

No. 562

PETITIONER:

A.M. Cowan et al

Petition filed Jan 9 1928

Viewers appointed Jan 9 1928  
Benepe - Waldorf

Report filed Jan 11 1928

Date of hearing 191

Report approved Jan 11 1928

Order of survey 191

Surveyed July 5 1928

Field Book No. 121 Page 7

Recorded in Roadbook 191

Declared County Road Oct 1928

Approved: Chairman

See Book 17 Commissioners' Proceedings,

pages 91, 94, 341

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. 3 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 Northeast Corner of the South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ ) of Section Two, Township 1 North Range 4 East, thence running Northwesterly through said Section Two on the most feasible route to be determined by the county to a point on the present road located on the North Line of said Section Two and just East of the C.M. & St. P. Railroad, a total distance of approximately 0.7 miles, the present road between these two points to be closed as soon as the new road is constructed.

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

Names of Petitioners	Description	Sec.	Twp.	Range
(out) A. M. Cowan	W <sup>2</sup> 4 + NE NE	2	17N	4E
(out) L. D. Kribble	W <sup>2</sup> NW <sup>4</sup> Sec 1 - + SE NE Sec 2	2	17N	4E
(out) Mrs. M. J. Brownell	NE <sup>4</sup> + W <sup>2</sup> SE Sec 11 + W <sup>2</sup> SE NE 12		17N	4E
(out) Dick Gale	SW <sup>2</sup> SW <sup>2</sup> NW <sup>2</sup> Sec 8; S <sup>2</sup> SE <sup>4</sup> Sec 7 + 160 am 18		17N	5E
(out) Harry Nelson	NW <sup>2</sup> NW <sup>4</sup> + 8 <sup>2</sup> NW + N <sup>2</sup> SW + SWSW Sec 3	17N	4E	
(out) A. M. Mason	E <sup>2</sup> SE <sup>4</sup> NW <sup>2</sup> SE <sup>4</sup> Sec 2		17N	4E
(out) Mrs. V. K. Patterson	NE <sup>4</sup> + N <sup>2</sup> 8 <sup>2</sup> Sec 7 - N <sup>2</sup> NW <sup>2</sup> NW <sup>2</sup> NE 8		17N	5E
(out) L. M. Bright by Mrs. L. M. Bright	NE <sup>4</sup> + SWSE Sec 18		17N	5E
(out) Raymond	82	17	17N	5E
(out) Cora Parsons	SE <sup>4</sup> 8W + SWSE Sec 20; N <sup>2</sup> NE <sup>4</sup> 8 <sup>2</sup> NW <sup>2</sup> SWNW-29 -		17N	5E
(out) E. W. Spring	SW <sup>4</sup> 22; S <sup>2</sup> SE <sup>4</sup> + SWSW <sup>4</sup> 21 + 28 + 29		17N	5E
(out) P. W. Perwell	SE <sup>4</sup> NE <sup>4</sup> Sec 31 + SWNW 32		17N	5E
(out) Florence Reynell	Belgrade			
(out) John Weaver				
(out) Chas. Weaver				
(out) Mrs. E. C. Shepard	SWSE 20	17N	4E	
(out) John Cowan		10	17N	4E

**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>G. D. Little</i>				
Wife <i>Mary B. Little</i>				
<i>A. M. Cowan</i>				
Wife <i>Beryl J. Cowan</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						



# 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. \_\_\_\_\_

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. 562

## PETITION FOR ROAD

Principle Petitioner.....  
*A. M. Evans et al*

Filed this 9th day of Jan. 1928.

*S. D. Waldorf*  
County Clerk and Recorder

By ..... Deputy

Viewers  
*F. L. Benape Jr*  
*S. D. Waldorf*

Appointed ..... 1928.

To meet ..... 19

At .....

On .....

Report of Viewers

Filed ..... 1928

Action by the Board. Report accepted.  
*and survey ordered. Road opened Oct 1928*

Road Dist. No. 3

VIEWERS' REPORT ON PETITION NO. 562

We, the undersigned viewers, appointed for petition #562, wish to report as follows:

(1) That we viewed the location of the proposed road on January 11th, 1928;


(2) That we find that the proposed change would be a great benefit to all people travelling the Dry Creek Road, as it would eliminate the bad hill on the present road just north of the Tribble place;

(3) That in our opinion the best route to be followed on the new road is Route #1, which would lie to the north of the Dry Creek Irrigation Company's Ditch; a second Route #2 proposed crosses the above ditch at two points and would be in our opinion not as good as the first route, but a great improvement over the present road;

(4) That it appears that the right-of-way on the Route #2 above described is easily obtainable, but that the right-of-way for the Route #1 could be obtained only by condemnation proceedings;

(5) That we recommend that the above road be constructed in 1928 on one of the two routes described in section 3 with the understanding that if Route #2 is used a right-of-way 60 feet in width and all fencing be furnished free of cost to Gallatin County, and with the understanding that if Route #1 is used a right-of-way 60 feet in width and all fencing be furnished free of cost to Gallatin County with the exception that the County pay toward said right-of-way and fencing cost an amount to be determined by the Board of Commissioners, said amount not to exceed the saving in construction cost made by using route 1 instead of Route 2.

Respectfully submitted



Viewers.

Dated at Bozeman, Montana January 11, 1928.