

TANRBE

No. 489

PETITIONER:

C. E. Jordan et al.

Petition filed Feb 27 1918

Viewers appointed March 5 1918

Report filed May 11 1918

Date of hearing 191

Report approved May 18 1918

Order of survey May 18 1918

Surveyed 191

Field Book No. 84 Page 24  
88 31

Recorded in Roadbook 191

Declared County Road 191

Opened to traffic stages 0 to

68 - Oct 1 - 1924

Approved: Chairman

See Book 12 Commissioners' Proceedings,  
203,

pages 212 - 222 - 203

Book 13 - Pages 104 - 353  
Book 14 - Pages 405 - 414 - 434

County Clerk



**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. N | Range E |
| Charles Erickson<br>Wife | Lots 4-5-6-7                                      | 4    | 4      | 4       |
| W. E. Mott<br>Wife       | 5 1/2 of NW 1/4                                   | 2    | 4      | 3       |
| F. M. Muesler<br>Wife    | Lots 2, 3, & 4                                    | 2    | 4      | 3       |
| W. C. Bushnell<br>Wife   | 9el   | 3    | 4      | 3       |
| 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 | 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        |
|--|---|------|------|--------------|-------------------|
|  | Description                                       | Sec. | Twp. | Right of Way | Over Same Damages |
| <del>Wife</del>  | <i>Petitioners for Road</i>                       |      |      |              |                   |
| <del>Wife</del> <i>C. E. Jordan</i>  |   |      |      |              |                   |
| <del>Wife</del> <i>W. G. Knutson</i>   |   |      |      |              |                   |
| <del>Wife</del> <i>Geo. H. Havitt</i>  |   |      |      |              |                   |
| <del>Wife</del> <i>Frank Winterhalter</i>  |   |      |      |              |                   |
| <del>Wife</del> <i>John Seery</i>  |   |      |      |              |                   |
| <del>Wife</del> <i>Carl Bieneck</i>  |   |      |      |              |                   |
| <del>Wife</del> <i>John Lammendick</i>   |   |      |      |              |                   |
| <del>Wife</del> <i>Bart Altemberg</i>  |   |      |      |              |                   |
| <del>Wife</del> <i>Jonas Stoschinger</i>   |   |      |      |              |                   |
| <del>Wife</del> <i>Ross Windhorst</i>  |   |      |      |              |                   |
| <del>Wife</del> <i>W. Pochhacker</i>   |   |      |      |              |                   |
| <del>Wife</del> <i>Frank Morgan</i>  |   |      |      |              |                   |
| Wife   |   |      |      |              |                   |
| Wife   |   |      |      |              |                   |
| 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. \_\_\_\_\_ Range No. \_\_\_\_\_

|    |    |    |    |    |    |
|----|----|----|----|----|----|
| 6  | 5  | 4  | 3  | 2  | 1  |
| 7  | 8  | 9  | 10 | 11 | 12 |
| 18 | 17 | 16 | 15 | 14 | 13 |
| 19 | 20 | 21 | 22 | 23 | 24 |
| 30 | 29 | 28 | 27 | 26 | 25 |
| 31 | 32 | 33 | 34 | 35 | 36 |

Scale so chains to an inch  
20 40 60 80

True Meridian

No. 7.8.8.

## PETITION FOR ROAD

Principle Petitioner.....  
*C. E. Jordan*

Filed this *27th* day of *Feb.* 19*18*.  
*D. A. McLeod*  
County Clerk and Recorder

By *W. D. Reel* Deputy

Viewers  
*R. S. Duncan*  
*Jessie M. Brown*

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

Report of Viewers  
Filed *May 11 - 1918*  
Action by the Board.....  
*Report approved*

Road Dist. No. ....

