

No. 564

PETITIONER:

George H. O'Connell

Petition filed April 4 1928  
Morgan-Waldorf

Viewers appointed April 4 1928

Report filed April 5, 1928

Date of hearing 191

Report approved 191

Order of survey 191

Surveyed Aug. 1, 1928

Field Book No. 120 Page 25

Recorded in Roadbook 191

Declared County Road June 15, 1929

Approved: Chairman

See Book 17 Commissioners' Proceedings,

pages 147

County Clerk

Petition For Road

No. 564

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

Gentlemen:

We, the undersigned free holders of Road District No. 20 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 No. 95 with the East Line of Section 32, T2S R4E, thence running in a general westerly direction along a roadway already graded a distance of approximately 0.6 mile to a point approximately 100 yards west of the North and South center line of said section 32; thence running in a northwesterly direction a distance of approximately 200 yards to an intersection with said Road No. 95 at its intersection with the North and South center line of Section 29, of same township and range

We further petition that in case this road is established, that Road No. 95 be closed to traffic between the two points above mentioned

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
George D. Connell	S2	30	28	4E
Det. Artell		27	28	4E
Griffith Kemp	N2W2	34	28	4E
J. W. Athurs		33 & 34	28	4E
Wallace W. Blain	In N2	2	38	4E
Robert E. Blain				
Conest. Montfort				
J. W. Carter	In N2	10	38	4E
P. H. A. Morris		33 & 34	28	4E
J. M. Raymond		32	28	4E
J. F. Borden	out	33	28	4E
Raymond Borden		29	28	4E
James H. Borden				
W. Ralph		25	28	3E
Papke Bros				

26 28 4E  
 35

121.022

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
Raymond Borden	NE 1/4 of Sec 32			
Wife				
James H Borden				
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							



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.

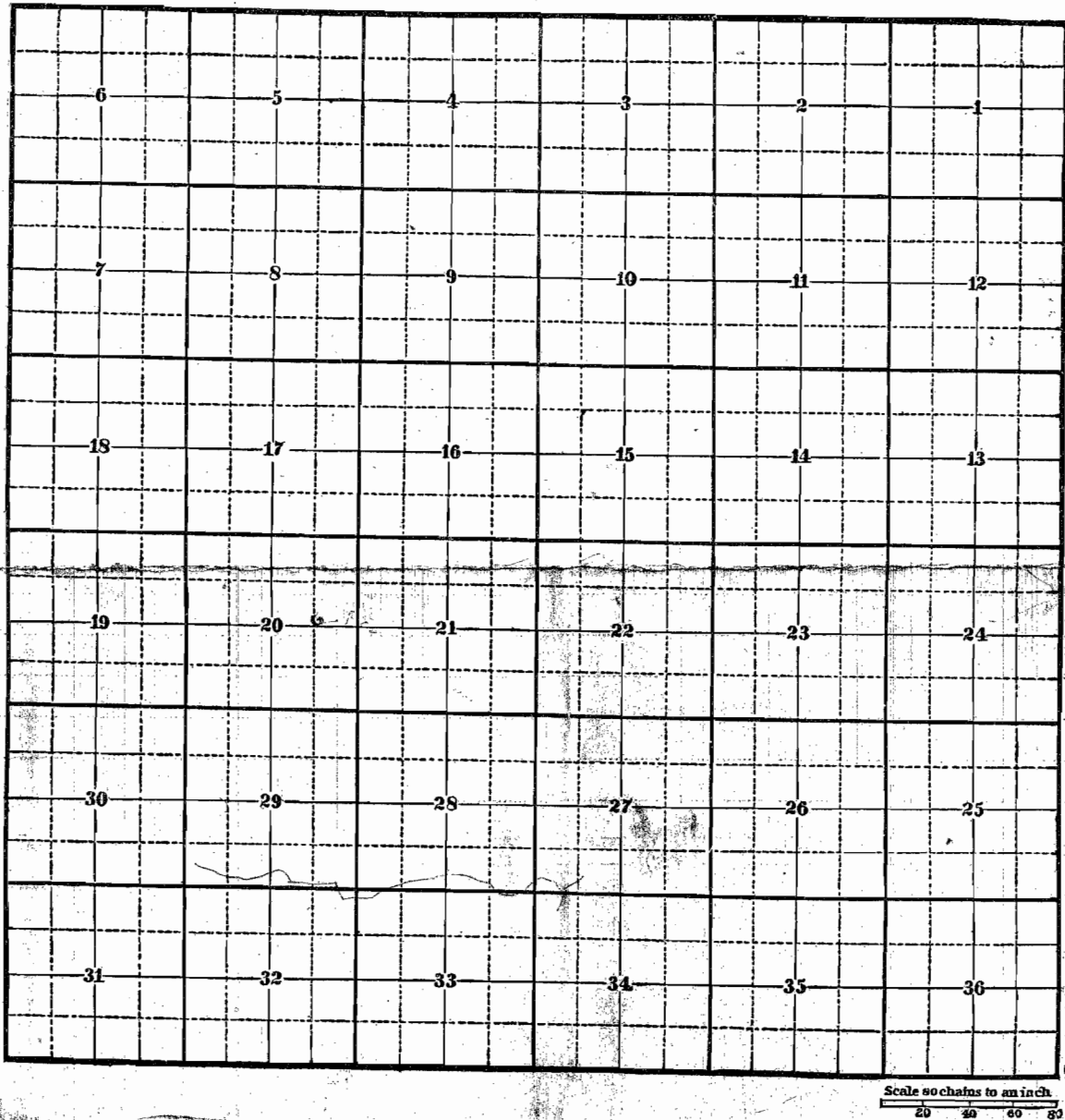
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

