

No. 425

PETITIONER

Eugene Smith

Petition filed Apr 3 1914

Viewed by Board April 9 1914
Viewers appointed

Report filed 191

Date of hearing 191

Report approved 191

Order of survey 191

Surveyor's Report filed Aug 13 1914

Declared County Road May 6 1914

See Book 11 Commissioners' Proceedings,

pages 359-414 ~~352~~

Recorded, Road Book, pages

..... County Clerk

Petition For Road

No..425.....

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

Gentlemen:

We, the undersigned free holders of Road District No...⁵..... of Gallatin County, Montana, residing on or adjacent to the following proposed County Road, do hereby petition your honorable body to ~~establish~~ **change**..... same as a County Road, beginning ~~at~~ **near the east line of ... the south west quarter of section 24, township 1 south, range 5 east,** where the proposed change will leave the present County Road; thence in a north westerly direction to the east of and in the same direction as the present County Road to the north line of said quarter section connecting there with the present County Road.

We believe the cost of constructing this road will not exceed \$/. All work will be donated by Eugene Smith and there will be no expense to Gallatin County, there being ~~no~~..... steep grades, ~~no~~..... culverts, ~~no~~..... bridges necessary on the route as proposed; the soil..... **well**..... adapted to road construction, and **and as the route is along a south westerly slope the location should give a dry firm road bed at all times of the year.**

We consider this road necessary for the convenience of public travel, and especially for the residents of this district, and further for the following reasons: **This change is asked that the farming land of Fannie Fielder and M. T Nelson may be thrown in one field and not divided by the County Road as at present.**

| Names of Petitioners | Land Owned by Same to be Crossed by Proposed Road | | | |
|-------------------------|---|------|------|-------|
| | Description | Sec. | Twp. | Range |
| <i>L. P. Powell</i> | | | | |
| <i>H. A. R. Powell</i> | | | | |
| <i>J. T. Jones</i> | | | | |
| <i>J. Walton</i> | | | | |
| <i>A. F. Reed</i> | | | | |
| <i>N. B. Wells</i> | | | | |
| <i>W. M. Robinson</i> | | | | |
| <i>Eugene Smith</i> | | | | |
| <i>W. J. Henry</i> | | | | |
| <i>Mary E. Stephens</i> | | | | |
| <i>W. O. Bohack</i> | | | | |
| <i>C. M. Beck</i> | | | | |

For Petitioners Who Propose Donating Gratuitously the Right of Way

....., 19....

We, the undersigned, of the above petitioners, in full consideration for benefits received or to accrue to us, do hereby agree to, and by these presents do gratuitously donate to Gallatin County, Montana, a right of way through any and all lands owned by us along the line of the proposed road hereinbefore petitioned for, the route of same to be definitely determined by the Board of County Commissioners of said County, in accordance with the examination and report of viewers therefor appointed by said Board, or as viewed by the Board of County Commissioners.

The said donation to take effect and be of full force immediately (and only when) said proposed road shall be open to the public throughout its full length.

| Name of Donator | Land Owned by Same to be Crossed by Proposed Road | | |
|--|---|------|------------|
| | Description | Sec. | Twp. Range |
| Wife <i>M. J. Nelson</i> <i>Mrs. M. J. Nelson</i> | N.W. 1/4 of S.W. 1/4 | 24 | 1 S 5 E |
| Wife <i>Mrs. Fannie Fielder</i> | S. 1/2 and N.E. 1/4 of S.W. 1/4 | 24 | 1 S 5 E |
| Wife | | | |
| Wife | | | |
| Wife | | | |
| Wife | | | |
| Wife | | | |
| Wife | | | |
| Wife | | | |

For Petitioners Who Propose Charging for Right of Way and Damages

....., 19....

We, the undersigned, of the first above mentioned petitioners, on demand of the Board of County Commissioners of Gallatin County, Montana, do hereby agree, and by these presents guarantee that we will by good and sufficient instrument, convey to said Gallatin County, the necessary right of way through any and all lands owned by us along the line of the proposed road as petitioned for, and on the line or route as definitely determined by the Board of County Commissioners of said County in accordance with the examination and report of the viewers therefor, appointed by said Board, for the sums of not to exceed the amounts set opposite our respective signatures below; the said sums to be received by us as compensation in full for said right of way, and any damage that may be done us, or to our lands in any manner, by reason of such road crossing any of our said lands.

Provided, however, that no transfer shall be required or demanded of us, as hereinabove provided, prior to the opening of the said proposed road to the public, throughout its full length, and upon the lines as definitely determined upon by said Board of County Commissioners, in the manner as hereinbefore provided.

| Name | Land Owned by Same to be Crossed by Proposed Road | | | Total Amount Proposed to be Charged for | |
|------|---|------|------------|---|---------|
| | Description | Sec. | Twp. Range | Right of Way | Damages |
| Wife | | | | | |
| Wife | | | | | |
| Wife | | | | | |

| | | | | | | | | |
|------|--|--|--|--|--|--|--|--|
| Wife | | | | | | | | |
| Wife | | | | | | | | |
| Wife | | | | | | | | |
| Wife | | | | | | | | |
| Wife | | | | | | | | |

Principal Petitioner, and List of Non-Consenting Land Owners

I, Eugene Smith, a land owner of Road District No. 5 of Gallatin County, Montana, commissioned by the general petitioners as the principal petitioner, do hereby certify that, to the best of my knowledge and belief, the following list contains the names of all non-consenting owners whose lands are crossed, or liable to be crossed by the above petitioned for road; and that all lands of consenting and non-consenting owners, liable to be crossed by said proposed road are indicated upon the attached plat.

