

No. 542

PETITIONER:

Vern Miller

Petition filed Mar. 11 1925

J. H. Ankier - S. D. Waldorf

Viewers appointed Mar. 11 1925

Report filed Mar. 19 1925

Date of hearing 191

Report approved Mar. 19 1925

Order of survey 191

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

Declared County Road 191

Denied Feb 21-1927

of lack of right-of-way

Approved: Chairman

See Book 16 Commissioners' Proceedings,

pages 7-11-

County Clerk

Petition For Road

No. 542.....

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

Gentlemen:

We, the undersigned free holders of Road District No. 3..... of Gallatin County, Montana, residing on or adjacent to the following proposed County Road, do hereby petition your honorable body to establishthe.....same as a County Road, beginning at East $\frac{1}{4}$ corner of sec. 17 T 1 N. R 5 E., thence running west three quarters mile on the east and west center line of said section to the south one sixteenth corner of the NW $\frac{1}{4}$ of said section.

We believe the cost of constructing this road will not exceed \$..... there beingsteep 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
<u>A R H Amatt</u>			
<u>J. Brownell</u>			
<u>Joseph Parsons</u>			
<u>Emma C. Shupard</u>			
<u>J. E. Hamilton</u>			
<u>A. F. Hamilton</u>			
<u>Bessie Atwell</u>			
<u>Dick Gale</u>			
<u>R. L. Hart</u>			
<u>Claude Hoyt</u>			
<u>R. J. Brownell</u>			
<u>Anna Miller</u>			
<u>J. M. Bright</u>			
<u>Wesley Davis</u>			
<u>Tom Miller</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
<i>S. E. Hamilton</i>				
Wife <i>A. F. Hamilton</i>				
Wife				
Wife				
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						

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.

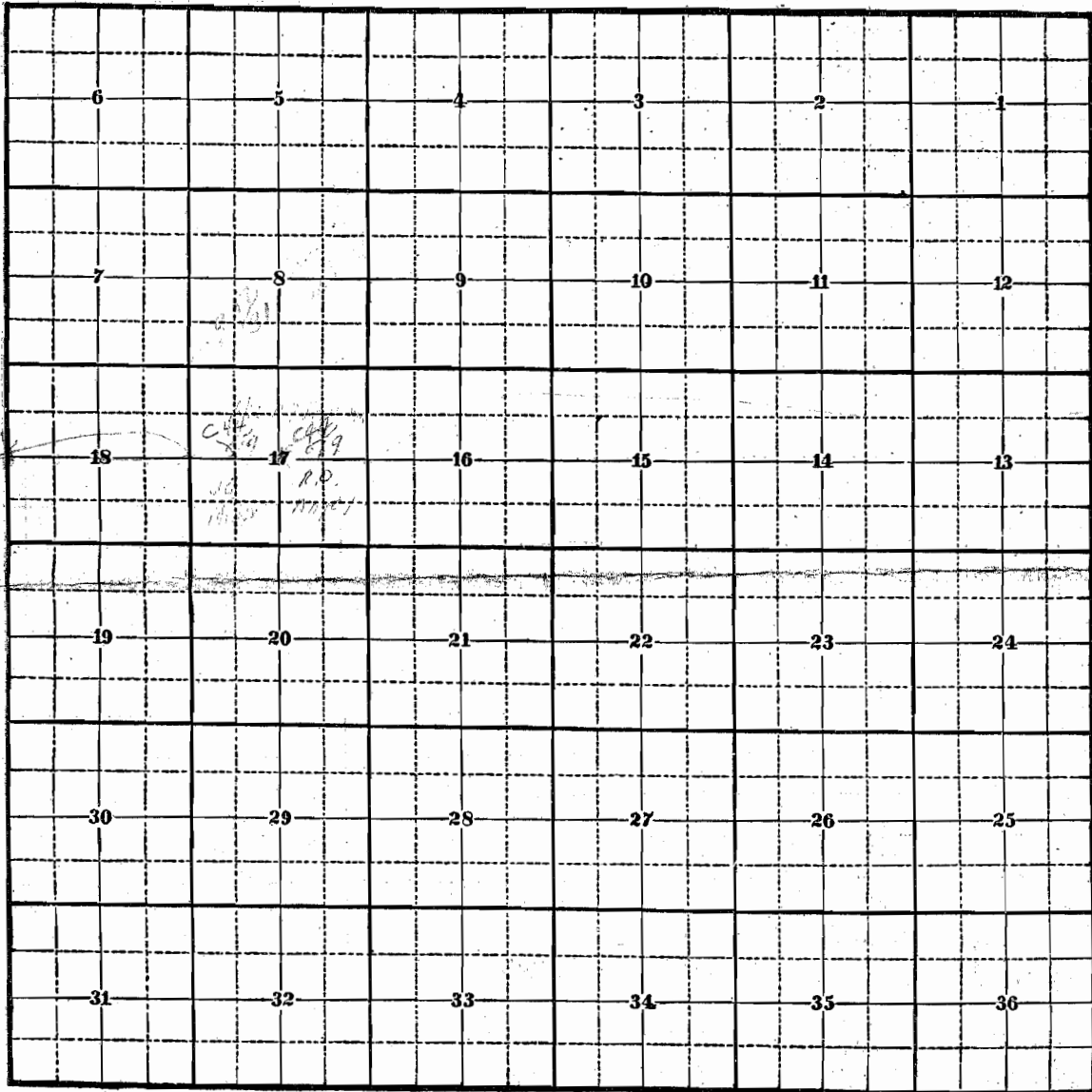
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