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. 25 Range No. 7



No. 564...

PETITION FOR ROAD

Principle Petitioner.....  
Geo. H. O'Connell et al

Filed this... 4... day of April... 1928.

S. D. Walder  
County Clerk and Recorder  
Surveyor

By ..... Deputy

Witness  
Viewers April 4 - 1928  
E. H. Morgan  
S. D. Walder

Appointed ..... April... 4... 1928.

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

At .....

On .....

Report of Viewers

Filed ..... April, 5... 1928.

Action by the Board.....

Opened to traffic, June 15, 1928

Road Dist. No. 22.....



# State of Montana

DEPARTMENT OF STATE LANDS  
AND INVESTMENTS

## STATE BOARD OF LAND COMMISSIONERS

I. M. BRANDJORD,  
COMMISSIONER OF STATE LANDS AND  
INVESTMENTS

NANITA B. SHERLOCK,  
ASSISTANT COMMISSIONER

L. E. CHOQUETTE  
STATE LAND AGENT

J. E. ERICKSON, GOVERNOR

WILLIAM POWERS, SECRETARY OF STATE

MAY TRUMPER, SUPT. OF PUBLIC INSTRUCTION

L. A. FOOT, ATTORNEY GENERAL

*In reply please refer to*

HELENA

August 3, 1928

S. D. Waldorf  
County Surveyor  
Bozeman, Montana

Dear Sir:

Your friend Biering left for Bozeman yesterday and we sent with him blanks for right of way applications in conformity with your letter of August 1st. These blanks are in the old form. In citing the statutes under which the application is made, please give Sections 58 to 63 inclusive of Chapter 60 of the 1927 Session Laws. Mr. Biering will help you out in every way possible to expedite this business and we shall endeavor to do likewise at this office.

Yours for service,

*I. M. Brandjord*  
COMMISSIONER.

