

No. 234

PETITIONER,

B. A. Scollard et al

Petition filed Dec 10 1903

Viewers appointed Dec 15 1903

Report filed Feb 1 1904

Date of hearing Mar. 7th 2 P.M. 1904

Report approved 190

Order of survey 190

Surveyor's Report filed 190

Declared County Road 190

Rejected by order
of the Board

March 10th 1905

Geo. E. Davis
Chairman

See Book 9 Commissioners' Proceedings,
pages 423, 428, 586

Recorded, Road Book, pages

J. A. Cameron County Clerk

Write Scollard

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. 8, 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:

a Beginning at the South Corner of Section Thirty-~~two~~ in Tp 18 of R 3 E, thence running East on section line as near as may be practicable until said proposed road intersects with the Camp Creek Road.

b Said road will be established over portions of Sections 29, 32, 28, and 33, in Tp 15 of R. 3 E.

c All abutting owners of lands consent to the opening of said road, except that each asks that the county fence said right-of-way. The State of Montana owns Sections 28 and 32; S. McKernan, Trustee, owns Sections 29 and 33; Frank House is lessee of said Section 33 and asks that the right of way along south ^{or} ~~and that the county allow in~~ ^{of Gallatin in damages for the fencing thereof} Lewis Swelliges and Alf Walrass are lessees of Sections 29, 32, and that portion of Section 33, abutting the proposed line of road. They ask that said line of road be fenced but that the county put in and maintain for their use a cattle chute under said ^{or that the county allow them damages for fencing and cattle chute in the} ~~of that the county allow them damages for fencing and cattle chute in the~~ ^{to be made a part of the} ~~of that the county allow them damages for fencing and cattle chute in the~~ ^{to be made a part of the}

NAMES:

NAMES:

- 1
- 2 H. ...
- 3
- 4
- 5

- 6
- 7
- 8
- 9
- 10

refer

EXHIBIT "A".

The probable cost of the fencing and the cattle chute above mentioned will be about Three Hundred Fifty Dollars. The opening of said road will be of no benefit to the abutting land owners or lessees, but will for the most part be detrimental to their interests.

The opening of this road, however, is almost an absolute necessity, for the reason that a large community is dependent upon the springs in Camp Creek for water for household and domestic uses, and there is at present no road by which they can reach said water without passing through fields and opening gates. Also, this line of road will connect two existing laid-out roads and will shorten the road between the settlement on the foot-hills to the West of Camp Creek and Bozeman. Said proposed road is a necessity to nearly every settler to the west of the point of beginning of said road in getting to market, to school and to water

Of the above sum of \$350⁰⁰ estimated costs of this road, Terwilliger & Walcott claim damage for fencing in the sum of \$200⁰⁰.

234

Good Petition
of B. A. Sealand
et al

RECEIVED

DEC 10 1908

A. J. M. [Signature]
County Clerk.

By

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 B. A. Scollard and others residents of Road District No. 8

The petition above referred to, petitions that a Road be established, commencing at the S.E. corner of Sec 30, T. 1 S., R. 3 E., thence running East on Sec. line as near as may be practicable until said proposed road intersects with Camp Creek road.

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

Yours, Very Respectfully,

A. A. Cameron
County Clerk and Recorder.

Dated at, Bozeman, Montana, this 10 day of Dec 1903.

OFFICE OF

The Board of County Commissioners,

GALLATIN COUNTY, MONTANA.

A. A. Cameron
MR. ~~E. V. BLANKENSHIP~~
County Clerk, Gallatin County, Montana.

DEAR SIR:—In pursuance of the above notice, I hereby appoint:

C. M. Thoepe
Matt Keible
Ed. Davidson

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 15th day of Dec 1903.

Warrant for Road Viewers.

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

Mr. *C. M. Thorpe, Matt Nibel & E. M. Davidson*

You are hereby notified that you were duly appointed Road Viewer by Geo. F. Davis
Chairman of the Board of County Commissioners of Gallatin County, Montana, on the 15th
day of December 1903, to view and lay out a proposed road, as prayed for in the
petition of H. A. Scollard and others, described as follows, to-wit:
~~Commencing at the southeast corner of Section 80, T.1.S.R.S.S.,~~
~~thence running East on Section line as near as may be practical~~
~~until said proposed road intersects with Camp Creek road.~~

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with yourself, who were duly appointed as
Viewers on said road by the Chairman of the Board of County Commissioners on the 10th
day of January, at 10⁰⁰ O'clock A.M. 1904, commencing at the place designated in said petition as the
starting point of the road sought to be established 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 18th
day of December 1903.

Q. A. Cameron
County Clerk,

By _____
Deputy.

Bozeman, Montana, Jan. 14, 1904,

r.

Dear Sir:-

You are hereby notified that we, the undersigned Road Viewers appointed by the Board of County Commissioners of the County of Gallatin, State of Montana, to view and mark out a proposed new road as prayed for in the petition of F. A. Scollard and others will meet for such view on the 18th day of Jan. at 10 o'clock A. M. at the point designated in said petition as the starting point of said proposed road, which is described as follows, to wit:-

beginning at the Southeast corner of Section 30, in T. 1 S. of R. 3 E., thence running East on Section line as near as may be practicable until said proposed road intersects with the Camp Creek Road.

