

T23R2E

No. 479

PETITIONER:

PERRY ELLEDGE

Petition filed DEC 18 1916

Viewers appointed DEC 18 1916

Report filed Jan 3 1917

Date of hearing 191

Report approved Jan 3 1917

Order of survey Jan 3 1917

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

Declared County Road 191

Approved: J. G. Collett Chairman

See Book 12 Commissioners' Proceedings,

pages 38-47

County Clerk

Petition For Road

No. 479.....

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 same as a County Road, beginning at a point S 54° E.....

and 1649 feet distant from the S. E. cor. of sec. 18, T. 2 S., R. 2 E.
thence following the survey made in 1906 as follows:
N 62° 19' W 617 ft.; thence N 84° 17' W 250.5 ft.; thence N 75° 17' W 249.5 ft.; thence N 56° 19' W 279 ft.; thence N 62° 24' W 551 ft.; thence north 24° 8' W 341 ft.; thence north 13° E 1214 ft.; thence N 20° 25' E to a point 20 ft E of the N. V. center line of said section 18; thence north to the N. quarter corner of said section 18; thence north westerly to the head of the gulch and fence in sec. 7 same township and range; thence around the point of fence; thence N. easterly to the N. E. cor. of said sec. 7.

Providing Road is put not more than 40 ft inside of field a hard edge of bluff, Lot 4 318 72 S 2 E

We believe the cost of constructing this road will not exceed \$ 1000.00.....

there being no..... steep grades,..... no..... culverts, 3-8 ft...... 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:

To avoid traveling over the Black hill

Names of Petitioners	Description	Land Owned by Same to be Crossed by Proposed Road		
		Sec.	Twp.	Range
<u>Perry Elledge</u>	<u>Part east half of</u>	<u>7</u>	<u>25</u>	<u>2 E</u>
<u>Edmond</u>	<u>400 acres</u>	<u>20</u>	<u>25</u>	<u>2 E</u>
<u>J. W. McCall</u>	<u>220 acres</u>	<u>22 25</u>	<u>28</u>	<u>2 E</u>
<u>Wm. Lutz</u>	<u>1.15 acres.</u>	<u>18</u>	<u>25</u>	<u>2 E</u>
<u>Valter Lutz</u>	<u>-----</u>	<u>"</u>	<u>"</u>	<u>"</u>
<u>Wm. McLes.</u>	<u>160 acres</u>	<u>24</u>	<u>28</u>	<u>2 E</u>
<u>D. McKinnon</u>	<u>220 "</u>	<u>27</u>	<u>24</u>	<u>24</u>
<u>J. B. Hutchinson</u>				
<u>John A. Muir</u>				
<u>J. R. Ogden</u>				
<u>Chas. Burryarmer</u>				
<u>Wm. S. Muir</u>	<u>720 acres</u>	<u>28 25</u>	<u>28</u>	<u>2 E</u>
<u>Wm. Lewis</u>	<u>160</u>			
<u>Ch. Battenfelder</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
<i>Lewis</i> Wife	<i>A strip of land 40 ft wide where the road is now graded in the NE 1/4 SW 1/4</i>	<i>18</i>	<i>25</i>	<i>25</i>
Wife				
<i>E. Eledge</i> Wife	<i>As described in the within petition in the NW 1/4</i>	<i>18</i>	<i>25</i>	<i>25</i>
Wife				
Wife	<i>Land in the E half of</i>	<i>7</i>	<i>"</i>	<i>"</i>
Wife				
Wife				
Wife				
Wife				

For Petitioners Who Propose Charging for Right of Way and Damages

..... *Dec. 16,*, 19*16*

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
<i>Mrs. H. Eledge</i> Wife	<i>lots 4 + 7</i>	<i>18</i>	<i>25</i>	<i>25</i>	<i>40¢ HW</i>	<i>\$1.00</i>
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

