



MONTANA DEPARTMENT OF TRANSPORTATION

# **MONTANA RIGHT-OF-WAY DESIGN MANUAL**

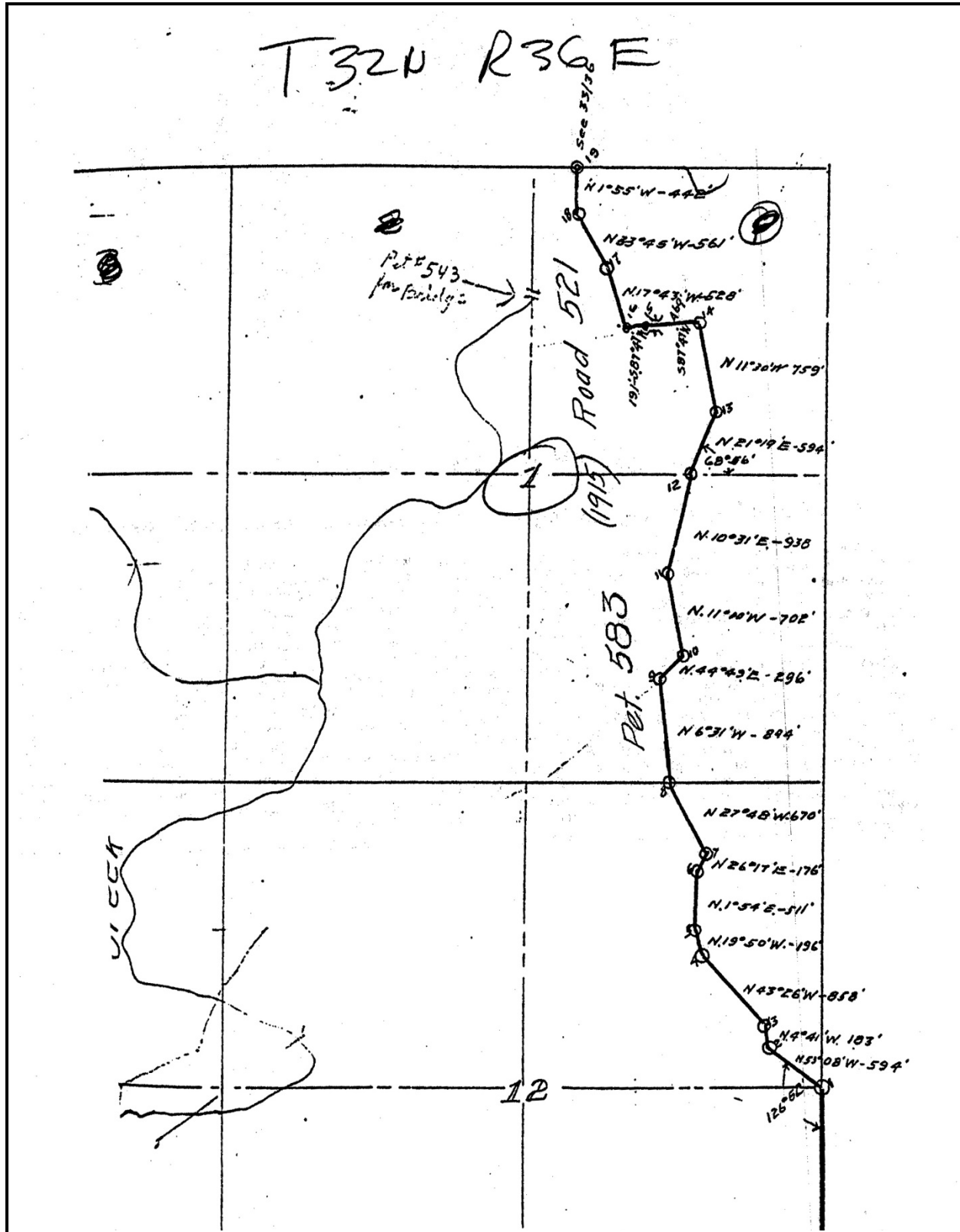
## **Appendix M – Sample Road Petition**



**Appendix M**  
**SAMPLE ROAD PETITION**

**Table of Contents**

	<b><u>Page</u></b>
APPENDIX M    SAMPLE ROAD PETITION .....	M-1
Sample Road Petition.....	M-1



## SAMPLE ROAD PETITION

**Figure 1M**

Petition No. 583  
 Road No. 581

## ROAD PETITION

To establish a Road

Extending ~~between~~ between  
Section 131N. R. 36 E. T32N. R. 36 E.  
and  
T31N. R. 37 E. T32N. R. 37 E.

