

Referred Aug 2-16

No. 456

PETITIONER

Chas Miller et al

Petition filed *July 17* 191*5*

Viewers appointed 191

Report filed 191

Date of hearing 191

Report approved 191

Order of survey 191

Surveyor's Report filed 191

Dissolved
~~Declared County Road~~ *Jan 3* 191*7*

See Book *11* Commissioners' Proceedings,

pages *595* Book *12* Page *47*

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. 40..... of Gallatin County, Montana, residing on or adjacent to the following proposed County Road, do hereby petition your honorable

body to establish a road..... same as a County Road, beginning at a point on Dhd 30 on
complemised road and running east about 80 rods
then south about 160 rods then a little north east
about 70 rods then a little south east about 70 rods
to the section line between 30 & 31 and
running east about 70 rods and connect with
the forest creek road at the south east
corner of section 30

We believe the cost of constructing this road will not exceed \$ 300,00.....
there being two..... steep grades, three..... culverts, one..... bridges necessary
on the route as proposed; the soil clay and gravel..... adapted to road construction, and
will be a well shll graded road
two stock passes

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:

we do at the present have to travel 3 miles to get to the
complemised road west and we want to get the
rail route changed that will benefit 3 people

Names of Petitioners	Land Owned by Same to be Crossed by Proposed Road		
	Description	Sec.	Twp. Range
<u>John Miller</u>			
<u>W. Frank</u>	<u>R. L. Frank</u>	<u>30</u>	<u>2 N 5 E</u>
<u>W. R. Hufford</u>	<u>W. R. Hufford</u>	<u>30</u>	<u>2 N 5 E</u>
<u>Wm. B. Vossner</u>	<u>Wm. B. Vossner</u>	<u>30</u>	<u>2 N 5 E</u>
<u>G. J. Miller</u>			
<u>J. G. B. B. B. B.</u>			
<u>J. J. Miller</u>			
<u>John Guinn</u>			
<u>M. E. Hufford</u>			
<u>Will J. Callantine</u>			
<u>E. S. Tuttle</u>			

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
W.D. Hoffine Wife Lillie Hoffine	S.E. 1/4 of S. 11 1/4, & N.W. 1/4 of S. 11 1/4 N.E. 1/4 of N.W. 1/4 and N.W. 1/4 of N.E. 1/4	30 31	2 N "	5 E "
Wife				
Wife	5 1/2 of S.E. 1/4 and N.E. 1/4 of S. 11 1/4	30	"	"
Wife				
R. L. Frank Wife	5 1/2 of N.W. 1/4	30	"	"
Names of those who will fence right way Wife				
Wife Charles Miller Wife W.D. Hoffine Wife L. L. Miller Wife R. L. Frank 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	No damages ask					
Wife						
Wife						

No damages

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.

