

No. 565

PETITIONER:

Mrs. Fred Hopf et al

Petition filed Oct. 29, 1928

Viewers appointed Morgan-Waldorf
Nov. 14, 1928
viewed Nov. 15-1928.

Report filed Nov. 27, 1928

Date of hearing 191

Report approved 191

Order of survey 191

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

Declared County Road 191

Petition Denied Nov. 14, 1928

Approved: Chairman

See Book 17 Commissioners' Proceedings,

pages 297, 308, 315, 294 & 295

County Clerk

Waldorf + Morgan

Petition For Road

No. 565.....

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

Gentlemen:

We, the undersigned free holders of Road District No. 15..... 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 a point on County Road... No. 461, about 300 feet North of the Center of Section Twenty-eight (28), Township One South, Range Seven East (T1S, R7E), thence South along the North and South Centerline of said Section Twenty-eight (28) a distance of approximately 1620 feet to the Northwest corner of the Southwest quarter of the Southeast quarter of said Section Twenty-eight (28).

Fred Owens Sec 30 1S 7E

see private road SW corner of sec 27 - 1S 7E

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
<i>Mrs. Fred Owens</i>	<i>E 1/2 SE 1/4 30 1S 7E</i>			
<i>Albert Sparrow</i>	<i>NE 1/4 + NW 1/2 NW 1/4 8 1S 7E</i>			
<i>John J. Wittman</i>	<i>NE 1/4 + NW 1/2 NW 1/4 8 1S 7E</i>			
<i>Mrs. Carl Justad</i>	<i>NE 1/4 5 1S 7E</i>			
<i>Carl Justad</i>	<i>NE 1/4 5 1S 7E</i>			
<i>Albert Sparrow</i>	<i>NE 1/4 + NW 1/2 NW 1/4 8 1S 7E</i>			
<i>R. S. Balluff</i>	<i>NE 1/4 + NW 1/2 NW 1/4 8 1S 7E</i>			
<i>J. F. Wheat</i>	<i>NE 1/4 + NW 1/2 NW 1/4 8 1S 7E</i>			
<i>G. A. Brown</i>	<i>NE 1/4 + NW 1/2 NW 1/4 8 1S 7E</i>			

To be attached to and to become a part of Road Petition # _____,
said petition asking for a County Road in Sec. 28, T1S, R7E.

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

Oct. 29, 1928.

The Board of County Commissioners,
Gallatin County,
Bozeman, Montana.

Gentlemen:

We, the undersigned, hereby jointly and severally agree to pay for or provide all fencing and right-of-way required for said road, provided said petition is granted.

We further agree that should condemnation proceedings be necessary to obtain said right-of-way, that we will advance such sum as may be estimated by the Board of County Commissioners as necessary for said condemnation proceedings, damages allowed by said proceedings to the owners of said right-of-way, and the estimated cost of said fencing.

It is understood that any balance remaining from the above mentioned advance, after the above described expenses shall have been paid is to be returned to the undersigned.

A E Hoff
Margaret Hoff
E D Hoffman

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

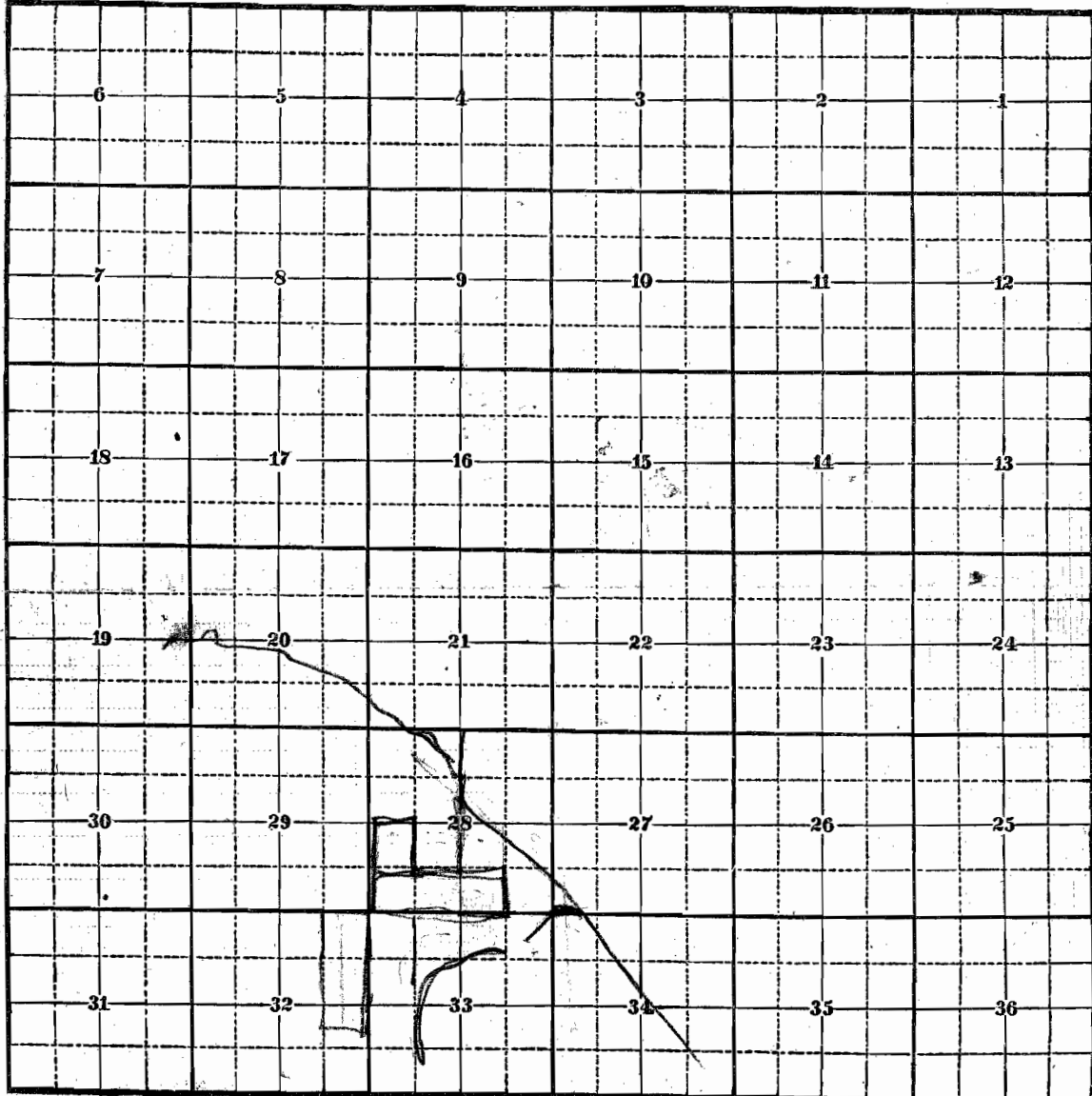
such of them as can be found consent thereto, and if not the probable cost of the right-of-way, where consent is not had, the necessity for, and advantage of the proposed road.

