

No. 462

PETITIONER,

Sam L. Hoffman

Petition filed Nov 10 1905

Viewers appointed Sept 7 1906

Report filed Oct 3 1906

Date of hearing 190

Report approved Oct 17 1906

Order of survey 190

Surveyor's Report filed 190

~~Dissolved~~
~~Declared County Road~~ Jan 3 1907

See Book 11 Commissioners' Proceedings,

pages 595-624

Book 12 page 47
Recorded, Road Book, pages

County Clerk

Petition For Road

No....462....

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

Gentlemen:

We, the undersigned free holders of Road District No.....⁴..... 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 section line between sections three and ten, township three south, range four east, where the same is intersected by the West Gallatin River thence west along the sections lines to intersect with the present County Road along the foot of the bluff.

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
Samuel Hoffman			
for benefit of road			
E. E. Astell			
Mrs. Lodie Gabriel			
J. F. Baird			
J. P. Hayden			
J. H. M. Reynolds			
J. A. Salas			
A. B. Black			
J. A. Shadown			
J. W. Tomlinson			
Geo. E. Sterling			
C. M. THORPE			
F. W. Leckliter			

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>Manfester</i> Wife	A strip 30 ft wide along the south line of SE 1/4	4	3 S	4 E
<i>Rami Manfester</i> Wife	A strip 30 ft wide along the south line of SW 1/4 of SW 1/4	3	"	"
<i>R. Mitchell</i> Wife <i>Mitchel</i>	A strip 30 ft wide along the south line of SE 1/4 of SW 1/4	3	"	"
<i>W. E. Murtry</i> Wife <i>J. V. Murtry</i>	A strip 30 ft wide along the south line of SE 1/4	3	"	"
<i>G. W. Carter</i> Wife <i>Carter</i>	A strip 30 ft wide along the north line of NE 1/4 of NE 1/4	10	"	"
<i>L. J. Concorance</i> Wife <i>M. J. Concorance</i>	A strip 30 ft wide along North line of NW 1/4 of NW 1/4, sec 10 and NE 1/4	9	"	"

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						

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.

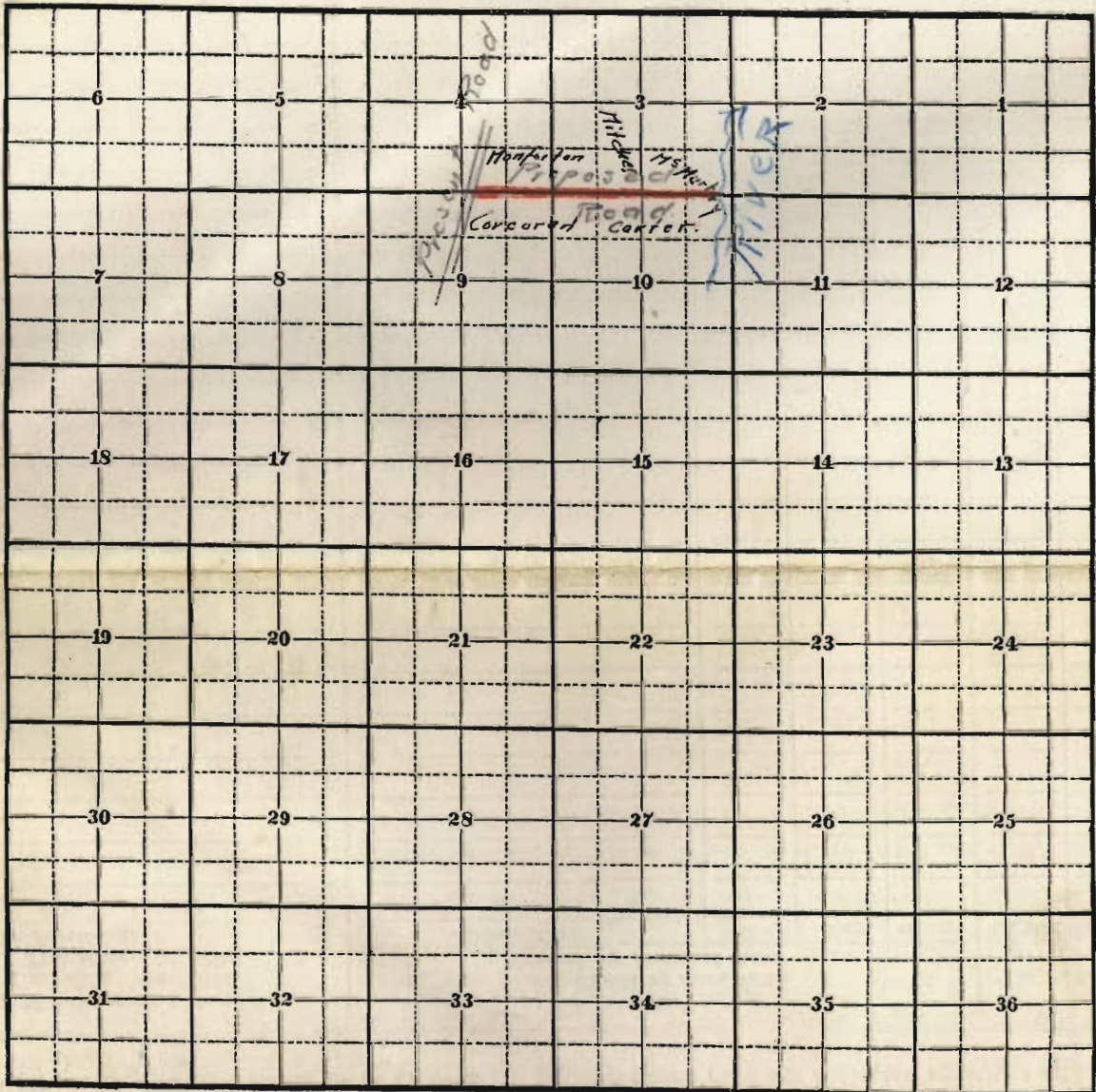
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

