

No. 566

PETITIONER:

Arthur C. Reed et al

Petition filed June 18 1928

Viewers appointed June 19 1928

Report filed Dec. 21 1928

Date of hearing 191

Report approved Dec. 24, 1928

Order of survey 191

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

Declared County Road 191

Stevens Road - denied

Approved: Chairman

See Book 17 Commissioners' Proceedings,

pages 191, 193 & 336, 437. Jan 12

County Clerk

# Petition For Road

No. 566.....

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

Gentlemen:

We, the undersigned free holders of Road District No. 19..... 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 #90 at its junction with the northerly right of way line of the Menard Branch of the C.M. St. P. and Pacific Ry., said point being located on the West Line of Section 30, T1S R6E, thence following the northerly right of way line of said railroad in a southeasterly direction a distance of approximately 1 mile to a point on County Road # 139, said point being located in the S½NE¼ of Section 31, T1S R6E

We further petition that as soon as the above road is opened to traffic, the following sections of road be closed as public highways:- (1) That portion of County Road #139 described as follows:- Beginning at the West Line of Section 30, T1S R6E, thence running southeasterly a distance of approximately 1.2 miles to a point in the S½NE¼ of Section 31, T1S R6E, said point being the south terminus of the new road described above; and (2) That portion of Road #90 described as follows: Beginning at the Northeast Corner of the SE¼SE¼ of Section 25, T1S R5E, thence south ½ mile to the Southeast Corner of the NE¼NE¼ of Sec. 36, T1S R5E 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
Arthur C. Reed	120A in	23 274	15	5E ✓
Eugene Smith	NE¼	19	15	6E ✓
W. Murray	SE¼	24	15	5E ✓
W. Murray	S½S½	19	15	6E ✓
Arthur C. Babcock	NE¼-NE¼NW¼-NE¼	31	15	6E ✓
Albert M. Evans	OTHER SW	20	15	6E ✓
David Vogel	Part	32	15	6E ✓
Rudolf Vogel	Part	32	15	6E ✓
Joseph Gumbel	Part	29	15	6E ✓
Robert H. Hicke	Part	31	15	6E ✓
Geo. Kuntz	Part	36	15	5E ✓
Edw. Vogel	Part	32	15	6E ✓
D. J. Powell	SE¼E¼SW¼	11	15	5E ✓
C. E. Vogel	Part	32	15	6E ✓
Edw. Vogel	Part	31	15	6E ✓
A. T. Reed	160A in	24	15	5E ✓
Walter Gumbel				

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>W.O. Bohardt</i> Wife <i>Mrs. W.O. Bohardt</i>	<i>NW 1/4 SW 1/4, SE 1/4 SW 1/4</i>	<i>30</i>	<i>1N</i>	<i>6E</i>
<i>Mrs. Arthur H. Baberme</i> Wife	<i>NE 1/4 NW 1/4, W 1/2 NE 1/4</i>	<i>31</i>	<i>1N</i>	<i>6E</i>
Wife	<i>SW 1/4 SW 1/4</i>	<i>30</i>	<i>1N</i>	<i>6E</i>
Wife				
Wife				
Wife				
Wife				
Wife				
Wife				

*County  
viewers  
agree  
and maintain  
same*

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.

