

No. 438

PETITIONER

Thos Broadway et al

Petition filed July 27 1914

Viewers appointed 191

Report filed 191

Date of hearing 191

Report ~~approved~~ disapproved June 7 1914

Order of survey 191

Surveyor's Report filed 191

Declared County Road 191

C. W. Chesstreet

See Book Commissioners' Proceedings.

pages

Recorded, Road Book, pages

County Clerk

Petition For Road

No. 438...

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

Gentlemen:

We, the undersigned free holders of Road District No. 7..... of Gallatin County, Montana, residing on or adjacent to the following proposed County Road, do hereby petition your honorable body to establish a highway.. same as a County Road, beginning at the Southwest corner..... of the Southeast quarter of Section 9, thence running east on or near section lines between sections 9 and 16 and 10 and 15 to the Southeast corner of section 10, thence north along section line between sections 10 and 11, intersecting with present county road on the Northeast corner of Section 10.

Said proposed road also intersects with county road running North and South on quarter section line between sections 9 and 16, all in Tp. 2 North of Range 7 east.

Said petitioners petition your honorable body for a forty foot road.

We believe the cost of constructing this road will not exceed \$ 200.00..... there being no..... steep grades, three..... culverts, one..... bridges necessary on the route as proposed; the soil... black loam soil..... adapted to road construction, and

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, viz:

For the accommodation of the principal petitioner, Thomas Broadway, J. S. Haley, John Maddox, Fred Maddox, John Hopkins, Mr. Leffenwell, Fred Stryker, and others, and principally for the accommodation of those hauling in the winter.

Names of Petitioners	Land Owned by Same to be Crossed by Proposed Road			
	Description	Sec.	Twp.	Range
<u>Thomas Broadway</u>		<u>14</u>	<u>2N 7E</u>	<u>7E</u>
<u>John C. Maddox</u>	<u>NE 1/4 Sec 14 SE 1/4 and S 1/2 SW 1/4 of</u>	<u>10</u>		
	<u>and Under side 1/2 of Sec</u>	<u>15</u>		
<u>J. J. Maddox</u>	<u>NE 1/4 Sec 10 and Under side 1/2</u>	<u>15</u>		
<u>John Hopkins</u>	<u>Sec 11 2 NW R 7 E</u>			
<u>Mary V. Haley</u>		<u>11</u>	<u>2N</u>	<u>7E</u>
<u>As J. Williams</u>				
<u>Leffenwell</u>				
<u>P. H. Hodson</u>				
<u>Guy Blumber</u>				
<u>A. J. Bergande</u>				
<u>J. W. Bosley</u>				

For Petitioners Who Propose Donating Gratuitously the Right of Way

Bozeman, Montana, July 16th, 1914

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				
Wife				
Wife				
Wife				
Wife				
Wife				
Wife				
Wife				
Wife				
Wife				
Wife				

For Petitioners Who Propose Charging for Right of Way and Damages

Bozeman, Montana, July 16th, 1914

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, Thomas Broadway, a land owner of Road District No. 7 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						
<i>J-hor</i>						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
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.

