

No. 550

PETITIONER:

H. W. Davis et al

Petition filed March 1 1917

Benepe-Waldorf

Viewers appointed Mar. 1, 1917

Report filed Oct 31 1917

Date of hearing 191

Report approved Oct 31 1917

Order of survey 191

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

Declared County Road 191

Petition Denied

Dec 7, 1917

Approved: Chairman

See Book 16 Commissioners' Proceedings,

pages 507- Book 17 Pages 53-64

County Clerk

Petition For Road

No. 550.....

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

Gentlemen:

We, the undersigned free holders of Road District No. 5 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 Road #172 or the Kelly Canyon Road with the East Line of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 14, T2S R6E, thence running South along the East line of the said W $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of approximately $\frac{1}{2}$ mile to an intersection with the main road known as Federal Aid Project #222.

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

H. W. Davis ✓
 Crystal B. Davis ✓
 Mrs. Kuhnke ✓
 Mrs. Wm. H. Kuhnke ✓
 H. A. Harding X
 W. J. G. G. G. ✓
 Otto Perntson ✓
 Mrs. N. King ✓
 J. N. King ✓
 T. Johnson ✓
 Mrs. J. G. Johnson ✓
 J. G. Collins ✓
 Robert F. King ✓
 W. M. Fox ✓
 Jacob Carlus ✓
 William Carlus X
 W. D. Rittenhouse ✓ Fester Nick
 Mrs. W. D. Rittenhouse.

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>H. W. Davis</i>	<i>SE 1/4 NW 1/4</i>	<i>14</i>	<i>25 6E</i>
Wife <i>Crystal B. Davis</i>			
<i>Mrs. A. Schmeckel</i>	<i>N 1/2 NW 1/4 NW 1/4 & NE 1/4 NW 1/4</i>	<i>14</i>	<i>25 6E</i>
<i>Mrs. W. H. Huhage Koch</i>			
<i>T. G. Johnson</i>	<i>SW 1/4 NW 1/4 North of N.P.Ry</i>	<i>14</i>	<i>25 6E</i>
Wife <i>Mrs. L. G. Johnson</i>			
<i>W. D. Pittenhouse</i>	<i>S 1/2 NW 1/4 NW 1/4</i>	<i>14</i>	<i>25 6E</i>
Wife <i>Mrs. W. D. Pittenhouse</i>			
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					