IMB-ECA

August 16, 1928,

Mr. I.M. Brandjord,  
Commissioner of State Lands,  
Helena, Montana,

Dear Sir:-

Herewith I am enclosing duplicate copies of an application for road right of way across the NE $\frac{1}{4}$  of Section 32, T2S R4E, together with duplicate releases from Messrs. J.R. and J.H. Border--who hold certificate of purchase--and duplicate tracings showing this right of way. Mr. Biering has already viewed this right of way and is familiar with all details concerning it.

I believe Mr. Biering will agree that the establishment of a public road on this location and the vacating of the present road, will be a help to this land rather than a detriment, and trust that the Board will see fit to grant this right of way without any payment for damages.

Yours very truly,

---

County Surveyor.



# State of Montana

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WILLIAM POWERS, SECRETARY OF STATE

MAY TRUMPER, SUPT. OF PUBLIC INSTRUCTION  
L. A. FOOT, ATTORNEY GENERAL

*In reply please refer to:*

HELENA

August 17, 1928

Mr. S. D. Waldorf  
County Surveyor  
Bozeman, Montana

R/W Application #2097  
Affecting N $\frac{1}{2}$ NE $\frac{1}{4}$ -32-2S-4E  
C.P. 7704, Border Bros.

Dear Mr. Waldorf:

Your letter of August 16th has just been received inclosing application for a right of way as above indicated. Trust that Mr. Biering will give us a written report on the proposed right of way so that the application may be placed before the board.

If you are in a hurry for action on this application and do not hear from us as soon as expected, please write us again using the number 2097.

Very truly yours,

*I. M. Brandjord*  
COMMISSIONER.

IMB-ECA





# State of Montana

## DEPARTMENT OF STATE LANDS AND INVESTMENTS

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WILLIAM POWERS, SECRETARY OF STATE

MAY TRUMPER, SUPT. OF PUBLIC INSTRUCTION

L. A. FOOT, ATTORNEY GENERAL

*In reply please refer to*

HELENA

January 5, 1929

Mr. S. D. Waldorf  
County Surveyor  
Bozeman, Montana

R/W Application #2097  
Affecting N $\frac{1}{2}$ NE $\frac{1}{4}$ -32-2S-4E  
C.P. #7704, Border Bros.

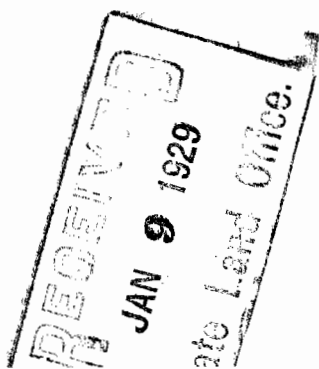
Dear Sir:

At its meeting held yesterday the State Board of Land Commissioners granted the right of way application above indicated subject only to payment of the \$5.00 fee for issuing the deed and the nominal compensation of \$1.00. Upon the receipt of this little sum, we shall endeavor to issue the deed without delay.

Very truly yours,

*I. M. Brandjord*  
COMMISSIONER

IMB-ECA



*121211-11 R/W 2097 5.00  
en 2097 2.  
1.00*

You will find your bill returned herewith in the amount of \$6.00 duly executed.



# State of Montana LAND DEPARTMENT

STATE BOARD OF  
LAND COMMISSIONERS

J. E. ERICKSON, GOVERNOR

MAY TRUMPER, SUPT. OF PUBLIC INSTRUCTION

C. T. STEWART, SECRETARY OF STATE

L. A. FOOT, ATTORNEY GENERAL

I. M. BRANDJORD, REGISTER

NANITA B. SHERLOCK, DEPUTY REGISTER

L. E. CHOQUETTE, STATE LAND AGENT

HELENA,  
Feb. 14, 1929,

S. D. Waldorf,  
County Surveyor,  
Bozeman, Montana.

Dear Sir:

You will please find enclosed herewith Right of Way  
Deed D-1574-----. Kindly acknowledge  
receipt by dating, signing and mailing the accompanying postal card.

