

T18 R5E

No. 512

PETITIONER:

George Aiken et al

Petition filed December 10 1920

Viewers appointed December 10 1920

Report filed December 23 1920

Date of hearing 191

Report approved December 23 1920

Order of survey 191

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

Declared County Road 191

Denied for lack of  
right of way Dec. 16-1924

Approved: Chairman

See Book 13 Commissioners' Proceedings,

pages 252-369-381-448

Book 15 Page 380

County Clerk



For Petitioners Who Propose Donating Gratuitously the Right of Way

..... Bozeman, Mont. ....., 1920

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
<u>Orville Jones</u>	<u>40 feet land for road purposes taken off west side of NE 1/4 16 1 S 26 and also 40 feet off NE 1/4 21 to connect this road with Bozeman Belgrade Road If this 40 feet is not wide enough we will conform to agree to give enough for a suitable width.</u>			
Wife				
Wife				
Wife				
Wife				
Wife				
<u>Geo. Rinken</u>	<u>Offers when road is open to travel to donate \$200.00 in cash!</u>			
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						



# 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.

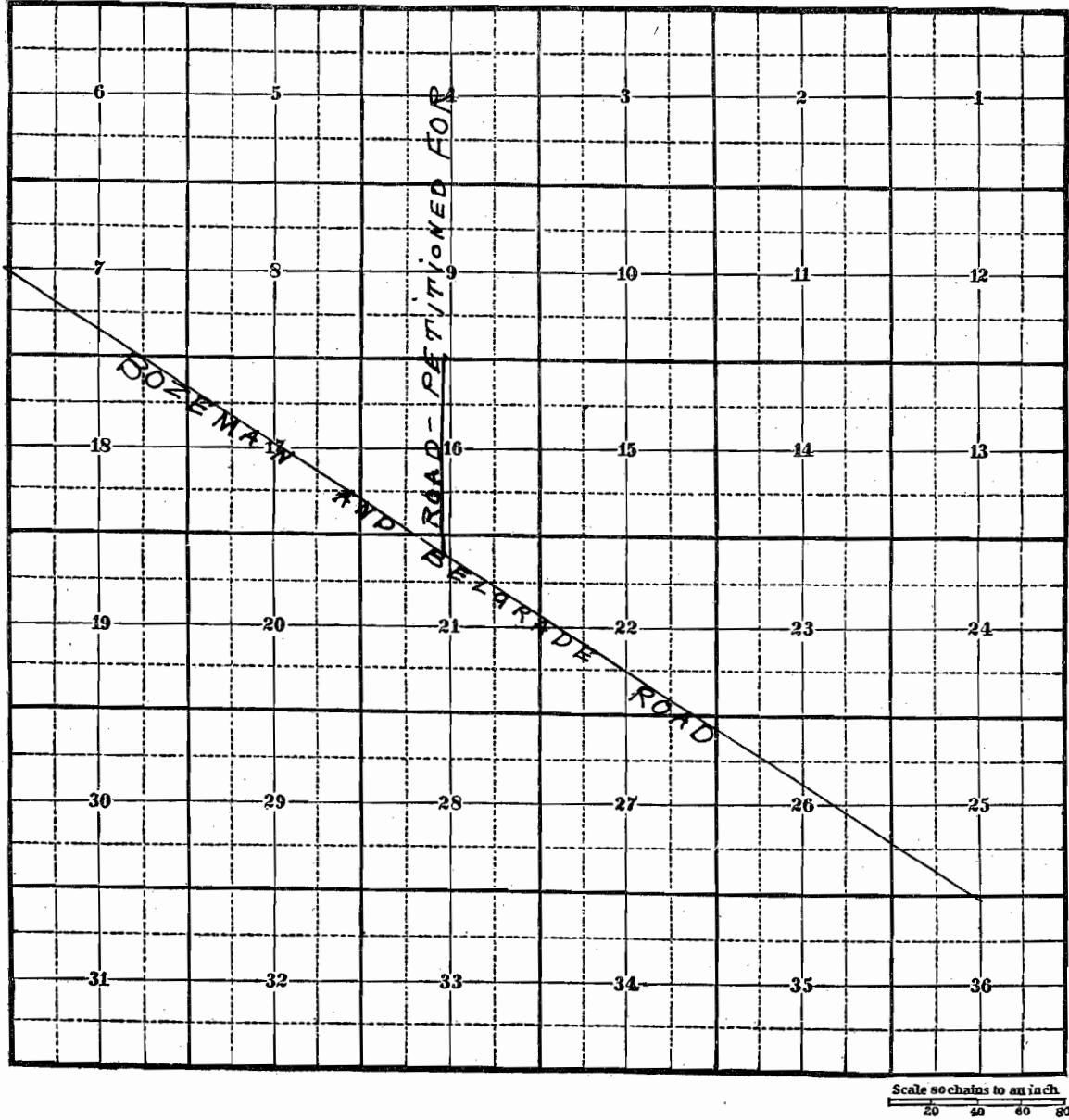
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

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. 1 S Range No. 5 E



No. 572

## PETITION FOR ROAD

Principle Petitioner.....

Filed this 2 day of Dec, 1913.

County Clerk and Recorder

By ..... Deputy

Viewers

Appointed ..... 19.....

To meet..... 19.....

At .....

On .....

Report of Viewers

Filed .....

Action by the Board.....

Road Dist. No. ....

Original

Bozeman, Montana.

To the Honorable County Commissioners,  
Gallatin County, Montana.

