Holland*

- NAMES:
- 1 *Geo. R. Safley*
  - 2 *F. K. Armstrong*
  - 3 *D. O. Holland*
  - 4 *David Ludov*
  - 5 *J. A. Patten*
  - J. E. H. Gooch*

- NAMES:
- 6 *Samuel J. Phelps*
  - 7 *Chas. B. Anderson*
  - 8 *S. W. Anderson*
  - 9 *J. H. French*
  - 10 *Wm. Kurt*

June 9, 1902  
Wm. Stanburck  
By C. P. Morgan  
Attorney.

7209

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 County Road has been received in this office,  
signed by Geo. R. Saxley & others  
of Road District No. \_\_\_\_\_

The petition above referred to, petitions that a Road be established, commencing \_\_\_\_\_  
\_\_\_\_\_

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 19th day of July, 1902.

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, I hereby appoint:

C. M. Thorpe  
James Martin  
Chas. Sales

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

Yours, Very Respectfully,

Geo. E. Davis  
Chairman of the Board of County Commissioners, Gallatin County, Montana.

Dated at Bozeman, Montana, this 19 day of July, 1902.

NOTICE OF PETITION TO CHANGE PUBLIC ROAD.

NOTICE is hereby given that eleven tax payers of said Dist., T. 4. of Gallatin County, State of Montana, have filed a petition in writing with the Clerk of the Board of County Commissioners, of said County and State, said petition praying that a County Road be changed.

A description of the route of the road as proposed to be laid as follows, to-wit:—BEGINNING at the North East corner of Section Five (5) in Township Three (3) South of Range Five (5) East, Gallatin County, Mont., thence due East along the North line of said Section to the Foxe and Salesville Road, thence along the West line of said Sec. 5.

Said road will be viewed by viewers appointed by the Board of County Commissioners, according to law, who will commence said view at the place of beginning of said road so proposed to be changed on Wednesday the Tenth (10th) day of September A.D. 1902.

Said viewing to commence at Ten (10) O'Clock A.M. of said day.

Very respectfully

*E. V. Blankenship*  
County Clerk.

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

*Geo. R. Sefley*

being first duly sworn deposes and says, that ~~as the~~

he received from

the County Clerk of said County, on the 28th day of August A. D.,

~~1902~~, three copies of the annexed notice, and that on the 28 day of Aug. 1890 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 beginning, one at or near the center and one at the point of termination.

and further deponeth sayeth not.

Subscribed and sworn to before me this 29 day of August A. D., 1890 & 2

*Geo. R. Sefley*  
*E. V. Blankenship*  
County Clerk.

By *O. P. Morgan* Deputy

NOTICE OF PETITION TO CHANGE PUBLIC ROAD.

NOTICE is hereby given that eleven resident tax payers of Road District No. 4 of Gallatin County, State of Montana, have filed a petition in writing with the Clerk of the Board of County Commissioners, of said County and State. Said petition praying that a County Road be changed.

A description of the route of the road as proposed to be changed is as follows, to-wit:-

Beginning at the North East corner of Section Five (5) in Township Three (3) South of Range Five (5) East, of M.P.M., thence due West along the North line of said section to the Foxeman and Salesville Road, which runs along the West line of said Section 5.

Said road will be viewed by viewers appointed by the Board of County Commissioners, according to law, who will commence said view at the place of beginning of said road so proposed to be changed, on Monday the Twenty Fourth (24th) day of November A.D. 1902.

Said viewing to commence at Ten (10) O'Clock A.M. of said day.

Very Respectfully

*E. V. Blankenship*  
County Clerk.

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

*Su A. Wilson* being first duly sworn deposes and says, that ~~as the~~ he received from the County Clerk of said County, on the *8th* day of *November* A. D., *1902*, three copies of the annexed notice, and that on the *11* day of *Nov*, *1902* 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 beginning, one at or near the center and one at the terminus thereof*

and further deponeth sayeth not.

Subscribed and sworn to before me this *11* day of *Nov*, A. D., *1902*

*Su A. Wilson*  
*E. V. Blankenship*  
County Clerk

By *O. P. Morgan* Deputy.

# Warrant for Road Viewers.

County Clerk's Office,  
Gallatin County, Montana.