Very truly yours,

**Commissioner**  
I. M. Brandjord, ~~Register~~ of State Lands.

By CH

The undersigned, H. R. Border and J. H. Border, hereby certify (1) that they hold certificate of purchase from the State of Montana for the following described land, to-wit:

The Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) and the Northwest Quarter of the Northeast quarter (NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section Thirty-two (32), Township Two (2) South, Range Four (4) East (T2S R4E), P. M. M., Gallatin County, Montana; and

(2) That they have viewed and are familiar with the location of the County Road #564 proposed to be constructed across said land, which said road is described in the right-of-way application attached hereto; and

(3) That they consent to the granting of the right-of-way for said road across said land; that they believe that said land will not be damaged by the location of said proposed road across this land, and that, as far as they are concerned, they claim no damages on account thereof.

Dated at Bozeman, Montana this 11th day of August, A. D., 1928.

Signed:

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The undersigned H. R. Border and J. H. Border hereby certify that

- (1) that they hold certificate of purchase from the State of Montana for the following described land to-wit;  
 the Northeast Quarter of the Northeast Quarter ( $NE\frac{1}{4}NE\frac{1}{4}$ ) and the Northwest Quarter of the Northeast Quarter ( $NW\frac{1}{4}NE\frac{1}{4}$ ) of Section Thirty-two (32), Township Two South Range Four East (T2S R4E), P. M. M., Gallatin County, Montana; and
- (2) that they have viewed and are familiar with the location of the County Road #564 proposed to be constructed across said land, which said road is described in the right of way application attached hereto; and
- (3) that they consent to the granting of the right of way for said road across said land, that they believe that said land will not be damaged by the location of said proposed road across this land and that as far as they are concerned, they claim no damages on account thereof.

Signed  
 dated at Bozeman, Montana Aug 11, 1920

Lot # 584

40 feet in width

A tract of land, in the Northwest Quarter of the Northeast Quarter ( $NW\frac{1}{4}NE\frac{1}{4}$ ) of Section Thirty-two (32), Township Two South Range Four East (T2S R4E), P.M.M., and lying 20 feet on either side of the following described center line; beginning at a point on the East Line of the said quarter of quarter section, from which point the Northeast Corner of the said quarter of quarter section bears North a distance of 388.2 feet; thence from said point of beginning  $S 80^{\circ} 18' W$  a distance of 56.4 feet; thence  $N 89^{\circ} 57' W$  a distance of 437 feet; thence  $S 75^{\circ} 05' W$  a distance of 300.3 feet; thence  $S 55^{\circ} 34' W$  a distance of 353.6 feet; thence  $S 72^{\circ} 36' W$  a distance of 122.9 feet; thence  $N 9^{\circ} 01' W$  a distance of 80.7 feet; thence  $N 7^{\circ} 50' E$  a distance of 167 feet; thence  $N 11^{\circ} 51' W$  a distance of 488.3 feet, more or less, to a point on the North Line of the said quarter of quarter section, from which point the Northwest Corner of said quarter of quarter section bears west 37 feet; tract containing 1.84 acres more or less

Range 114

A tract of land 40 feet in width in the Northeast Quarter of the Northeast Quarter ( $NE\frac{1}{4}$   $NE\frac{1}{4}$ ) of Section Thirty-two (32), Township Two South Range Four East (T2S R4E) P.M.M., and lying 20 feet on either side of the following described center line;

Beginning at a point on the East Line of the said quarter of quarter section, from which the Northeast Corner of said quarter of quarter section bears north a distance of 302 feet; thence from said point of beginning  $S 72^{\circ} 02' W$  a distance of 333.6 feet; thence  $N 84^{\circ} 43' W$  a distance of 123.9 feet; thence  $N 59^{\circ} 25' W$  a distance of 285.1 feet; thence  $S 78^{\circ} 36' W$  a distance of 232.8 feet; thence  $S 80^{\circ} 18' W$  a distance of 411.4 feet, more or less, to a point on the West Line of said quarter of quarter section, from which point the Northwest Corner of said quarter of quarter sections bears North a distance of 380.8 feet; tract containing 1.27 acres, more or less