T.    N.    R.   

Filed 15th day of Apr. 1915  
Wm. W. W. W.  
 County Clerk and Recorder

By    Deputy

W. H. M. W. Viewers  
James W. W.  
W. H. W.  
 Appointed Apr. 9 1915

Report of Viewers

Filed     
 Action by the Board   

## HOUSE BILL NO. 145

As Enacted by the Eighth Legislative Assembly of the State of Montana

Section 54. Any ten, or a majority, of the freeholders of a road district, taxable therein for road purposes, may petition in writing the board of county commissioners to alter or discontinue any highway or to lay out a new highway therein. When 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 must appoint viewers to act jointly, and report to their respective boards the action of such viewers.

Section 55. The petition must set forth and describe particularly the highway 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 the owners thereof, whether such of them as can be found consent thereto, and if not the probable cost of the right of way where such consent is not had, the necessity for, and advantages of the proposed road.

Section 58. The road viewers must be disinterested citizens of the county, but not petitioners.

Section 73. Highways must be laid out and opened when practicable upon subdivision or section lines; provided, however, that the section shall not be construed to prevent roads being laid out on diagonal lines when public purposes shall be best served thereby.

Section 74. Upon a petition for that purpose by a majority of the freeholders or the owners residing upon any highway when it can be done without material damage, the board of county commissioners may change such highway to subdivision or section lines and lay out and open the same thereon; provided, however, that those interested in making such change must bear all the expense and cost thereof.

SAMPLE ROAD PETITION

Figure 1M (continued)

PETITION FOR NEW ROAD		News Print, Glasgow, Mont.
<h2 style="margin: 0;">Petition for New Road</h2>		
No. .... Pending		
To the Honorable Board of County Commissioners of Valley County, Montana:		
Gentlemen:		
We, the undersigned residents and taxpayers of Road District No. .... of Valley 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 <u>the NE cor. Sec. 24. T. 31N. R36E.</u>		
<u>thence North 8 miles to the SE cor. sec. 1. T32N. R36E.; thence</u>		
<u>N51W. 618ft.; thence N26-30W. 533ft.; thence N57-10W. 455ft.; thence</u>		
<u>N18-40W. 156ft.; thence N4-40W. 512ft.; thence N22-25E. 343ft.;</u>		
<u>thence N32-55W. 400ft.; thence N12-35W. 110ft.; thence N55-50E. 200ft.;</u>		
<u>thence N38-20E. 264ft.; thence N21-40W. 679ft.; thence N14-15E.</u>		
<u>1033ft.; thence N3-35E. 1413ft.; thence N87-25W. 326ft. to the</u>		
<u>Willow Creek Bridge; thence across bridge and in a NEW direction to</u>		
<u>the foothills and following along the foothills to connect with</u>		
<u>the old road above the ford.</u>		
<u>Total length of this road is about 10 miles.</u>		
We believe the cost of ..... this ..... road will not exceed \$.....		
there being ..... steep grades, ..... culverts, ..... bridges necessary		
on the route as proposed:		
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:		
.....		
.....		
and should you cause this said ..... road to be established and opened, we agree to abide by the report		
of the viewers appointed by you.		
Name of Petitioners	Land Owned by Same Liable to be Crossed by Proposed Road	
<i>Th. Smith</i>		
<i>F. G. Ramsey</i>		
<i>W. H. C. ...</i>		
<i>A. D. Craig</i>		
<i>B. ...</i>		
<i>Geo. P. Higgins</i>		
<i>Edw. ...</i>		
<i>John ...</i>		
<i>D. ...</i>		
<i>W. ...</i>		
<i>P. P. ...</i>		
<i>L. ...</i>		
<i>O. ...</i>		
<i>Walter Peterson</i>		

SAMPLE ROAD PETITION

Figure 1M (continued)



# Oath of Posting

## NOTICE OF OPENING

OF

Road No. 551

Petition No. 551

State of Montana, }  
County of Valley. } SS.

