

No. 239

PETITIONER,

Frank D. Wood,
Levi M. Collough et al

Petition filed *March 7* 1904

Viewers appointed *July 1* 1904

Report filed *August 9* 1904

Date of hearing *None required* 1904

Report approved *Aug. 9th* 1904

Order of survey *Aug. 9th* 1904

Surveyor's Report filed *Jan 3* 1905

Declared County Road *Jan 3* 1905

Change postal

Notice created

See Book *9* Commissioners' Proceedings,
pages *468, 509, 570*

Recorded, Road Book, pages

County Clerk

Wrote Frank Wood
manuscript

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. 6, 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. Commencing at a point where the Dry Creek and Maudlow Road crosses the I/4 Section line between the N. W. I/4 and the S. W. I/4 of Section 32, T.4 N., R.5 E. near the W. I/4 Corner of said Section; thence West on North side of said I/4 line to the center of Section 31 of same township and Range where it intersects a County Road known as the Callantine Road,
- B. Said I/4 line to be the South line of said proposed road thus
- C. taking all of the right of way from the N. E. I/4 of said Sec.
- D. 31 owned by Frank Woods, who consents thereto, and from the
- E. N. W. I/4 of Sec. 32 owned by Chas. Jordan.

That portion of the Dry Creek and Maudlow Road from the above described starting point running Northwesterly to where said Callantine Road intersects said Road on the West line of the N. E. I/4 of said Section 31 near the North I/4 Corner thereof to be vacated and discontinued whenever this petition shall be granted.

- F. The parties benefitted hereby agree to do all the work necessary to put the proposed road in as good condition as the old road and not to close said old road until the pro-

posed road has been opened, graded and accepted by your Honorable Body.

NAMES:

- 1. SAM DUNCAN
- 2. Levi McCallough
- 3. Thos. Callantine
- 4. Chas. Callantine
- 5. Ross Maudlow

- 6. C. C. McBeans
- 7. A. J. Skinters
- 8. A. B. Skinters
- 9. Frank B. Wood
- 10. O. Haugkarsen

~~St. Jundolt~~

J. Benson

Orville Collins

W. A. Myers

J. H. Reed

C. E. Ueguhart

S. H. Carleton

R. P. Wall

W. G. Alexander

J. J. Miller

J. F. Miller

L. I. Miller

Albert Gibson

Noah W. Bennett

Millar Fleming

B. P. Hatfield

Albert Sillery

Wm. H. Ueguhart

J. J. Ueguhart

O. A. Baxter

August Accola

M. G. Richmond



FILED

MAR 7 1904

County Clerk.

By Deputy

... R. B. R. near the W. 1/4
 ... of said 1/4
 ... and range
 ... road,
 ... road this

FOR BR

and the

and accepted

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

~~MON. J. L. PATTERSON,~~

Chairman of the Board of County Commissioners, Gallatin County, Montana.

Geo E Davis

DEAR SIR:—You are hereby notified that a petition for a County Road has been received in this office,

signed by *Levi M Colbaugh and others*

of Road District No.

The petition above referred to, petitions that a Road be established, commencing at a point where the Dry Creek ^{and} Maudlow road crosses the 1/4 section line between the N.W. 1/4 and the S.W. 1/4 of Sec. 32, T4 N, R5 E near the W. 1/4 corner of said section; thence West on north side of said 1/4 line to the center of Sec 31, same T ^{and} R, where it intersects a County road known as the Callentine 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 *1st* day of *July* 190*4*.

OFFICE OF

The Board of County Commissioners,

GALLATIN COUNTY, MONTANA.

A. A. Cameron

~~MR. B. V. BLANKENSHIP,~~

County Clerk, Gallatin County, Montana.

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

C. M. Thorpe
Paul Chrisman
Peter Neunfeldt

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 *1st* day of *July* 190*4*.

Warrant for Road Viewers.

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

Ca
Mr. *C. M. Thorpe, Peter Neunfeldt & Paul Christman*

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 1st
day of July 1904, to view and lay out a proposed road, as prayed for in the
petition of Levi McCollough and others, described as follows, to-wit:

Commencing at a point where the Dry Creek and McCollough road
crosses the 1/4 section line between the N.W. 1/4 and the S.W. 1/4
of section 32, T. 4. N. R. 1. E., near the west 1/4 corner of said
section; thence west on north side of said 1/4 line to the center
of section 31, same T. and R., where it intersects a county road
known as the Gallatin 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 30th
day of July 1904, at 8⁰⁰ O'Clock, A. M., commencing at the place designated in said petition as the
starting point of the road sought to be _____ 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 11th
day of July 1904.

