

No. 442

PETITIONER

N. R. Alleger

Petition filed Oct 15, 1914

Viewers appointed Dec 11 1914

Report filed 191

Date of hearing 191

Report approved 191

Order of survey 191

Surveyor's Report filed 191

Declared County Road 191

THE WITHIN IS
EXAMINED FOUND CORRECT, AND IS
HEREBY ~~APPROVED~~ disapproved
disapproved
BY ORDER OF THE BOARD, THIS THE
2 DAY OF March A. D. 1915,
CHAIRMAN,

ATTEST: _____

COUNTY CLERK.

See Book 11 Commissioners' Proceedings,

pages 433-440-432

Recorded, Road Book, pages _____

County Clerk

Petition For Road

No.....

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

Gentlemen:

We, the undersigned free holders of Road District No..... of Gallatin County, Montana, residing on or adjacent to the following proposed County Road, do hereby petition your honorable body to ~~establish~~ ^{change} ~~the~~ ^{running} County Road, ~~beginning at~~ through Sections 29 and 30 T.2S. R.4 E. known as County Road No 95 . The proposed change is described as follows to wit :- Beginning at the S.E. Corner of Section 30 T.2 S. R. 4 E. the same being a point in the center line of Road No 95. thence West along or near the south line of said Section 30 to the S. W. Corner thereof, thence North along the West line of said Section 30 as near as may be practicable to the intersection with the center line of said Co. Road No 95. The portion of the old road between the above described points to be vacated and discontinued whenever the proposed change shall be granted

We believe the cost of constructing this road will not exceed \$..... there beingno.....steep grades,.....culverts,no.....bridges necessary on the route as proposed; the soil.....is well.....adapted to road construction, and

We consider ^Achange of this road necessary for the convenience of public travel, and especially for the residents of this district, and further for the following reasons, viz:

We believe that an easier road at less expense can be constructed on the proposed line than on the line as originally laid out, no work having been done on the old road. The road as now laid out cuts sec. 29 and 30 in bad shape.

Names of Petitioners	Land Owned by Same to be Crossed by Proposed Road			
	Description	Sec.	Twp.	Range
<i>W. B. Allegor</i>				
<i>Emma Allegor</i>				
<i>J. P. Hayden</i>				
<i>J. B. Mc. Reynolds</i>				
<i>D. C. Ward</i>				
<i>A. J. Bryant</i>				
<i>W. B. Barrett</i>				
<i>John Johnson</i>				
<i>J. F. Burch</i>				
<i>D. Lepine</i>				
<i>J. Brown</i>				
<i>W. H. H. H.</i>				
<i>R. D. Hobbs</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
<i>Theo Gustafson</i>				
Wife <i>Emma Gustafson</i>				
<i>Oliver Biering</i>				
Wife <i>Mrs O. C. Biering</i>				
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	RightofWay	Damages
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.

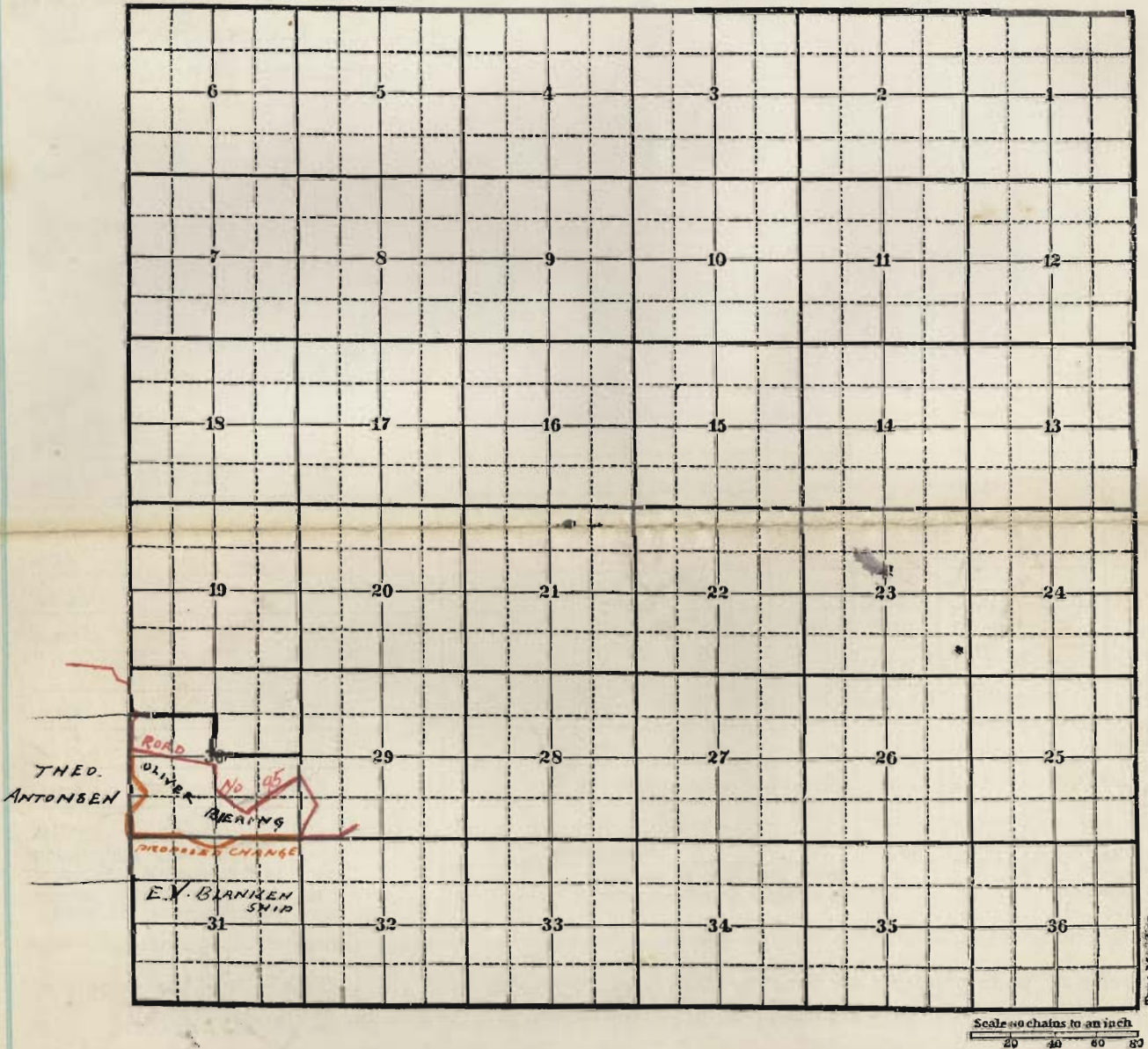
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