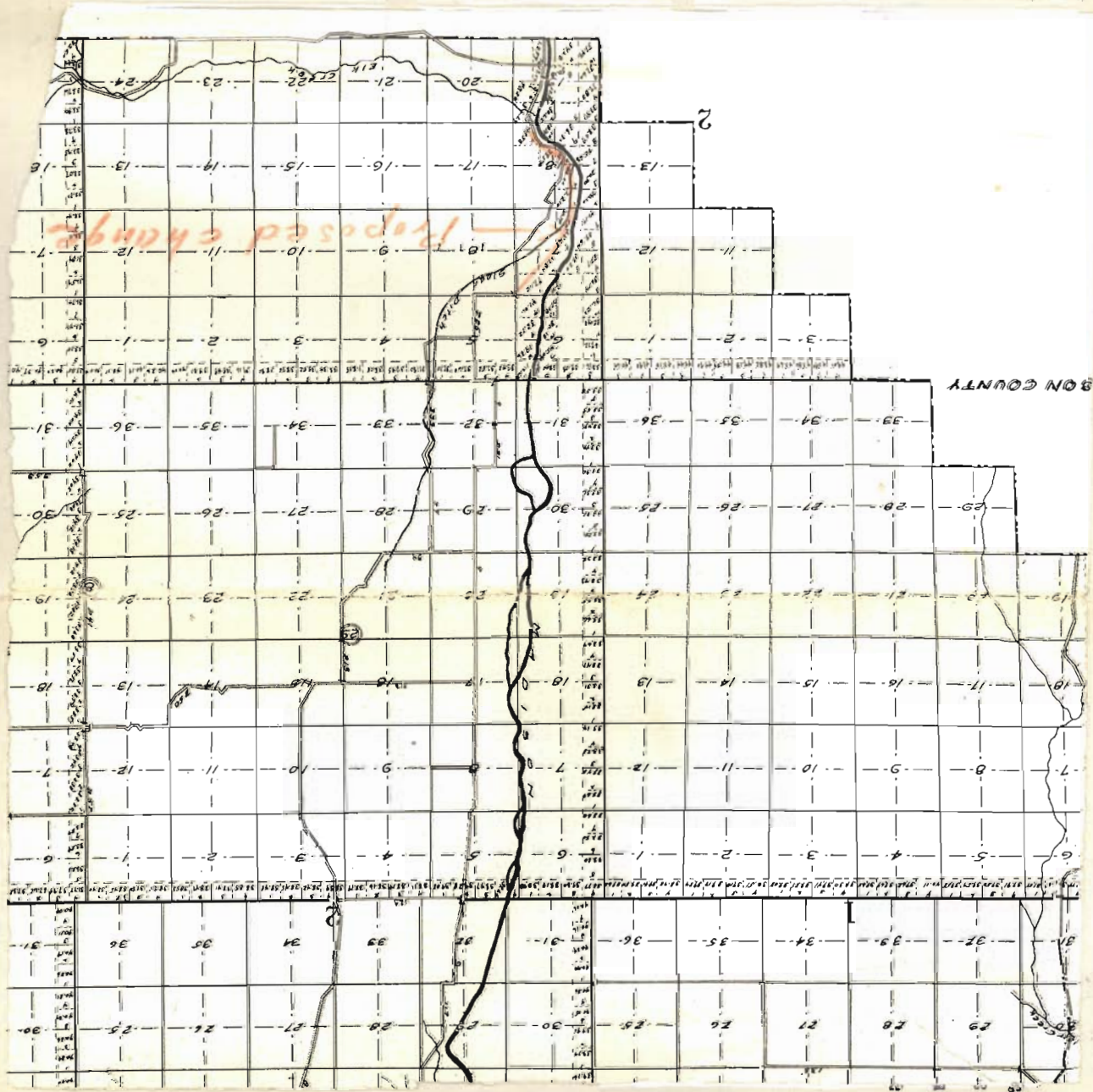
to the Board of County Commissioners of each County, who may appoint viewers to act jointly and the viewers so appointed must report their findings to both Boards.

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



No. 479

PETITION FOR ROAD

Principle Petitioner.....
Gerry Eledge

Filed this *18th* day of *Dec.*, 19*16*.
W. H. Schumacher
 County Clerk and Recorder

By..... Deputy

Viewers
Martha Jacoby
Geo. M. Lewis
Fred M. Brown

Appointed..... *Dec.*, 18th, 19*16*
 To meet..... *Dec.*, 28, 19*16*

At *Mar. Patton*

On.....
 Report of Viewers

Filed.....
 Action by the Board.....

Road Dist. No.....

Warrant for Road Viewers.

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

Mr. Martin Jacoby

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
December 19 16 to view and lay out a proposed road, as prayed for in the petition of
perry Elledge et al and others, described as follows, to-wit:

Beginning at a point 554 E, thence following the survey made in
1906 as follows: -N 62° 19' W 617 ft; thence N 84° 17' W 250.5 feet;
thence N 73° 17' W 249.5 ft; thence N 56° 19' W 279 ft; thence
N 62° 24' W 551 ft; thence north 24° 8' W 341 ft; thence north 13° E
1214 ft; thence N 2° 25' E to a point 20 ft E of the N&S center line
of said section 18; thence north to the N quarter corner of said section
18; thence northwesterly to the head of the Gilland Bluff in section 7
same township and range; thence around the point of rocks; thence
N easterly to the NE Corn of said section 7; providing road is put
not more than 40 ft. inside of filed a land edge of bluff, Lot 4,
S 18 T 2S 2E

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 Geo. M. Lewis, who were duly appointed as
Viewers on said road by the Board of County Commissioners, on the 28th day of December
1916, commencing at the place designated in said petition as the starting point of the road sought to be
viewed, at Manhattan, Mont. 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 18th
day of December 19 16

E. H. Johnson
County Clerk.

By _____ Deputy.

