

No. 552

PETITIONER:

John Keifer, et al.

Petition filed May 17, 1927  
Morgan-Waldorf

Viewers appointed May 17, 1927

Report filed Sept 13 1927

Date of hearing 1927 191

Report approved Sept 13- 1927

Order of survey 191

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

Declared County Road 191

Denied Sept 13-1927

Approved: Chairman

See Book 16 Commissioners' Proceedings,

pages 557- Book 17-Page 1

County Clerk

# Petition For Road

No.....

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

Gentlemen:

We, the undersigned free holders of Road District No.....18..... of Gallatin County, Montana, residing on or adjacent to the following proposed County Road, do hereby petition your honorable body to ~~establish~~ **vacate**..... same as a County Road, beginning at.....

the Northwest Corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, Township 2 South Range 5 East, thence running South  $\frac{1}{4}$  mile to the Southwest Corner of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$

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	
1 John Kuefer	S $\frac{2}{2}$	13	28	5E.	
2 J. A. H. H. H.	S $\frac{2}{2}$	13	28	5E.	
3 E. Moser	S $\frac{2}{2}$	13	28	5E.	
4 O. G. G. G.	X	12	28	5E.	
5 J. R. W. W.		112	38	5E.	
6 J. B. B. B.	X	W $\frac{2}{2}$	35	28	4E.
7 J. B. B. B.	X				
8 J. B. B. B.		2	38	5E.	
9 J. B. B. B.	S $\frac{2}{2}$	13	28	5E.	
10 J. B. B. B.	SE	14	28	5E.	
11 J. B. B. B.	X				
12 J. B. B. B.	X	NW $\frac{4}{4}$	10	38	5E.
13 J. B. B. B.	X				
14 J. B. B. B.		NW $\frac{4}{4}$	23	28	5E.

**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
Wife <i>G.A. Pease</i>	<i>1070</i>	<i>23</i>	<i>28</i>	<i>5E</i>
Wife <i>David Morgan</i> x	<i>SE NW</i>	<i>23</i>	<i>28</i>	<i>5E</i>
Wife <i>J. K. Bigelow</i>	<i>SE</i>	<i>35</i>	<i>28</i>	<i>5E</i>
Wife <i>G. R. Ruffell</i>	<i>NE &amp; E NW</i>	<i>2</i>	<i>38</i>	<i>5E</i>
Wife <i>Chas. McCall</i> x	<i>E &amp; SW</i>	<i>31</i>	<i>28</i>	<i>6E</i>
Wife <i>J. G. Smith</i>	<i>NE - 36</i>	<i>36</i>	<i>28</i>	<i>5E</i>
Wife <i>L. M. Constant</i>	<i>NW</i>	<i>36</i>	<i>28</i>	<i>5E</i>
Wife				
Wife				
Wife				

OK  
OK  
OK  
OK

**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 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.

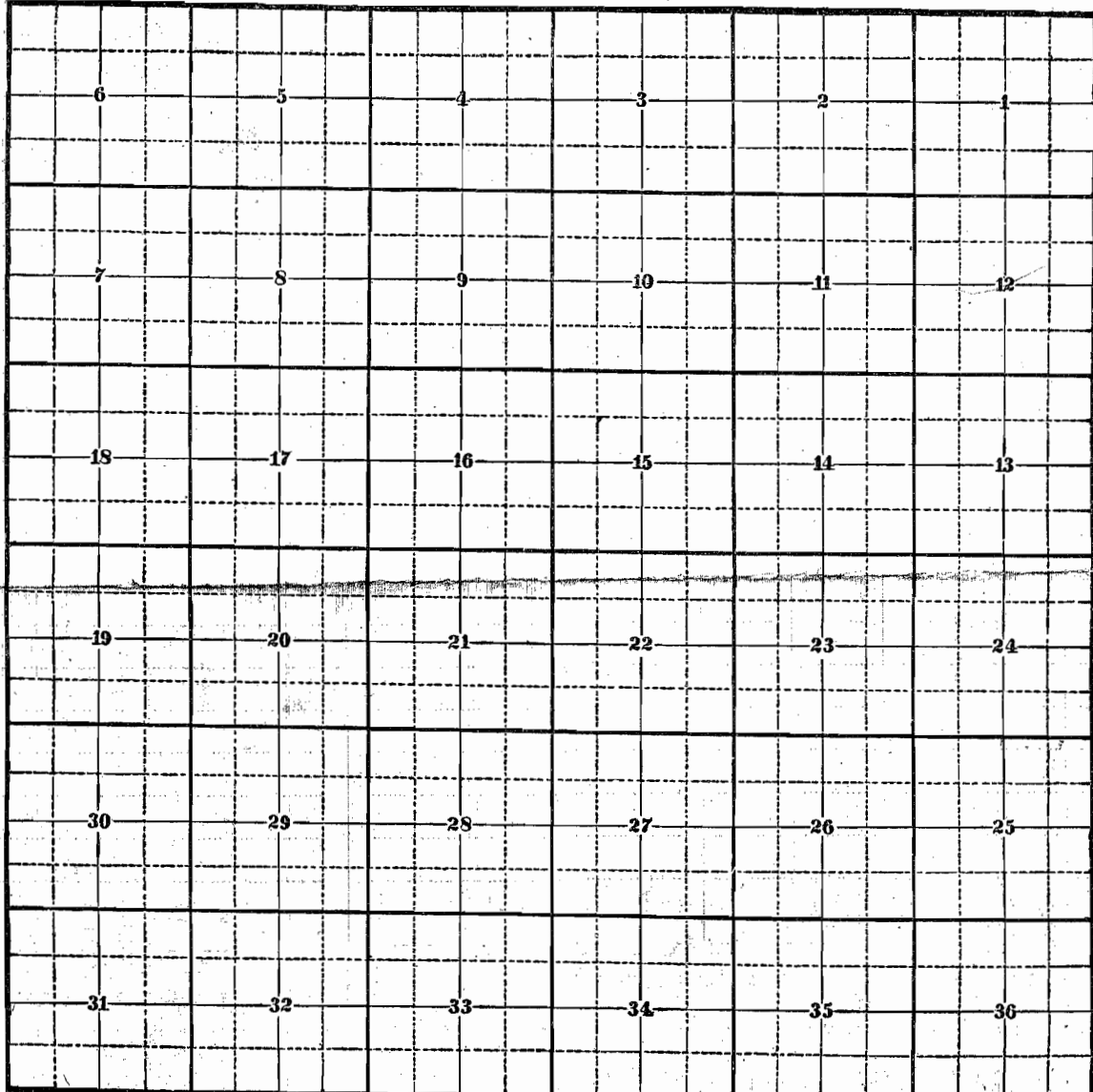
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

