

T5NR7E

No. 521

PETITIONER:

Millar Fleming

Petition filed July 11 1922

Viewers appointed Darlington-Waldorf 191

Report filed Aug. 25 1922

Date of hearing 191

Report approved Aug 25-1922 191

Order of survey 191

Platted in Road Book, from  
Surveyed 1965 Air Photo's 191

Field Book No. Page

Recorded in Roadbook 191

Declared County Road 191

Approved: Chairman

See Book 14 Commissioners' Proceedings,

pages 329-374

County Clerk

# Petition For Road

No... 521...

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

Gentlemen:

We, the undersigned free holders of Road District No. 24 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

the intersection of the south line of Section 29, T 5 N, R 7 E, with the present County Road as travelled, thence in a northeasterly direction across said Section 29 to a point in the north line thereof, from which point the northeast corner of said section 29 bears easterly along said north line a distance of approximately 300 feet; thence northeasterly to a point on the east line of Section 20 located at approximately the northeast corner of the SE 1/4 of said section; thence northerly along the east line of said section 20 a distance of approximately 1/2 mile; thence northwesterly running across a branch of Meadow Creek, thence northeasterly to the corner to Sections 16, 17, 20, 21, T 5 N, R 7 E; thence northerly along the east line of Section 17 to the east quarter corner thereof, being the north boundary of Gallatin County

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:

Land Owned by Same to be Crossed by Proposed Road

Names of Petitioners

Description

Sec.

Twp.

Range

Mrs D. Campbell  
Frank Morgan  
S. E. Douglas  
B. O. Hatfield  
Wm. Hunter  
H. E. Snodgrass  
Dave. Winter  
Ben Bennett  
C. A. Scheytt  
C. J. Scheytt  
G. L. Miller  
E. F. Miller  
R. M. Campbell

J. J. Scheytt

**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
<i>Mr. Wm Winter</i>	<i>County to fence on both sides cattle run way</i>	<i>29</i>	<i>5 7</i>
Wife			
<i>Dave Winter</i>	<i>County to fence both sides also cattle pass</i>		
Wife <i>Mary Winter</i>			
Wife			
Wife			
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					
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 Over Same		
	Description	Sec.	Twp.	Range	RightofWay	Damages
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
Wife						
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

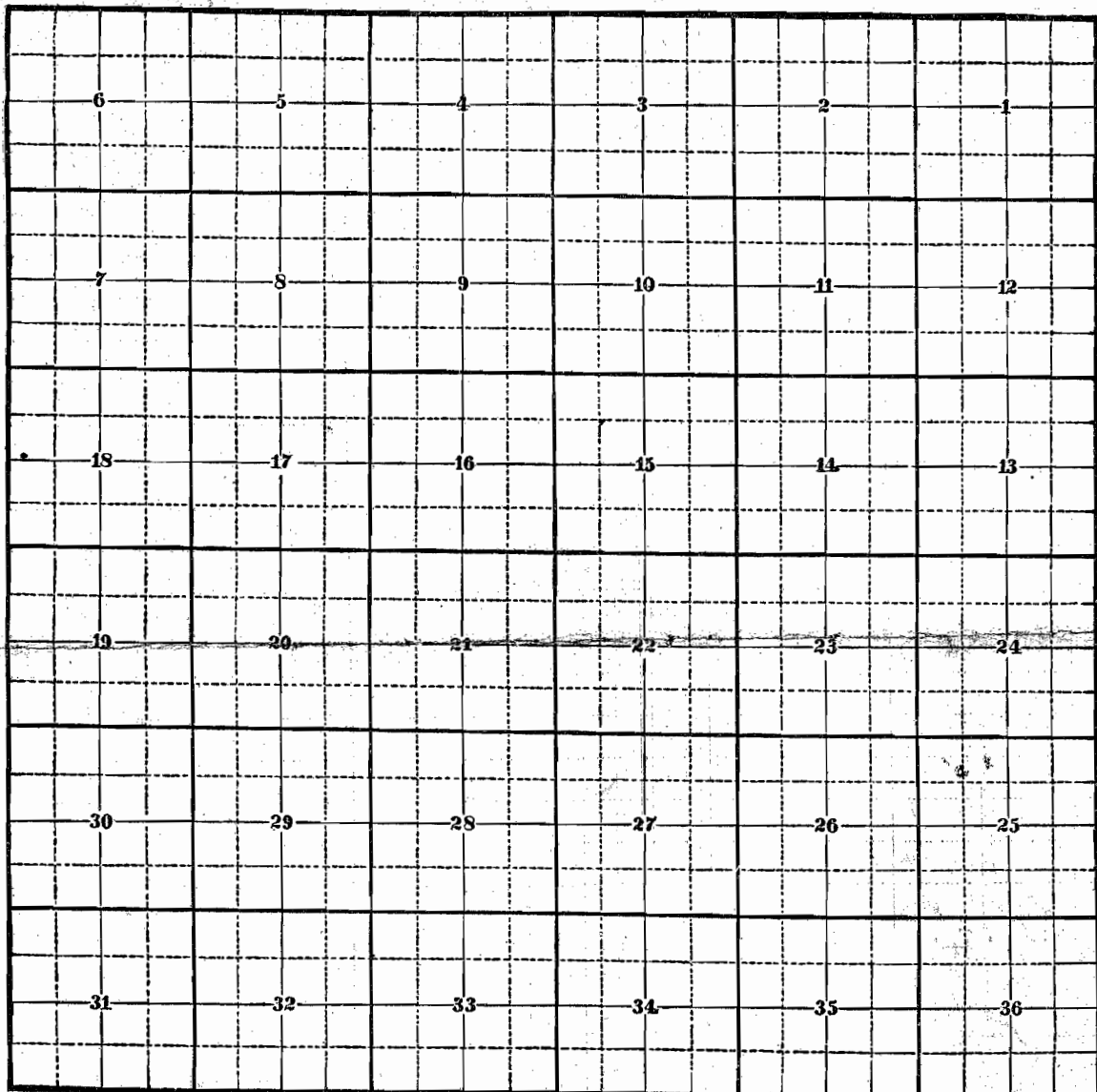
such of them as can be found consent thereto, and if not the probable cost of the right-of-way, where consent is not had, the necessity for, and advantage of the proposed road.

