

No. 386

PETITIONER

Archie M. Martin et al

Petition filed August 5 1912

Viewers appointed By Board July 28 1912

Report filed 191

Date of hearing 191

Report approved 191

Order of survey Aug 6 1912

Surveyor's Report filed Aug 9 1912

Declared County Road 191

W. H. Davis

Chairman

Board agreed to purchase <sup>per</sup> from  
Chas Boyd. see book 11. page 240.

See Book 11 Commissioners' Proceedings.

pages 176 - 343 - 240

Recorded, Road Book, pages

County Clerk

# Road Petition.

We the undersigned this first day of August, 1912 do: hereby petition the Hon. Board of County Commissioners of Gallatin County,

First: To abandon that part of old "Compromise Road" beginning at A. M. Martin's residence or that vicinity and running in south and west directions running south between sections 19 and 20 and west between sections 19 and 20. 2 N. 5 E. to intersect Belgrade Road.

Secondly: We petition for a new Road beginning about A. M. Martin's residence and running in a westerly direction through part of section 20 2 N. 5 E. and part of Sec. 19 2 N. 5 E. to intersect "Brainard Road" Thence beginning at R. L. Frank's residence and running in a westerly direction through section 24 2 N. 4 E. to Dry Creek Road.

John M. Martin  
Fred Brown  
W. B. McKay  
J. M. Lark  
B. S. Duracion  
R. L. Frank  
Lori McCallough  
W. J. Miller  
Sam Miller  
M. E. Huffer  
W. B. Huffer  
R. H. Huffer

7  
Filed

August 5, 1912

C. H. Johnson  
Co. Clerk

Handwritten notes and scribbles, including the word "Filing" and other illegible characters.

May. 19th. 1913.

Hon. Justin M. Smith.  
County Attorney.

Bozeman, Montana.

Dear Sir:

On May 7th 1913, at the regular session of the Board of County Commissioners, it was ordered, that the County Surveyor furnish a correct description of the Right of Way for a road purchased from Chas Boyd, and that a deed be obtained and warrant was ordered drawn for the amount of the purchase price.

I find by looking up the records, that the title of the land is vested as follows:

by decree of the Court, one third to each one of the following heirs, Gertrude Fleming (now Gertrude Boyd), the widow, Angie Marie Fleming, a daughter, now about 16 yrs old, Jessie Fleming, a daughter, now about 11 yrs old.

I also find, by looking up the matter in the District Court, that Gertrude Fleming (now Gertrude Boyd) was appointed Guardian of the two daughters, hence I think, that a decree will have to be obtained first from the Court to sell this part of the land to the County, before the Guardian can sell the same, and I think that all of this would have to be recited in the deed to the County, to make the title good, since all of this has to be done, I would rather turn the matter over to you to procure this deed for the County. I am enclosing a description of the land as given to me by the Surveyor. The address of Charles Boyd is Clyde Park, Montana. Please advise what steps better be taken.

Truly yours

County Clerk.

Description of Right of way for Martin road, to be inserted  
in deed from Charles Boyd .

Being a strip of land forty feet in width lying in the North  
Half of the South West Quarter of Section Twenty four(24), Town-  
ship Two North of Range Four East (T.2.N.R.4.E.) and being twenty  
(20) feet on either side of the following described center line.

Beginning at a point in the West line of said section  
twenty four, said point being 335 feet South of the West Quarter  
corner of said section twenty four, thence North  $82^{\circ}9'$  East 906  
feet, thence North  $73^{\circ}1'$  East 576 feet, thence South  $85^{\circ}49'$  East  
685 feet, thence South  $75^{\circ}39'$  East 635 feet more or less to a  
point in the East line of the South West Quarter of said section  
twenty four. Containing Two and six tenths acres more or less.

*Charles Boyd*

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IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE STATE  
OF MONTANA, IN AND FOR THE COUNTY OF GALLATIN.

IN THE MATTER OF THE GUARDIANSHIP  
OF THE PERSONS AND ESTATES OF AN-  
GIE MARIE FLEMING AND JESSIE FLEM-  
ING, MINORS.

ORDER AUTHORIZING GUARDIAN TO CONVEY  
A STRIP OF LAND FOR A COUNTY ROAD.

GERTRUDE BOYD, (formerly Gertrude Fleming), the Guardian of the persons and estates of Angie Marie Fleming and Jessie Fleming, minors, having on the 29<sup>th</sup> day of April, 1914, presented and filed herein her petition praying for an order of this court authorizing, empowering and directing her, as such guardian, to grant and convey to the County of Gallatin, State of Montana, the undivided two-thirds interest of said minors in and to the strip of land hereinafter described for public road purposes, at the price hereinafter mentioned, and said matter coming on regularly this day to be heard; and it appearing to the court that due notice of the hearing of said petition has been given by the Clerk of this Court, as directed by the order of this court;

And it further appearing to the court that the public interest requires the establishment of a public county road through the land hereinafter described, and that, for such road, it is necessary that the County of Gallatin acquire an easement for right of way purposes of a strip of land twenty feet wide on each side of the line hereinafter particularly described; that the said Coun-

ty of Gallatin has offered to purchase the said easement at \$100 per acre for 2.6 acres of land which will be taken, or in all the sum of \$260 for all of said strip; that the same is a fair price for said easement; that the said Gertrude Boyd as the owner of the remaining one-third interest in said lands is ready and willing to convey her said interest therein at said price and for said purpose; and that it is for the best interest of said minors and their estates that such conveyance be made;