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 S. Range No. 4 E



No. 445.

PETITION FOR ROAD

Principle Petitioner.....

W. R. Collegen

Filed this 15th day of Oct. 1914

E. H. Johnson
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.

Office Of
County Clerk and Recorder
Gallatin County, Montana

Chas Waterman

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

W. R. Alleger and others-----

----- of Road District No. 4-----

The petition above referred to, petitions that a Road be established, commencing Beginning at the S.E. Corner of Section 30 T. 2 S. R. 4 E. the same being a point in the center line of Road No 95, thence West along or near the south line of said Section 30 to the S.W. Corner thereof, thence North along the West line of said Section 30 as near as may be practicable to the intersection with the center line of said Co. Road No. 95. The portion of the old road between the above described points to be vacated and discontinued whenever the proposed change shall be granted.

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 11th day of December 1914

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:

Ed. Blackwood
J. T. Matthews
Fred M. Brown

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

Yours Very Respectfully,

Chas Waterman

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

Dated at Bozeman, Montana, this 11th day of December 1914

Warrant for Road Viewers.

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

Mr.

You are hereby notified that you were duly appointed Road Viewer by Chairman of
the Board of County Commissioners of Gallatin County, Montana, on the 11th day of
December 1914, to view and lay out a proposed road, as prayed for in the petition of
W. R. Allegor- - - - - and others, described as follows, to-wit:
Beginning at the S. E. Corner of Section 30 T. 2 S. R. 4 E. the same being
a point in the center line of Road No 95, thence West along or near the
south line of said Section 30 to the S. W. Corner thereof, thence North
along the West line of said Section 30 as near as may be practicable to
the interseccion with the center line of said Co. Road No. 95. The por-
tion of the old road between the above described points to be vacated
and discontinued whenever the proposed change shall be granted. - - - -
- - - - -
- - - - -
- - - - -
- - - - -

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, Ed. Blackwood, and J. T. Matthews, who were duly appointed as
Viewers on said road by the Board of County Commissioners on the 22nd day of December
1914, 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
dam ages, 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 12th
day of December 19 14.

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 will faithfully and impartially perform, according to law, the duties of ROAD VIEWER, as per instructions embodied in the notice of appointment by the Board of County Commissioners.

E L Blackwood

Subscribed and sworn to before me this 22nd day
of December 1904

Fred M. Brown
County Surgeon.

This must be returned to the County Clerk after execution.

Report of Viewers on Road #442 as petitioned for by W.R. Alleger

To The Honorable Board of County Commissioners;
Gallatin County, Montana.

Gentlemen:-

We your viewers appointed to view a change in road as petitioned for by W.R. Alleger et. al. beg leave to report as follows.

On Dec. 22nd. the day set for viewing said road we assembled at the point designated as the beginning of the change and traversed the change over its entire length. The length of said change is about one and three fourths miles as follows; beginning at the S.E. corner of section 30, township 2 south, range 4 east; thence west as near the section line as practicable to the S.W. corner of said section 30; thence north as near as practicable along the section line about three fourths mile to intersect with the present County Road.

The cost of said change will be slight and should be borne by Oliver Biering he being the one benefited by the change.

All land owners along the route of the road agree to give the right of way gratis excepting E.V. Blankenship and we assess him damages as follows.

Land taken by road \$10.00 per acre, building new fence and moving old fence \$130.00.

Mr. Oliver Biering to pay the above damages and to have the privilege of building and moving the fences rather than paying the \$130.00.

We believe the route to be as good or better than the old route and recommend that Mr. Biering be permitted to make the change

Respectfully submitted.

Fred M. Brown
E. L. Blackwood
J. T. Matthews

Report of Viewers.

Road #442.

FILED

Jan. 21 1915
DEC 1914

Robt. J. Linnacher County Clerk
EHS

By _____ Deputy

Jan.6,1915.

Mr.Olliver Biering,
Salesville, Montana.

Dear Sir:-

In regard to the road petitioned for by yourself et.al.the Board of County Commissioners to-day took the following action. They accepted the viewers report which provides the following; that you shall pay to Mr.E.V.Blankenship \$10.00 per acre for all land taken from his section for the road and that you shall either do all the fencing for Mr. Blankenship or pay to him \$130.00 in cash. Also that you shall assume all expense of what so ever nature connected with the construction of the road. The amount of damages can not be determined until I have made a survey and determined the number of acres? If you are willing to accept these conditions let me know and I will come out and make the survey and instruct you how to proceed.

It will probably take me two days to come out and make the survey and get back and I should like to know if you have room for myself and a helper over night.

Yours very truly,

County Surveyor.