Messrs *Chas. Hooper, J. E. Martin & Chas. Sales, Sr.*

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 19th day of July 1902, to view and lay out a proposed road, as prayed for in the petition of Geo. R. Hooley, et al. and others, described as follows, to-wit: Beginning at the North East corner of Section Five (5) in Township Three (3) South of Range Five (5) East, 6<sup>th</sup> M.P.M., in Gallatin County State of Montana, thence due West along the North line of said Section 5 to the Hooper and Salesville road, running along the West line of said Section Five.

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 24th day of November A.D. 1902, commencing at the place designated in said petition as the starting point of the road sought to be at 10 O'Clock A.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 November A.D. 1902,

*C. D. Bankers*  
County Clerk,

By \_\_\_\_\_ 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 8th day  
of September 1902

*E. Blankenship, Sec. Clerk*  
*By J. O. Buzard Deputy*

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. E. Martin*

Subscribed and sworn to before me this 2nd day  
of Dec. 1902

*C. M. Thorpe*  
*County 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.

*Chas Sales*

Subscribed and sworn to before me this 24 day  
of Nov 1902

*E. M. Hopper*

*D. J. ...*

This must be returned to the County Clerk after execution.

# REPORT OF ROAD VIEWERS.

ROAD NO 209

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

We, the undersigned Road Viewers, consisting of Chas. Sales, C.M. Thorpe,  
and \_\_\_\_\_

appointed to view a proposed <sup>(Change of)</sup> road running from the North East corner of section  
5 T. 3 S. R. 5 E.  
to the North West corner of said section  
as described in the annexed petition, say, That on the 24<sup>th</sup> day of November  
A. D., 1922 we assembled at the place designated in the petition, as the starting point of such proposed  
road and proceeded to view the same, and submit the following report:

1. The width of the proposed road, the description of the <sup>NORTH</sup> center line of the same, the length, how  
defined, the marks and sources, 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 40 feet.  
The description of the north line of the 40 foot  
width of way is as follows: beginning at the North East corner of section 5  
T. 3 S. R. 5 E. thence one mile west along the  
North West corner of said section 5 at which point it  
intersects with the Bozeman and Selkirk road.  
The line of the road is defined by the U.S. Gov. corners.  
The grades will not exceed 5% when properly graded.  
The character of the ground is suitable for road building.  
For names of land owners along the proposed  
road see enclosed maps.  
The probable cost of constructing the proposed road  
is as follows:

For gradings at crossings of three fences.	\$ 125.00
For 3 stone culverts.	127.00
For 3 culverts on irregularly sitches.	30.00

As F. K. Armstrong, Sel. R. Saffin, and Chas. S. Sweeney  
the land owners in section 5 are to be benefited  
by the vacation of the old road through said section,  
and as the proposed change is to a way for their  
benefit and not a public benefit, we believe that  
they should give up the right of way (and we have  
so pinned the road) ~~and that they should also be~~  
~~aid of the gradings, road and the culverts on~~  
~~all existing ditches. For this the county should~~

~~build the stone culverts as the bridge & culverts  
on the old road were in a short time ready  
to be replaced.~~

We would recommend that the old road running south  
westward from near the North East corner of said Section 5  
across said Section, be treated, and discontinued  
whenever the proposed new road shall be opened,  
graded, and ready for travel.

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

F.K. Armstrong, + Geo. R. Saffrey.

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

There are no claims for damages.

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:

All land owners along the proposed road will be benefited by the same.

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

H. O. Lamb the owner of land in section 32, which joins the proposed road on the north claims \$500.00 if the road was to be built on the section line taking 20 feet of ground from his land for  $\frac{3}{4}$  of a mile.

D. O. Haland consents to give 20 feet for  $\frac{1}{4}$  mile. H. O. Lamb gives 20 feet.

We believe said road <sup>change of</sup> to be practical and ~~of~~ public utility and necessity and do recommend the establishment of the same. and the necessity of the same.

Dated Nov. 24 A. D., 1892

C. M. Hooper.  
Chas. Sales

Road Viewers.

Will not dissent at the view of the proposed change of road. I concur in the above report as I am familiar with the road as petitioned for.