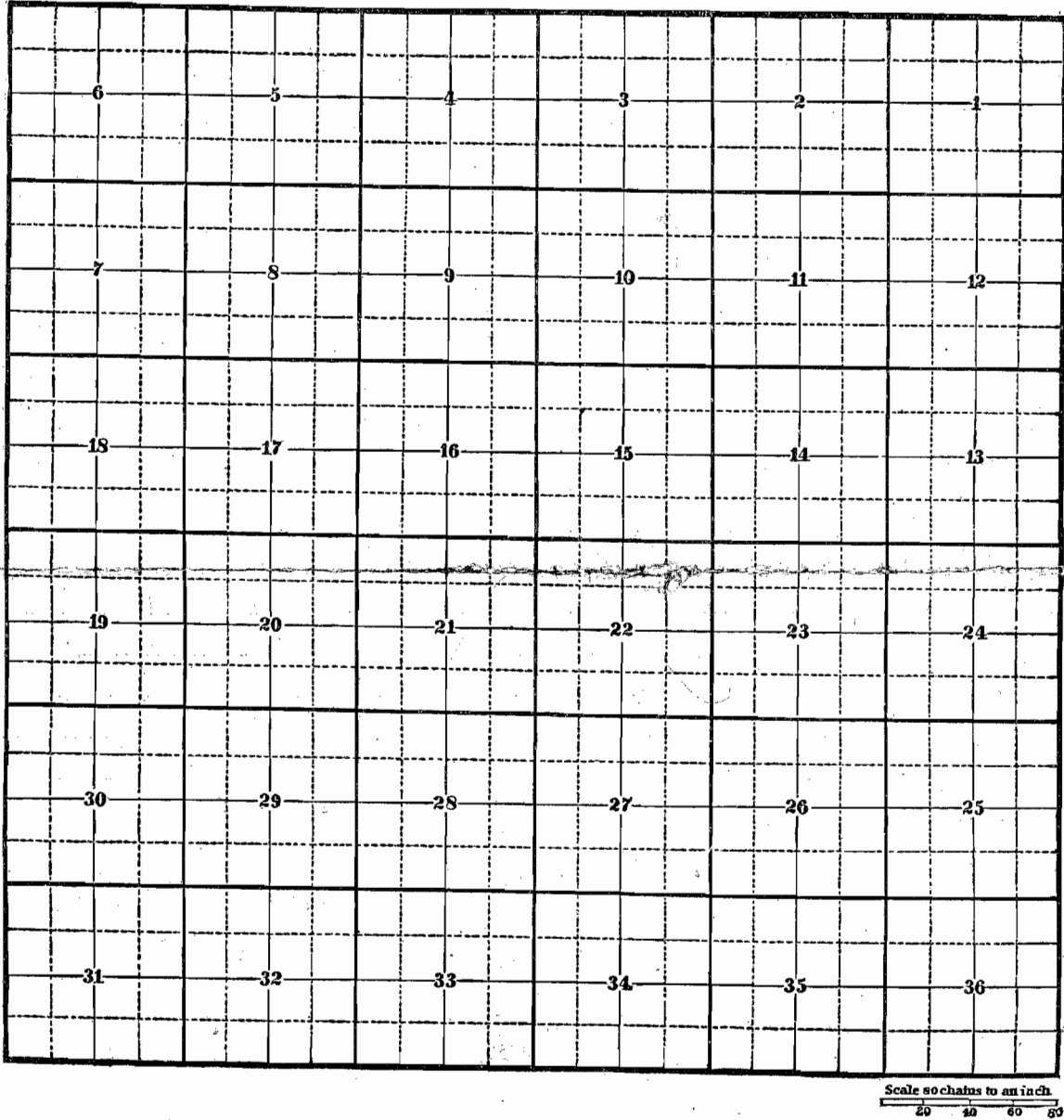
Section 2. The petition must be set forth and describe particularly the highways to be abandoned, discontinued, altered or constructed, and if the same is to be altered, laid-out or constructed, the general route thereof, over what lands, who are owners thereof, whether

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. \_\_\_\_\_



revised June 15, 1928

No. 566

## PETITION FOR ROAD

Principle Petitioner. *Arthur Reed*  
*Eugene Smith*

Filed this *18th* day of *June*, 19*28*.

*S.D. Waldorf*  
County Clerk and Recorder  
Surveyor

By ..... *A.H.H.* ..... Deputy

Viewers  
*John H. Asjker*  
*S.D. Waldorf*

Appointed ..... *June 19* ..... 19*28*.

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

At .....

On .....

Report of Viewers

Filed ..... *Dec. 24, 1928* .....

Action by the Board .....

Road Dist. No. ....

VIEWSERS' REPORT ON ROAD PETITION #566

To the Board of Co. Commissioners,  
Gallatin County.

Gentlemen:

We, your viewers appointed for Road Petition #566, wish to report as follows:

(1) That we viewed the road described in said Petition on December 21st, 1928;

(2) That we find the following conditions existing:- (a) That when the new road has been constructed as petitioned for, that part of Road #139 petitioned for and that part of Road #90 described as follows, to-wit:- Beginning at the northeast corner of Section Thirty-six (36), Township One (1) South, Range Five (5) East, M. P. M., thence running south one-quarter mile to the Southeast corner of the Northeast quarter of the Northeast quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$ ) of said Section, can be closed, and still allow access to all pieces of ground served by the portion of said road #139 and #90 proposed to be closed; (b) That all rights-of-way required for the new road have been signed up except that portion running across the northeast corner of the Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section Thirty (30) Township One (1) South, Range Six (6) East, P. M. M., said portion being owned by Susan Huffman.

We recommend the following:

(1) That said road be constructed and the above described portion of roads #90 and #139 be closed as soon as the new road is opened to traffic, provided that all fences on the new road shall be constructed free of cost to Gallatin County;

(2) That the small portion of right-of-way owned by Mrs. Susan Huffman be obtained if necessary by condemnation proceedings;

(3) That the old County bridge #47 spanning the East Gallatin River on that portion of Road #90 to be closed, be left in place to be used by the owners of the ground fronting the two sides of the road at this point, provided said owners wish to use it.

Respectfully submitted,

Dated at Bozeman, Montana  
this 21st day of December,  
1928.

*John H. Walker*  
*S. Waldorf*

Viewers

Eugene, Ore.

July 31 - 1928

Gallatin County Commissioners  
Bozeman, Mont.

Gentlemen

As there seems to be some talk of closing the road that passes my ranch, I am writing you to inform you that I do not want that road closed or abandoned as that will mean a considerable damage to me.

Mr Bunker is looking after this affair for me, but I am writing to you thinking that perhaps you might help me to prevent this being done.

What ever legal steps it takes to prevent this being done will be done  
Will appreciate hearing from you at an early date

Yours Truly.

Mrs Susan A Huffman

MRC. 126

Eugene Oregon