

No. 590

PETITIONER:

W. W. Cloyd et al Closing Grogan Lane

Petition filed May 5, 1942 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 June 5, 1942

Approved: Chairman

See Book 24 Commissioners' Proceedings,
pages 496-511-519-525

County Clerk

PETITION FOR ABANDONING A PUBLIC
HIGHWAY

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

Gentlemen:

We, the undersigned freeholders of Gallatin
County, do hereby petition your Honorable Body to abandon
as a public highway the following described County Road:

That portion of County Road No.39,
beginning at a point on the north
line of Sec.30, T.1 N., R5 E.,
said point being $\frac{1}{4}$ mile east of the
Northwest corner of said Sec.30;
thence due south $\frac{3}{4}$ mile to the
intersection of said County Road
No.39 and County Road No. 1 (The
Penwell Road).

NAMES OF PETITIONERS

<u>W. W. Croy</u>	<u>Livingston Mont.</u>
<u>A. H. Cloyd</u>	<u>Belgrade Mont</u>
<u>E. J. Cloyd</u>	<u>Belgrade Mont.</u>
<u>Florence Penwell</u>	<u>Belgrade Mont</u>
<u>Frank Verdina</u>	<u>Belgrade Mont</u>
<u>D. B. Tidball</u>	<u>Belgrade Mont</u>
<u>Elba S. Spreng</u>	<u>Belgrade Mont</u>
<u>Mrs. Ray Cusell</u>	<u>Belgrade Mont.</u>
<u>Roger E. Spring</u>	<u>Belgrade Mont.</u>
<u>Lucy Hamilton</u>	<u>Belgrade Mont.</u>
<u>V. B. Pittman</u>	<u>Belgrade Mont</u>
<u>Roy E. Cole</u>	<u>Belgrade Mont.</u>
<u>John Milesnick</u>	<u>Belgrade, Mont.</u>

11/11/11

May 5th, 1942

Mr. E. R. Yates,
Meridian, Idaho.

Dear Sir:

The Board has received a petition for abandoning a portion of County Road No. 39 described as follows:

That portion of County Road No. 39 beginning at a point on the north line of Sec. 30, T1N, R5E, said point being one-fourth mile east of the Northwest corner of said Sec. 30; thence due south 3/4 mile to the intersection of said County Road No. 39 and County Road No. 1. (The Penwell road)

It is the intention of the Board to abandon this road. We find you are an abutting land owner. If you have any objection to the closing of the road mentioned above please inform the Board within thirty days.

Yours very truly,

BOARD OF COUNTY COMMISSIONERS,

By _____
Chairman

Same letter to: Beloit College, c/o H.A. Bolinger

We, the unsigned members of the Dry
Creek Electric Corporation, wish to protest
the closing of the road, known as the old
Grogan Lane, which runs from the G. R.
Powers place to the Killus Yates place
in a North and South direction, as we
own right-of-way in this lane.

File

J. J. Irvine
John Milesnick
Robert Christ
A. M. Cowan
G. M. Moore
Antoni Gorfale
Mrs. Jim Daig

OBJECTION TO CLOSING PUBLIC HIGHWAY

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

Gentlemen:

The undersigned, the Board of Trustees of Beloit College, hereby protests against and objects to the closing of that portion of the public highway designated County Road No. 39, described as follows:

That portion of County Road No. 39 beginng at a point on the North line of Sec. 30, T. 1 N., R. 5 E., said point being one-fourth mile east of the Northwest Corner of said Sec. 30; thence due south $\frac{3}{4}$ mile to the intersection of said County Road No. 39 and County Road No. 1. (The Penwell road);

on the following grounds and for the following reasons:

Said The Board of Trustees of Beloit College is the owner of the West Half of the West Half ($W\frac{1}{2}W\frac{1}{2}$) of Section Thirty (30), in Township One (1) North of Range Five (5) East, and the East Half ($E\frac{1}{2}$) of Section Twenty-five (25), in Township One (1) North of Range Four (4) East, which land abutts and joins on the west side portion of said county road No. 39. A portion of said highway proposed to be vacated and discontinued, particularly the south end thereof for a distance of about one-eighth of a mile, is necessary for use and is used in connection with selling crops of hay from said land owned by the undersigned, and the whole of said portion of said highway proposed to be vacated is used at times in connection with the operation of said farm for the purpose of moving stock on said portion of said highway. The land owned by the undersigned and immediately joining said highway is used for pasture and is very wet and swampy and it is impossible to keep in repair the fence of the undersigned along the east side of its said land, except by the use of said highway and the part thereof proposed to be vacated, and said highway and the portion proposed to be vacated is used and is necessary to be used by the undersigned in having said fence repaired and kept in order.

The telephone line that serves a large number of patrons and known as the Reese Creek Telephone Line is constructed upon and extends through said portion of said highway proposed to be vacated, as is also the electric light line, known as the Dry Creek Electric Corporation, which serves a large number of users of electricity. That said telephone line and electric power line was placed upon said highway under authority of law and with the right to repair and maintain the same on said highway, and is a proper and lawful use of said highway, and such use and the other use which is made of said highway is such that it cannot be considered that said highway is unnecessary or that it should be abandoned or closed.

That the undersigned is interested in said electric light line and obtains electrical service from said line for the land owned by it, above

described, and said line extending north through said public highway also extends through other lands owned by the undersigned and will serve to furnish electricity for its other lands.

Dated June 1st, 1942.

THE BOARD OF TRUSTEES OF BELoit COLLEGE

By H. A. Bolinger
H. A. Bolinger, Its agent.

May 29 - 1942

To Whom it May Concern:-

We, the undersigned hereby ^{protest} the closing
of this lane No 39
and that we do claim and maintain
the right to repair and maintain
our telephone line through this said
lane.

Signed:-

James Warwood

Maudie E. Lee

~~Frank~~ Yoman

Vern Sexton

Thomas Lee

Pearle E. Cole

Ed. C. Warwood.

Mrs Lillian May Warwood

Rose Warwood.

Emma J. Lee.

LAW OFFICES OF
BOLINGER & BOLINGER
416 COMMERCIAL NAT'L BANK BLDG.
BOZEMAN, MONTANA

H. A. BOLINGER
H. A. BOLINGER, JR.

October 16, 1941

Mr. W. W. Cloyd
Rural Route
Belgrade, Montana

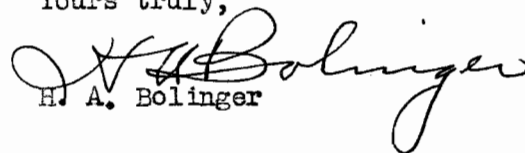
Dear Sir:

I received a letter from the Treasurer of Beloit College in regard to closing the road, in which he states:

"At the present time we do not care to do anything about this matter. At some later time when we are in the vicinity of Bozeman, the matter may be reconsidered."

This being the case, I am herewith returning to you the petition which you left with me.

Yours truly,


H. A. Bolinger

HAB:rh
Enc.

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 Ja Bohannon
(Signature or name of addressee)

2 [Signature]
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery MAY 6 - 1942, 1942

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 Mr. E. R. Yates
(Signature or name of addressee)

2 Mr. Elmer Yates
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 577, 1942