

No. 586

PETITIONER:

To Close Lower Mill to Bridger Road

Petition filed Board decided to Dec. 6, 1940
Hold Hearing

Viewers appointed 191

Report filed 191

Date of hearing Feb. 13 1941

Report approved 191

Order of survey 191

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

Declared County Road 191

No final action taken

See Petition # 595 &

597

Approved: Chairman

See Book 24 Commissioners' Proceedings,

pages 49-101 138

County Clerk

NOTICE OF ABANDONMENT OF HIGHWAY

NOTICE IS HEREBY GIVEN, That it is proposed to abandon the following described highway as a public road:

That portion of County Road No. 64, commonly known as the Lower Mill to Bridger Road, beginning at a point on said road, said point being in the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 32, T13, R6E and 909 feet East of the West line of Sec. 32, and being the East line of the 6-acre tract owned by Rudolf Vogel; thence along said road in an Easterly and a Northeasterly direction through the S $\frac{1}{2}$ of Sec. 32 and Sec. 33 and through a part of the S $\frac{1}{2}$ of Sec. 34 to the junction of said road with the new Federal Aid Road No. PAS370 at a point near the Warm Spring at the mouth of Bridger Canyon. Also that section of said County Road No. 64 in Bridger Canyon, said section beginning at a point approximately 1000 feet easterly of the above mentioned Warm Spring; thence Southeasterly and Easterly along said County Road, to its intersection with the new Federal Aid Road No. PAS370 in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 34, T13, R6E.

Hearing on the above matter will be held by the Board of County Commissioners at two o'clock P. M. on the 15th day of February, 1941 at the Court House in Bozeman, Montana, at which time the Commissioners will determine the merits of said matter finally, and, at which time all persons interested may make objections or offer suggestions relative to the abandonment of said highway.

BOARD OF COUNTY COMMISSIONERS
OF GALLATIN COUNTY,

By Bess Fowler
County Clerk & Recorder

Dated at Bozeman, Montana this 16th day of December, 1940.

STATE OF MONTANA)
 : ss
County of Gallatin)

L.E. House, being first duly sworn, on oath deposes and says: That on the 19th day of December 1940, he posted five copies of the above notice in conspicuous places on the above described road.

Signed L. E. House

Subscribed and sworn to before me this 21 day of December 1940

Bess Fowler
County Clerk and Recorder in
and for Gallatin County, Montana

Butte, Mont., Jan., 22, 1941.

Honorable Board of County Commissioners,

Bozeman, Mont.

Gentlemen;

In regard to the proposal to ~~xxx~~ abandon a portion of County Road, No. 64, known as the Lower Mill to Bridger Road.

I wrote you on January, 2nd, asking if it wouldnt be best for the County Surveyor to determine just where this road runs with regard to the Section lines, as this will make considerable difference in regard to objections about closing the road.

Will you let me know if this has been done?

Yours very truly,

J. Clyde Williams,
Box 392.

Butte, Mont., Jan., 2, 1941.

Honorable Board of County Commissioners,
Bozeman, Mont.

Gentlemen;

A few days ago I received notice that you proposed to abandon the old Bridger road from near the Fish Hatchery to the Brick Mill.

This affects me in as much as it borders part of the way on my place along Bridger Creek.

I was talking with the County Surveyor about all this while I was in Bozeman.

In as much as there seems to be some difference of opinion as to where the lines run along by my place, I wonder if it would be asking too much to have the County Surveyor definitely establish just where the lines do run?

Thanking you, and with the compliments of the season, I am

Yours very truly,

J. Clyde Williams,
Box 392.

NOTES TAKEN AT HEARING FOR CLOSING OF PART OF
OLD BRIDGER ROAD
(February 13, 1941)

(DAVE VOGEL)

Mr. Waldorf:-Do you have any objections to closing this road, Mr. Vogel?

Mr. Vogel:-Yes, I have.

Mr. W.: For what reason do you object?

Mr. V.: It will isolate me from my pasture and I would have to go through my field and our head gate is up there at Clyde Williams' ranch and we have to get to it from that road.

Mr. W.: You say you would be isolated from your pasture?

Mr. V.: In other words, I would have to make a lane through my field to get to it.

Mr. W.: You could still get to that headgate if the road is closed couldn't you?

Mr. V.: I don't see how unless by airplane.

Mr. W.: Couldn't you come up the new road and through Williams' place?

Mr. V.: Williams would have something to say about that.

Mr. W.: Of course, that is done in lots of other places. Lots of headgates are not on a road. Which side of the road is your headgate on?

Mr. V.: On the north side.

Mr. W.: That is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 32 and south of the old road?

Mr. V.: Yes.

- - - -

(MR. WINTERS)

Mr. W.: Do you have any objection to that road being closed, Mr. Winters?

Mr. W.: No, not at all.