J. E. Mastin

Bozeman, Montana, JAN 16 1904

To the Honorable Board of County Commissioners of  
Gallatin County, Montana,

Gentlemen:-

I hereby report to your Honorable Body that on,  
JAN 16 1904 I filed in the office of the County Clerk  
of Gallatin County, Montana, the Plat and Field Notes of

*Geo. R. Saffley Road No. 209, Sec P. 129 Vol. B.*

Very Respectfully

*C. M. G. Wolfe*  
County Surveyor.

3  
1  
1

JAN 10 1904

*[Faint handwritten notes]*

JAN 10 1904

RECEIVED

JAN 10 1904

*[Signature]*

County Clerk

Deputy

209

BOZEMAN, MONTANA, Jan. 17 1903

To the honorable Board of County  
Commissioners of Gallatin County Montana,  
Gentlemen:-

As ordered by your honorable body I have  
surveyed the road petitioned for by Geo. R. Saffley.  
County Road No. 209 and have set iron  
monuments at all U.S. Gov. corners along said road.  
A map of the survey will be filed later.  
Respectfully,

C. M. Thorpe  
County Surveyor.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 40 feet for a Right of Way for a County Road, through ~~the~~ the North Side of the N.W. 1/4 of Sec. 5 T. 3 S. R. 5 E.

as viewed and surveyed by Chas. Sales and C.M. Thorpe on the 24th day of Nov. 1902 And hereby agree to place my fences on said lines without charge to the County.

Signed Geo. R. Safley

Dated at Bogman this 1 day of Dec. 1902

ACKNOWLEDGEMENT.

STATE OF MONTANA, } ss. On this 1st day of Dec. A. D. 1902, before me County of Gallatin, in and for said County, came Geo. R. Safley

who is personally known to me to be the person... described in and who signed the annexed consent for right of way and acknowledged to me that he had executed the same freely and voluntarily, for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.

C. M. Thorpe, County Surveyor.



# To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 40 feet for a Right of Way for a County Road, ~~through~~ along the North side of the N. E. 1/4 of Sec. 5 T. 3 S. R. 5 E.

as viewed ~~and surveyed~~ by Chas. Salts + C. M. Thorpe on the 27<sup>th</sup> day of Nov. 1902. And hereby agree to place my fences on said lines without charge to the County.

Signed [Signature]  
Dated at Bozeman this 1 day of Dec 1902

## ACKNOWLEDGEMENT.

STATE OF MONTANA, }  
County of Gallatin, } ss. On this 1<sup>st</sup> day of Dec. A. D. 1902, before me County surveyor in and for said County, came F. H. Armstrong,

who is personally known to me to be the person... described in and who signed the annexed consent for right of way and acknowledged to me that... he had executed the same freely and voluntarily, for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.  
C. M. Thorpe  
County surveyor.

# To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 20 feet for a Right of Way  
for a County Road, ~~through~~ along the South line of S. W. 1/4 of S. W. 1/4  
of sec 32 T. 2 S. R. 5 E.  
provided the center line of the road is made to follow  
the South line of said section 32 for the full length of said  
road  
as viewed and surveyed by Chas. Sales & C. M. T. Hooker  
on the 24<sup>th</sup> day of Nov. 1902 And hereby agree to  
place my fences on said lines without charge to the County.

Signed D. O. Hollander,

Dated at Middle Creek this 24 day of Nov. 1902

## ACKNOWLEDGEMENT.

STATE OF MONTANA, }  
County of Gallatin, } ss. On this 24<sup>th</sup> day of November  
A. D. 1902, before me County Surveyor,  
in and for said County, came D. O. Hollander,

who is personally known to me to be the person described in and who signed the annexed consent  
for right of way and acknowledged to me that he had executed the same freely and voluntarily,  
for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I hereunto set my hand the day and year first above written.

C. M. T. Hooker

County Surveyor

# Notice of Opening Public Road.

Notice is hereby given that after sixty days from the date of posting this notice, a public highway will be opened over the following route, to-wit : Commencing ( )

By order of the Board of County Commissioners of Gallatin County, Montan .

Dated ~~December 15, 1902~~ 1899

*E. J. Blankenship*  
Clerk,

By \_\_\_\_\_ Deputy.

Date of Posting Jan 5 1903 189

State of Montana,  
County of Gallatin.

*C. M. Thorpe*, being first duly sworn, deposes and says, that as the County Surveyor he received from the County Clerk of said County, on the 3<sup>d</sup> day of January, A. D. 1903, three copies of the annexed notice, and that on the 5 day of January, 1903, 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, one about midway, and one at the terminus of the proposed road.  
and further deponent sayeth not.

