

No. 365

PETITIONER

C. H. Waterman et al

Petition filed June 27th 1911

Viewers appointed July 3rd 1911

Report filed July 24 1911

Date of hearing 1911

Report approved 1911

Order of survey 1911

Surveyor's Report filed 1911

Declared County Road 1911

Disallowed Oct 3, 1911

H. H. Davis
Chairman

See Book 11 Commissioners' Proceedings,
pages 97

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. _____, 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) Commencing about 70 rods west of the SE cor of Sec 36 T-1-S R, 4, E. (the exact location to be established by the Co Surveyor on Sec line between Sec 36 T-1-S, R, 4, E & Sec 1 T-2-S, R, 4, E. — Thence in a northerly direction on the east Bank of Middle Creek to a point in the SE cor- of the NE⁴ Sec 36 T-1-S, 4, E, where Middle Creek crosses Sec line between Sec 36 T-1-S, R, 4, E & Sec 31 T-1-S R 5, E, thence north on Sec line between NE⁴ Sec 36 T-1-S, R, 4, E. & NE⁴ Sec 31 T-1-S, R, 5, E, to NE. Cor. Sec 36 T-1-S, R, 4, E. — Thence west ^{1/4} of a mile on Sec line between Sec 25 & 36 T-1-S, R, 4, E, thence due north one mile to the NE corner of the NE⁴ of the NE⁴ Sec 25 T-1-S R, 4, E. —

(b) _____

(c) Robt Biddle. Peter Emmell. C H
Waterman, D P Cloninger & Char
Waterman

(d) C. H. Waterman, D P Cloninger

(e)

(f)

(g) To make a more direct road to Belgrade for
those living south of this point to connect
the present Middle Creek road to the Belgrade
road, & give an outlet for C H Waterman &
Mis Chas Halbert

| NAMES | | NAMES | |
|-------|----------------|-------|------------------|
| 1 | C. H. Waterman | 6 | L. S. Biggs |
| 2 | John Harper | 7 | T. Menard |
| 3 | Wm. R. Lambert | 8 | John W. Robinson |
| 4 | of Balgathe | 9 | E. Statterer |
| 5 | Edward ... | 10 | G. W. Jenkins |

No 365

Road Petition

Petitioner
Filed June 28th 1911

FILED

JUN 27 1911
E. H. Schumacher County Clerk

By Deputy

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

Chas. Waterman et al

of Road District No. *8*

The petition above referred to, petitions that a Road be established, commencing about 70 rods west of the S.E. Corner sec. 36, T. 1. S. R. 4. E. thence in a northerly direction on the east bank of Middle Creek to a point in S.E. corner of NE⁴ sec. 36, T. 1. S. R. 4. E. and so forth.

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 *3rd* day of *July* 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:

Fred M. Brown

Frank Cleveland

Ezra Allsop

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 *3rd* day of *July* 191*1*

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.

Ezra Allsop

Subscribed and sworn to before me this 24th day

of July 1891

Frank W. Brown
County 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 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.

Frank Cleveland

Subscribed and sworn to before me this 24th day

of July 1891

Frank W. Brown
County Surveyor

This must be returned to the County Clerk after execution.

REPORT OF ROAD VIEWERS.

ROAD NO. 365-

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

We, the undersigned Road Viewers, consisting of Fred M. Brown, Frank Cleveland and Ezra Calloway.

appointed to view a proposed road running ~~from~~ along route described in the petition to as described in the annexed petition, say, That on the 24th day of July 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:

Route described in petition

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:

Robert Riddle \$400⁰⁰ damages
W. J. Sturges 100⁰⁰ " "
Peter Emmett 200⁰⁰ " "

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:

Robert Riddle \$400⁰⁰
W. J. Sturges \$100⁰⁰
Peter Emmett 200⁰⁰

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

Cost of 4 bridges — \$1,000⁰⁰
" " grading 500⁰⁰
\$1,500⁰⁰

We recommend that the road as petitioned for be allowed to the North line of Sec. 36. That from this point West the present county Road be put in repair and that the road as petitioned for through Sec 35 be discontinued.

We believe that G. H. Waterman ^{should} pay all damages for Right of Way

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

Dated July 27 A. D. ~~1899~~ 1911

Leah M. Brown }
Ezra Allison } Road Viewers.
Frank Cleveland }

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 ~~3rd~~ day of
~~July~~ 19 ~~11~~, to view and lay out a proposed road, as prayed for in the petition of
~~C.H. WATERMAN~~ and others, described as follows, to-wit:
Commencing about 70 rods west of the S E Corner of sec. 36. T. 1. S. R. 4. E.
Thence in a northerly direction on the East bank of Middle Creek to a
point in the S.E. Corner of the N.E. $\frac{1}{4}$ of Sec. 36. T. 1. S. R. 4. E. where the
Middle Creek crosses section line between sec. 36. T. 1. S. R. 4. E. and sec.
31. T. 1. S. R. 5. E. thence North on sec. line between the last named two sec-
tions to the N.E. Corner of said section 36. thence west $\frac{1}{4}$ of a mile on
section line thence due north one mile to the N.E. Corner of the N.W. $\frac{1}{4}$
of the N.E. $\frac{1}{4}$ of section 25. T. 1. S. R. 4. E.

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with ~~FRED M. BROWN, EZRA ALLSOP & FRANK CLEVELAND~~, who were duly appointed as
Viewers on said road by the Board of County Commissioners on the ~~24th~~ day of ~~July~~
19 ~~11~~, commencing at the place designated in said petition as the starting point of the road sought to be
~~viewed~~ 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 ~~sixth~~
day of ~~July~~ 19 ~~11~~.

County Clerk.

By _____ Deputy.