A. A. Cameron
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.

Paul Chrisman

Subscribed and sworn to before me this 30th day
of July 1904.

C. M. Thorpe
Co. 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.

C. M. Thorpe

Subscribed and sworn to before me this 28 day
of July 1904.

A. A. 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.

Peter Newfield

Subscribed and sworn to before me this 30th day

of July 1904.

B. M. Thorne

Co. Surveyor

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 239

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

We, the undersigned Road Viewers, consisting of Paul Christman, Peter Kemmelfelt,
+ C.M. Thoburn

appointed to view a proposed ^{change of} road running from the Dry Creek & Mandlow Road
through the center of Sec 31 T. 4 N. R. 5 E
to the Callantim Road

as described in the annexed petition, say, That on the 30 day of July
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:

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 40 feet.

The description of the center line is as follows to wit:
beginning at a point in the Dry Creek & Mandlow
Road said point being 100 feet easterly from the angle
point in said road on the summit between Dry Creek
and 16 miles thence south westerly to a point 20 feet north
of the E. 1/4 Sec. Cor. of Sec. 31 T. 4 N. R. 5 E. thence
west 1/2 mile to a point in the County Road known as
the Callantim Road said point being 20 feet
north of the S.W. corner of the N.E. 1/4 of said Sec 31
the line of the road is defined by a blazed fence post
at the starting point and by the U.S. Gov. corner,
the grade of the proposed road will not exceed 6%
the owners of the land are as follows.

Frank Woods owner of N.E. 1/4 of Sec. 31 T. 4 N. R. 5 E.

Chas. Jordan N.W. 1/4 of Sec 32

The cost of the grading required to make the
proposed road as good as the old road will not
exceed \$10 to \$15 or. Frank Woods agrees to do all
work necessary to put the proposed road in as
good condition as the old road for travel and
not to close the old road until the proposed road
has been opened, graded, and accepted by
your honorable body.

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 Wood + C. E. Jordan

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

All 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:

No Damages claimed or allowed

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

The change will put the road on the subdivision line and saving cutting through good farm land with easier grades.

We believe said road ^{change of} _____ to be practical and _____ of public utility and necessity and do _____ recommend the establishment of the same. ^{and the relocation of the old road from the starting point of the proposed road to the point where the Columbus road intersects the same.}
Dated July 30 1904 A. D., 188

Paul Schismear
Peter Neunfeldt
C. M. Thorpe

Road Viewers.

BOZEMAN, MONTANA. Jan 3 1905

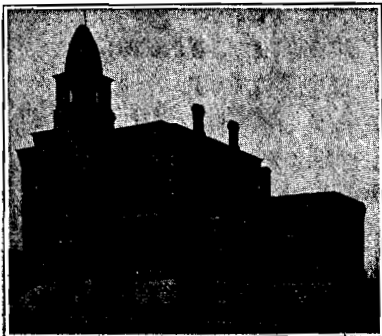
To the Honorable Board of County Commissioners
of Gallatin Co Mont.

Gentlemen:-

As instructed I have surveyed
the Frank B Woods road No. 239, and have
marked all angle points with iron monuments
the map of said road will be filed later.

Respectfully,

C. M. Thorpe
Co. Surveyor.



OFFICE IN CITY HALL

C. M. THORPE
COUNTY SURVEYOR GALLATIN COUNTY

Bozeman, Montana, March 5, 1906.

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

Gentlemen:- I hereby certify to your Honorable Body
that I have this day filed in the office of the County Clerk, the
Plat and Field Notes of "F. B. WOODS CHANGE" NO 239,

Very respectfully,

C. M. Thorpe
County Surveyor.

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. 32 T. 4 N. R. 5 E.

from a point in the Dry Creek & Moundlow Road (said point being on the summit between Dry Creek & 16 Mile Cr.) to the S.W. Cor. of N.W. 1/4 of said Sec. 32, T. , R. ,

as viewed ~~and surveyed~~ by Paul Christman Peter Wamfeldt & C.M. T. Lopez on the 30th day of July 1904

And hereby agree to provide I am not put to any expense for changing or building fence ~~place my fences on said lines without charge to the County.~~

Signed C. E. Jordan

Dated at _____ this 30 day of July 1904

ACKNOWLEDGEMENT.

