

No. 255

PETITIONER,

Adebert Strong et al

Petition filed *March 4* 1905

Viewers appointed *Mar 10* 1905

Report filed *May 1st* 1905

Date of hearing *May 15* 1905

Report approved *May 15th* 1905

Order of survey *May 15th* 1905

Surveyor's Report filed *July 22* 1905

Declared County Road *Dec 8* 1905

*By order of the Board
this 8th day of
December, 1905
Geo. E. Davis
Chairman*

See Book *9* Commissioners' Proceedings,
pages *587, 595, 598*

Recorded, Road Book, pages _____

County Clerk

Petition For Road.

To The Hon. Board of County Commissioners, of Gallatin County, Mont.:

The Undersigned, Your petitioners, Citizens of the United States, respectfully show and represent that they are residents of and freeholders in Road District No. 8, in the County of Gallatin, State of Montana, and taxable therein for road purposes, 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 60 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 such right-of-way where such consent is not had.
- (g) The necessity for and advantages of the proposed road as follows, to-wit:

(a) Said proposed road shall begin at the Northwest Corner of Section thirty-two (32) in Township one (1) South of Range Three (3) East, in Gallatin County, Montana, the same being the southern extremity of the Frank House Road, a public highway, thence shall run east on section line so nearly as may be practicable a distance of about one and three fourths miles until it intersects the Camp Creek road, a public highway.

(b) It is proposed to establish said proposed road over a strip of land sixty (60) feet in width, thirty (30) feet of which width shall lie on either side of the section line along which said proposed road is to pass. It is proposed to acquire the right-of-way for said proposed road a strip of land thirty feet wide off the south side of Section twenty-nine (29) in said Township one (1) South of Range Three (3) East; also a strip of land thirty feet wide off the north side of said Section thirty-two (32); also a strip of land thirty (30) feet wide off the south side of Section twenty-eight (28), said township and range, from the southwest corner thereof to the said Camp Creek road; also a strip of land thirty (30) feet wide off the north side of Section thirty-three (33), said township and range, from the northwest corner thereof to the said Camp Creek road.

(c) Said Sections twenty-nine (29) and thirty-three (33) are owned by the West Gallatin Irrigation Company; Terwilliger & Walrath are lessors thereof.

Said Sections thirty-two (32) and West Half of Section twenty-eight (28) are owned by the State of Montana, Terwilliger & Walrath are lessors of said Section thirty-two (32), and Frank House is lessor of West Half of said Section twenty-eight (28).

The West Half of Southeast quarter of said section twenty-eight (28) is owned by Thomas Cruz.

(d & e) None of the owners or lessors named in paragraph c consent to the opening of said road.

(f) The probable cost of said right of way where such consent cannot be had is estimated as follows: To West Gallatin Irrigation Company and Terwilliger & Walrath for extra fencing occasioned by said proposed road on said sections twenty-nine (29) and thirty-three (33) Two hundred dollars (\$200.00). To State of Montana and Frank House for extra fencing on said Section* twenty-eight (28), Fifty dollars (\$50.00) To Thomas Cruz Twenty-five (\$25.00) Dollars for moving back one fourth mile of fence on south side of Southwest Quarter of Southeast Quarter of said Section Twenty-eight (28).

(g) This proposed road is an absolute necessity to a large number of people living to the west of the western terminus of this road, in that they are obliged to haul water from the Camp Creek Springs and have at present no established road leading thereto. Also said proposed road is the shortest route to the County seat from the foot hills above the western end of said road. Furthermore said proposed road connects the Frank House road with the Camp Creek road, thus making both roads more serviceable to the public.

