

No. 539

PETITIONER:

Harry Lucas et al

Petition filed Dec. 15 1924

Viewers appointed ^{G.W. Darlington - S.D. Waldorf} Dec 15 1924

Report filed Feb. 7 1925

Date of hearing 1925

Report approved Feb. 7 1925

Order of survey Feb 7 1925

Surveyed April 29, 1925

Field Book No. 109 Page 34

Recorded in Roadbook 1925

Declared County Road 1925

Opened to Traffic Aug

1926 thru entire length.

Approved: _____ Chairman

See Book 15 Commissioners Proceedings,

pages 579-623, 547-512

County Clerk

Petition For Road

No. 539

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

Gentlemen:

We, the undersigned free holders of Road District No. 12 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 on Virginia City Road #94 at the place where the road turns south from the south line of Section 8, Township 2 South Range 4 East; thence running westerly along the south line of said section 8 a distance of approximately 1700 feet to a point approximately 330 feet west of the South + Corner of said section; thence running northwesterly through the West 1/2 of said section 8 following the east side of Yellow Dog Creek a distance of approximately 1 1/4 miles to a junction with road #194 at a point near the north line of said section 8

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:

Names of Petitioners	Land Owned by Same to be Crossed by Proposed Road			
	Description	Sec.	Twp.	Range
<i>Harry Lucas</i>				
<i>Jelle Lucas</i>				
<i>Derry J. Benson</i>				
<i>Frank Brown</i>				
<i>Rich. Hiskell</i>				
<i>W. J. Hartman</i>				
<i>Laverne Van Dyke</i>				
<i>Paul Davis</i>				
<i>Edward Larson</i>				
<i>Onnie Aldenburger</i>				
<i>J. W. Sunderbold</i>				
<i>L. W. Smith</i>				
<i>B. B. Oliver</i>				
<i>Henry Bruchman</i>				
<i>J. Henry to Jelle</i>				

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. _____ 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. 539

PETITION FOR ROAD

Principle Petitioner.....
Harry Lucas et al

Filed this *15* day of *Dec.* 19*14*.....
Ed. H. [Signature]
County Clerk and Recorder
Sevreyer.

By Deputy

Viewers
G. W. Darlington
S. A. Waldorf.

Appointed ... *Dec. 15* 19*14*
To meet ... *at convenience* 19.....

At
On

Report of Viewers
Filed ... *Feb. 7 - 1915*.....
Action by the Board.....
Report Viewers Adopted
Survey Ordered Feb 7 1915

Road Dist. No. *12*.....

S. D. WALDORF
SURVEYOR FOR GALLATIN COUNTY
BOZEMAN, MONTANA

May 9, 1925.

Mr. Henry TeSelle,
Route # 1,
Manhattan, Montana.

Messrs. Jelke and Harry Lucas,
Route # 1,
Manhattan, Montana.

Dear Sirs,-

I am enclosing herewith the descriptions of the rights-of-way to be obtained from Mr. Peder Anderson and from Koralund and Ringland for the construction of the proposed road through their property and yours. These descriptions cover a strip of ground 40 feet wide, being 20 feet on each side of the south line of Section 8, T2S, R4E, for the required distance.

The centerline of the proposed road has been staked out, and the fencing is to be done 20 feet out on either side of staked line.

Very Truly Yours,

S. D. Waldorf,
County Surveyor.

By

S. D. WALDORF
SURVEYOR FOR GALLATIN COUNTY
BOZEMAN, MONTANA

RIGHT-OF-WAY FOR ROAD # 539

Peder Anderson, Owner

A tract of land 20 feet in width in the Southeast Quarter (SE $\frac{1}{4}$) of Section Eight (8), Township Two South, Range Four East (T2S, R4E), lying 20 feet on the North of the following described line; Beginning at the South Quarter (S $\frac{1}{4}$) corner of the said Section Eight (8); thence East along the South line of the said Southeast Quarter (SE $\frac{1}{4}$) a distance of 1363 feet; tract containing in all 0.62 acres, more or less.