Mr. W.: In fact, would you think it would be advantageous to you if the road were closed?

Mr. W.: Yes because I have no water for the upper field.

Mr. W.: Then as far as you are concerned you would be very willing to have the road closed?

Mr. W.: Yes.

- - - -

(MR. STORY)

Mr. W.: Mr. Story, would you have any objections to this road being closed?

Mr. S.: No sir.

Mr. W.: All the way through?

Mr. S.: No sir. It would be advantageous to me. I will just make this one exception in regard to the section of the road which is adjacent to Mr. Vogel and myself. If it is all right with him, if it is abandoned, and if he wants to, he and I can permit that lane to remain just the way it is and we can both use it for bringing stock in and out. If we could work it that way if it is abandoned we could leave the fences just as they are if that is all right with him and go in and out there. If the fence is moved at all a little of ground is negligible in comparison with putting a fence in. That is my position and I would prefer to have it abandoned.

- - - -

(CLYDE WILLIAMS)

Mr. W.: Mr. Williams, would you have any objections to this road being closed?

Mr. W.: If I understood it right, I don't think I have any objections. I believe most of this road is on me. In that case does it revert to me?

Mr. W.: Yes, with the exception of a small piece at each end.

Mr. W.: I have no objection to closing it. I think Mr. Vogel has a valid objection about getting in to the dam and I have sort of an interest in it myself. As long as I own the place I would have no objection to his getting in there.

- - - -

(MR. EWAN)

Mr. W.: Mr. Ewan, what is the attitude of the Forestry Department?

Mr. E.: I would like to ask a question or two first. In regard to that part of the old road above the warm spring, what time would we have in which to move our telephone poles and our line in case it is abandoned. Could we leave then or would we be given a certain length of time?

Mr. W.: Is your line on the County road?

Mr. E.: Yes. We would not want to be pressed for time to move the telephone line.

- - - -

(MR. PAPKE)

Mr. W.: Mr. Papke, would you have any objection to that road being closed, or any section of it?

Mr. P.: Yes, I would like to have it open because I have my cabins in there.

Mr. W.: Where are your cabins?

Mr. P.: In Sec. 34 right on the line.

Mr. W.: Your ground runs to the center line of Sec. 34?

Mr. P.: Yes.

Mr. W.: Which side of the creek?

Mr. P.: On the north side.

Mr. W.: And between the creek and the new highway?

Mr. P.: Yes. I would very much like to have it left open.

Mr. W.: You are referring just to your section up here? (Referring to map) You wouldn't object to any other part except the stretch to the cabins?

Mr. P.: Yes, I would like to have it open clear through. If they put gates in there nobody wants the cabins.

- - - -

(ED VOGEL)

Mr. W.: Mr. Vogel, have you any objections to this road being closed?

Mr. V.: I have.

Mr. W.: What would be your objection?

Mr. V.: I have an irrigating ditch that goes through there and I wouldn't be able to get up to my dam.

Mr. W.: Is this the same ditch?

Mr. V.: Yes, it is jointly owned.

Mr. W.: You live down north of the mill?

Mr. V.: Yes.

Mr. W.: Then your objection would be the same as Dave Vogel's on the ditch proposition up there in Williams' place?

Mr. V.: Yes. Mr. Williams just said he would give me a contract to go through his place. That would be all right but it would not be as convenient for me as to leave the present road open because most of the time if there is irrigating trouble it is after a big rain and I have to get up there with a big truck and if I have to go through Clyde's field it would be all muddy and I couldn't get through with my truck. I would not object to gates being put across the old road. When I am irrigating I am at the dam every day.

Clyde said he would not object once or twice a year.

- - - -

(MRS. GOTTLOB)

Mr. W.: Mrs. Gottlob, have you any objections to this road being closed?

Mrs. G.: Yes, I would like to have it open.

Mr. W.: That is, I presume you mean the section up here (referring to map) the same one Mr. Papke talked about?

Mrs. G.: Yes.

Mr. W.: What is your reason for wanting that open?

Mrs. G.: We have to use the old road. We can't use the approach to the new road. It is too steep. When there is snow and ice on it, we can't get up on it.

Mr. W.: Your objection is that the approach put in by the State is not satisfactory?

Mrs. G.: Yes. It is probably all right during the summer but not during the winter.

- - - -

Fish Hatchery, represented by _____, had no objections to road being closed. He stated they wanted to know that they would be served by the Telephone Company and asked if the Telephone Company would have to move their poles if the road is abandoned.

Mr. Pearson and Mr. Ferguson were not present at the hearing.

J. Clyde Williams
N $\frac{1}{2}$, S. W. $\frac{1}{4}$, Sec. 33, T. 15, R. 6 E.

Malcolm Story
S $\frac{1}{2}$, S. W. $\frac{1}{4}$, Sec. 33.

