

TINRBE Sec 13

No. 492

PETITIONER:

Gene Smith

Petition filed Apr 2 1918

Viewers appointed Apr 2 1918

Report filed May 11 1918

Date of hearing 191

Report approved May 11 1918

Order of survey May 11 1918

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

Declared County Road 191

Petition denied

June 21-1918

Approved: Chairman

See Book 12 Commissioners' Proceedings,

pages 212-222

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. 25 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 present County Road a short distance north of the east quarter corner of section 13 T 1 N R 5 E. thence south along the section line about 29 rods; thence along the present road used by G. M. Beck to its intersection with the present County Road near the center of the S. E. quarter of said section 13.

Your petitioners also ask that the present County Road between the beginning and end of the proposed change be vacated.

We believe the cost of constructing this road will not exceed \$ 350.00

there being ..... steep grades, ..... culverts, ..... bridges necessary on the route as proposed; the soil well 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:

The present grades are full of snow and is impassable in winter.

Land Owned by Same to be Crossed by Proposed Road

Names of Petitioners	Description	Sec.	Twp.	Range
Gene Smith				
Ge Cordry				
Wm T Benson				
Ben Walker				
Ed W. Thomas				
James Walker				
Martin Walker				
Henry C. Walker				
William Owsen				
Geo F. ...				
Wm. ...				
J. P. ...				
J. ...				
J. G. Powell				
Ed Ross				
Adam Marka				

Bozeman, Montana,  
June 3rd-1918

To The Honorable Board of County Commissioners,  
Gallatin County, Montana.

Gentlemen:-

We, the undersigned ask that the petitions presented to your Honorable Board by Gene Smith et al asking that the County Road near the Lon Beck Place be changed from the present grade to run due south to the foot of the hill, be not granted:

Our reasons for remonstrating against this petition are that the new road can never be made as good a grade as the present road and any money expended towards the change will not be expended to advantage.

We believe the trouble caused by snow on the present grade can easily be remedied by constructing a snow fence about 150 feet in length and widening the grade.

H. C. Walker

E. H. Truax

Jonathan Walker

Jane Walker

Benj Walker

Wm Walker

M L Hiffman

Martin Walker

D. W. Thomson

J P Hiffman

J H Moppitt

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>C. M. Beck</i>	<i>30 ft along the west line of section 18, T. 15, R. 6, E from the west quarter corner of said section to a point 29 rods south.</i>			
Wife				
Wife	<i>A strip of land 30 ft in width along the east line of sec 18, T. 15, R. 6, E beginning at the east quarter corner of said section three rods south 29 rods. Also the right of way now used by C. M. Beck as a private road.</i>			
Wife <i>J. J. Walton</i>				
Wife				
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						



# 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. 492

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## PETITION FOR ROAD

Principle Petitioner.....  
*Gene Smith*

Filed this 2<sup>nd</sup> day of April, 1918.  
*Gene Smith*  
County Clerk and Recorder

By ..... Deputy  
*J. S. Day*

Viewers  
*J. F. Gallett*  
*Fred M. Burman*

Appointed ..... 1918.  
*Apr. 3*

To meet ..... 1918.  
*Apr. 10*

At .....  
*Bozeman*

On .....

Report of Viewers  
*May 11 - 1918*

Action by the Board.....  
*Refused accepted*

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Road Dist. No.....

out for 9% - 90640  
 left -126.200

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out for 8% - 192.000  
 left - 114.000

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	8 1/2%			cost	2ds.
out	16.4	<sup>A</sup> 597	<sup>Z</sup> 392	116800	= 4325
left	20.0	1000	232	116000	= 4300