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 so chains to an inch
20 40 60 80

True Meridian

No. 542

PETITION FOR ROAD

Principle Petitioner.....
Vern Miller

Filed this... 11... day of... **March**... 1925.
S. D. Waldorf
County Clerk and Recorder

By Deputy

Viewers
J. H. Parker
S. D. Waldorf

Appointed... **Mar. 11**... 1925.

To meet... **at convenience**... 19...

At

On

Report of Viewers

Filed

Action by the Board.....

Road Dist. No. **3**.....

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

~~XXXXX~~ March 19, 1925.

HONORABLE BOARD OF COUNTY COMMISSIONERS,
GALLATIN COUNTY, MONTANA,

GENTLEMEN:-

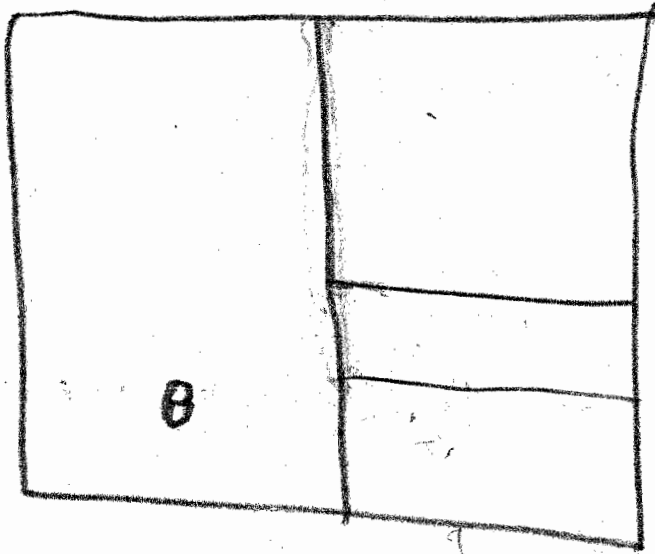
We your viewers appointed for Road #542, wished to report as follows:-

- (1) That we viewed said road on March 19, 1925, and found that this road is needed as a public highway for entrance to the Hamilton Cemetery, and would also be serviceable as an outlet for several ranches;
- (2) That a road could be constructed on this location at very small cost, the ground being level so that all work could be done with a blade grader, and only two small culverts being required for drainage;
- (3) That we recommend that this road be constructed and opened as a public highway provided, however, that all fencing be done and all right of way--40 feet in width-- be furnished by the signers of the petition without cost to Gallatin County.

Respectfully submitted,

Viewers.

Cumulative + Bering



200
55
10000
10000
10000

Book 1 Road Viewers Report Page 174
Commissioners Journal no 6 Page 206

29.50

David A. Beverly

348-27

Capitol Hill Budget

9-12 inclusive - 34

Land 200

Impress 1220