You are requested to be present at such viewing.

C. M. Thorpe
Watt. Noble
E. M. Davidson

Viewers.

Bozeman, Montana, Jan. 14, 1904

A copy of the notice hereto attached was, on the above date sent by Registered mail, to the following land owners along the line of said proposed road:

A. J. Walrath,

Bozeman,

Frank House

Manhattan.

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. Thorne

Subscribed and sworn to before me this 14th day
of January 1904

A. G. Cameron
Co. 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.

Matt Niebel

Subscribed and sworn to before me this 18th day
of January 1904

C. M. Thorne
County Surveyor

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 234

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

We, the undersigned Road Viewers, consisting of Matt. Nibel, and
C.M. Hooper, two of the viewers appointed on
Dec. 15 1903.

appointed to view a proposed road running from the S. E. Corner of Sec.
30 T. 1 S. R. 3 E. running East
to the Camp Creek Road

as described in the annexed petition, say, That on the 18 day of January
A. D., 1904 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: the other viewer
Ed Davidson did not appear.

1. The width of the proposed road, the description of the 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 60 feet.
The description of the center line is as follows
to wit: Beginning at the south east corner
of section 30 T. 1 S. R. 3 E. thence running
East on section line between sections 29 & 32,
and between sections 28 and 33, of said
township and Range, to the top of the hill on the west
side of Camp Creek, thence south easterly on a grade
of 8% crossing the W. B. J. Co's Canal & running to
the County Road on Camp Creek.

The length is about 1 3/4 miles.
The line of the road will be defined by the
U. S. Gov. lines when surveyed.
The grades will not exceed 8 or 10% where
properly graded.

The character of the ground is suitable
for road building.

See annexed sketch for names of land
owners.

The probable cost of the proposed road is

<u>for grading</u>	<u>\$12000</u>
<u>for Culverts and Bridges.</u>	<u>\$ 95.00</u>
<u>Total</u>	<u>\$ 12095.00</u>

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

Frank House

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

Lewis Fennelliger and A. J. Walrath, lessees of Section 29, 32, + 33 claim cost of fence amounting to \$200.00
N.G. S. Co. have referred the matter to Fennelliger and Walrath

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:

We believe all land owners will be benefited fully equal to the damages.

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

We find the proposed road is needed as an outlet for settlers.

We believe said road _____ to be practical and _____ of public utility and necessity and do _____ recommend the establishment of the same.

Dated Jun 20 1904 ~~A. D. 189~~

Matt Diebel
C. W. Thorpe

Road Viewers.

To the County of Gallatin, State of Montana:

I Hereby Agree, and consent to give 30 feet for a Right of Way
for a County Road, ~~through~~ or along the south side of the S.E. 1/4 of S.W. 1/4,
and the S.E. 1/4 of Section 28 T. 1 S. R. 3 E.
from the Camp Creek Road. West.

Sec. _____, T. _____, R. _____
as viewed and surveyed by Matt Nibel, and C.M. Thorpe
on the 18th day of January 1904. And hereby agree to
place my fences on said lines without charge to the County.

Signed Frank Horne.

Dated at _____ this 18 day of Jan. 1904

ACKNOWLEDGEMENT.

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

On this 18th day of Jan.
A. D. 1904, before me County Surveyor
in and for said County, came Frank Horne

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.

Union Bank and Trust Company.

of Montana.

Henry Klein, President.
 A. P. Curtin, Vice President.
 George L. Ramsey, Cashier.
 Frank Bogart, Asst. Cashier.
 J. M. Kennan, Secretary.

Helena January 22, 1904

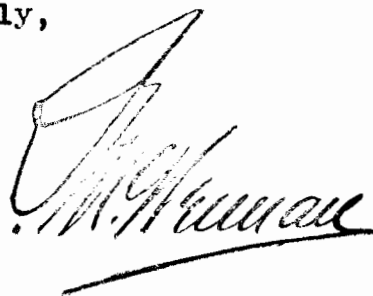
C. M. Thorpe,
 County Surveyor,
 Bozeman, Montana.

Dear Sir:

I return herewith consent for right of way for county road on the east side of the Southeast quarter (SE $\frac{1}{4}$) of Section seven (S-7) Township one south (T/1-S₀) of Range three east (R.3-E), properly executed. In regard to the consent for right of way along south side of Section twenty-nine (S.29), and North side of Section thirty-three (S.33), I beg to advise that I have sent the document to Mr Walrath, lessee of this land, for his approval.

Yours respectfully,

M/H-1



T. 1 S.

R. 3 E.

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HOUSE ROAD.

W.G.I. CO.
LEASED BY
WALRATH AND TERWELLIGER.

STATE LAND
LEASED BY
FRANK HOUSE

T. CRUSE

T. CRUSE

CAMP CREEK ROAD

PROPOSED ROAD 60 FT. WIDE

STATE LAND
LEASED BY
WALRATH AND TERWELLIGER

W.G.I. CO.
LEASED BY
WALRATH AND TERWELLIGER

40 Chains to 1 Inch.