Subscribed and sworn to before me this 2<sup>nd</sup> day of Feb A. D. 1903

*A. A. Cameron*  
County Clerk

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.  
Registered Letter Parcel } No. 378 Rec'd Aug 20, 1902  
of Co. Clerk

Bozeman, Mont.  
addressed to Chas. Sales, Esq.

I. L. KIRK, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.  
Registered Letter Parcel } No. 376 Rec'd AUG 20, 1902  
of Co. Clerk

Bozeman, Mont.  
addressed to James E. Martin, Esq.

I. L. KIRK, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.  
Registered Letter Parcel } No. 923 Rec'd NOV 8, 1902  
of Co. Clerk

Bozeman, Mont.  
addressed to C. M. Thayer, Esq.

P. M.

REGISTRY RECEIPT.

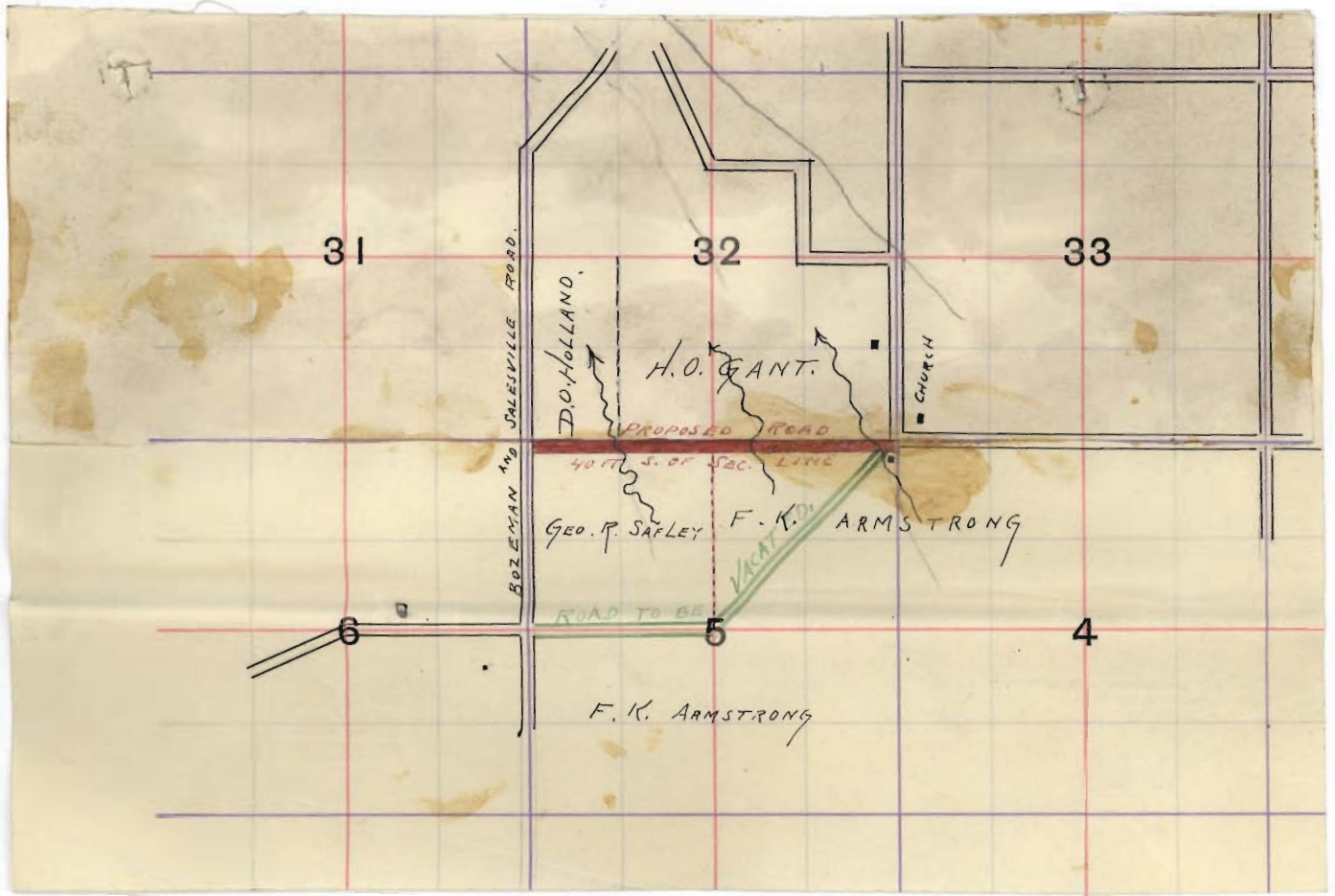
Post Office at Bozeman, Mont.  
Registered Letter Parcel } No. 373 Rec'd AUG 29 1902, 190  
of Co. Clerk  
addressed to C. M. Thorpe Esq.  
Bozeman, Mont.  
I. L. KIRK, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.  
Registered Letter Parcel } No. 922 Rec'd NOV 8 - 1902, 190  
of Co. Clerk  
addressed to Chas. Sales, Sr.  
Bozeman, Mont.  
I. L. KIRK, P. M.

