

T3NR3E

No. 495-

PETITIONER:

Jesse Green et al

Petition filed June 3 1918

Viewers appointed June 26 - 1919  
July 2 1918

Report filed June 11 1920

Date of hearing 191

Report approved 191

Order of survey 191

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

~~Declared County Road 191~~

Not granted

June 10, 1920

Approved: Chairman

See Book 12-13 Commissioners' Proceedings,

pages 246 - 37

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..... 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 *about 300ft N of*

*the NW corner of sec 29 and passing thru the NW corner and the SE corner of the NE 1/4 sec 29 and continuing by way of the fallo and school house on sec 28 to a point 300ft N of the SE corner of sec 28 and from there to a point 300ft E of SE cor sec 28. Also a branch beginning at the school house on sec 28 and extending thru a gulch on sec 33 to the SW cor. sec 33 then west (1/2 mile) then in a south westerly direction to winter about 300 feet of the south west corner of section 5 2 N. 3 E. joining the public road to Logan*

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:

*To reach school house; To make the present road to Clarkston Mont. the nearest railroad point. Also to Logan Mont. the nearest trading point.*

Land Owned by Same to be Crossed by Proposed Road

Names of Petitioners	Description	Sec.	Twp.	Range
<i>Jesse Green</i>	<i>1/2 + SE 1/4 NW 1/4</i>	<i>29</i>	<i>37N</i>	<i>3E</i>
<i>Pross Peatler</i>	<i>SW 1/4 of NW 1/4</i>	<i>28</i>	<i>37N</i>	<i>3E</i>
<i>Wm Bacon</i>	<i>E 1/2 NW 1/4</i>	<i>33</i>	<i>37N</i>	<i>3E</i>
<i>Jesse Bacon</i>	<i>None</i>			
<i>C. J. Bowers</i>	<i>None</i>			
<i>Charles E. Ogle</i>	<i>None</i>			
<i>J. J. ...</i>	<i>SW 1/4 of SW 1/4</i>	<i>27</i>	<i>37N</i>	<i>3E</i>
<i>J. J. ...</i>	<i>NE 1/4 SW 1/4 + SW 1/4 of SW 1/4</i>	<i>33</i>	<i>37N</i>	<i>3E</i>
<i>J. J. ...</i>	<i>None</i>			
<i>Anderson Electric</i>	<i>SE 1/4 of SW 1/4 (Sec 20) Home</i>	<i>20</i>	<i>37N</i>	<i>3E</i>

X  
X  
X

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				
Jesse Green	} N 1/2 + SE 1/4 of NW 1/4	29	37	3 E
Wife Olga Green		28	37	3 E
Robt Prather		33	37	3 E
Wife Mrs Ruby Prather	} E 1/2 of NW 1/4			
Ed of Green		27	37	3 E
Wife Jennie Green	} SW 1/4 of SW 1/4			
Anderson E. Green		20	37	3 E
Wife Jesse Harrison, Balch	} SE of SW 1/4 (Horizontal Ely)			
Admiral Wm Harrison Estate		28	37	3 E
Wife	} W 1/2 + SE 1/4 of SW 1/4 and NE 1/4 of SE 1/4			
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.