Filed for Record this 23<sup>rd</sup> day  
of June A. D. 1915 at 4  
o'clock P. M. and duly Recorded in book

Page 1 of 1  
W B Shormaker County Recorder  
E J Deputy

SAMPLE ROAD PETITION

Figure 1M (continued)

Township 32 N, Range 36 E

County \_\_\_\_\_

6	5	4	3	2	1	100 Snead T.B. Snead	J.F. Phillips Oscie Phillips Snead S.T. 11
7	8	9	10	11	12	W.M. Phillips	
13	17	16	15	14	13	S S S S S S S S S S S S	P. Walter Grattic
19	20	21	22	23	24	S S S	A.H. Grattic
30	29	28	27	26	25	6/14/50 J. H. 503	
31	32	33	34	35	36		

SAMPLE ROAD PETITION

Figure 1M (continued)

Petition No. 583

Road No. 521

## NOTICE OF OPENING PUBLIC ROAD

Notice is hereby given that after sixty days from the date of posting this notice ~~as a public highway~~  
~~sixty feet wide~~ will be opened over the following route, to-wit: Commencing at

Beginning at the N.E. cor. of sec. 24 T. 31 N. R. 36 E., thence nor th  
 7½ miles to the ¼ cor. on the east side of sec. 12 T. 32 N.R. 36 E.  
 thence in a nothwesterly direction following the laid out and worked  
 road down into the Rock Creek bottom; thence following the trail to  
 and across the Willow Creek Bridge; thence crossing said bridge and  
 and running in a northerly direction along the Willow Creek bottom,  
 thence following the trail up shotgun coulee to the N.E. cor. of the  
 the SW¼SW¼ of sec. 26-33-36 E. ~~thence~~ terminus of the proposed road  
 at which point it intersects an already established Co. road.

By order of the Board of County Commissioners of Valley County, Montana.

Dated at Glasgow, Montana, June 22nd 1915

*Q. Shormaker*

Clerk.

By

Deputy.

Date of Posting 191

SAMPLE ROAD PETITION

Figure 1M (continued)

T31N T32N  
 36-37 36-37 Petition No. 583 REC  
 Road No. 521

PRINCIPAL PETITIONER,  
 F. B. Rumberg

Petition Filed Apr 5 1915  
 Viewers Appointed 9 1915  
 Warrant Sent to Viewers 12 1915  
 Date of Viewing May 27 1915  
 Viewers' Report Filed June 2 1915  
 Date of Hearing 1915  
 Non Consentors Notified 1915  
 Report Approved June 10 1915  
 Order of Survey and Opening June 10 1915  
 Notices of Opening Sent June 22 1915  
 To James Sherry  
 Date of Posting June 24 1915  
 Oath Posting Returned June 25 1915  
 Declared County Road 1915

County Surveyor  
 Viewers {  
 C. H. Anderson

See Book Commissioners' Proceedings  
 Page  
 Recorded, Road Book, Page  
 County Clerk.

SAMPLE ROAD PETITION

Figure 1M (continued)

PETITION FOR NEW ROAD

THE REPUBLICAN, Colbertson

## PETITION FOR NEW ROAD

No. \_\_\_\_\_ Pending

**To the Honorable Board of County Commissioners of Valley County, Montana:**

Gentlemen:

We, the undersigned residents and taxpayers of Road District No. 4 of Valley County Montana, residing on or adjacent to the following proposed County road, do hereby petition your honorable body to ~~establish a new County road, beginning at~~ to build a bridge in Willow Creek, at the point selected by viewers, about 80 rods North of exact center of Sec. 1, Twp. 32N., R. 36E., M.M.

