

No. 459

PETITIONER

J. E. Henrett

Petition filed Aug 17 1915

Viewers appointed 191

Report filed 191

Date of hearing 191

Report approved 191

Order of survey Sep 13 1915

Surveyor's Report filed 1917

Declared County Road Sep 13 1915

C. W. Overstreet

See Book 11 Commissioners' Proceedings.

pages 514

Recorded, Road Book, pages

County Clerk

# Petition For Road

No. 459

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 ..... same as a County Road, beginning at a point in the west line of section 16, township 2 south, range 6 east, where the present county road turns south; thence north along the west line of said section 16 to the north west corner thereof; thence east along the line between sections nine and sixteen to the line between the properties of E.G.B.Hill and Mrs. Richardson; thence north along the line between said properties to a point 20 feet within the N.P.R of W.; thence easterly along said R. of W. to the R.R. crossing; thence across the N.P.Ry to the northerly R. of W. of the same. Thence Easterly along right-of-way to west line of F.E.Herrett.

We believe the cost of constructing this road will not exceed \$..... there being ..... steep grades, ..... culverts, ..... bridges necessary on the route as proposed; the 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:

Names of Petitioners	Land Owned by Same to be Crossed by Proposed Road			
	Description	Sec.	Twp.	Range
<u>F. E. Herrett</u>				
<u>E. M. Parker</u>				
<u>A. D. Purcell</u>				
<u>E. J. Rich</u>				
<u>Carl Bunden</u>				
<u>Nels Knutsen</u>				
<u>O. D. Marshall</u>				
<u>August Gaffke</u>				
<u>David Smith</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
Wife <i>Hattie Smith</i> <i>Otto Smith</i>	20 feet along the east side of the N.E. 1/4 of the N.E. 1/4	17	25	6E
Wife <i>Mrs. Richardson</i>	20 feet along the W side of the N.W. 1/4 of the N.W. 1/4 sec 16	16	"	"
Wife	20 feet along the W line of section 16 and extending from the N.W. cor. 16 58 1/2 feet east there 20 feet along the east side of			
Wife	20 feet extending from a point 56 3/4 ft east of the S.W. cor. sec 9 northw. to the N.P. R. of W.			
Wife <i>E. S. B. Hill</i>	A strip 20 feet wide on the W side of a line extending from a point 56 3/4 feet east of the S.W. cor. sec 9 northw. to the N.P. R. of W.			
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, ....., a land owner of Road District No..... 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						
Wife						
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Wife						
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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.

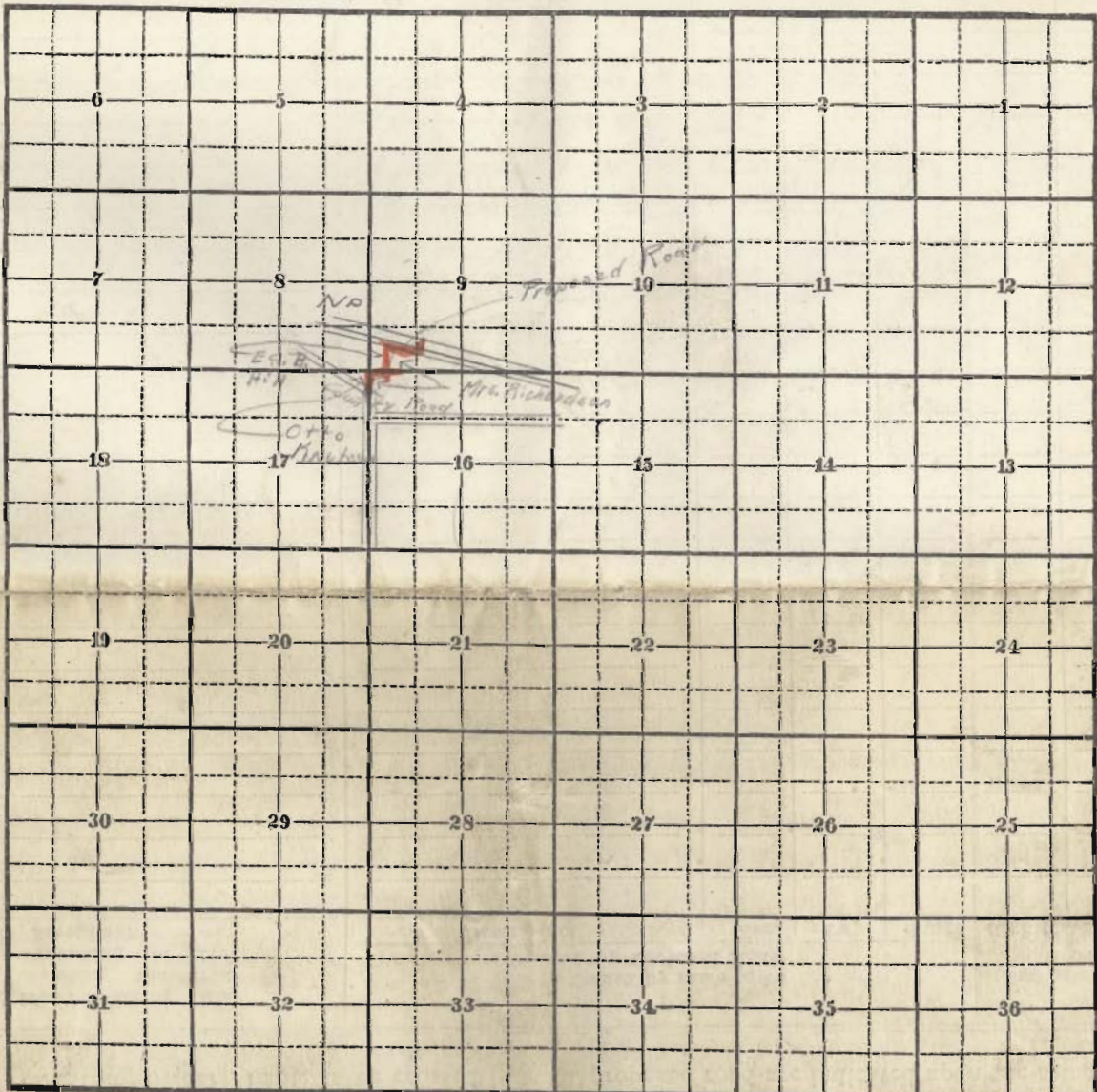
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