Gentlemen:

You are requested to annul Road Petition 512, said proposed road beginning at the North Quarter corner of Section 16, 1 South, Range 5 East, to extend south across said Section 16, and intersect with the Yellowstone Trail.

First: We remonstrate against cutting a man's farm in the middle when road can just as well be put on the section line.

Second: The proposed road, if built, will cut off 160 acres of farm that has no running water for stock.

Third: And a depreciation of about \$15,000 in the value of said farm will result if road is built.

Fourth: We feel that if road is built as proposed, it would be too much of a burden on the Taxpayers of Gallatin County, as the undersigned duly witnesseth.

NAME:

ADDRESS:

W. T. Sorensen

Manhattan Mont

Geo. Hoffine

Bozeman Mont.

A. M. Hoffine

Bozeman Montana

L. B. Seeland

Manhattan Mont

T. B. Loucks

Manhattan Mont

J. W. Arnold

Bozeman "

Chas. S. Williams

Bozeman R 1

W. H. Davis

"

Jim Sorensen

Belgrade

London Handforth

Bozeman

O. C. Biering

"

H. Borden

Salville

NAME

ADDRESS

Sam Keller

Bozeman R 3

W. H. Hetchworth

Bozeman R 1 R 3

C. M. Beck

Bozeman mt

R. H. Huddleston

Bozeman Wash.

W. C. Beck

Bozeman Mont

H. J. Border

Bozeman

W. M. Willis

Bozeman

Frank Horn

Bozeman

C. Johnson

Bozeman

Chas. Spick

Bozeman New York

A. M. Guiley

Bozeman R 3

J. W. Sunderland

Bozeman R 1

Elmer Williams

Bozeman R 2

~~J. H. Hallford~~

J. T. Hallford

Bozeman

L. F. Huddleston

Bozeman R 2

H. W. Buckland

Bozeman

Joe M. Reynolds

J. C. Shank

Bozeman R. 1

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OFFICE  
COUNTY ATTORNEY  
GALLATIN COUNTY  
BOZEMAN, MONTANA

March 17, 1921.

Board of County Commissioners,  
Gallatin County,  
Bozeman, Montana.

Re Road Petition No. 512.

Gentlemen:

Your question as <sup>to</sup> the remonstrance filed against Road Petition No. 512 is answered by the following Sections of the Statute and the following facts as given to me:

First. You find that only two signers of the remonstrance were freeholders within said road district. Chapter 172, Laws of the Fifteenth Legislative Assembly, 1917, at Chapter 4 thereof, Section 1, provides that any ten or a majority of the freeholders of a road district taxable therein for road purposes may petition in writing to establish, change or discontinue any common or public highway therein.

Section 2 of said Chapter, page 447, provides what the petition must contain.

Section 3 provides that the County Commissioners, at their next regular meeting, or at some time within 30 days after the next regular meeting, proceed to investigate the feasibility and desirability and cost of granting said petition.

Section 4 provides that one of the County Commissioners and the County Surveyor shall act as viewers and make an investigation.

Section 5 provides that, if the petition shall be deemed proper and the prayer of the petition should be allowed, the Board of County Commissioners shall proceed to have the same opened and declared a public highway. In the same section, County Commissioners by their order, must find the amount of damages sustained by each and every person owning or claiming lands or any improvements thereon and effected thereby. If the awards are all accepted by the parties interested, the road shall be declared a public highway and opened.

Section 6 provides that the damage must be determined by returning benefits and damages accruing to any person or persons by reason of the laying out of such road and the sum estimated to be a benefit deducted from the sum estimated as damages and the remainder, if any, shall be the amount of damages awarded by the Board.



Section 7 provides that, if any award of damages is not accepted within 30 days, it shall be deemed rejected by the land owner and the Board must, by order, direct proceedings to procure the right-of-way, to be instituted by the County Attorney against all of the non-accepting land owners and when these proceedings are completed, then the road shall be declared a public way.

It is my opinion that the remonstrance to road petition no. 512 amounts merely to an expression of public opinion for your benefit and in no wise effects your authority or right to proceed with the petition as you may deem advisable.

As I have heretofore advised you, I would send a notice of what is to be done to the principal owners of all of the land to be crossed or taken by this road. This notice should be sent by registered mail, return receipt demanded. The award for damages above cited should be made and mailed at the same time with this notice and, under the above Sections, if you do not hear from the land owners, it will be your duty to believe that they do not accept your award for damages and to proceed with condemnation proceedings if it is your opinion that this road should be built.

I am,

Very truly,



County Attorney.

EFB/im

December 23, 1920,

Mr. Charles L. Border,  
Bozeman, Montana,

Dear Sir:-

The County Commissioners have granted Road Petition # 512 asking that a County Road be established in the following location:- beginning at the County Road at the North  $\frac{1}{4}$  Corner of Section 15, Township 1 South, Range 5 East, and thence running south across Section 16 to an intersection with the Yellowstone Trail Road in Section 21, of the same township.

This new road will require as right of way a strip of land in the NE $\frac{1}{4}$  of Section 16 owned by you. This required strip of land is 40 feet in width, and runs along the entire west boundary of the NE $\frac{1}{4}$  of Section 16, the west boundary of said strip being the west line of the NE $\frac{1}{4}$  of said section. This strip therefore will be 40 feet in width and one half mile long, containing approximately 2.43 acres. The County Commissioners would like to have you submit to them the amount at which you would be willing to sell this strip of land to Gallatin County. Please address your reply either to the undersigned or directly to the Commissioners.

Trusting that you will give this matter your early attention, I am

Yours very truly,

---

Deputy Surveyor.