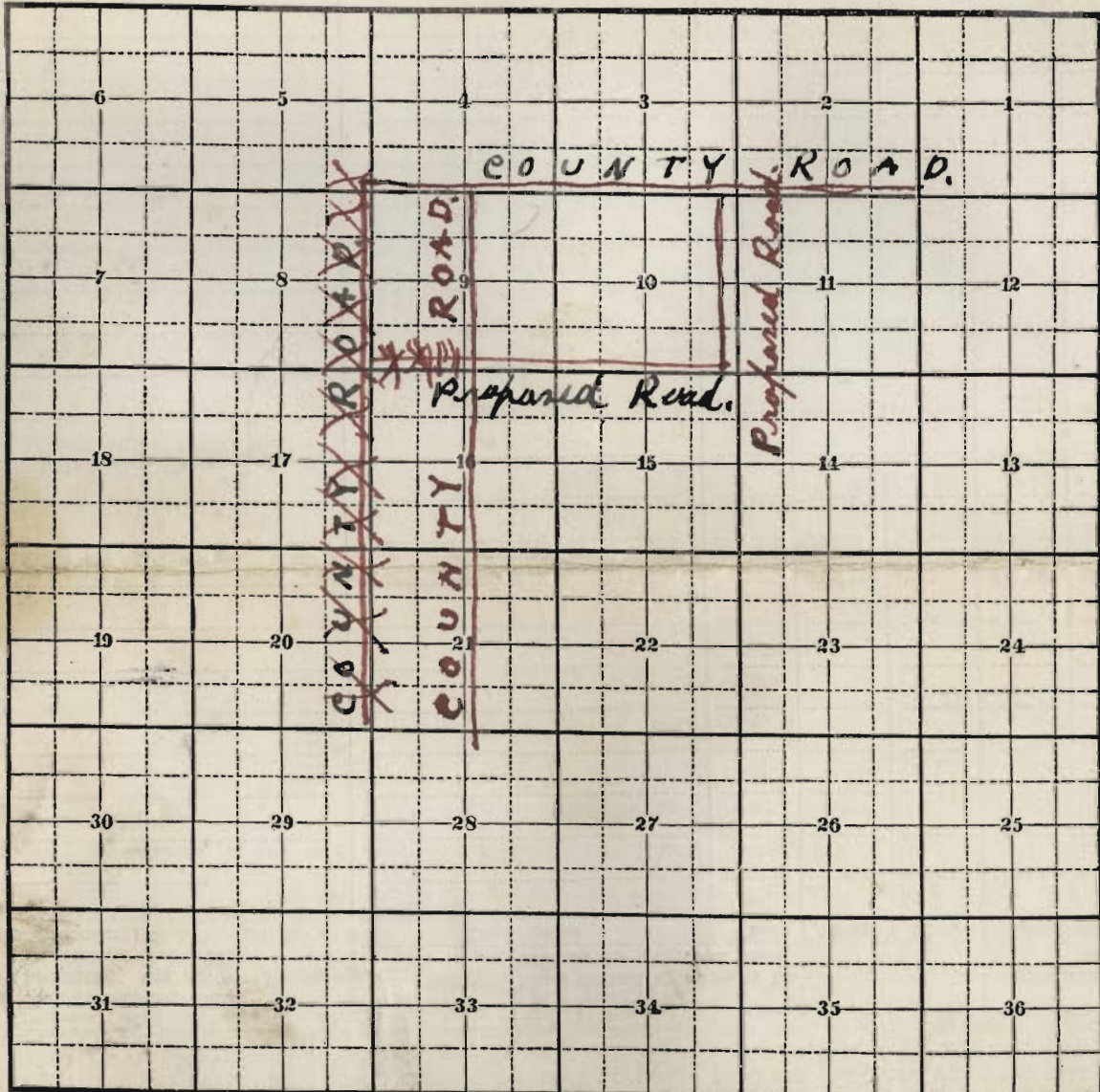
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

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. 2 North, Range No. 7 east.



Scale so chains to an inch
20 40 60 80

No. 438

PETITION FOR ROAD

Principle Petitioner.....
Thomas Broadway

Filed this 27th day of July, 1914

By E.H. Schumaker County Clerk and Recorder

Deputy

Viewers

Appointed 19.....

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

At

On

Report of Viewers

Filed

Action by the Board.....

Road Dist. No.....

Warrant for Road Viewers.

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

Mr. Geo. Giles,

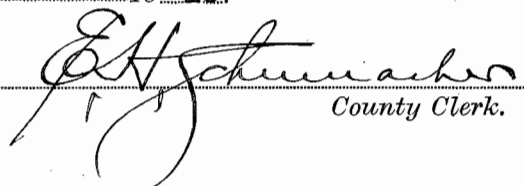
You are hereby notified that you were duly appointed Road Viewer by the Board of County Commissioners of Gallatin County, Montana, on the 18th day of August 19 16, to view and lay out a proposed road, as prayed for in the petition of R. T. Ballard, et. al. and others, described as follows, to-wit: Beginning at the established county road from Maudlow up the Middle Fork of 16 Mile Creek near the south east corner of the Bob Wall Ranch, running diagonally across corner of this ranch to the mouth of Paddys Run, here passing under or over the Milwaukee Ry. as you shall decide, from this point to the county border it will follow Paddys Run to its source.

(Meet at Hanson Bros. Ranch)

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 and John Deeney, who were duly appointed as Viewers on said road by the Board of County Commissioners on the 18th day of August 19 16, 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 8th day of August 19 16.


County Clerk.

By _____ Deputy.

Warrant for Road Viewers.

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

Mr. Geo. Giles,

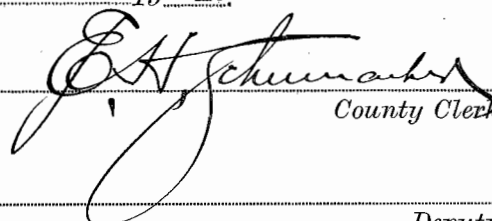
You are hereby notified that you were duly appointed Road Viewer by _____
the Board of County Commissioners of Gallatin County, Montana, on the 19th day of
August 1916, to view and lay out a proposed road, as prayed for in the petition of
R. J. Quigley and others, described as follows, to-wit:
Beginning at the Gallatin County line between sections 16 and 17, T 5N
R 7E; thence south one mile to the quarter corner between sections
20 and 21; thence south westerly along the ridge and connecting with the
road as now surveyed in the NE $\frac{1}{4}$ of Sec. 32, near Campbell's House.

(Meet on Agreement)

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 and John Deeney, who were duly appointed as
Viewers on said road by the Board of County Commissioners on the 19th day of August
1916 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 8th
day of August 19 16


County Clerk.

By _____ Deputy.