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.*



Scale 80 chains to an inch  
20 40 60 80

## PETITION FOR ROAD

No. 5271

Principle Petitioner, *Miller Fleming*

Filed this *11* day of *July*, 19*13*

By *J. W. S. Clark*  
County Clerk and Recorder  
*Fleming*

By ..... Deputy

Viewers

Appointed ..... 19*13*

To meet ..... 19*13*

At .....

On .....

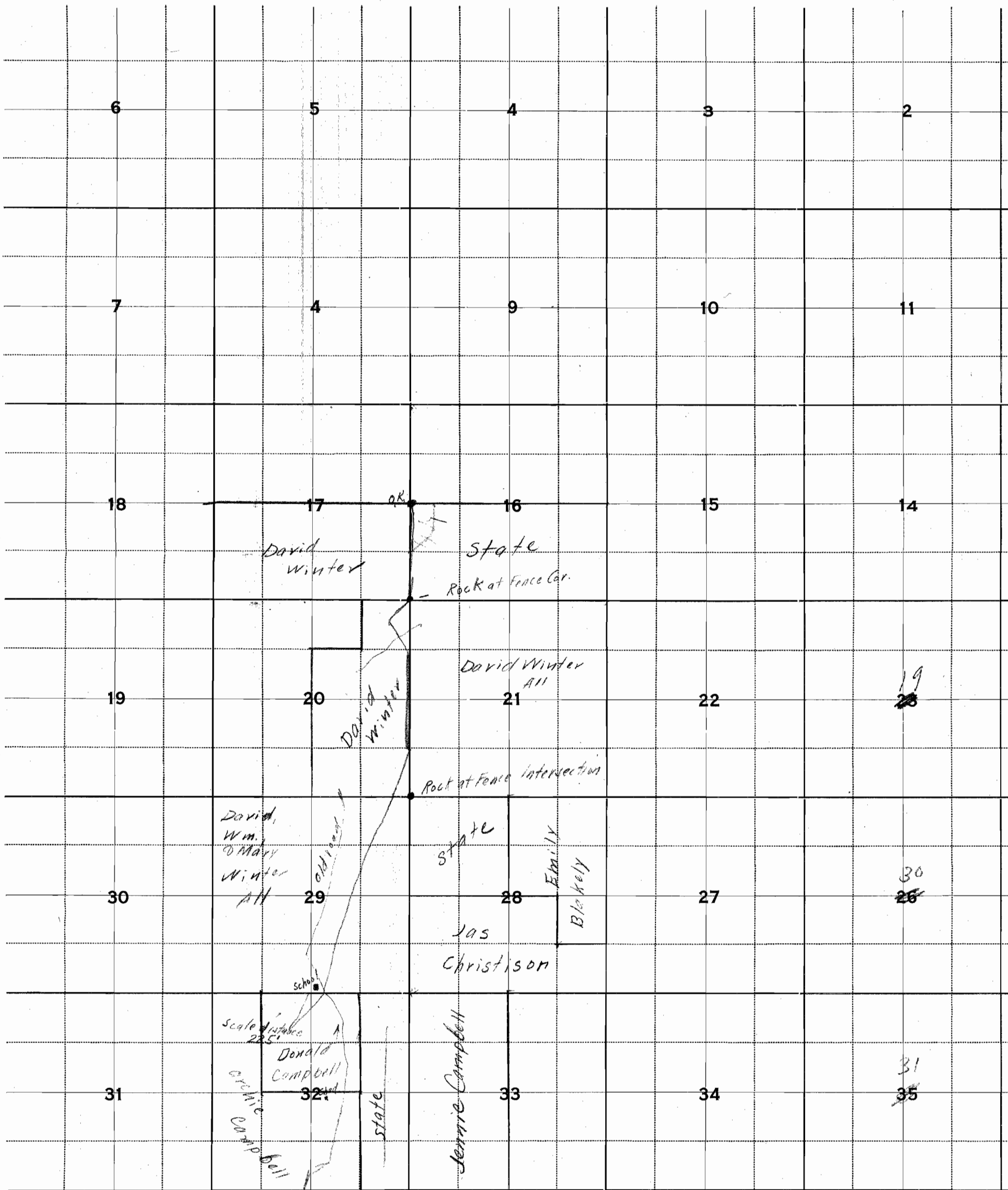
Report of Viewers

Filed .....

Action by the Board .....

Road Dist. No. ....

Township No. 5 N. Range No. 7 E W. Road # 521



No. 131