We believe the cost of \_\_\_\_\_ this \_\_\_\_\_ road will not exceed \$ \_\_\_\_\_ there being \_\_\_\_\_ steep grades, \_\_\_\_\_ culverts, \_\_\_\_\_ bridges necessary on the route as proposed: \_\_\_\_\_

We consider this bridge in \_\_\_\_\_ road necessary for the convenience of public travel, and especially for the residents of this district, and further for the following reasons, viz: Willow Creek rises to such an extent that travel is impassible, and residents are delayed for weeks oftentimes: This road is also the U.S. Mail road.

and should you cause the said \_\_\_\_\_ road to be established and opened, we agree to abide by the report of the viewers appointed by you.

Name of Petitioners	Land Owned by Same Liable to be Crossed by Proposed Road
<u>P. H. Black</u>	<u>Hugo Hansen</u>
<u>Stroup Jones</u>	<u>John R. Campbell</u>
<u>P. J. Leonard</u>	<u>Thomas &amp; Grease</u>
<u>P. P. Sussch</u>	
<u>George Casig</u>	
<u>H. W. Withers</u>	
<u>John Kaloud</u>	
<u>Albert Johnson</u>	
<u>Harry Shroad</u>	
<u>Therese A. Quintero</u>	
<u>Mary K. Burkhardt</u>	
<u>Edna J. Black</u>	
<u>Carl Carpenter</u>	
<u>W. Arthur White</u>	

SAMPLE ROAD PETITION

Figure 1M (continued)

Petition No. <u>343</u>	
Road No. _____	
<b>ROAD PETITION</b>	
To establish _____	
Extending through or between _____	
Sections _____	
T. _____	N. R. _____
Filed this <u>7</u> day of <u>July</u> , 19 <u>14</u>	
By _____ County Clerk and Recorder Deputy	
Viewers _____	
Appointed _____ 19 _____	
Report of Viewers _____	
Filed _____	
Action by the Board _____	

## HOUSE BILL NO. 145

As Enacted by the Eighth Legislative Assembly of the State of Montana

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Section 55. The petition must set

forth and describe particularly the highway 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 such consent is not had, the necessity for, and advantages of the proposed road.

Section 58. The road viewers must be disinterested citizens of the county but not petitioners.

Section 73. Highways must be laid out and opened when practicable upon subdivision or section lines; pro-

vided, however, that the section shall not be construed to prevent roads being laid out on diagonal lines when public purposes shall be best subserved thereby.

Section 74. Upon a petition for that purpose by a majority of the freeholders or the owners residing upon any highway, when it can be done without material damage, the board of county commissioners may change such highway to subdivision or section lines and lay out and open the same thereon; provided, however, that those interested in making such change must bear all the expense and cost thereof.

SAMPLE ROAD PETITION

Figure 1M (continued)

*Bridge* Petition No. *550* *1914*  
 Road No. ....

PRINCIPAL PETITIONER,  
*R R Black*

Petition Filed *July 7* 191*4*  
 Viewers Appointed ..... 191  
 Warrant Sent to Viewers ..... 191  
 Date of Viewing ..... 191  
 Viewers' Report Filed ..... 191  
 Date of Hearing ..... 191  
 Non Consentors Notified ..... 191  
 Report ..... Approved ..... 191  
 Order of Survey and Opening ..... 191  
 Notices of Opening Sent ..... 191  
 To .....  
 Date of Posting, ..... 191  
 Oath Posting Returned ..... 191  
 Declared County Road ..... 191

County Surveyor  
 Viewers }  
*Granted*  
*July 8 - 1914*

See Book ..... Commissioners' Proceedings  
 Page .....  
 Recorded, Road Book, Page .....  
 County Clerk.

SAMPLE ROAD PETITION

Figure 1M (continued)



