

No. x 620

PETITIONER:

W.J. Sullivan, H.C. Hintzpetter, et al.

Petition filed May 15 1956

Viewers appointed May 25 1956

Report filed May 25 1956

Date of hearing No action taken 191

Report approved 191

Order of survey 191

Surveyed 191

Field Book No. Page

Recorded in Roadbook 191

Declared County Road 191

Approved: Chairman

See Book 32 Commissioners' Proceedings,

pages 39, 51, 52, 53, 56, 58, 100, 153

164.

County Clerk

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

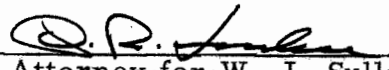
Gentlemen:

It is the contention of W. J. Sullivan, Kenneth L. Sullivan, Emmett E. Patrick, Herman C. Hintzpeter III and Barbara R. Hintzpeter that the above described County Road No. 440 was heretofore closed in 1946 by an Order duly given, made and entered by the then County Commissioners of Gallatin County, Montana.

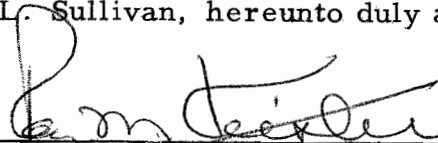
It is the contention of the present Board of County Commissioners of Gallatin County, Montana that the 1946 Order was void for want of being based on a proper petition.

By presenting this petition, W. J. Sullivan, Kenneth L. Sullivan, Emmett E. Patrick, Herman C. Hintzpeter III and Barbara R. Hintzpeter, nor either of them, are waiving any of their contentions and by accepting said petition and by further acting thereon, said County Commissioners are likewise not waiving their contentions.

Dated this 14th day of May, 1956.



As Attorney for W. J. Sullivan and Kenneth
L. Sullivan, hereunto duly authorized



As attorney for Emmett E. Patrick, Herman
C. Hintzpeter, III, and Barbara R. Hintzpeter,
hereunto duly authorized

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

Gentlemen:

We, the undersigned, freeholders of Gallatin County, Montana, taxable therein for road purposes, do hereby petition your Honorable Body to abandon as a public highway or as a County Road the following described road:

That portion of County Road No. 440 described as follows: Beginning at a point on the center line of said road, said point being in the North Half ($N\frac{1}{2}$) of Section Thirty-three (33), Township Six (6) South, Range Four (4) East, Gallatin County, Montana, and said point being located $S68^{\circ}$ E. a distance of 126 feet from the East end of the Blanchard Bridge spanning the Gallatin River and being on the property line between the J. A. Shadoan tract (see Gallatin County Record of Deeds, Book 78, Page 271) and the Herman C. Hintzpeter III and Barbara R. Hintzpeter tract (see Gallatin County Record of Deeds, Book 94, Page 59); thence from said point of beginning along the center line of said County Road No. 440 in a northeasterly direction through Sections Thirty-three (33) and Twenty-seven (27) of said Township and range, a distance of 6,268 feet, more or less, to an intersection with the easterly right-of-way line of U. S. Highway No. 191.

Name of Petitioner	Description of land owned by petitioner
<i>Herman C. Hintzpeter III</i>	The South Half of the Southeast Quarter of Section 28; a part of the Northeast of the Northwest and the Northwest of the Northeast, of Sec. 33, all in T 6 S, R 4 E
<i>Barbara R. Hintzpeter</i>	
<i>Donald W. Carlsson</i>	One half interest in and to 160 acres within the East half of Sec. 1, T 6 S, R 4 E
<i>E. J. Durman</i>	147.66 acres in Sec. 12, T 6 S, R 4
<i>Isabelle V. Durman</i>	(E, M. P. M.
<i>Emmett C. Patrick</i>	$N\frac{1}{2}$ SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 27, T 6 S, R 4 E of MM lying East of West Gal. River; and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T 6 S, R 4 E, M. P. M., east of West Gallatin River
<i>James S. Sullivan</i>	101.84 acres in Section 27, Township 6 South, Range 4 East
<i>A. J. Sullivan</i>	
<i>Velma E. Story</i>	West Half of SE $\frac{1}{4}$ and S $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 32 T 6 S, R 4 E
<i>Roberta Justus</i>	(Tract 5, being 2.89 acres in South Half of SW $\frac{1}{4}$, Sec. 28, T 4 S, R 4 E, M. P. M.
<i>Margaret Swanson</i>	One acre in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, T 6 S, R 4 E, lying South of West Gallatin River
<i>J. E. Swanson</i>	