Area North of 4 of Road

11 NW 1/4 NE 1/4 32-254E

$$13486.8 - 19443.2 \quad \frac{363.8 + 373.3}{2} \times 55.5 = 20455^{\circ}$$

$$14443.2 - 18780.2 \quad \frac{373.3 + 372.9}{2} \times 437 = 163044^{\circ}$$

$$18180.2 - 21480.5 \quad \frac{372.9 + 450.2}{2} \times 290.2 = 119431^{\circ} \checkmark$$

$$21480.5 - 25439.1 \quad \frac{450.2 + 650.1}{2} \times 291.6 = 160423^{\circ} \checkmark$$

$$25439.1 \text{ to line NW} \quad \frac{650.1 + 683.7}{2} \times 127.4 = 84963^{\circ} \checkmark$$

thru 29409.7

$$\text{Triangle } 29404.7 \quad \frac{165.4 \times 22.7}{2} = 1877^{\circ} \checkmark$$

due South to Point due  
E of 27437.7

Trapezoid N Line

= 27437.7 to Point 22.7 East

South Line = 26437.7 to point

10.1 East. (this overlaps  
but error is infinitesimal)

$$\frac{22.7 + 10.1}{2} \times 78.7 = 1291^{\circ} \checkmark$$

$\Delta$  - 29404.7 - 33493 - thence  
due E. to make right  $\angle$

$$477.9 \times 100.1 = 23919^{\circ} \checkmark$$

Additional that North Line is  
above a line due West from NE.

$$\text{Corner} - \frac{17.6 + 35.0}{2} \times 1283 = 33743^{\circ} \checkmark$$

Total 609146^{\circ}

$$13.98 - \frac{1}{2} \text{ road} = \frac{184}{2} = 13.98 - 92 = 13.06 = \text{Acres N. of Road}$$

Acres South of Road =  $40 - 13.06 - 184 = 25.10$  " S. of Road

Line N45 thro 29+04.7 starts - 10.1' East  
of 26+57 - Departure of 10.1 E on Bearing  
S 72° 36' W requires Latitude of  $\frac{10.1}{117.3} \times 36.7 = 3.1'$

Hence Latitude for Line N45 thro 29+04.7

$$= 650.1 + 36.7 - 3.1 = 683.7$$



Area North of  $\frac{1}{2}$  of Road  
 in  $NE\frac{1}{4} \cdot NE\frac{1}{4} = 32-254E$

$$\frac{302 + \frac{404.9}{2} + 102.9}{2} \times 317.3$$

112150

$$\frac{404.9 + 393.5}{2} \times 123.4$$

49261

$$\frac{393.5 + 248.5}{2} \times 245.5$$

78805

$$\frac{248.5 + 294.5}{2} \times 228.2$$

61956

$$\frac{294.5 + 363.8}{2} \times 405.6$$

133503

Total 435675

Additional on North Line  $1320 \times \frac{12.6}{2} = 11696 \text{ ft}^2 = 10 \text{ acres}$   
 $10.27 \text{ Acres} - \frac{1}{2} \text{ road right of way or } \frac{1.27}{2} =$