MONTANA DEPARTMENT OF TRANSPORTATION

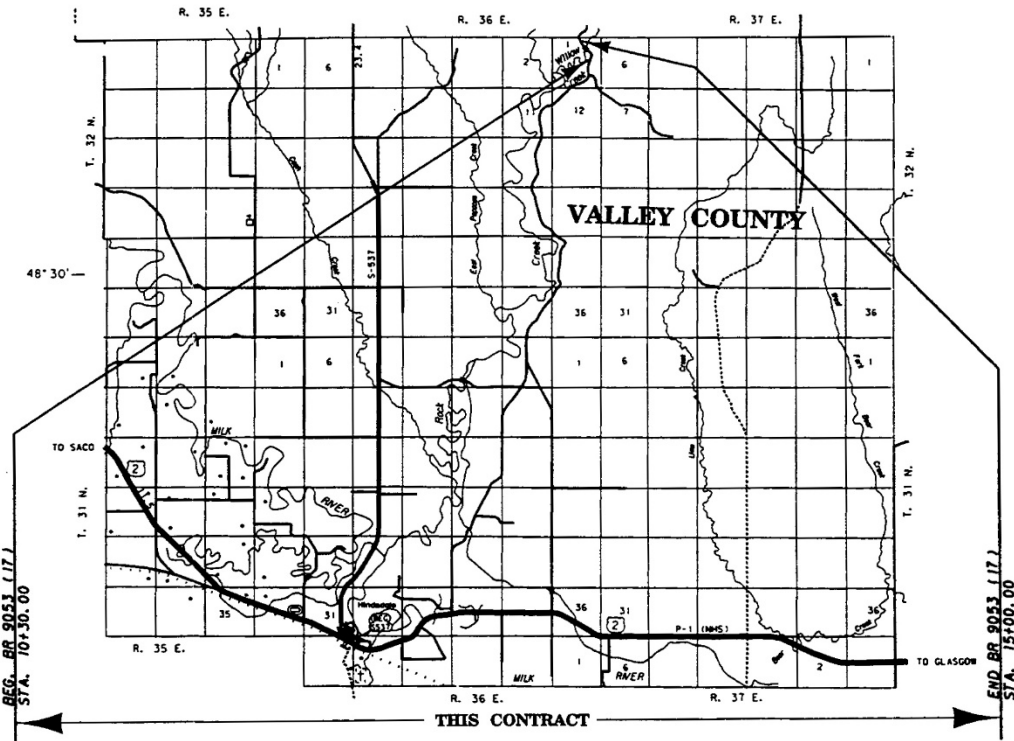
STATE	RIGHT OF WAY ID.	SHEET NO.	TOTAL SHEETS
MONTANA	BR 9053 (17)	1	2
PROJECT NUMBER 2474-017			
WILLOW CREEK - N. OF HINSDALE			

RIGHT OF WAY PLAN OF  
FEDERAL AID PROJECT BR 9053 (17)  
WILLOW CREEK - N. OF HINSDALE  
VALLEY COUNTY

0.5 Kilometers

CONVENTIONAL SIGNS	
PROPOSED RIGHT OF WAY LINE	---
EXISTING RIGHT OF WAY LINE	----
RAILROAD RIGHT OF WAY LINE	----
CENTERLINE (C) OR PROJECTED LINE	---
STK'D CENTERLINE	---
SECTION LINE	---
OWNERSHIP BOUNDARY	---
FULL ACCESS CONTROL	---
LIMITED ACCESS CONTROL	---
EXISTING ACCESS CONTROL	---
PRESENT TRAVELED WAY (P.T.W.)	---
FENCE LINE	---
EXISTING GUARDRAIL	---
PROPOSED GUARDRAIL	---
GATE IN FENCE	---
CATTLE GUARD: EXIST. - PROPOSED	---
SECTION CORNER	---
1/4 SECTION CORNER	---
CLOSING CORNER	---
MEANDER CORNER	---
CENTER OF SECTION	---
RIGHT OF WAY MONUMENT	---
PROPERTY CORNER PIN	---
POWER POLE IN PLACE	---
TELEPHONE POLE IN PLACE	---
TELEGRAPH POLE IN PLACE	---
LIGHT POLE	---
PROPOSED CULVERT	---
EXISTING CULVERT	---
OUTLET DITCH	---
INLET DITCH	---
EXISTING DITCH	---
CHANNEL CHANGES	---
DITCH BLOCK	---
RIPRAP	---
BRIDGES	---
RAILROADS	---
PARCEL NUMBERS	---
APPROACH: EXIST. - PROPOSED	---