## Chicago, Milwaukee &amp; St. Paul Railway Co.

2 — 20 — 1918

Mr Fred Brown  
 County Surveyor  
 Boyeman Moch

Dear Sir

I will donate land for a  
 County road through my place, The  
 same to follow Irigating Ditch from wagon  
 crossing near Melness House & wagon crossing  
 near my House, On Lower Side of ditch,  
 then follow ditch on upper side to ~~right~~ away  
 fence, thence along same through my land  
 to East Side

Witness

W. E. Mott

Chs. Peterson

all stock from below would  
come up the creek and  
would be hard to keep out  
of the fields. When the  
road is laid out I would  
like to know I would  
be glad to make some  
suggestions. So when the  
road is to be surveyed  
I would like to know

Yours truly  
Jeff H. Shupe

Toston Montana

May 12, 1918

Mr Fred Brown

Bozeman Montana

Dear Sir: Chas Jordan

wrote to me some time ago  
about the road from

Cardinal to Chas Erickson's

Yes I am willing to give  
ground providing they do  
not go thru my orchard  
and is it to be a fenced  
lane. That would be

Very convenient for me  
for I would be at the  
end of the lane and

315-1C

Butte, Mont., June 27, 1918


Mr. Fred M. Brown  
County Surveyor, Gallatin County  
Boseman, Montana

Dear Sir:

I have your letter of June 24, and regret to learn that Supt. Murphy and Engineer Musson have not made the appointment with you. I will say, however, that both of these men are very busy, due to the fact that the war has taken men from all departments of the railroad and thrown additional duties on those who are left.

I have brought the matter to their attention, and suggested that they arrange a meeting as early as possible.

Yours truly,

  
E. H. Barrett  
ASST. GENERAL SUPERINTENDENT



# Chicago, Milwaukee & St. Paul Railway Company

Office of Division Superintendent

Three Forks, Mont., June 29, 1918.

Mr. Fred M. Brown,  
Surveyer, County of Gallatin,  
Bozeman, Mont.

Dear Sir:-

Your letter to Assistant General Superintendent Barrett May 8th.

Can you meet myself and Assistant Engineer C.A.W. Musson at Three Forks, 8:00 A.M. July 6th and go to Cardinal to look over the new proposed county road?

Yours truly,



ASSISTANT SUPERINTENDENT.

JWR/mc.  
cc-C.A.W.M.

**Chicago, Milwaukee & St. Paul Railway Company**

Butte, Mont. August 2, 1918.

Mr. Fred M. Brown,  
County Surveyor,  
Bozeman, Montana.

Dear Sir:

I have your letter of July 28th together with <sup>two</sup> three blue prints showing map and profile of proposed highway in Gallatin County East of Cardinal.

In preparing an easement for encroachment on Railway Company's right of way it will be necessary for me to furnish a description of center line of road. Will you kindly send me a copy of survey notes. If you have such, wish you would also send me offset distances between center line of proposed road and center line of track at the points where road encroaches on right of way.

Yours very truly,

*C. J. Jackson*  
District Engineer.

R/L  
E H B

August 15 1918

Mr. C.T. Jackson,  
District Engineer,  
Butte, Montana.

Dear Sir;-

As requested in your letter of August the 2<sup>nd</sup>. I am enclosing a description of the center line of the proposed highway from Crane east along your right of way. I infer that this will be about what you want for use with the maps already furnished.

Very truly yours,

Beginning at a point on the section line between sections 3 and 4 T.4N. R.3 E. at station 0 said point being in the right of way and 30 feet from the right of way fence, and running N.55 38E 720.5 feet to station 7-20.5 a point 30 feet inside the said right of way fence and also 30 feet from the fence after it changes direction.