$$10.27 - .635 = 9.635 \text{ Acres in}$$

piece North of Road

In Piece South of Road  $40 - 9.635 - 1.27 = 29.09 \text{ Acres}$

Road 1.27  
 N. of Road 9.64  
 S. of Road 29.09  
40.00

LINE	DISTANCE	Bearing	Latitude	Departure
			N S	E W
3-3+33.6	333.6	S72°02'W		102.9
3+33.6-4+57.5	123.9	N84°43'W	11.4	
4+57.5-7+42.6	285.1	N59°25'W	143.0	
7+42.6-9+75.4	232.8	S78°36'W		46.0
9+75.4-14+43.3	467.8	S80°18'W		78.8
14+43.3-18+80.2	437.0	N89°37'W	0.4	
18+80.2-21+80.5	300.3	S75°05'W		77.3
21+80.5-25+34.1	353.6	S55°34'W		199.9
25+34.1-26+57.0	122.9	S72°36'W		36.7
26+57.0-27+37.7	80.7	N9°01'W	78.7	
27+37.7-29+04.7	167.0	N7°50'E	165.4	22.7
29+04.7-33+93.0	488.3	N11°51'W	477.9	
	3393.0		878.8	541.6
				22.7

$\frac{1}{16}$  line = Departure of 1320' W or to 9+75.4  
 + Departure of 405.6 on bearing S80°18'W  
 this gives a distance ~~420~~ 411.4' from 9+75.4  
 or Sta 13+86.8 and a latitude of 69.8 South of 9+75.4

or tie on  $\frac{1}{16}$  line = 802 + 618 = 363.8 to point  
 due West of NE Cor - However this point will be 17.6 farther  
 or 381.4  
 $1386.8 \times 40 = 55472.0 = 1.27 \text{ acres}$   
 $\frac{3393.0}{1386.8} = 2.447$   
 $2006.2 \times 40 = 80248.0 = 1.84 \text{ acres}$