ASSOCIATED PROJECT ID.
BR 9053 (17) CONST.
RELATED PROJECTS

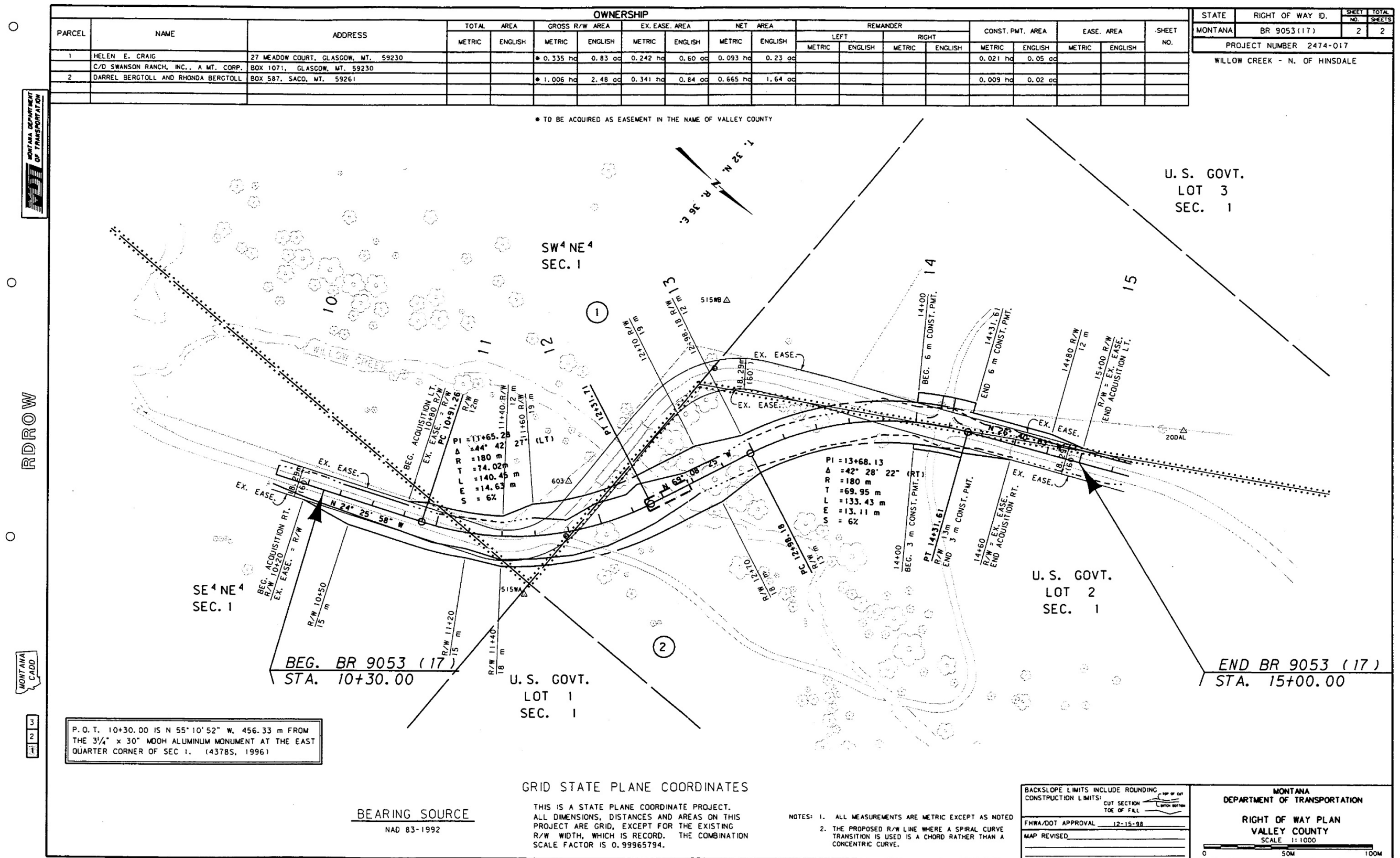


SEE SHEET NO. 2 FOR OWNERSHIP NAMES, ADDRESSES, AREAS, ETC.

NOTES: 1. ALL MEASUREMENTS ARE METRIC EXCEPT AS NOTED

FWHA/DOT APPROVAL	12-15-98
MAP REVISED	

SAMPLE ROAD PETITION  
Figure 1M (continued)



## SAMPLE ROAD PETITION

**Figure 1M (continued)**