Thence S.80 52E. and 30 feet inside the fence 61.5 feet to station 7-81.5. Thence N.55 16E. 902.1 to station 16-83.6 and running 30 feet outside the right of way fence. Thence N.55 27E. also outside the right of way fence 790.5 feet to station 24-74.4 a point 75 feet from the north rail. Thence N.58 43E. 401.6 feet to station 28-76.0 around a rock cliff and crossing the right of way fence about station 27. Thence N.55 56E. 192.4 feet to station 30-68.4. Thence N.47 26E. 195 feet to station 32-63.4 a point from which the north rail at west end of bridge C.C. 260 bears S.68½E. 95.0 feet. Thence N.55 25E. 808.6 feet to station 40-72.0 a point 30 feet outside the right of way fence and 77 feet from the north rail. Thence N.55 47E. 450.0 feet to station 45-22.0 a point from which the north rail at east end of bridge C.C. 258 bears S.11W. 134 feet. Thence S.87 41E. 319.2 feet to station 48-41.2. Thence N.89 47E. 410.6 feet to station 52-51.8 a point 30 feet outside the right of way fence. Thence S.77 28E. 124.5 feet around a rock cliff to station 53-76.3 a point 40.8 feet from north rail. Thence N.86 12 E. 211.1 feet to station 55-87.8. Thence N.75 06E. 199.5 feet to station 57-87.3. Thence N.69 29E. 470.0 feet to station 62-57.3 from which the "Station One Mile" post bears S54W. 231 feet. Thence N.63 47 E. 143.6 feet to station 64-00.9 a point from which signal <sup>90</sup> bears S.84E. 62 feet. Thence N.58 20E. to station 67-08.9, 308.0 feet. Thence N.55 27 E. ,1053.1 feet to station 77-62.0 a point 30 feet inside the right of way fence, this line crosses into the right of way fence at station 72-60.0. Thence N.3 28W. 239 feet to station 80-015 a point at foot of the hill north of the rail road and continuing around the foot of the hill but no where entering the right of way.

OFFICE OF  
FRED M. BROWN  
SURVEYOR--COUNTY OF GALLATIN  
STATE OF MONTANA

BOZEMAN, MONTANA.

November 26-18.

Mr. J. J. Murphy,  
Supt. C.M. & ST. P. Ry.  
Deer Lodge, Montana.

Dear Sir:-

In the Spring of this year I made a survey for a County Road from Cardinal on your line east to the east line of section 2, T. 4 N., R. 3 E. As it is necessary that a part of this road be constructed on your companys right of way I took up the matter with your office. It was arranged that a representative of your company should accompany me and look the proposition over on the ground. Accordingly on July 6th. Your superintendent ~~and~~ Mr. Ross and your engineer Mr. Jackson and myself went to Cardinal and looked the proposition over. On August 2nd. Mr. Jackson wrote me and asked for more data from which to prepare an easement. Since then I have heard nothing from your Company. Gallatin County was very anxious to get this road constructed this season as the people in this vicinity are continually traveling over your tracks and a serious accident is liable to occur at any time. Will you kindly look into this matter and try and arrange for the easement at an early date.

Yours very truly,

United States Railroad Administration  
W. G. McADOC, Director General of Railroads  
Chicago, Milwaukee & St. Paul Railway Co.

Lines East of Avery, Idaho

Office of Assistant General Superintendent

Butte, Mont.,

December 3rd, 1918.

Mr. Fred. M. Brown,  
County Surveyor,  
Bozeman, Montana.


Dear Sir:

I have before me your request of May 8th with reference to a highway near Cardinal, Montana, which highway was to take part of this Company's right of way.

After going into the matter carefully two or more times, I now find that it is recommended that we do not permit of the highway as suggested in plans on account of the close proximity of the highway to the center of our main track. Liability of accident to team travel along such a highway would be too great.

I regret exceedingly that we are unable to look upon your request with more favor.

Very truly yours,

  
Asst. General Superintendent.

COPY

Helena, January 30, 1919.

Subject: Crossing East of Cardinal.

Mr. W. E. Mott,  
Maudlow, Montana.

Dear Sir:

We are in receipt of the blue print of the surveyed road near Cardinal, furnished you by County Surveyor Brown. The suggestion made relative to an investigation would undoubtedly be a very good one.

For your information, however, this office has a bill now in the legislature amending the existing road laws to cover cases similar to yours. We believe that this will become a law within two or three weeks, and would recommend that this matter be held in abeyance until the fate of the bill is determined.

Kindly advise if this is satisfactory. We are mailing copy of this letter to Mr. Brown.