S 72°02' W 333.6

N 84°43' W 123.9

N 59°25' W 285.1

S 78°36' W 232.8

S 80°18' W 467.8

N 89°57' W 437.0 ✓

S 75°05' W 300.3 ✓

S 55°34' W 353.6 ✓

S 72°36' W 122.9

N 9°01' W 80.7 ✓

N 7°50' E 167.0 ✓

N 11°51' W 488.3

3393.0

3393  
2904.9  
488.3

457

333

124

975

742

233

742

457

285

3393

2904

489

1880

1443

437

1443

975

468

2180

1880

300

2534

2180

354

2657

2534

123

2904

2737

167

2737

2657

80

Right of Way Application  
No. 2097

PLAT OF  
RIGHT-OF-WAY  
REQUIRED BY  
GALLATIN COUNTY  
ROAD NO. 564

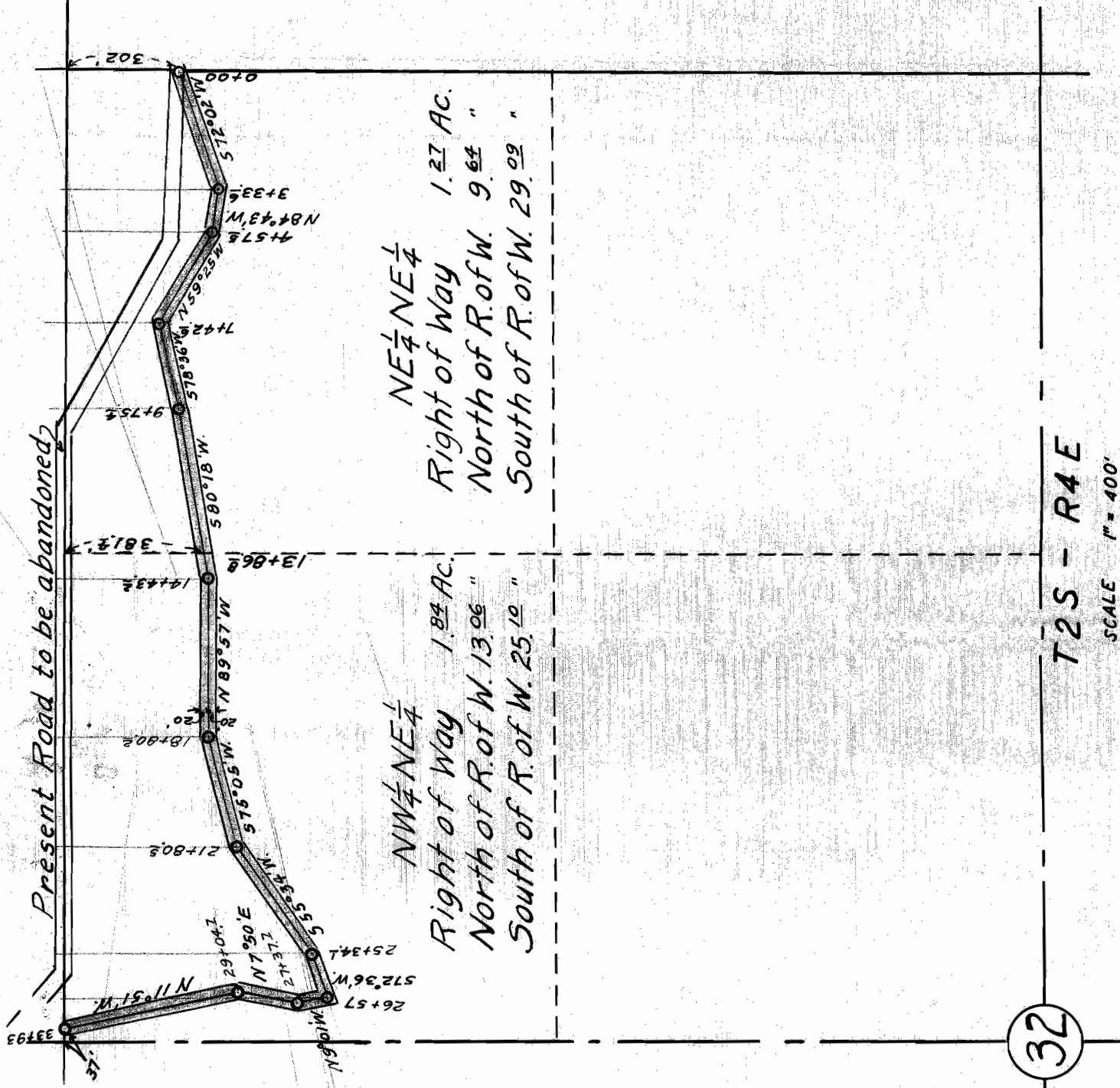
S. D. WALDORF, BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS THE COUNTY SURVEYOR FOR GALLATIN COUNTY, MONTANA; THAT THIS PLAT SHOWS THE RIGHT-OF-WAY REQUIRED BY GALLATIN COUNTY FOR ROAD PURPOSES IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER (NE 1-4 NE 1-4) AND THE NORTHWEST QUARTER OF THE NORTH-EAST QUARTER (NW 1-4 NE 1-4) OF SECTION THIRTY-TWO (32), TOWN-SHIP TWO SOUTH, RANGE FOUR EAST (T2S, R4E), P.M.M.; THAT SAID RIGHT-OF-WAY WAS SURVEYED BY HIM AND THAT SAID PLAT IS A TRUE AND CORRECT DELINEATION OF SAID RIGHT-OF-WAY.

*S. W. Caldwell*

# COUNTY SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14TH DAY OF AUG-  
UST, 1928.

**W. Harris**  
COUNTY CLERK AND RECORDER  
GALLATIN COUNTY, MONTANA



Office of COMMISSIONER OF STATE LANDS AND INVESTMENTS,  
Helena, Montana

RECEIPT

Date 2-7-29

No. 43488

RECEIVED (subject to final payment) the amount shown below:

FROM—

Gallatin County  
% County Clerk  
Bozeman, Montana

R/W  
2097  
SNS

Inst.  
No.  
Fund

Applied as—

Annual Payment No.	Deed	1	00
Interest to			
	Fee	5	00
TOTAL AMOUNT RECEIVED		6	00

I. M. BRANDJORD, Commissioner.

Form RA—10M—1-29.



RECORD PRINT, HELENA, MONT.

By

LES Cashier.