REGISTRY RECEIPT.

Post Office at Bozeman, Mont.  
Registered Letter Parcel } No. 921 Rec'd NOV 8 - 1902, 190  
of Co. Clerk  
addressed to James E. Martin, Sr.  
Bozeman, Mont.  
I. L. KIRK, P. M.



**RESOLUTION 2001-31**

**A RESOLUTION AFFIRMING JOHNSON ROAD  
AND DISCLAIMING INTEREST IN A TRACT OF LAND LOCATED  
IN SECTION 32, TOWNSHIP 2 NORTH, RANGE 5 EAST, GALLATIN COUNTY**

This resolution was introduced by Susan Swimley, attorney at law. Commissioner Vincent moved approval of the Resolution. Commissioner Mitchell seconded the motion. The Motion was unanimous. Commissioner Murdock was absent.

WHEREAS, Thomas and Shannon Nygard own a tract of land (hereinafter referred to as Nygard property) directly north of a portion of Johnson Road, said tract of land located in the South ½ of the SE ¼ of Section 32, Township 2 South, Range 5 East, more particularly described as commencing at a point on the South line of said Section, 548 feet East of the South One-Quarter corner thereof; thence running North 37° 49' East 524 feet; thence North 64° 06' East 340 feet; thence South 17° 40' East 610 feet to the South line of the above described Section; then North 89° 00' West along said South line 812.5 feet to the point of beginning, being the same land referred to and described as Tract 1 in Book 99 of Deeds at page 434, in the office of the Gallatin County Clerk and Recorder; and

WHEREAS, that portion of Johnson Road directly south of the Nygard property was created by the Gallatin County Commission when it approved Road Petition 209, in 1903; and

WHEREAS, Johnson Road is a 40 foot wide county road located entirely in Section 5, Township 2 South, Range 5 East and the north boundary of the road is south of the section line; and

WHEREAS, title insurance on the Nygard property shows special exception number 5 as "right of Way for, or any portion falling within roads including but not limited to Johnson Road, running across the above described property as disclosed by the Gallatin County Road Book"; and

WHEREAS, a close examination of the records in the office of Clerk and Recorder and Gallatin County Road Department show that Johnson Road is located entirely south of the Nygard property.

NOW THEREFORE BE IS RESOLVED that

1. The Gallatin County Commission recognizes that Johnson Road, as created in Petition 209, is located entirely in Section 5, Township 2 South, Range 5 East in Gallatin County, Montana.

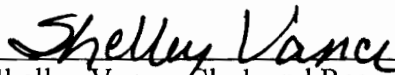
2. The Gallatin County Commission recognizes and acknowledges that Johnson Road as created in Petition 209 does not run across the Nygard property.
3. The Gallatin County Commission hereby disclaims and releases any interest in Johnson Road right of way that may run across the Nygard property located in Section 32, T2S, R5E as such interest may appear in the Gallatin County Road Book.

Dated this 20 day of March, 2001.



\_\_\_\_\_  
Jennifer Smith Mitchell, Chairman

ATTESTED:

  
\_\_\_\_\_  
Shelley Vance, Clerk and Recorder  
Gallatin County Montana

cc: Gallatin County Road Department  
Thomas and Shannon Nygard, 3113 Johnson Road, Bozeman, MT 59715