

No. 258

PETITIONER,

B. L. Deussenberry et al.

Petition filed April 4th 1905

Viewers appointed May 1 1905

Report filed June 5 1905

Date of hearing none required 1905

Report approved June 7th 1905

Order of survey June 7th 1905

Surveyor's Report filed July 1st 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 596, 609,

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. 4, 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 40 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. Beginning at the N.E. corner of the S.E. quarter of section ^{T3S, R5E} 10, and extending the road running west from J. N. Ramsey's one mile along quarter section line of said section to the Cottonwood road.
- B. 20 feet to be on the north side of the south half of said section 20 feet of the south side of the N.W. quarter and 20 feet of the south side of N.E. quarter of section 10.
- C. D. Pattel Frank Alderson & J. F. Spurgeon
- D. They do.
- E. Pattel wants \$50⁰⁰ per acre for land used.
- G. To accommodate the general travel from the cottonwood road to middle creek and sour dough roads also to shorten the U.S. mail R.F.D. 3 miles each day.

NAMES

- 1 B. G. Deussenberry,
- 2 J. A. Rothell
- 3 Thom Matthews
- 4 Chas. H. Sprague
- 5 R. J. Paska
- Chas. B. Anderson

NAMES

- 6 William Roth
- 7 J. F. Metheny
- 8 J. H. Hazell
- 9 J. H. Zeigler
- 10 E. W. Sillit

- 1 E. G. Stanton R. G. DeCaris
- 2 W. W. Anderson
- 3 Mrs. A. H. Tropper
- 4 Pete Carlson
- 5 R. Godell

- 6 J. V. Ramsay
- 7 S. A. Bostman
- 8 G. L. Raut
- 9 J. J. Stucky
- 10 Edwin Kent

- 1 G. Hodgman
- 2 J. J. Widen
- 3 J. F. Spurgers
- 4
- 5

- 6
- 7
- 8
- 9
- 10

258

OFFICE OF

County Clerk and Recorder,

GALLATIN COUNTY, MONTANA.

HON. *Geo. E. Davis*
~~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 *D. S. Deussenberry and others, freeholders*
of Road District No *4*

The petition above referred to, petitions that a Road be established, commencing at the N. E. corner of the S. E. 1/4 of Sec 10, T. 3 S., R. 5 E and extending the road running west from J. M. Ramsey's farm one mile along 1/4 Sec, line of said Sec. to Cottonwood 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 *1* day of *May* 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:

Jack Armstrong
Arch. McDonald
C. M. Thorpe

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 *First* day of *May* 1905.

Bozeman, Montana, May, 8, 1905.

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 B.L. Deussenberry and others, will meet for such view on the 31st day of May, 1905, 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 N.E. Corner of the S.E. 1/4 of Sec. 10, T.3 S., R.5 E. and extending the road running west from J.N. Ramsey's farm one mile along 1/4 Sec. line of said Sec. 10 to Cottonwood Road.

You are invited to be present at such viewing.

C. M. Thorpe,

F. K. Armstrong,

Arch. McDonald,

Viewers.

Copies of the foregoing notice were sent on the above date by ordinary mail to D. D. Pattee, Frank Alderson and J. F. Spurgeon, all of Bozeman.

Warrant for Road Viewers.

Copy

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

Mr. C. M. Thorpe, F. K. Armstrong & Archie M^cDonald

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 May 1905, to view and lay out a proposed road, as prayed for in the petition of B. L. Dausonberry and others, described as follows, to-wit:

Commencing at the Northeast corner of the Southeast quarter of Section 10, Township 3 South, Range 5 East and extending the road running west from J. N. Ramsey's farm one mile along quarter section line of said section 10, to Cottonwood 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 31st day of May 1905 at 10^o 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 4th day of May 1905.

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.

Archie M. Donald

Subscribed and sworn to before me this 31 day
of May 1905

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 20th day
of May 1905

A. A. Cameron
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.

F. K. Armstrong

Subscribed and sworn to before me this 31 day
of May 1905

C. M. Thayer

Co. Surveyor

~~ES~~ This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 258

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

We, the undersigned Road Viewers, consisting of F. K. Armstrong,
Archie Mc Donald, and C. M. Thorpe.

appointed to view a proposed road running from the E. 1/4 Sec. Cor. of
Sec. 10 T. 35. R. 5 E
to the West 1/4 Sec. Cor. of said Sec 10
as described in the annexed petition, say, That on the 31st day of May
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 40 ft.
The description of the center line of the proposed road is as follows to wit:— Beginning at a point 20 feet south of the E. 1/4 Sec. Cor. of Sec 10 T. 35. R. 5 E. thence west parallel with the north line of the S. 1/2 of said Section 10, to the top of the bluff east of Middle Creek, thence running southerly along the bluff, and westerly, crossing Middle Creek and running northwesterly along the bluff west of said creek to a point 20 feet south of said N. line of S. 1/2. thence west parallel with said north line to the west side of said Section.
The length of the proposed road is one mile
The basis of the proposed road is defined by the U.S. Gov. Survey and by the old road crossing Middle Creek.

The grades will probably not exceed 8% when properly graded.

See accompanying sketch for names of land owners along the proposed road.