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

On this 30th day of July

A. D. 1904, before me Co. Surveyor

in and for said County, came C. E. Jordan

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. Lopez

Co. 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 or along the South Line of the NE 1/4 of Sec 31 T. 4 N. R. 5 E.

as viewed and surveyed by Paul ... Peter ...

on the 30 day of July 1904 And hereby agree to

place fences on said lines without charge to the County. PROVIDED THE OLD ROAD THROUGH THE NW 1/4 OF SEC 31 ...

Signed F. B. Wood

Dated at this 30th day of July 1904

ACKNOWLEDGEMENT.

STATE OF MONTANA, } ss. County of Gallatin,

On this 30th day of July

A. D. 1904, before me F. B. Wood in and for said County, came

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.

Signature of official

Notice of Opening Public Road.

a public highway 40 ft. in width has been established
 Notice is hereby given that ~~the same will be opened on the date of posting this notice~~
 will be opened over the following route, to-wit: ~~Beginning at a point in the~~ Beginning at a point in the
 Dry Creek and Maudlow Road, said point being about 100 feet
 easterly from the angle point in said road on the summit between
 Dry Creek and Sixteen Mile, thence Southwesterly to a point 20
 feet North of the E. 1/4 Sec. Cor. of Sec. 31, T.4 N., R.5 E. thence
 West 1/2 mile to a point in the Callantine Road, said point being
 20 feet North of the S.W. Cor. of the N.E. 1/4 of said Sec. 31,
 and that after esxty days from the date of posting this notice
 the same will be opened and worked.

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

Dated 189.

C. M. Thorne
 Co. Surveyor. Clerk,

By Deputy.

Date of Posting Dec 12 1904 189

State of Montana,
County of Gallatin.

C. M. Thorne being first duly sworn, deposes and says, that as the
Co. Surveyor he received from

the County Clerk of said County, on the day of A. D.
he prepared
 1904, three copies of the annexed notice, and that on the 12 day of Dec., 1904,

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 Starting point, one about midway,
and one at terminus.

and further deponent sayeth not.

C. M. Thorne
J. A. American
 Co. Clerk

Subscribed and sworn to before me this 3 day of January, A. D. 1904

REGISTRY RETURN RECEIPT.

Form No. 1548.

Received from the Postmaster at Bozeman, Mont.
(Delivering office.)

Registered ^{Letter}~~Parcel~~ No. 64 from Bozeman, Mont.
(Office of origin.)

Addressed to L. M. Choate
(Name of addressee.)

Date July 14, 1904
(Date of delivery.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt.

L. M. Choate
(Signature or name of addressee.)

(Signature of addressee's agent.)

A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. When the above receipt has been properly signed, it must be postmarked with name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

REGISTRY RETURN RECEIPT.

Form No. 1548.

Received from the Postmaster at Bellevue, Mont.
(Delivering office.)

Registered ^{Letter}~~Parcel~~ No. 61 from Bozeman, Mont.
(Office of origin.)

Addressed to Paul Chikman
(Name of addressee.)

Date July 19, 1904
(Date of delivery.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt.

Paul Chikman
(Signature or name of addressee.)

(Signature of addressee's agent.)

A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. When the above receipt has been properly signed, it must be postmarked with name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.

REGISTRY RETURN RECEIPT.

Form No. 1548.

Received from the Postmaster at Gallup, Mont.
(Delivering office.)

Registered ^{Letter}~~Parcel~~ No. 62 from Bozeman, Mont.
(Office of origin.)

Addressed to Peter Neunfeldt
(Name of addressee.)

Date _____, 1904
(Date of delivery.)

When delivery is made to an agent of the addressee, both addressee's name and agent's signature must appear in this receipt.

Pete Neunfeldt
(Signature or name of addressee.)

P. H. ...
(Signature of addressee's agent.)

A registered article must not be delivered to anyone but the addressee, except upon the addressee's written order. When the above receipt has been properly signed, it must be postmarked with name of delivering office and actual date of delivery and mailed to its address, without envelope or postage.