- NAMES
- 1 B. Scollard
 - 2 Adelbert Strong
 - 3 A. J. Clings
 - 4 H. V. Scollard
 - 5 Thomas Hobbschill

- NAMES
- 6 A. D. Patter
 - 7 H. Barnhart
 - 8 J. E. Scollard
 - 9 Louis Churchill
 - 10 Frank Kemmer

- | | |
|-------------------------------|----------------------------|
| 11. <i>Biley & Munyon</i> | 16. <i>J. H. Forthum</i> |
| 12. <i>J. T. Ripple</i> | 17. <i>D. A. Robertson</i> |
| 13. <i>John Souwolt</i> | 18. <i>A. W. Smith</i> |
| 14. <i>Amos Walbrath</i> | 19. <i>John Moffet</i> |
| 15. <i>Amos McGurley</i> | 20. |

No. *255*

Road Petition

Petitioner *D. A. Seelers & Co.*

Filed.....190.....

FILED

MAR 4 1905

A. A. Cameron
County Clerk.
By *E. H. Johnson* Deputy.

Strang! 255

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

HON. ~~J. L. PATTERSON,~~

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

Gentlemen

DEAR SIR:—You are hereby notified that a petition for a County Road has been received in this office, signed by Adelbert Strang; B. A. Scollard et al

freeholders of Road District No. 8

The petition above referred to, petitions that a Road be established, commencing at the W corner of Sec 32, T18, R3E, thence east on Sec. line as nearly as practicable a distance of about one & $\frac{3}{4}$ miles to intersect the 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 March 1905.

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. Thoupke

Edward Davidson

Matt Nibler

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 10 day of Mar. 1905.

Warrant for Road Viewers.

Copy

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 Chairman of the Board of County Commissioners of Gallatin County, Montana, on the 10th day of March 1905, to view and lay out a proposed road, as prayed for in the petition of Adelbert Strang and others, described as follows, to-wit:
Commencing at the Northwest corner of Section 32, T. 1. S. R. 3. E.,
thence east on Section lines as nearly as practicable a distance
of about one and three fourths miles to intersect the 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 yourselves, who were duly appointed as Viewers on said road by the ~~Chairman~~ of the Board of County Commissioners on the 28th day of April 1905, at 10⁰⁰ o'clock, a.m. 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 subdivisonal or section lines.

In witness whereof I hereunto set my hand, at my office this 1st day of April 1905.

A. A. Cameron
County Clerk,

By _____ Deputy.

Bozeman, Montana, April, 11, 1905.

Dear Sir:-

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 Adelbert Strang et-al. will meet for such view on the 28th day of April, 1905, at 10 o'clock A.M. at the point designated in said petition as the starting point of said proposed road.

COMMENCING at the Northwest corner of Section 32, T.1 S., R.3E thence East on Section lines as nearly as practicable, a distance of about one and three fourths miles to intersect the Camp Creek Road.

In case there are any questions regarding which you wish to consult the Viewers, we would be glad to meet you on the above date on the portion of your land crossed by said proposed road.

Respectfully,

C. M. Thorpe

E. M. Davidson,

Matt Niebel,

Viewers,

Bozeman, Montana, April 11, 1905.

A copy of the notice hereto attached was, on the above date, sent by ordinary mail to the following landowners and lessors along the line of the proposed road petitioned for by Adelbert Strang et-al

R.C.Kinney, Mgr. W.G.I.Co. City.

Terwilliger & Walrath , A.J.Walrath, City

Frank House Manhattan

Thomas Cruse, Helena

County Clerk's Office.

Mr. _____

Bozeman, Montana, May 2nd, 1905.

Dear Sir:-

The Board of County Commissioners of Gallatin County will meet on Monday, May 15, 1905, for the purpose of considering road petitions, etc. At that time the Board will consider the petition of Adelbert Strang and others for a road running between Sections 28 & 32 & 28 & 33, T. 1. S. R. 3. E.

You are requested to be present and state your views for or against the establishment of said road, claims for damages, etc.

The viewers reported in favor of allowing you (whatever it was) for damages.

The time set for hearing is at 1.00 O'Clock, P.M.

Very truly

A. A. Curran

County Clerk.

