

Denied
To Reopen Rocky Canyon

No. 576

PETITIONER:

J. W. Anderson & Abigail Smart

Petition filed Mar. 25, 1935 191

Viewers appointed 191

Report filed 191

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 Apr. 23 1935

Approved: Chairman

See Book 20 Commissioners' Proceedings,

pages 565-591

County Clerk

No. 576

PETITION FOR ROAD

Principle Petitioner-

J.W. Anderson &
Abagai Smart

Filed this 25th day of Mar 1935

ROAD DISTRICT NO. 5

Filed Mar 25th 1936

PETITION FOR ESTABLISHING

A PUBLIC HIGHWAY

TO THE HONORABLE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GALLATIN, STATE OF MONTANA:

We, the undersigned freeholders of District Number Five of the County of Gallatin, State of Montana, do hereby petition to establish as a public highway, the following described road, heretofore claimed to have been abandoned on the 18th day of December, A. D. 1934; that the general route thereof is set out in the following description; that the lands over which the road is to pass, is a former county highway, across which the Northern Pacific Railway Company has built its railway line, except a small portion thereof, which belongs to the estate of Olaus O. Haugland that the undersigned believe that the property over which this passes does not and therefore did not belong to the Northern Pacific Railway Company but that if it does, the Northern Pacific Railway probably does not consent thereto; that the estate of Olaus O. Haugland is not represented within the county and can not be reach at this time; that the probable cost of the right of way is nothing and there will be no damages to pay; that the road is already built and that the crossing is now in and used; that the necessity for and advantage of

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1 the proposed road is that it is usable when the present highway
2 number Ten over the overhead crossing is slippery and dangerous
3 and is not good for the use of driving stock; that the proposed
4 road to be established is a necessity in the driving of stock over
5 highway Number Ten in that vicinity.

6 WHEREFORE, YOUR PETITIONERS PRAY that the following des-
7 cribed property be opened as a County road within road District
8 Number Five of Gallatin County, State of Montana:

9 Beginning at the intersection of the North
10 Line of U. S. No. 10 State highway with the
11 old Yellowstone Trail Highway at a point in
12 the Southwest Quarter of the Southeast Quarter
13 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-four (24) of Town-
14 ship Two south (T2S) Range Six East (R6E) P.M.M.,
15 Gallatin County, Montana; thence N 50°33' E. a dist-
16 ance of 170 feet; thence N 80°00' E. a distance
17 of 178 feet; thence N 63°11' E. a distance of 100
18 feet; more or less to a point 10 feet Northeast
19 of the bridge over Rocky Creek; said described
20 County Road crossing the tracks of the Northern
21 Pacific Railway.

22 Dated this 20th day of March, A. D. 1935.

23 W. Anderson
24 Marshall Bros.
25 by Frank R. Marshall
26 A. C. Akey
27 Earl Warner
28 Lucie Brown
29 Mrs Naomi E. Marr
30 Albert Buetner
31 Don Dawson
32 Lee Murphy
Frank Mayhew
Annullia M. Martin
Joseph W. King
Alfred Mahnberg

Andrew Goscik
Abigail Smart
Charles Kennedy
W. C. Paxton Jr
Bob Cobee
Carl Miller
Edward Miller
Ema Lucy White
E. F. Bunker
Marion C. Bunker

Petitioners

N O T I C E

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3 NOTICE IS HEREBY GIVEN, that the PETITION FOR ESTABLISHING
4 A PUBLIC HIGHWAY, filed with this Board on the 25th day of March,
5 1935, praying that the following described property be opened as
6 a county road within Road District No. 5, of Gallatin County,
7 State of Montana, to-wit:

8 Beginning at the intersection of the north line
9 of U. S. No. 10 State Highway with the old Yel-
10 lowstone Trail Highway at a point in the south-
11 west quarter of the southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
12 of Section twenty-four (24), of Township two (2)
13 south, Range six (6) east, P.M.M., Gallatin
14 County, Montana; thence N 50° 33' E. a distance
of 170 feet; thence N 80° 00' E. a distance of
178 feet; thence N 63° 11' E. a distance of 100
feet, more or less, to a point 10 feet north-
east of the bridge over Rocky Creek; said de-
scribed County Road crossing the tracks of the
Northern Pacific Railway;

15 is by the Board of County Commissioners denied, on the grounds
16 and for the reasons:

17 That the proposed highway sought to be opened and described
18 in said petition lies entirely upon the right of way of the
19 Northern Pacific Railway Company, and includes a dangerous
20 crossing over said railroad; that this crossing was so notor-
21 ously dangerous and so many accidents had happened on it that
22 the State Highway Commission constructed an overhead crossing over
23 said railroad some time before the filing of said petition with
24 said Board of County Commissioners, for the purpose of cutting
25 out and doing away with said dangerous grade crossing; and that
26 portion of the highway sought to be opened as described in said
27 petition, includes a bridge over Rocky Creek which the Board of
28 County Commissioners has maintained, and is in a condition that
29 if continued in use will have to be reconstructed and rebuilt in
30 the near future; that the present Highway No. 10 as now con-
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structed is adequate and suitable for all classes of highway traffic, including the driving of livestock, and the like, and is no more dangerous than other portions of said highway between Bozeman and Livingston;

That investigation has heretofore been made as to the feasibility, desirability and cost of granting the prayer of said petition in order to determine the merits or demerits thereof, and that said matter has been previously decided and determined by this Board of County Commissioners on a previous petition heretofore filed, and the District Court of the Sixth Judicial District of the State of Montana, in and for the County of Gallatin, has sustained the actions and decision of this Board;

That this Board believes its action heretofore taken relative to the closing of said road was justified, and hereby refuses to grant the re-opening of same.

Dated this 23rd day of April, 1935.

R. J. PASHA

W. I. BROWNELL

W. M. ALBERDA

Board of County Commissioners
of Gallatin County, Montana.

ATTEST:

I. W. BIGELOW

County Clerk

After 10 days, return to
County Commissioners,
GALLATIN COUNTY,
Box 750,
BOZEMAN, MONTANA.

Road Station # 576



RETURNED TO
WRITER
UNCLAIMED.
FROM BOZEMAN, MONT

Grace Kennedy,
R. F. D. #4, Bozeman, Mont.

REGISTERED
3526
BOZEMAN MONT.

REGISTER