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

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We, the undersigned, freeholders of Gallatin County, Montana, taxable therein for road purposes, do hereby petition your Honorable Body to abandon as a public highway or as a County Road the following described road:

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Name of Petitioner	Description of land owned by petitioner
Herman C. Hintzpeter III	The South Half of the Southeast Quarter of Section 28; a part of the Northeast of the Northwest and the Northwest of the Northeast, of Sec. 33, all in T 6 S, R 4 E
Barbara E. Hintzpeter	
Harold W. Carlsen	One half interest in and to 160 acres within the East half of Sec. 1, T 6 S, R 4 E Q 147.66 acres in Sec. 12, T 6 S, R 4
E. J. Durnam	(E, M. P. M.
Isabelle V. Durnam	N $\frac{1}{2}$ SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 27, T 6 S, R 4 E of MM lying East of West Gal. River; and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27, T 6 S, R 4 E, M. P. M., east of West Gallatin River
Emmett E. Patrick	101.84 acres in Section 27, Township 6 South, Range 4 East
Kenneth L. Sullivan	West Half of SE $\frac{1}{4}$ and S $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 32 T 6 S, R 4 E
Velma E. Story	(Tract 5, being 2.89 acres in South Half of SW $\frac{1}{4}$, Sec. 28, T 4 S, R 4 E, M. P. M.
Roberta Overturf	(
Margaret Swanson	One acre in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, T 6 S, R 4 E, lying South of West Gallatin River
o J. A. Shadoan	

GALLATIN COUNTY
MONTANA

ALLEN T. HARGROVE - COMMISSIONER
C. W. CRAMER - COMMISSIONER
GEORGE L. STUCKY - COMMISSIONER
EARL WALTON - CLERK AND RECORDER
AL. T. MATHESON - TREASURER
MRS. GRACE ROSNESS - AUDITOR
C. W. SORENSON - ASSESSOR

W. W. LESSLEY - DISTRICT JUDGE
MRS. EVELYN THOMPSON - CLERK OF COURT
HAROLD L. ALLEN - ATTORNEY
D. J. SKERRITT - SHERIFF
MRS. MARTHA HAYNES - SUPT OF SCHOOLS
GEORGE W. MCKEAN, - PUBLIC ADMINISTRATOR
CARL W. HAMMER, M.D., M.P.H. - HEALTH OFFICER

BOZEMAN, MONTANA

To The Honorable Board of
County Commissioners.

I do hereby certify that all the names
on petition are freeholders.

Assessor

Chas Sorenson

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

Gentlemen:

Undersigned have this day presented to you their request, in writing, to construct a bridge across the West Gallatin River to replace the Blanchard Bridge at the point where the Blanchard Bridge was formerly located.

Prior hereto, undersigned have consulted with Lee & Ward, Bridge Contractors, and by them have been assured that, if you will permit them to use the material that you have on hand salvaged from the Cave Creek bridge and the stringers from the Smith bridge, they can and will construct an adequate bridge to replace the Blanchard Bridge for a total cost not to exceed \$6,000.00.

Undersigned agree that, if you will install the Cave Creek Bridge as a replacement for the Blanchard Bridge, or construct a bridge equally adequate at said point, we will each contribute toward the cost thereof the following sums, to-wit:

Herman C. Hintzpeter III and Barbara Hintzpeter	\$ 1,500 ⁰⁰
Charles Anceney and Polly Ann Anceney	\$ 1,000 ⁰⁰
J. A. Shadoan	\$ 500 ⁰⁰

Please give this matter your very prompt attention and advise.

Respectfully submitted

Herman C. Hintzpeter III
Barbara R. Hintzpeter
Charles Anceney
Polly Ann Anceney
J. A. Shadoan

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

Gentlemen:

On Monday, May 28, 1956, the bridge known as the Blanchard Bridge, that spans the West Gallatin River on Gallatin County Road No. 440, in the Northeast Quarter of Section 33, Township 6 South of Range 4 East, was washed out by high water, rendering said road unusable.

Undersigned are freeholders of Gallatin County, Montana, taxable therein for road purposes, which freeholds lie East of the West Gallatin River, which said freeholds are extensively improved as residential; that Herman C. Hintzpeter^{III} and Barbara R. Hintzpeter, his wife, and their family, make their permanent residence therein; that J. A. Shadoan and his family and Charles Anceney and his wife and family make their residence therein for a portion of each year; that the only means of ingress, egress and regress to said residential properties is by way of Gallatin County Road No. 440 from U. S. Highway No. 191 over and across the West Gallatin River at the point where the Blanchard Bridge was formerly located.