Chapter 72, Thirteenth Session 1913, Sections 1-2-18

CHAPTER IV

Section 1. Any one, 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

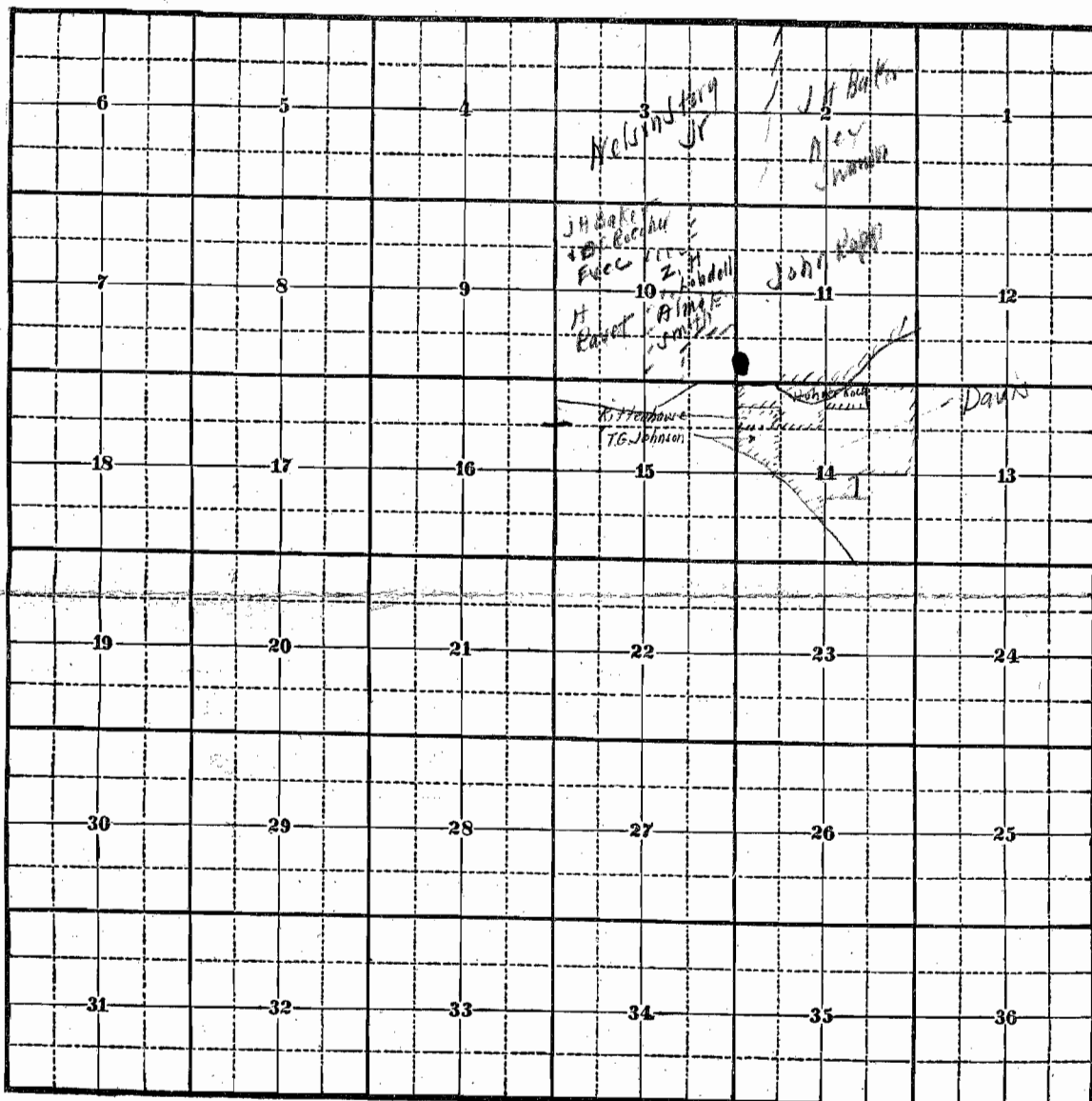
such of them as can be found consent thereto, and if not the probable cost of the right-of-way, where consent is not had, the necessity for, and advantage of the proposed road.

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. _____



No. 550...

PETITION FOR ROAD

Principle Petitioner.....
H. M. Davis et al

Filed this 1st... day of March, 1927.
S. D. Waldorf
County Clerk and Recorder
Surveyor

By Deputy

Viewers
F. L. Benepe, Jr.
S. D. Waldorf

Appointed ... Mar. 1, 1927.

To meet, when weather permits 19.....

At

On

Report of Viewers

Filed ... Oct. 31, 1927.

Action by the Board.....

Dec 7 1927

Road Dist. No. 5.....

VIEWERS' REPORT ON PETITIONS #550 AND #551.

We, the undersigned viewers, appointed for Road Petitions #550 and #551, wish to report as follows:

We recommend that:

(1) Road #550 be constructed provided all fencing and rights of way be furnished free of cost to Gallatin County; and

(2) That the road described in Petition #551 be closed, excepting that portion extending from the east line of the West half of the Northwest quarter ($W\frac{1}{2} NW\frac{1}{4}$) of Section Fourteen (14), Township Two (2) South, Range Six (6), East, west a distance of approximately one-half ($\frac{1}{2}$) mile to the southeast corner of the West half of the Southeast quarter ($W\frac{1}{2} SE\frac{1}{4}$) of Section Ten (10), Township Two (2) South, Range Six (6) East.

#550
#551

7/15/08
8/10/08
8/10/08

A. Z. Bunker Jr

S. Waldorf
Viewers

Hearing Dec. 7 - 2:00 p.m.