| Names of Non-Consenting Land Owners (Including the Non-Resident, Protesting or Not Specifically Assenting) | Land Owned by same to be Crossed by Proposed Road | | | Estimated Total Cost Over Same | | |
|--|---|------|------|--------------------------------|------------|---------|
| | Description | Sec. | Twp. | Range | RightofWay | Damages |
| Wife | | | | | | |
| Wife | | | | | | |
| Wife | | | | | | |
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| wife | | | | | | |
| Wife | | | | | | |

Chapter 72, Thirteenth Session 1913, Sections 1-2-18

CHAPTER IV

Section 1. Any ten, or a majority, of the free holders of a road district, taxable therein for road purposes, may petition in writing, the Board of County Commissioners to, establish, change or discontinue any common highway therein. When such a highway is petitioned for upon the dividing line between two counties, the same course must be pursued as in other cases, except that a copy of the petition must be presented

to the Board of County Commissioners of each County, who may appoint viewers to act jointly and the viewers so appointed must report their findings to both Boards.

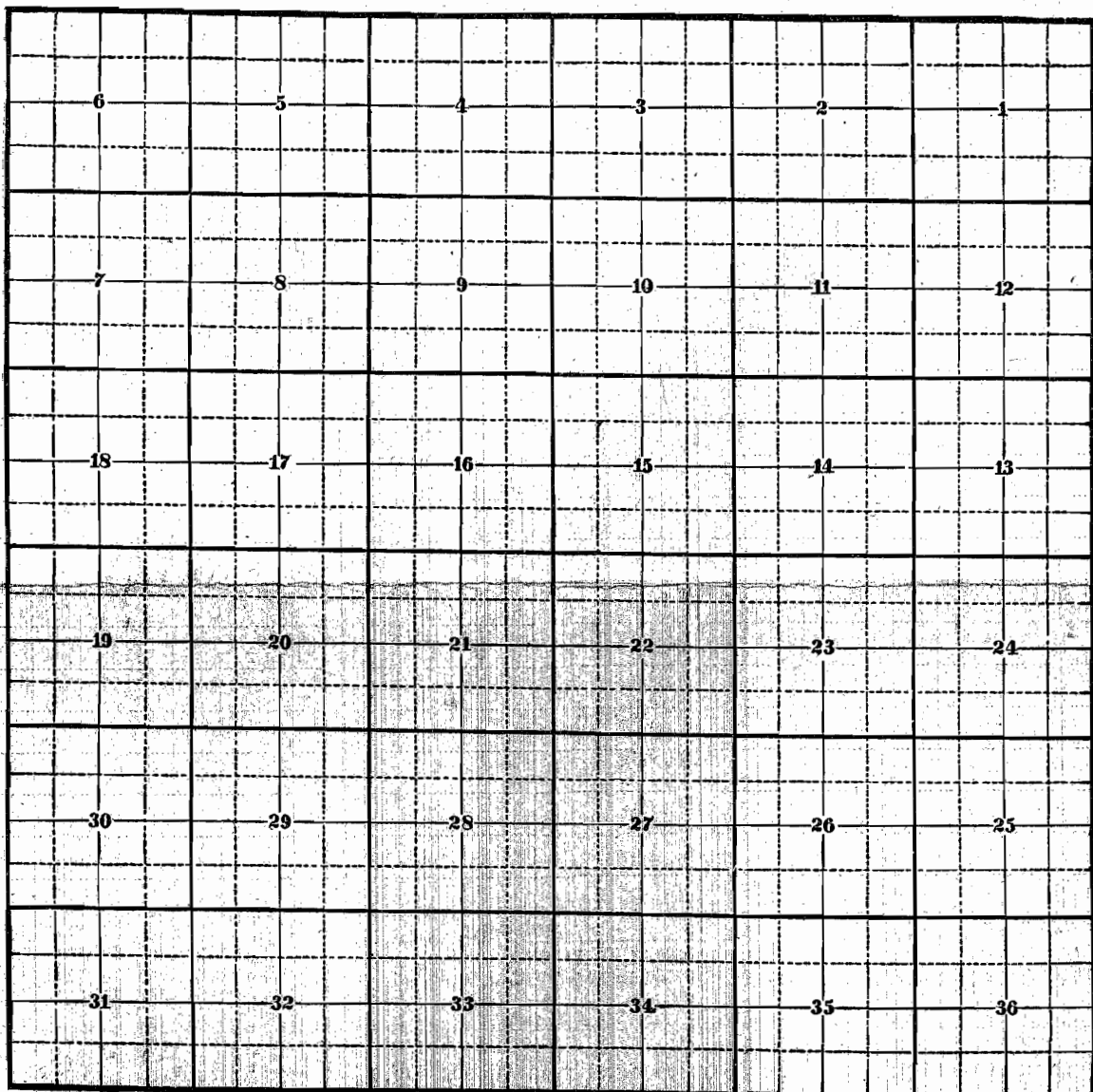
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

such of them as can be found consent thereto, and if not the probable cost of the right-of-way, where consent is not had, the necessity for, and advantage of the proposed road.

Section 18. Highways must be laid out and opened when practicable or upon subdivision or section lines, Provided, however, that the section shall not be construed to prevent oads being laid out on diagonal lines when public purposes shall be best subserved thereby.

Plat of Proposed Road

Township No. _____ Range No. _____



Scale so chains to an inch
20 40 60 80

True Meridian

No. 425

PETITION FOR ROAD

Principle Petitioner, **Eugene Smith**

Filed this 3rd day of April, 1914.

E. J. Schumaker
County Clerk and Recorder

By Deputy

Viewers

Appointed 19.....

To meet..... 19.....

At

On

Report of Viewers

Filed

Action by the Board.....

Road Dist. No. 5