IT IS ORDERED that the said Gertrude Boyd be, and she hereby is, authorized, empowered and directed, as guardian of the persons and estates of said minors, to grant and convey to the County of Gallatin, State of Montana, for the price or sum of \$173.33, (being two-thirds of said sum of \$260), and for public road purposes a strip of land forty feet in width in the north half of the southwest quarter ( $N\frac{1}{2}$  of  $SW\frac{1}{4}$ ) of Section twenty-four (24), in Township two (2) north of Range four (4) east, of Montana Principal Meridian, in said County of Gallatin, State of Montana, being twenty feet on either side of the following described center line, to wit:

Beginning at a point in the west line of said Section 24, said point being 335 feet south of the west quarter corner of said Section 24; thence north  $82^{\circ} 9'$  east 906 feet; thence north  $75^{\circ} 39'$  east 635 feet, more or less, to a point in the east line of the southwest quarter of said Section 24, containing 2.6 acres, more or less.

Dated, this 9th day of May, 1914.

(BEN E. LAW

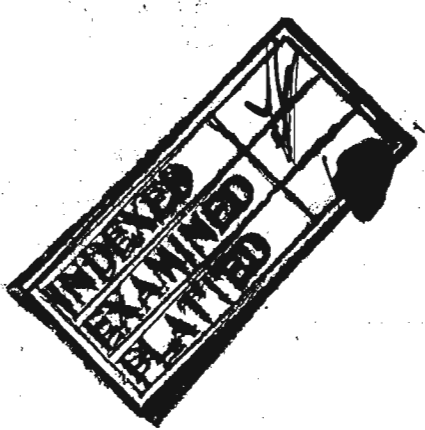
STATE OF MONTANA, }  
County of Gallatin, } ss.

I, H. L. Hays Clerk of the District Court,

in and for the said County of Gallatin, State of Montana, hereby certify the annexed and foregoing to be a full, true and correct copy of... Order Authorizing Guardian to convey a strip of Land for a County road, In the Matter of the Guardianship of the Person and Estates of Angus Maria Fleming and Jessie Fleming, Minors.

together with the endorsement thereon, as the same appears of record in this office.

Witness, My hand and the Seal of said District Court, affixed this 9<sup>th</sup> day of May, A. D., 1914  
H. L. Hays Clerk  
By \_\_\_\_\_, Deputy Clerk



2584

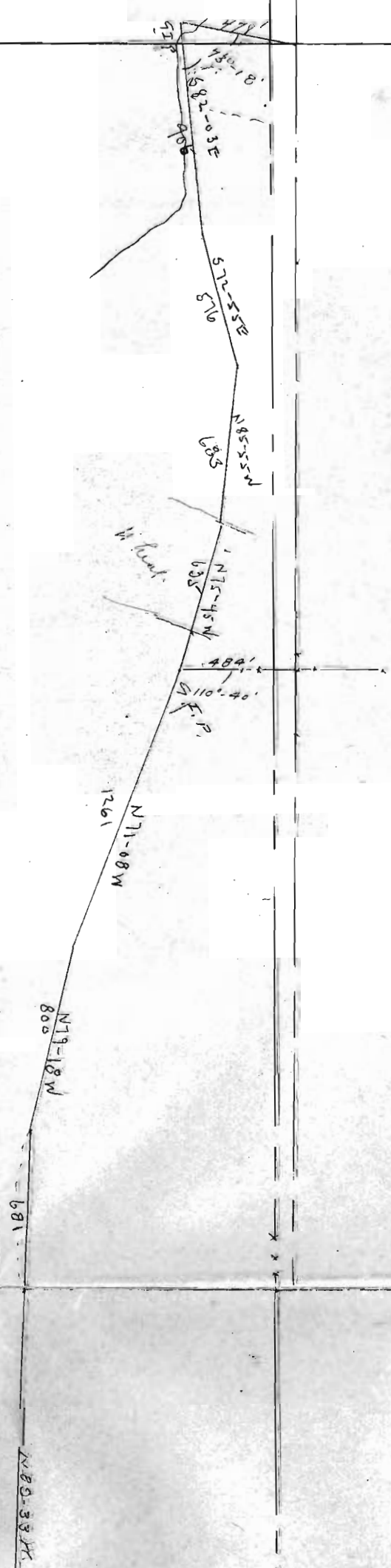
State of Montana } ss.  
County of Gallatin }  
Office of County Recorder  
I hereby certify that the within instrument was filed in my office on the 9<sup>th</sup> day of May, A. D., 1914 at 2:20 o'clock P. M. and is recorded on page 288 of Book 2 of Abstracts record of Gallatin County, Montana  
Attest: My hand and the seal of said County  
W. C. Chambers County Recorder  
Fees \$ \_\_\_\_\_



Petition of W. H. Mansfield & others asking  
for a change of Road. From 65 ft to 45 ft is  
granted with the exception of that portion  
running East West between secs 21 &  
28, 2, S, 3, E,

2.57 lot  
 .50 cult  
 2.07 waste

20.70  
 25.00  
 110.30  
 \$166.00 damage





N19-18W  
800

- 681 -

N80-33M

519

Stock Pole

380-221

N 69E

542

515-29M  
872  
Both in center  
931