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. 35 Range No. 4E



True Meridian

Scale so chains to an inch
20 40 60 80

PETITION FOR ROAD

No. 467

Principle Petitioner.....

James A. Hoffman

Filed this 10th day of Apr, 1913.

J. W. Chumacker
County Clerk and Recorder

By J. W. Chumacker Deputy

Viewers
And M. Beard
E. E. C. Till
Geo. W. Claypool

Appointed 1913.

To meet, April 10th, 1913.

At Adrian, Mich.

On

Report of Viewers

Filed Apr 10, 1913.

Action by the Board.....

Road Dist. No.....

We the undersigned hereby agree to give the labor or money set opposite our names toward the construction of the road petitioned for in the inclosed petition.

Name

Amount.

9/6

Warrant for Road Viewers.

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

Mr. Joe McReynolds

You are hereby notified that you were duly appointed Road Viewer by
the Board of County Commissioners of Gallatin County, Montana, on the 7th day of
September 19 16, to view and lay out a proposed road, as prayed for in the petition of
Saml. L. Hoffman et al and others, described as follows, to-wit:
beginning at a point in the section line between sections three and ten,
township three south, range four east, where the same is intersected
by the West Gallatin River, thence west along the section lines to
intersect with the present County Road along the foot of the bluff.

To meet at Salesville, Montana, September 30th-1916

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 C. E. Axtell, who were duly appointed as
Viewers on said road by the Board of County Commissioners on the 7th day of September
19 16 commencing at the place designated in said petition as the starting point of the road sought to be
granted 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 11th
day of September 19 16

County Clerk.

By _____ Deputy.

Warrant for Road Viewers.

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

Mr. C. E. Artell,

You are hereby notified that you were duly appointed Road Viewer by _____
the Board of County Commissioners of Gallatin County, Montana, on the 7th day of
September 19 16, to view and lay out a proposed road, as prayed for in the petition of
Saml. L. Hoffman and others, described as follows, to-wit:
beginning at a point in the section line between sections three and ten,
township three south, range four east, where the same is intersected
by the West Gallatin River, thence west along the section lines to
intersect with the present County Road along the foot of the bluff.

To meet at Salesville, Montana, September 30th-1916.

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 Joe McReynolds, who were duly appointed as
Viewers on said road by the Board of County Commissioners on the 7th day of September
19 16, commencing at the place designated in said petition as the starting point of the road sought to be
granted 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 11th
day of September 1916.

County Clerk.

By _____
Deputy.

Warrant for Road Viewers.