The probable cost of constructing the proposed road is as follows

For Bridge over Middle Creek and 5 culverts	\$340.00
Grading	60.00
Total Cost.	\$400.00

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

J. F. Shurgeon will consent without cost to give $\frac{1}{2}$ the right of way on the line and all the right of way across the creek bottom, as will give all the right of way and do all fencing for \$100.00

Frank Alderson would also consent to give $\frac{1}{2}$ the road.

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

C. D. Patten claims for $\frac{1}{4}$ acres of land at \$4.	62.50
moving fence $\frac{1}{4}$ mile	15.00
building $\frac{1}{4}$ mile of new fence	50.00
changing ditches	30
total	157.50

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:

On account of ditches along the $\frac{1}{4}$ section line and the claim of C. D. Patten, we have viewed the road to run south of the above $\frac{1}{4}$ section line taking all of the right of way from J. F. Shurgeon making a better road and less expense to build and would recommend that he be allowed \$100.00

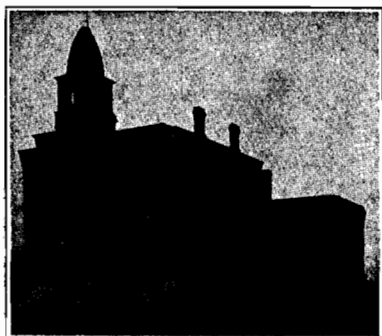
5. The following facts, bearing upon the subject, which may be of importance to the Board:

We find the need of the road as stated in the petition and that a large amount of travel passes through along ^{or near} the line of the road as petitioned for.

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

Dated May 31st 1905 A. D., 189

J. K. Armstrong
Archie M. Donald
B. M. Harper } Road Viewers.



OFFICE IN CITY HALL

Bozeman, Montana, July 1, 1905.

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

Gentlemen:-

As ordered by you I have surveyed the Deussenberry
Roda, No. 258, The starting point, terminus and all intermediate
angle points are well and substantially marked with cast iron
monuments. Stakes for fence lines were set out 20 feet each way
from the center line of the road wherever needed.

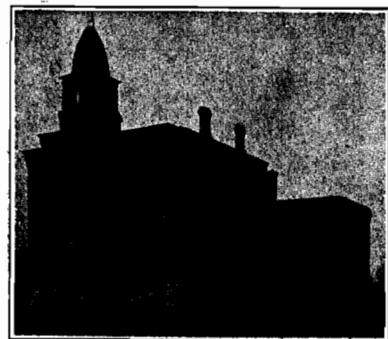
Three "Notices of Opening Public Road" were posted (see
affidavit). I request further time for making and filing map.

Respectfully,

C. M. Thorpe,
County Surveyor,

By *C. M. 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 County Clerk, the
Plat and Field Notes of "DUSENBERRY ROAD" No 258

Very 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 or along the north side of the S. 1/2 of
Sec 10 T. 3 S. R. 5 E.

Sec. _____, T. _____, R. _____
as viewed and surveyed by F. K. Armstrong, Archie Wil Donald
+ C. M. Thope
on the 31st day of May 1905. And hereby agree to
for the sum of \$100.00
place my fences on said lines ~~without charge to the County.~~

Signed J. F. Spurgeon

Dated at _____ this 31 day of May 1905

ACKNOWLEDGEMENT.

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

On this 31st day of May
A. D. 1905, before me Co. Surveyor.
in and for said County, came J. F. Spurgeon

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. Thope

Co. 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 at the Northeast corner of the Southeast quarter of Section 10, Township 3 South, Range 5 East, and running West one mile, the center line of said road to be 20 feet south of the quarter section line the road to be all on the South one half of said Section 10.

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

Dated June 10 188 1905

A. A. Cameron
Clerk,

State of Montana,
County of Gallatin.

L. S. Thorpe, Dep. Co. Surveyor, being first duly sworn, deposes and says, that as the Deputy County Surveyor he received from the County Clerk of said County, on the 10 day of June, A. D. 1905, three copies of the annexed notice, and that on the 20 day of June, 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 center

and further deponent sayeth not.

L. S. Thorpe
Deputy Co. Surveyor

Subscribed and sworn to before me this 14th day of July, A. D. 1905.

A. A. Cameron
Deputy Co. Surveyor
Clerk

REGISTRY RETURN RECEIPT.

Form No. 1548.

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

Registered ^{Letter}~~Parcel~~ No. 1120, from Bozeman, MONT.
(Office of origin.)

Addressed to Archie Mc Donald
(Name of addressee.)

Date May 8th, 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.

Archie Mc Donald
(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.
(Delivering office.)

Registered ^{Letter}~~Parcel~~ No. 1021, from Bozeman, MONT.
(Office of origin.)

Addressed to R. M. Thorpe
(Name of addressee.)

Date May 8, 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.

R. 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.

REGISTRY RETURN RECEIPT.

Form No. 1548.

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

Registered ^{Letter}~~Parcel~~ No. 1022, from Bozeman, MONT.
(Office of origin.)

Addressed to F. K. Armstrong
(Name of addressee.)

Date 5/8, 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.

F. K. Armstrong
(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.

N. Range N^o

W. M

T. 3 S. R. 5 E.