S. D. WALDORF
SURVEYOR FOR GALLATIN COUNTY
BOZEMAN, MONTANA

RIGHT-OF-WAY FOR ROAD # 539

Korslund and Ringland, Owners

Care of Korslund and Beck

A tract of land 20 feet in width in the Northeast quarter ($NE\frac{1}{4}$) of Section Seventeen (17), Township Two South, Range Four East (T2S, R4E), lying 20 feet on the South of the following described line; Beginning at the North Quarter ($N\frac{1}{4}$) corner of the said Section Seventeen (17); thence East along the North line of the said Northeast Quarter ($NE\frac{1}{4}$) a distance of 1563 feet; tract containing in all 0.62 acres, more or less.

S. D. WALDORF
SURVEYOR FOR GALLATIN COUNTY
BOZEMAN, MONTANA

Feb. 7, 1925,

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

Gentlemen:-

We, your viewers appointed for road petition # 539, report
as follows:-

(1) That we viewed the route of the proposed road on Feb. 6, 1925, said route being as follows:-beginning at a point on the Virginia City Road at the place where the road ~~turns~~ turns south from the south line of Section 8, Township 2 South Range 4 East, thence running westerly along the south line of said section 8 a distance of approximately 1700 feet to a point approximately 330 feet west of the south $\frac{1}{4}$ corner of said section 8; thence running northwesterly through the West $\frac{1}{4}$ of said section 8 following the east side of Yellow Dog Creek a distance of approximately $1\frac{1}{2}$ miles to a junction with road #194 at a point near the north line of said section 8;

(2). That we found the following conditions existing:-
There is no way for persons on the Henry TeSelle place (SE $\frac{1}{4}$ of 7, SW $\frac{1}{4}$ of 8) to gain access to the public highway. Formerly persons on this ranch travelled through the Korslund & Ringland place in Section 17 to reach the Virginia City Road, but this means of egress has been closed by the owners. It is possible for those on the Lucas place in the NW $\frac{1}{4}$ of Section 8 to get out on road #194 to the north, and to reach the Virginia City Road by travelling 1 mile east, thence 1 mile south on a county road, but this route encounters grades that are too excessive for a load, and is in general a poor road;

(3) That the facts concerning the proposed route are as follows:-
Leaving the Virginia City Road the route ascends up a stiff but not excessive grade to the top of a hill at about the South $\frac{1}{4}$ corner of said section 8; thence the proposed road would descend along a side hill on a fair grade to the level of the valley bench along the east side of Yellow Dog Creek; thence the line would follow the east side of the creek to Road #194. A considerable portion of the road could be built with a grader outfit. In a few places, however, it would be necessary to make short channel changes on Yellow Dog Creek, and at these points fresco work would be necessary, and to construct both road and channels; however, by this means structures, the consequent cost of maintaining them, would be eliminated. The road could be easily drained, only a few pipes or wood culverts being necessary.

(4) The parties owning the necessary right of way are:-Henry TeSelle, J. & H. Lucas, Korslund & Ringland, and Peder Anderson. The first three named will furnish right of way and fencing free of cost to Gallatin County; Messrs. TeSelle and Lucas will see Mr. Anderson relative to obtaining right of way, and Mr. TeSelle stated that if necessary Lucas and Himself would procure the right of way and fence it, so that this also would be without cost to the county;