The above notice was mailed on the above date to

E. C. Kinney, Mgr. W. G. Irr. C.,
A. J. Walrath
Frank House
Thomas Cruse

City.
City.
Manhattan
Helena.

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.

Math. Michael

Subscribed and sworn to before me this 28th day
of April 1905

G. M. Thorne

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.

G. M. Thorne

Subscribed and sworn to  this 24th day
of April 1905

A. A. Cameron
County Clerk

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 255

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

We, the undersigned Road Viewers, consisting of Matt, Weibel
 + C.W. Tholpe — two of the viewers appointed by the Board
 of County Commissioners, (the other viewer Edward Davidson
 not being present)

appointed to view a proposed road running from the N.W. Corner of Sec. 32 T. 15. R. 3 E
East

to the Camp Creek Road,

as described in the annexed petition, say, That on the 28th day of April

A. D., 1905 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 60 feet.

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

Beginning at the North-west Corner of Section 32 T. 15.

R. 3 E. the same being the South-east extremity of the

Frank House Road, thence East along the section line

between sections 29 & 32, and between 28 and 33, said T. & R.

to the top of hill west of Camp Creek, thence South-

Eastward on a grade not exceeding 10% crossing the

West Gallatin Irrigation Companies Canal, and intersecting

with the Camp Creek Road.

The length of the proposed road is about 1 3/4 miles

the line of the road is defined by the U.S. Gov. Corners

and by stakes and blazes fewer posts. The grades will

not exceed 10% when properly graded.

The character of the ground is suitable for road building.

See accompanying sketch for description of land and

names of owners over which the proposed road passes.

The probable cost of constructing the said road \$190.00

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

.....
.....
.....
.....

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

West Gallatin Irrigation Co. Terwilliger & Walrath Lessors Extraordinary	\$200.00
State of Montana. Frank Howe Lessor	50.00
Thomas Cross	25.00

The above amounts are as stated in the petition.

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:

Along the South West 1/4 of Sec. 28 which is state land, Frank Howe lessor, along Section 29 owned by W.G.I. Co. Terwilliger & Walrath lessors and along Section 32 which is state land.

We believe the benefits will equal the damages as the road is needed as an outlet, and the expense of fencing will be refunded to the lessors at the expiration of their lease. To W.G.I. Co. (Terwilliger & Walrath lessors) for damages in excess of benefits to Sec. 33 as the same has a road \$75.00, to Thomas Cross for damages in excess of benefits to W 1/2 of Sec. 28 as the same has a road \$25.00.

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

We find the road to be much needed by the settlers and the necessity for the same as stated in the petition. Terwilliger & Walrath have built the fences along the road on the land leased by them and have set them in 30 feet from the section line, and have allowed extra right of way at Hill West of Camp Creek.

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

Dated April 28 1905 A. D., 189.

Watt Steele
G.M. Thayer

Road Viewers.

Bozeman, Montana,

6/20

1906

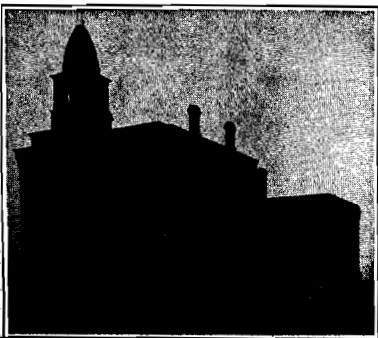
Received from *A. A. Cameron, Co. Clerk*

Seventy five and 00/100 DOLLARS

For *damages on road No 255,*

Terwilliger & Walsh
Per G. W. Wash

BY



OFFICE IN CITY HALL

C. M. THORPE
COUNTY SURVEYOR GALLATIN COUNTY

Bozeman, Montana, July 22, 1905.

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

Gentlemen:-

As ordered by you I have surveyed the Strang Road, No. 255. The starting point and terminus are well and substantially marked, cast iron monuments being set at all gov't corners in said road, and iron pipes at all other angle points. Stakes for fence line were set 30 feet out each way from the center line of said road wherever needed.