Undersigned do hereby, in writing, request you to construct an adequate bridge across the West Gallatin River to replace the Blanchard Bridge and thereby provide undersigned and the public with the use of said Gallatin County Public Road No. 440, as heretofore used and enjoyed.

Name of Petitioner	Description of Land Owned by Petitioner
Herman C. Hintzpeter III	The South Half of the Southeast Quarter of Section 28; a part of the Northeast of the Northwest and the Northwest of the Northeast of Sec. 33, all in T 6 S, R 4 E
Barbara R. Hintzpeter	
J. A. Shadoan	One acre in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, T6S R 4 E, lying South of West Gallatin River
Charles Anceney	Tract E as designated on Assessor's Plat in Sec. 32, and 77 acres in Section 33, all in T 6 S, R 4 E, M. P. M.
Polly Ann Anceney	

GALLATIN COUNTY
MONTANA

ALLEN T. HARGROVE - COMMISSIONER
C. W. CRAMER - COMMISSIONER
GEORGE L. STUCKY - COMMISSIONER
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AL. T. MATHESON - TREASURER
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HAROLD L. ALLEN - ATTORNEY
D. J. SKERRITT - SHERIFF
MRS. MARTHA HAYNES - SUP'T OF SCHOOLS
GEORGE W. MCKEAN, - PUBLIC ADMINISTRATOR
CARL W. HAMMER, M.D., M.P.H. - HEALTH OFFICER

BOZEMAN, MONTANA

May 25th 1956,

We, W. C. Papke, Acting County Surveyor of Gallatin County, State of Montana, and George L. Stucky, County Commissioner of Gallatin County, State of Montana, having been appointed as a board of viewers on road petition No. 620, viewed said road on May 25th 1956.

We started at the southerly end of siad road, namely road No. 440, by crossing the old Blanchard bridge, (incidentally the Gallatin River was splashing on the deck of the bridge at the south and east part of said bridge),

We continued on foot along the course of the original County Road No. 440 to a point where it intersects Highway No. 191, just north of the new Jack Smith Bridge;

The road No. 440 in question has not been traveled for a number of years and is for the most part sodded over with grass and vegetation. However by grading, widening and putting in necessary drainage structures, this road could be put in shape for approximately half of the cost of replacing the Blanchard bridge.

The way things look at this date the bridge could go out any time as a result of high water. (In fact the bridge should be condemned).

Now, in view of the foregoing facts we reccommend that the old road No. 440 be graded up and repaired.

W.C. Papke
George L. Stucky



**STATE OF MONTANA
HIGHWAY COMMISSION**

HELENA

July 11, 1956

Board of County Commissioners
Gallatin County
Bozeman, Montana

Gentlemen:

There are no records on file in the State Highway Department records in Helena indicating that Gallatin County maintained the Forest Highway Project from Karst's Camp to Eldridge Post Office. Our records go back to October 19, 1925.

Very truly yours,

SCOTT P. HART
State Highway Engineer

By E. J. Vollmer
E. J. Vollmer
Asst. Maintenance Engineer

EJV:ar

DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS
DIVISION EIGHT

July 23, 1956

P. O. BOX 1386
MISSOULA, MONTANA

MONTANA DISTRICT

Mr. Allen T. Hargrove, Chairman
Board of County Commissioners
Gallatin County
Bozeman, Montana

Dear Mr. Hargrove:

We refer to your letter of July 20 requesting certain information pertaining to Forest Highway Route No. 42, West Gallatin Highway.

Assignment of U. S. numbering is a function of the American Association of State Highway Officials. We are unable to answer your question about the change from U.S. 187 to U.S. 191 but suggest you contact the Montana Highway Department as they may be able to supply this information to you.

Our records indicate the amount of \$100,250 cooperative funds were expended on the West Gallatin Forest Highway during the period from 1919 to 1929. We assume these funds were made available by Gallatin County as the route was not on the State primary system until later. Cooperative funds have not been provided for recent construction although the State Highway Department has purchased all rights of way.

The State of Montana assumed maintenance obligations at the time the route was approved as a part of the Montana Federal-aid Primary System. This route was approved as a part of the primary system on November 25, 1949, and the State becomes responsible for all maintenance of a route upon addition of the route to the primary highway system.

Very truly yours,


M. M. FLINT
District Engineer