

T 2 N R 7 E

No. 498

PETITIONER:

THOS. BROADWAY

Petition filed MARCH 31 1919

Viewers appointed JUNE 26 1919

Report filed JULY 21 1919

Date of hearing 191

Report approved JULY 21 1919

Order of survey 191

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

Disallowed  
Declared County Road JULY 21 1919

Approved: Chairman

See Book 13 Commissioners' Proceedings,

pages 37-48

County Clerk

# Petition For Road

No. 498.....

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

Gentlemen:

We, the undersigned free holders of Road District No. 7..... of Gallatin County, Montana, residing on or adjacent to the following proposed County Road, do hereby petition your honorable

body to establish ... Road..... same as a County Road, beginning at the Sec corner between Sec 9 & 10 extending the same east to the Sec corner of 10 & 11 then north on section line between 10 & 11 to county road

We believe the cost of constructing this road will not exceed \$ 400 00 there being no steep grades, 3 culverts, one bridges necessary on the route as proposed; the soil is 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:

Names of Petitioners	Land Owned by Same to be Crossed by Proposed Road			
	Description	Sec.	Twp.	Range
<u>Thomas D. ...</u>				
<u>Wm. Williams</u>				
<u>B. J. Mercer</u>				
<u>H. J. Barnard</u>				
<u>A. Barnard</u>				
<u>Jon Brittan</u>				
<u>Geo. McAlpine</u>				
<u>W. McAlpine</u>				
<u>Thos. Watt</u>				
<u>H. R. Jones</u>				
<u>J. C. ...</u>				
<u>A. A. Bergande</u>				
<u>W. H. ...</u>				
<u>Michaelas. Ray</u>				
<u>F. S. ...</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
Wife				
Wife				
Wife <i>Mrs. R. P. Mercer</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	RightofWay	Damages
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.

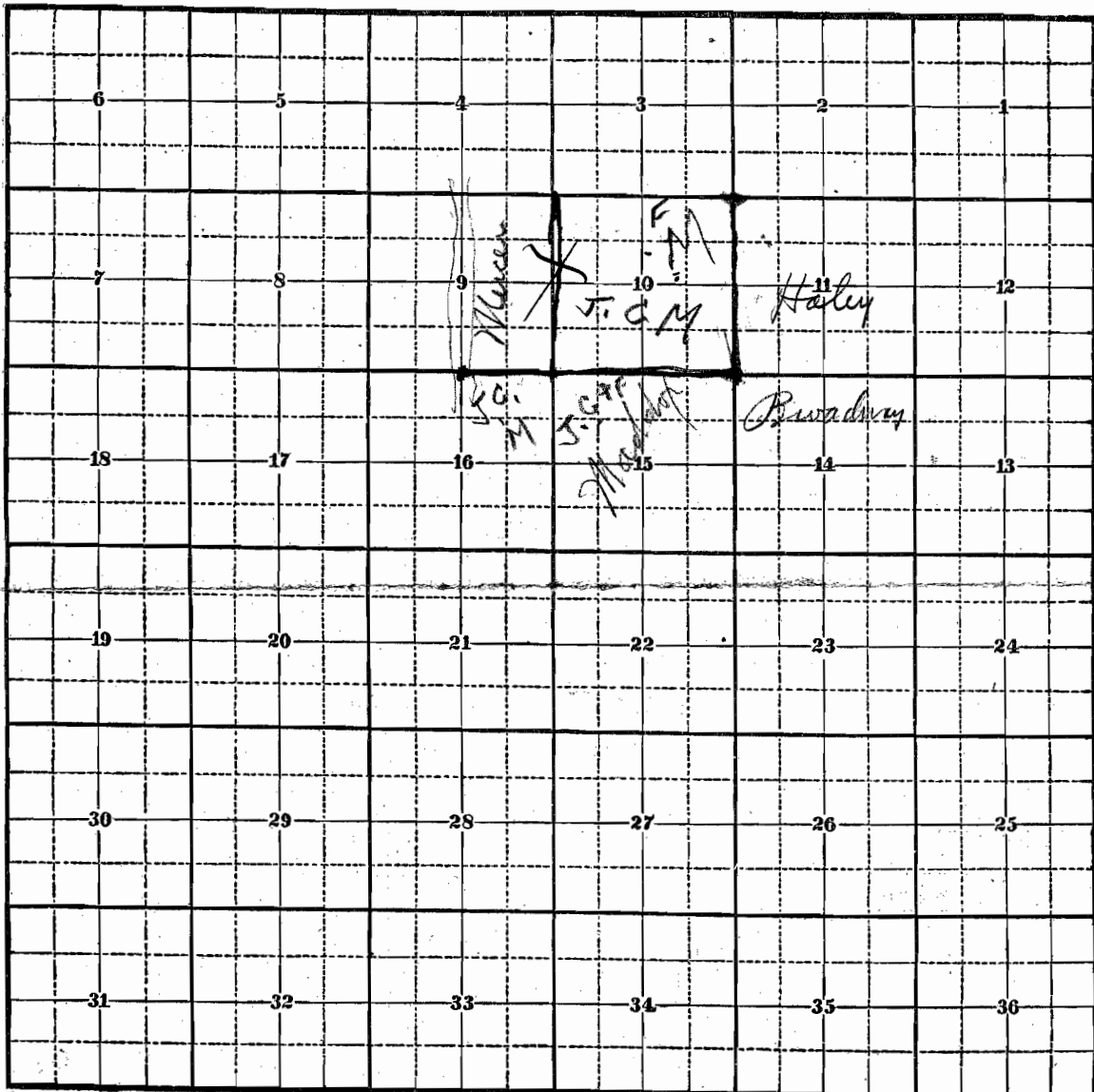
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

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

### Plat of Proposed Road

Township No. ~~1~~ **2** Range No. **2N 7E**



Scale so chains to an inch  
20 40 60 80

No. **488**...

## PETITION FOR ROAD

Principal Petitioner  
*Joe Boundary*

Filed this *21st* day of *March*, 191*8*.  
*D. A. McLeod*  
County Clerk and Recorder

By *W. D. Beel* Deputy

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

Appointed *Jan. 26*, 191*8*.  
To meet *Jan. 28*, 191*8*.  
At *Board House*  
On .....

Report of Viewers  
Filed *July 21*, 191*8*.  
Action by the Board  
*Not Granted*

Road Dist. No. ....

# Report of Road Viewers

ROAD PETITION NO. 498

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

We, the undersigned, Fred M. Brown and  
B.S. Duncan, appointed to view a proposed  
running from

as described in Petition No. 498, state, that on the 28th day of June,  
1911, 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 desacried in the petition

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 Maddox Bros ask that all land owned by them  
along the route of the proposed road be fenced by Gallatin County

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:

The action of your board of viewers is taken for the reason that the right of way is not furnished gratis to Gallatin County

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 July 21, 1919, 191...

*B. S. Duncan*  
*Frank M. Brown*

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.....

### VIEWERS

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

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

.....day of....., 191....,

at.....o'clock.....M.

.....  
County Clerk and Recorder

By.....  
Deputy

Wilsall, Mont.

March 24-1919

Mr Fred M. Brown  
County Surveyor  
Bozeman, Mont.

Dear Sir:—

Mr John Maddox  
refuses to sign my road  
petition unless the county  
agrees to furnish two miles  
of fence.

One side of the road is al-  
ready fenced, one side only  
be necessary; and I will  
show you when you come  
over.

Very Truly

Thos. Broadway

Wilsall,  
Mont.