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 80 chains to an inch
20 40 60 80

True Meridian

No. 565

PETITION FOR ROAD

Principle Petitioner.....
Mr. s. Fred. Hoff et al.

Filed this... 29... day of... Oct... 1928.

S. D. Waldorf
County Clerk and Recorder
Surveyor

By *A. F. H.* Deputy

Viewers
Glenn Morgan
S. D. Waldorf

Appointed *Nov. 14* 1928.

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

At

On

Report of Viewers

Filed *Nov. 27* 1928.

Action by the Board.....

Petition Denied

Road Dist. No.

1000
1.32

Estimate Rd # 565

Bridge 4 span over creek

Stumps		
Lumber $\sqrt{11-4 \times 12 \times 16}$	Total	$- 2-4 \times 6 \times 16 = 64' BM$
Sides - $\sqrt{12-4 \times 12 \times 16}$		$15-4 \times 10 \times 16 = 200' "$
Posts - $\sqrt{7-4 \times 10 \times 16}$		$51-4 \times 12 \times 16 = 3264' "$
Capwalk - $\sqrt{6-4 \times 10 \times 16}$		
Wicks - $\sqrt{12-4 \times 12 \times 16}$		4128' BM
Posts - $\sqrt{2-4 \times 10 \times 16}$		
Floor - $\sqrt{16-4 \times 12 \times 16}$		
MC - $\sqrt{2-8 \times 6 \times 16}$		
Total	29	

2 wood culverts - $2 \times 1 \times 16 = 600' BM$

Culverts + Bridges $4,700' BM @ 50 = \$235.00$

Fresno Fill at Bridge 50 yds

Culverts 20 yds

Mud $50 \times 120 yds @ 25 = 30.00$

Grading $\frac{1}{2}$ mile 2 men - 6 horses 3 days 42.75

307.75

Inclusion of...

347.75 5×350.00

Viewers:-

WE your viewers appointed to view Rd # 565 - report as follows:- (1) that we viewed said road on Nov 15, 1928; (2) that we find the following: that said road would in the main be used by only two ranches ^{and would not be used by other ranches} that exclusion of right of way & fencing the road would cost 350.00 to construct according to County Standards; (3) we found & recommend as follows:- (a) that in our opinion the cost of this road exceeds the amount of public benefit to be gained; (b) that if shut off from their main road the owners of the two ranches in question have recourse to law in order to procure a private road by condemnation; (c) we therefore recommend that the petition be denied.



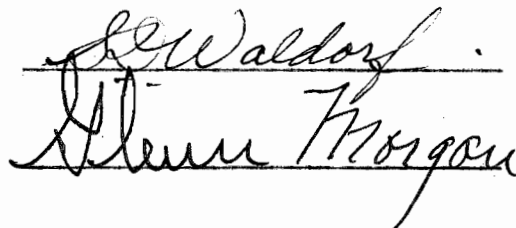
VIEWERS REPORT ON ROAD PETITION # 565.

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

We, your viewers, appointed to view the road designated in Petition #565, wish to report as follows:-

- (1) That we viewed the location of the said proposed road on Nov. 15, 1928;
- (2) That we found the following: (a) That the said proposed road would in the main be used by only two ranches, and would be a dead-end road; and (b) That, exclusive of fencing and right of way, it would cost approximately \$350.00 to construct this road according to county standards;
- (3) That we find and recommend as follows:- (a) That, in our opinion, the cost of this road exceeds the amount of benefit to be gained by the general public; (b) that, if shut off from the present road by the closing of their present method of egress, the owners of the two ranches in question have recourse to law in order to procure a private road by condemnation, as has been done in similar cases---and many private roads existing in this county today in similar places; (c) That this petition be denied;

Respectfully submitted

The block contains two handwritten signatures in cursive. The first signature is 'S. Waldorf' and the second is 'Glenn Morgan'. Both signatures are written over a horizontal line.

Viewers.

Dated at Bozeman, Montana, Nov. 27, 1928.