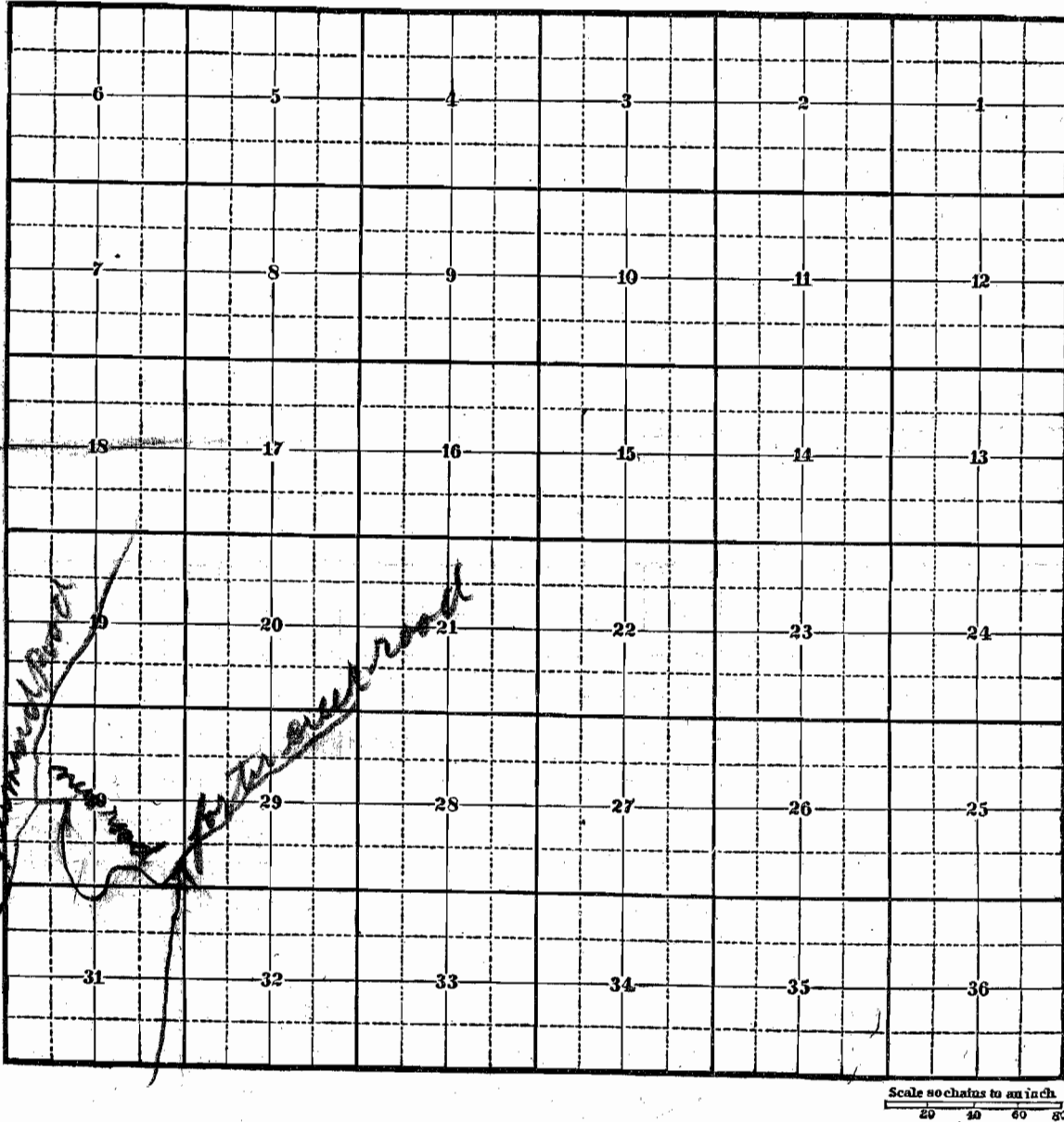
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

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 roads being laid out on diagonal lines when public purposes shall be best subserved thereby.

Plat of Proposed Road

Township No. 2 N Range No. 5 E



No. 457.....

PETITION FOR ROAD

Principle Petitioner Chas. Miller.....

Filed this 17th day of July, 1915.
Chas. Miller
County Clerk and Recorder

By J. H. Healy..... Deputy
Viewers

Appointed 19.....
To meet..... 19.....
At
On

Report of Viewers
Filed
Action by the Board.....

Road Dist. No.....

August 11th-1916.

Mr. Chas. Miller,
Belgrade, Montana.

Dear Sir:-

On August 8th at the regular meeting of the Hon. Board of County Commissioners, Road Petition No. 455, filed by you et al July 17th, 1915, was considered and the Honorable Board recommended that not having complied with the Provisions of the Civil Code of the State of Montana, in relation to such matters that it was advisable to refer this petition back to the petitioners.

As the original petition is a matter of record in the County Clerk's office, it is not possible to return it but I am enclosing herewith a copy of original petition and if the petitioners still wish this road, they should sign the enclosed petition and return it to this office.

The names of those who signed the original petition are:-

Chas. Miller,
R. L. Frank,
W. B. Euffine,
Wm. E. Vassaur,
C. L. Miller,
Everett Beckhorn,
E. T. Miller,

M. E. Haffine,
Will V. Callantine,
G. D. Tribble
M. Guirend

Respectfully,

County Surveyor.

ENCL.
FB-MC