Warrant for Road Viewers.

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

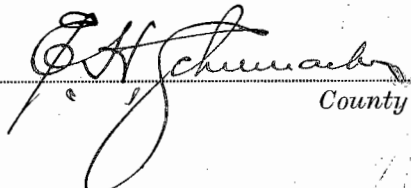
Mr. Geo. M. Lewis,

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
December 19 16, to view and lay out a proposed road, as prayed for in the petition of
Perry Elledge et al and others, described as follows, to-wit:
 Beginning at a point 554' E, thence following the survey made in
 1906 as follows:- N 62° 19' W 617 ft; thence N 84° 17' W 250.5 feet;
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 1214 ft; thence N 2° 25' E to a point 20 ft E of the N & S center line
 of said section 18; thence north to the N quarter corner of said section
 18; thence northwesterly to the head of the Gilland flume in section 7
 same township and range; thence around the point of rocks; thence
 N easterly to the NE Corn of said section 7; providing road is put
 not more than 40 ft. inside of field a land edge of bluff, Lot 4,
 S 18 T 2S 2E

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 Martin Jacoby, who were duly appointed as
 Viewers on said road by the Board of County Commissioners on the 28th day of December
 19 16, commencing at the place designated in said petition as the starting point of the road sought to be
at Manhattan, Montana. 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 18th
day of December 19 16.



 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, George M. Lewis, Martini Jacoby and
Lued M. Brown, appointed to view a proposed
running ~~from~~ around the Black Hill

as described in Petition No., state, that on the 30th day of December,
1916, 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: As described in the petition.
We estimate the cost \$1250⁰⁰

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:

We believe Mrs. Elledge should have \$100⁰⁰ damages.

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

Lued M. Brown.
Elledge Bros.

4th. The names of owners who do not consent, including non-resident land owners, and the amount of damage claimed by each, as follows:

Mr. Elledge asks \$100.00 damage.

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:

No other route

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

This road will be of great convenience to the farmers and stock raisers living near and to the general public in traveling to the Madison Lake. This change makes a good road of one almost impossible one.

We believe said road.....to be practical and.....of public utility, and necessity, and do.....recommend the establishment of the same.

Date *Dec 30*, 191*6*

*Levi M. Brown
Martin Jacoby
M. H. ...*

VIEWERS

Viewers' Oath or Affirmation

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

I, _____, 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 _____

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

Dated this _____ day of _____, 191__

County Surveyor

Sworn and subscribed to before me this _____ day of _____, 191__

Clerk and Recorder

Deputy

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

Martin Jacoby and *G. M. Lewis*

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~~ *around the Black Hill as described in the petition therefor*

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

G. M. Lewis
Martin Jacoby

Sworn and subscribed to before me this *30th* day of *December*, 191*4*

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. 479

VIEWERS

Fred M. Brown

Martin Jacoby

J. M. Lewis

STATE OF MONTANA, } ss.
County of Gallatin,

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

..... day of Jan, 1917,

at 9th St. Helena M.
W. J. McLeod

County Clerk and Recorder

By *[Signature]* Deputy

RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

M. J. Leahy

(Signature or name of addressee.)

[Signature]

(Signature of addressee's agent.)

Date of delivery, -----, 191

Form 3811

05-6116

RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

George W. Lucas

(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery, *12-20* -----, 191*6*

Form 3811

05-6116

INFORMATION.

To obtain a receipt showing delivery, indorse the article, across its face, "Receipt desired." A check mark (✓) or (V) in the space after the words "Receipt desired," the letter "A" in the space after the words "Delivery restricted to addressee in person," or the letter "O" after the words "Delivery restricted to addressee or order," indicates that a return receipt is desired, or that delivery is restricted as stated. The absence of a check mark or of the letters "A" and "O" indicates that no return receipt is desired and that delivery is not restricted.

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Bozeman, Mont

Letter Parcel No. 2006

P. O.,

Received for registration 12/19/1916, from

addressed to

Receipt desired Delivery restricted (See printed information on this receipt.)

To addressee in person

To addressee or order

1 class postage prepaid.

Postmaster, per M

Letter Parcel No. 2001

P. O. Bozeman, Mont

Received for registration 12/19/1916, from

addressed to

Receipt desired Delivery restricted (See printed information on this receipt.)

To addressee in person

To addressee or order

1 class postage prepaid.

Postmaster, per M