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. \_\_\_\_\_



True Meridian

Scale 60 chains to an inch  
0 20 40 60

No. 552

## PETITION FOR ROAD

Principle Petitioner.....  
*John Kiefer*

Filed this... 17... day of May... 1917.

County Clerk and Recorder  
*Edwin*

16-537

By ..... Deputy

Viewers

*Morgan-Walbert*

Appointed ... May 17 ... 1917.

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

At .....

On .....

Report of Viewers

Filed . Sept. 12 - 1917.

Action by the Board.....

*Denied Sept 13 - 1917*

Road Dist. No., 18.....

VIEWER'S REPORT ON ROAD PETITIONS NO. 552 AND NO. 553.

We your viewers appointed to view the locations of the roads proposed to be closed by Petitions #552 and #553, wish to report as follows:-

- (1) That we have viewed the locations of the roads proposed to be closed:
- (2) That we make the following recommendations:-that the road described in Petition #553 be closed, and that the road described in Petition #552 remain open. Our reasons are as follows:-The main purpose that either of these roads serve is as an outlet for the Ray Holloway farm. Mr. Holloway desires that the road described in petition # 552 be left open as it gives him an outlet on the gravel road much nearer Bozeman than the other road would provide. Furthermore, by closing the road described in Petition #553 the county would eliminate a large irrigation ditch culvert at the West End of said road, said culvert now being in bad condition, so that it will have to be replaced at considerable expense in case the road is left open.

Respectfully submitted,

S. Waldorf  
Glenn Morgan

Viewers.

Dated at Bozeman, Mont., Sept. 6, 1927.

This report adopted <sup>Sept 13, 1927</sup> + #553 reduced  
Postest + hearing set for Oct 17<sup>th</sup> 1927 10 o'clock  
Post not later than Fri.

May 17-1927  
appointment of viewers

26  
10/13  
117

EXCLUSIVE AGENTS FOR:

DOBBS HATS  
MANHATTAN SHIRTS  
EMERY SHIRTS  
FLORSHEIM SHOES  
VASSAR UNDERWEAR  
HOLEPROOF HOSIERY  
HOLLOWAY HAND TAILORED  
CLOTHES  
OXFORD CUSTOM MADE CLOTHES  
STYLE PLUS CLOTHES

76  
10/13

**Ray Holloway Co.**  
TAILORING - CLOTHING - FURNISHINGS  
HATS - SHOES

BOZEMAN, MONTANA

April 30, 1927

The Board Of County Commissioners,  
Gallatin County,  
Bozeman, Mont.

Gentlemen:

I have been informed that Mr. John Keifer has been circulating a petition to have the road closed leading into my ranch and that through misrepresentation of stating that this was costing the County for upkeep and the signers for taxes, he has secured a number names to be attached to his petition.

In order that you may thoroughly acquaint yourself with this before any hearing is had, I wish to say that this road which they wish to close has been a public road for a great many years and is my shortest route to town. Also that this road during my eight years of owning the ranch by which it passes, has never cost the County one cent for upkeep. The past year the road needed grading and we did the work, furnished the grader, dragged it and kept it in passable condition entirely at our own expense.

I am greatly interested in this as it means a depreciation of the valuation of my land and an inconvenience to me to have it closed. Should you decide to go ahead and have a hearing on this, I wish to be advised of the date so that I may state my case to your honorable body.

I have just consulted Mr. Bohart and Mr. Bunker about this and they advise me that it cannot be closed until proof has been established that it is not serving the public and that this would most certainly be hard to do with it my closest route to town.

I don't want to have any trouble about this road if it can be stopped but I do want you to know that I should go as far as the Supreme Court in defending my right to keeping this road open.

I trust you gentlemen will see my point in this matter and as it is costing the County nothing for upkeep that you will support me in the matter.

Yours truly,

Ray Holloway