S. D. WALDORF
SURVEYOR FOR GALLATIN COUNTY
BOZEMAN, MONTANA

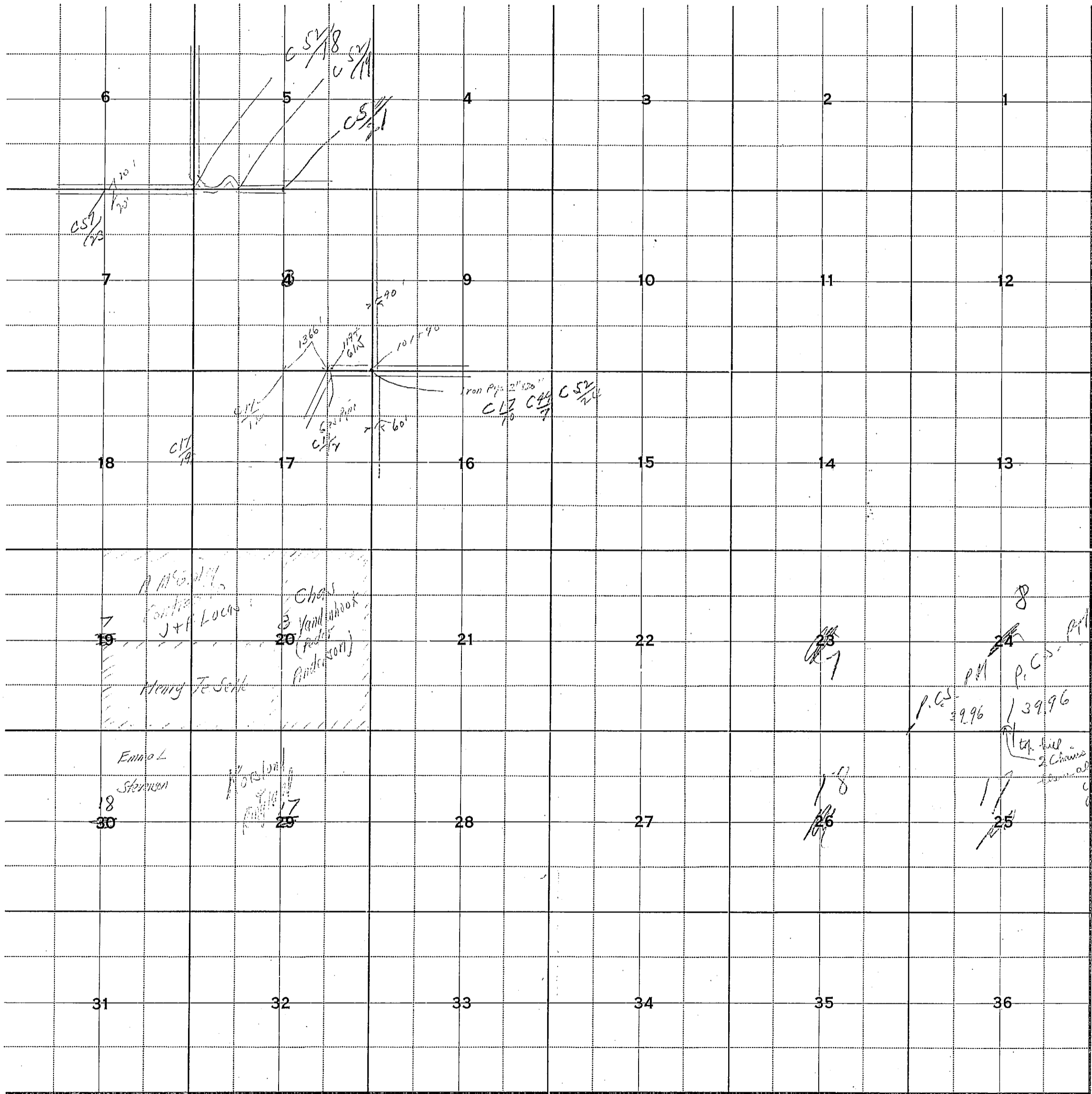
(5) We recommend the following:-
That provided all rights of way and fencing are guaranteed free of cost to Gallatin County, that a survey be ordered to determine the most feasible route; and that the road be constructed at such time as the Board of Commissioners have the money available for this purpose.

Respectfully submitted,

Viewers.

Township No. 25 N. Range No. 4E W. Mer.

Road #539.



No. 131

Scale 40 Chains to an Inch.