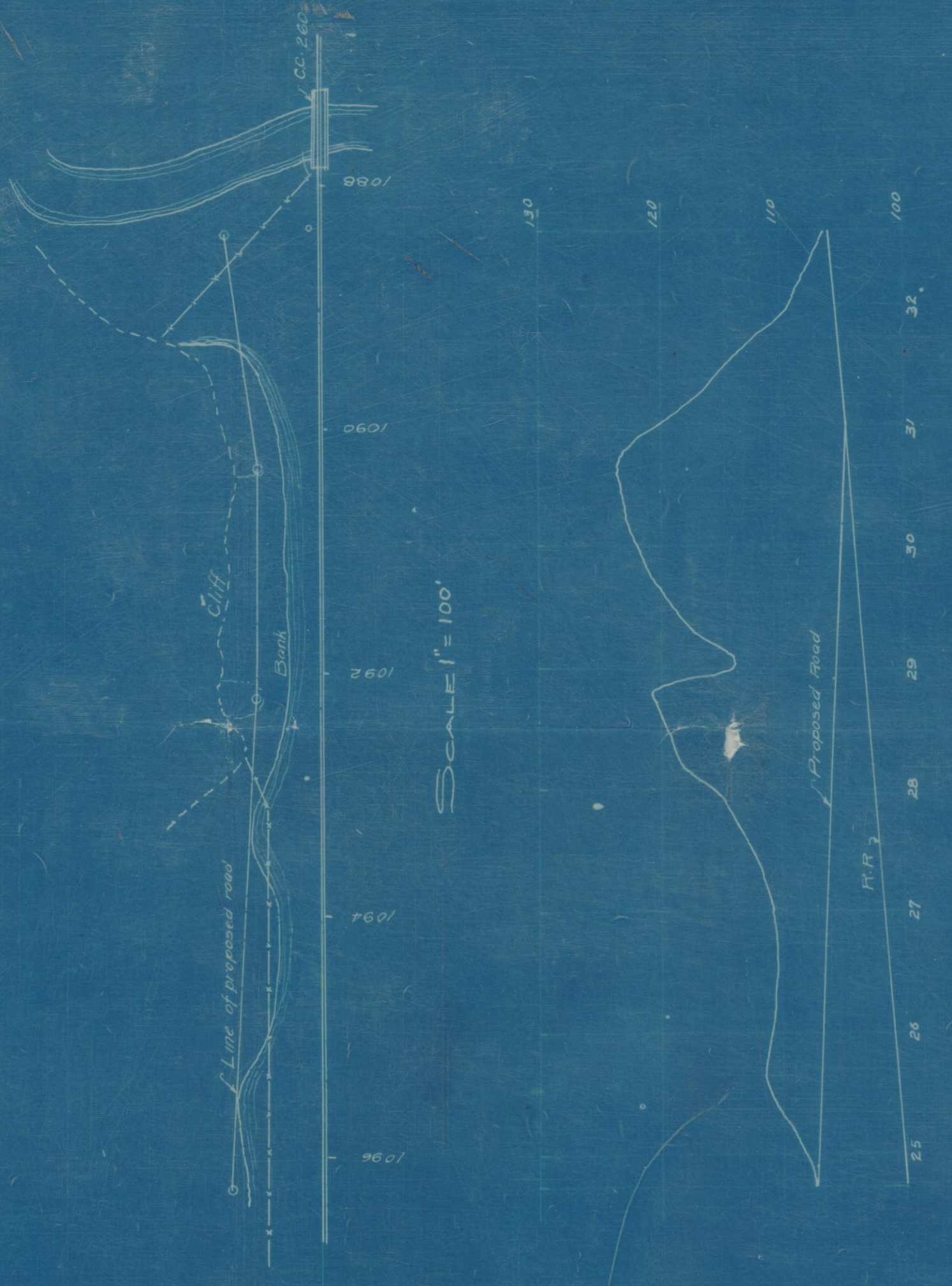
Very truly yours,

RAILROAD AND PUBLIC SERVICE COMMISSION