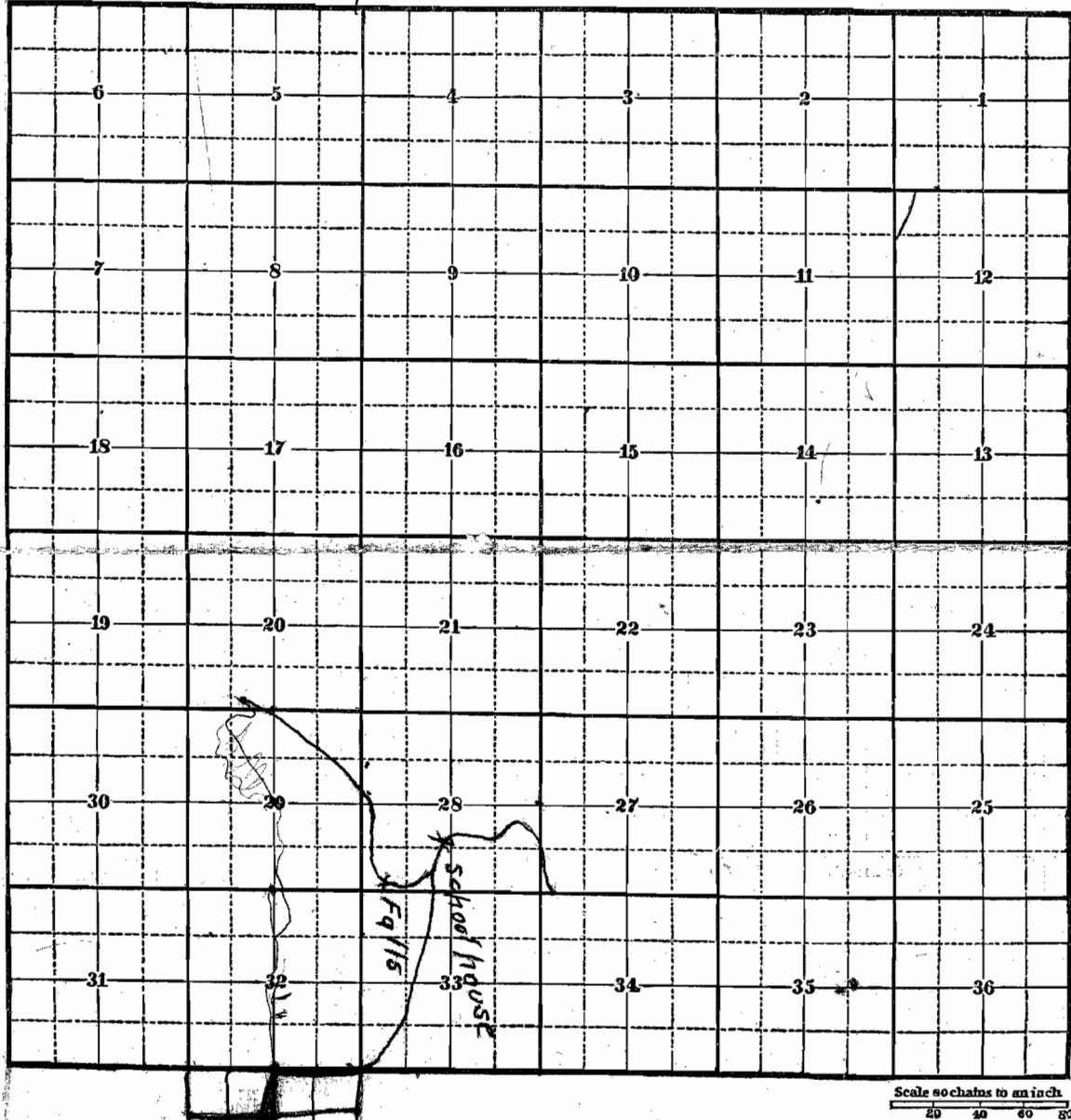
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

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 roads being laid out on diagonal lines when public purposes shall be best subserved thereby.

### Plat of Proposed Road

*Township No. 3 North Range No. 3 East*



## PETITION FOR ROAD

Principle Petitioner.....  
*Jesse Green et al*

Filed this *27* day of *June* 19*13*  
*A. McNeal*  
County Clerk and Recorder

By ..... Deputy

Viewers  
*Wm. McCreary*  
*H. Simpson*

*B. E. Duncan*

Appointed ..... 19*13*

To meet..... *July 12* 19*13*

At .....

On .....

Report of Viewers

Filed .....

Action by the Board .....

Road Dist. No. ....

# Report of Road Viewers

ROAD PETITION NO. 495

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

We, the undersigned, B. S. Duncan and Fred M. Boyer, appointed to view a proposed road running from near the N.W. corner of section T. 3 N R. 3 E, through sections 29, 28 and 30 T. 3 N R. 3 E and section 5, T. 2 N R. 3 E

as described in Petition No. 495, state, that on the 3rd day of June, 1910, 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:

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:

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

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

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:

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

After looking over the line of the proposed road and talking with Mr. Peatke and Mr. Green, both interested parties we do not believe that the benefits to be derived from this road are commensurate with the cost of constructing this road.

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 June 11, 1920

Fred M. Brown  
B. S. Duncan

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.

\_\_\_\_\_ and \_\_\_\_\_

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 \_\_\_\_\_

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

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 191\_\_\_\_

\_\_\_\_\_  
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. 495

### VIEWERS

Fred M. Brown  
D. S. Duncan

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

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

11th day of June, 1920,  
at.....o'clock.....M.

D. S. Duncan  
County Clerk and Recorder

By..... Deputy