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. \_\_\_\_\_



No. *457*

## PETITION FOR ROAD

Principle Petitioner, .....  
*J. E. Bennett*  
 Filed this *17th* day of *Aug.* 19*13*.  
*J. W. Chamberlain*  
 County Clerk and Recorder  
 By *J. W. Chamberlain* Deputy

Viewers  
 Appointed ..... 19  
 To meet ..... 19  
 At .....  
 Or .....  
 Report of Viewers  
 Filed .....  
 Action by the Board, .....

Road Dist. No. ....

308.2  
 574  
 882.6  
 441.3

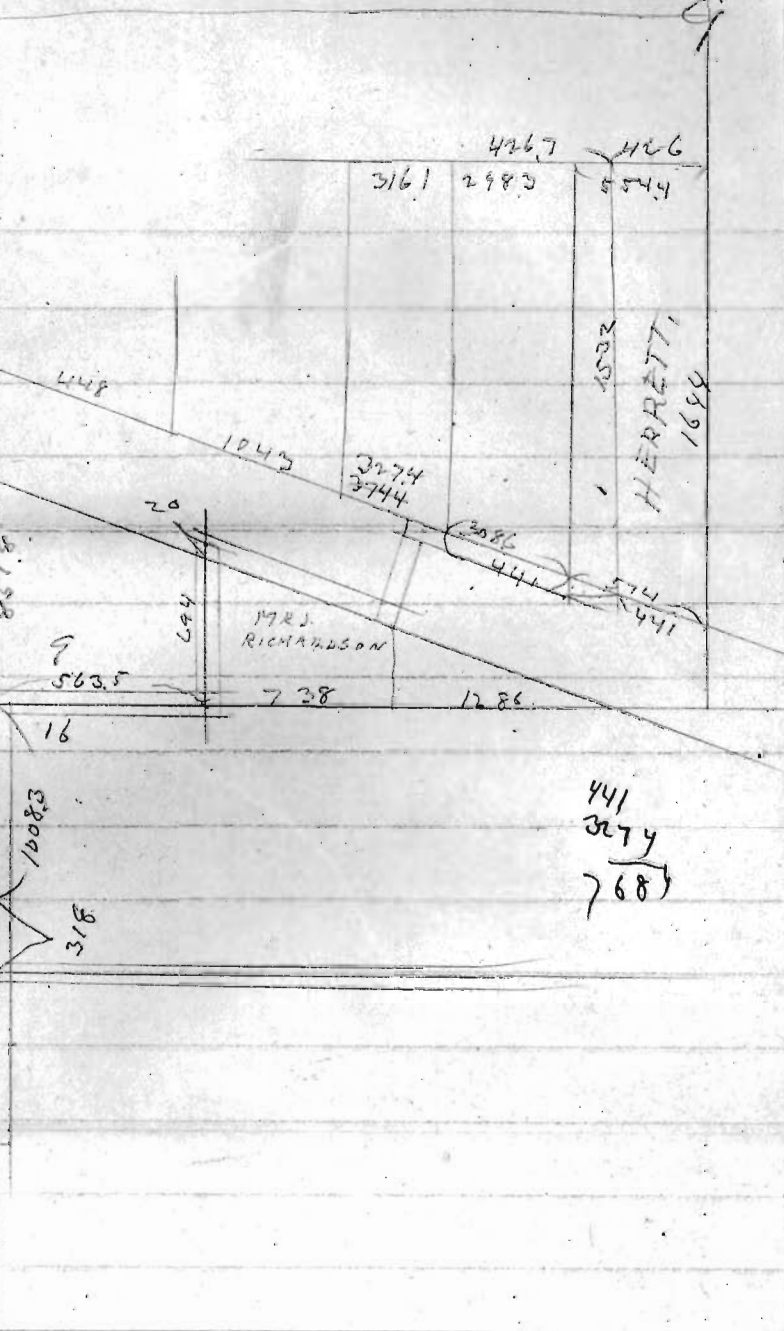
58.3  
 5544  
 8527  
 426  
 426.7

T.S.R. & Co

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 563.5  
 17  
 16

563.5  
 739  
 1301.5  
 1286  
 1597.5

1326.3



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 3274  
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10508  
7400

57811  
8201  
1820

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2887

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1487

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1058

12177  
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50909

12177  
1177  
14348