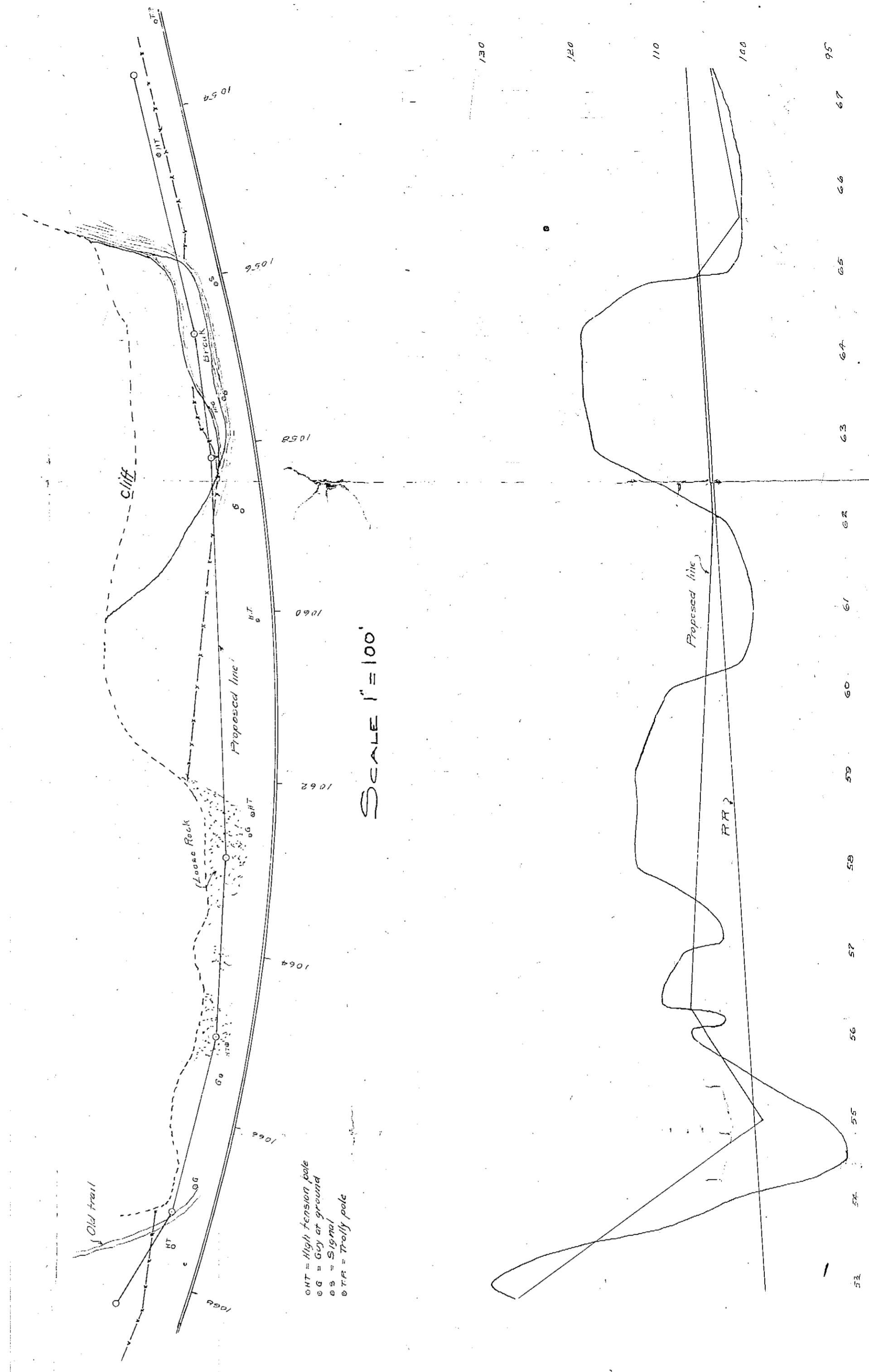
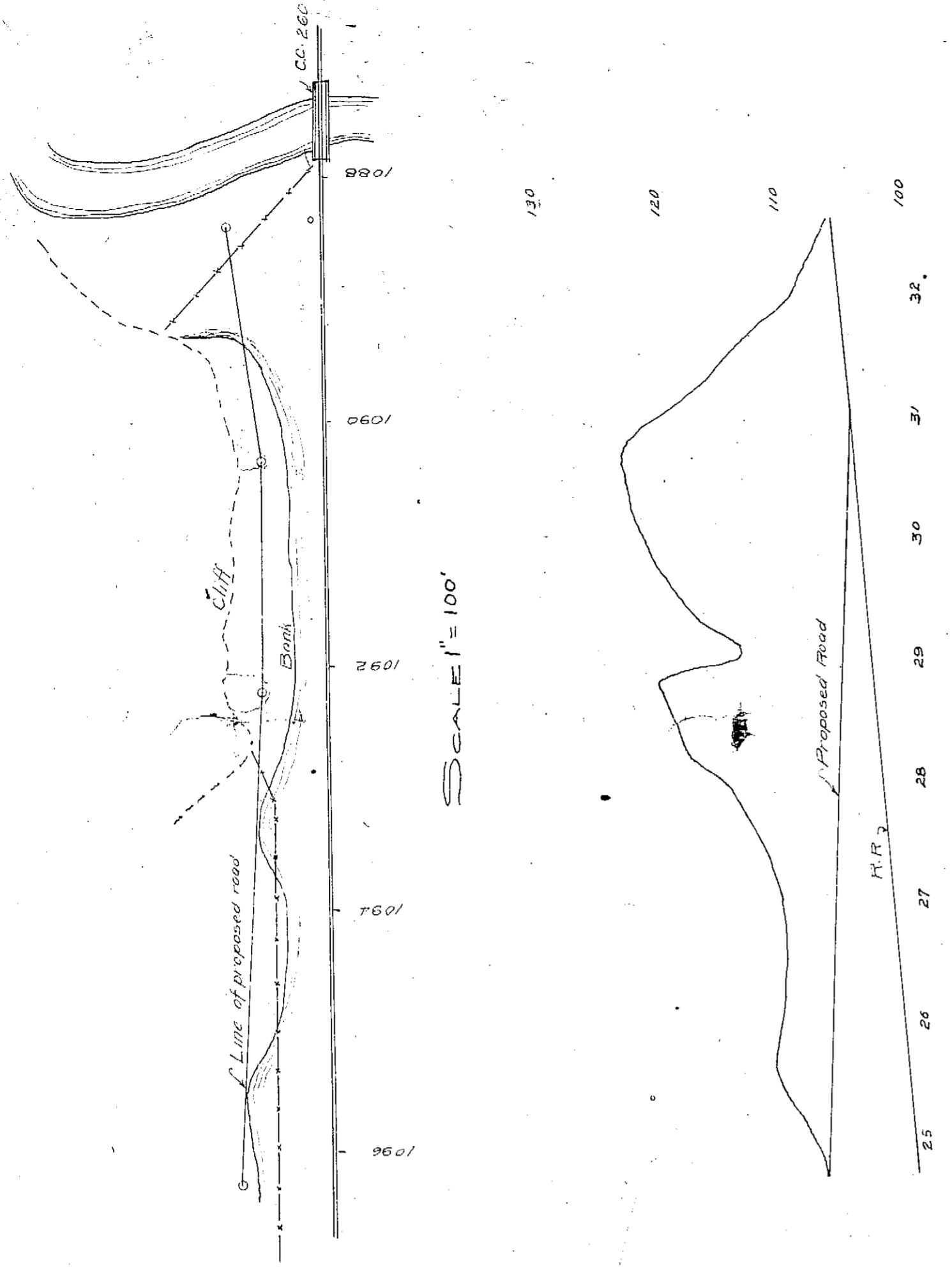
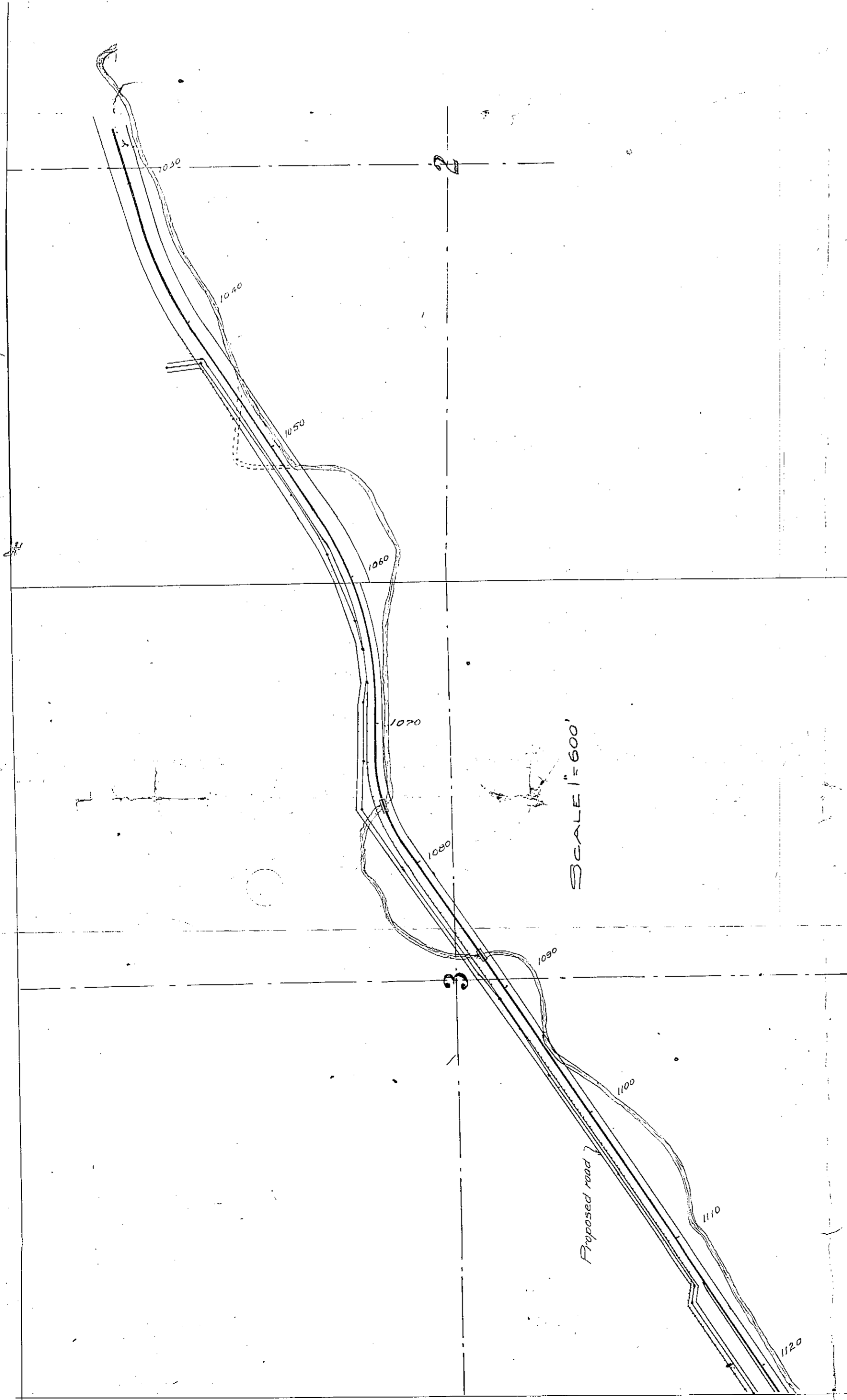
  
Secretary.

cy: Mr Brown. ✓

PROPOSED ROAD  
IN  
SIXTEEN-MILE CANON  
FROM  
CRANE EAST







OWT = High tension pole  
 CC = 60' pole  
 RR = 120' pole  
 TR = 120' pole

PROPOSED ROAD  
 IN  
 SIXTEEN-MILE CANYON  
 FROM  
 CRANE EAST