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

Mr. Fred M. Brown,

You are hereby notified that you were duly appointed Road Viewer by _____
the Board of County Commissioners of Gallatin County, Montana, on the 7th day of
September 1916, to view and lay out a proposed road, as prayed for in the petition of
Saml. L. Hoffman and others, described as follows, to-wit:

~~beginning at a point in the section line between sections three and ten,
township three south, range four east, where the same is intersected
by the West Gallatin River, thence west along the section lines to
intersect with the present County Road along the foot of the bluff.~~

~~To meet at Salesville, Montana, September 30th-1916~~

You are hereby ordered to meet, to be sworn according to law and assume the duties of your office, in
company with Joe McReynolds and G. E. Artell, who were duly appointed as
Viewers on said road by the Board of County Commissioners on the 7th day of September
1916 commencing at the place designated in said petition as the starting point of the road sought to be
granted 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 11th
day of September 1916.

County Clerk.

By _____
Deputy.

Report of Road Viewers

ROAD PETITION NO.

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY,
MONTANA:

We, the undersigned, Fred M. Brown, L. E. Cottell and
Joe M. Reynolds, appointed to view a proposed
running from the north quarter corner of sec 9 - T30-R4E
thence east to the West Gallatin River

as described in Petition No., state, that on the day of,
191...., we assembled on the course of proposed road, having previously notified all resident owners or agents
of land over which the proposed road or change passes of the place, day, date and hour of meeting, and we
make the following findings:

1st. The course, termini, length and probable cost of construction of the proposed highway or change as
follows:

Cost of construction 3000⁰⁰

2nd. The estimate of damages to owners of lands over which it is proposed to run the highway, or that
may be affected by the proposed change, including the cost of any additional fencing required, is as follows:

The benefits are equal to the damages in all cases

3rd. The names of land owners who consent to give the right of way with their written consent thereto,
as follows:

As given on the petition

4th. The names of owners who do not consent, including non-resident land owners, and the amount of damage claimed by each, as follows: *There are none*

5th. The feasibility, desirability and cost of any other route or change serving the same purpose, with the necessity for a greater, or the practicability of a less width than petitioned for, as follows:

We recommend that Mr. Mitchell and Mr. Hoffman secure a right of way between the corner of Mrs. Gribner and Mr. Leake in section 10 to the road now granted

6th. The following facts, bearing upon the subject, which may be of interest to the Board:

We believe said road *not* to be practical and *not* of public utility, and necessity, and do *not* recommend the establishment of the same.

Date *Sept 30*, 1916

*Fred M. Brown
Joe Indreapodly
C. E. Atwell*

VIEWERS

Viewers' Oath or Affirmation

STATE OF MONTANA, }
County of Gallatin } ss.


I, Fred M. Brown, County Surveyor of Gallatin County, Montana, do solemnly swear (or affirm) that I will discharge all the duties pertaining to the office of viewer of a proposed County road, from near the north quarter in sec. 9 T35R4E east to the West Gallatin River

as described in Road Petition No. 462, faithfully and impartially according to law, so help me God.

Dated this 29th day of Sept, 1916

Sworn and subscribed to before me this 29th day of Sept, 1916

Fred M. Brown
County Surveyor
J. H. Schumaker
Clerk and Recorder
Deputy



STATE OF MONTANA, }
County of Gallatin, } ss.

C. E. Artell and Joe McReynolds being first duly sworn, each for himself, do solemnly swear (or affirm) that he will discharge the duties pertaining to the office of viewer of a proposed County road from near the north quarter in sec. 9 T35. R4E thence east to the West Gallatin River

as described in Road Petition No. 462 faithfully and impartially according to law, so help me God.

Sworn and subscribed to before me this 30th day of September, 1916

Joe McReynolds
C. E. Artell
Fred M. Brown
County Surveyor

Written Consent of Land Owners

We, the undersigned, each for himself, consent to, and will give the right of way across our lands for proposed Road Petition No.....on course as recommended by the viewers in this report.

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Viewers' Report

Road Petition No. 462

VIEWERS

Frank M. Brown

L. E. Cuttill

Joe McRaynold

STATE OF MONTANA, }
County of Gallatin, } ss.

I hereby certify that the within instrument was filed in this office on the.....

3rd day of Oct, 1916,

at 3:00 o'clock P. M.

[Signature]
County Clerk and Recorder

By _____ Deputy