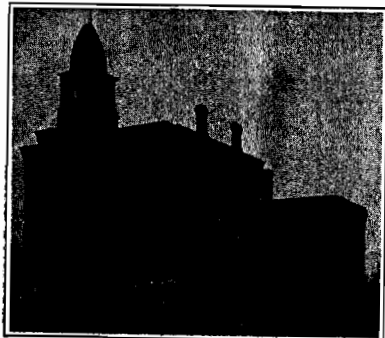
Three "Notices of opening public road" were posted (see affidavit of posting). For making and filing map of above road I request further time.

Respectfully,

C. M. Thorpe,
County Surveyor,

By *L. S. Thorpe*.....
Deputy.

C. M. THORPE
COUNTY SURVEYOR GALLATIN COUNTY



OFFICE IN CITY HALL

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 Court Clerk, the Plat and Field notes of "STRANG ROAD" No. 255

Very respectfully,

C. M. Thorpe
County Surveyor.

Union Bank and Trust Company

of Montana.

George L. Ramsey, President.
A. P. Curtin, Vice President.
Frank Bogart, Cashier.
J. M. Kennan, Treasurer.
C. F. Morris, Secretary.

Helena,

June 19th, 1906.

A. A. Cameron, Clerk,
Bozeman, Montana.

Dear Sir:-

You are hereby authorized to deliver to A. J. Walrath the allowance of \$75. made by the County Commissioners account of damage in connection with the laying out of a road along the south side of Section 29, Township one, South range 3, East.

Respectfully,

West Gallatin Irrigation Co.,

By

J. M. Kennan

Vice President.

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

at the Northwest corner of Section 32, Township 1 South, Range 3 East, thence East on Section line as nearly as practicable a distance of One and three fourth miles to intersect the Camp Creek road.

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

Dated June 17, 1905 189.

A. A. Cameron
Clerk,

By _____
Treasurer

State of Montana,
County of Gallatin.

L. S. Thorpe being first duly sworn, deposes and says, that as the Deputy Co. Surveyor he received from

the County Clerk of said County, on the 17 day of June, A. D.

1905, three copies of the annexed notice, and that on the 11 day of July, 1905,

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 each end and one in the middle

and further deponent sayeth not.

L. S. Thorpe

Subscribed and sworn to before me this 22 day of July, A. D. 1905

L. S. Thorpe
A. A. Cameron
Clerk

REGISTRY RETURN RECEIPT.

Form No. 1548.

Received from the Postmaster at

Belgrade, Mont.
Bozeman, Mont.

Registered ^{Letter} ~~Parcel~~ No. 749, from

(Office of origin.)

Addressed to

E. M. Davidson,
(Name of addressee.)

Date

4/5, 1905
(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.

E. M. Davidson
(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

Bozeman, Mont.
Bozeman, Mont.

Registered ^{Letter} ~~Parcel~~ No. 752, from

(Office of origin.)

Addressed to

Matt Nibel
(Name of addressee.)

Date

4/5, 1905
(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.

Matt Nibel
(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

Bozeman, Mont.
Bozeman, Mont.

Registered ^{Letter} ~~Parcel~~ No. 753, from

(Office of origin.)

Addressed to

E. M. Thorpe
(Name of addressee.)

Date

4/5, 1905
(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.

E. M. Thorpe
(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.

T. 1 S. R. 3 E.

19 20 21 22 23 24

30 29 38 27 26 25

31 32 33 34 35 36

F. HOUSE ROAD

W.G. I. Co.
LEASED BY
TERWILLIGER &
WALRATH

STATE LAND
LEASED BY
TERWILLIGER
AND WALRATH

STATE LAND
LEASED BY
FRANK HUBBS

W.G. I. Co.
LEASED BY
TERWILLIGER,
SIMP & WALRATH,
ET AL.

