

No. 358

PETITIONER

Samuel L. Kelly & others

Petition filed March 20th 1911

Viewers appointed April 4th 1911

Report filed 1911

Date of hearing 1911

Report approved 1911

Order of survey 1911

Surveyor's Report filed 1911

Declared County Road 1911

See Book Commissioners' Proceedings, pages

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 and freeholders in Road District No. 10, in the County of Gallatin, State of Montana, and taxable therein for road purposes, when the road, hereinafter 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) From east to South West. ⁽¹⁾ Beginning at the So. E. Cor. of the south West 1/4 of Sec. 3 T. 3 N. R. 5 E. and the N. E. Cor. of the N. West 1/4 of Sec. 5 T. 2 N. R. 5 E. running one mile due West. Thence in a south west direction over the N. west 1/4 of sec. 6 T. 2 N. R. 5 E. Thence in south west over sec. one T. 2 N. R. 4 E. Thence so west ^{over} of sec 2 T. 2 N. R. 4 E till it strikes the Dry Creek Road.

(C) Mrs. Kate Henserson, Harvey Biggs, F. H. Durham, James Gallop, A. S. Cole and Sam. L. Kelly
 (d) Sam. L. Kelly, F. H. Durham, Harvey Biggs
 A. S. Cole

(f) ⁽¹⁾ To get to the School House ⁽²⁾ To get out to public roads to go to town. To get fuel, To let neighbors in to visit us. To go to mill.

358

No.

Road Petition

Petitioner *James L. Kelly*
Filed *March 20* 1911.

NAMES

- 1
- 2 *Says ~~Y. Kelly~~*
- 3 *H. N. D. ~~whom~~*
- 4 *A. D. ~~look~~*
- 5 *J. H. Gallop*
W. M. ~~Curran~~

NAMES

- 6
- 7 *James B. ~~Horney~~*
- 8 *W. E. ~~Triggins~~*
- 9 *J. T. ~~Manhattan~~*
- 10 *B. E. ~~Shinnerley~~*
M. D. ~~Waller~~
C. H. Cowan
Thomas J. ~~Clayd~~
T. D. Kelly
M. A. ~~Burton~~
A. H. ~~Clayd~~
E. J. ~~Gordon~~
Mary L. Collins
Robert ~~...~~

Office Of
County Clerk and Recorder
Gallatin County, Montana

HON. W. H. DAVIS, 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

Saul L. Kelly and others

of Road District No. *6*

The petition above referred to, petitions that a Road be established, commencing *at S.E. corner of S10/4 sec. 32. T. 3. N. R. 5. E. running west One Mile*
thence in a southwest direction over N.W. 1/4 sec. 6. T. 2. N. R. 5. E.
thence southwest over sec. 1. T. 2. N. R. 4. E. thence south west
over sec. 2. T. 2. N. R. 4. E. to the Dry Creek road

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

Yours Very Respectfully,

E. H. Schumacher

County Clerk and Recorder.

Dated at Bozeman, Montana, this *4th* day of *April* 191*1*

Office Of
The Board of County Commissioners
Gallatin County, Montana

E. H. SCHUMACHER, County Clerk, Gallatin County, Montana.

DEAR SIR:

In pursuance to the above notice, I hereby appoint:

Scott Duncan
Levi McCallough
Fred M. Brown

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

Yours Very Respectfully,

W. H. Davis

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

Dated at Bozeman, Montana, this *4th* day of *April* 191*1*

Warrant for Road Viewers.

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

Mr. _____

You are hereby notified that you were duly appointed Road Viewer by _____
the Board of County Commissioners of Gallatin County, Montana, on the **fourth** _____ day of
April _____ 19 **11.**, to view and lay out a proposed road, as prayed for in the petition of
Samuel L. Kelly _____ and others, described as follows, to-wit:

**Beginning at the Southeast Corner of the Southwest quarter of section
thirty two T.3.N.R.5.E. running one mile due west, thence in southwesterly
direction through the Northwest quarter of section six T.2.N.R.5.E. thence
in a southwesterly direction through the section one and two T.2.N.R.4.E.
until it intersects the Dry Creek Road.**

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with _____, who were duly appointed as
Viewers on said road by the Board of County Commissioners on the **21st** _____ day of **April**
19 **11.**, 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 **5th** _____
day of **April** _____ 19 **11.**

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 am a disinterested citizen of Gallatin County, Montana, and not a petitioner for said road; that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER of the road recited in the petition, reference to which is had in the instructions embodied in the notice of appointment by the Board of County Commissioners.

B. S. Duncan

Subscribed and sworn to before me this 21 day

of April 1891

Frank M. Brown
County Surgeon

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 am a disinterested citizen of Gallatin County, Montana, and not a petitioner for said road; that I will faithfully and impartially perform, according to law, the duties of ROAD VIEWER of the road recited in the petition, reference to which is had in the instructions embodied in the notice of appointment by the Board of County Commissioners.

Levi McCallough

Subscribed and sworn to before me this 21 day

of April 1891

Frank M. Brown
County Surgeon

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 358

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

We, the undersigned Road Viewers, consisting of Fred M. Brown
P. S. Duncan and Levi M^cCallough

appointed to view a proposed road running from the south 1/4 cor. of Sec.
32-T3N, R5E thence south ⁴ west
to the Dry Creek road

as described in the annexed petition, say, That on the 21 day of April
A. D., 1911 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:

Width 40 feet,
Description of center line as given in petition,
No. Heavy grades
One quarter mile wet land balance good land
Length two and three quarters miles

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

Sam Kelley, A. S. Leach, F. H. Durham
Harry Briggs.

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

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:

Benefits all exceed damages

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

Petitioners agree to
abandon this road
and a new road
will be filed
Fred M. Brown

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

Dated _____ A. D., 189 _____

} Road Viewers.