Appendix M

SAMPLE ROAD PETITION

MONTANA RIGHT-OF-WAY
DESIGN MANUAL
Spaceholder page for double-sided printing.
Appendix M
SAMPLE ROAD PETITION

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Spaceholder page for double-sided printing.
Figure 1M

SAMPLE ROAD PETITION
HOUSE BILL NO. 145

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

Section 1. (a) A petition for construction of a new highway or road may be filed with the board of county commissioners of any county in which the proposed highway is to be built. The petition shall include a statement of the purpose of the highway, the location, and the proposed route. The petition shall also include a statement of what taxes shall be levied to construct and maintain the highway.

(b) The petition shall be filed with the county auditor, who shall file the petition with the board of county commissioners. The board of county commissioners shall hold a public hearing on the petition, and if it is approved by a majority vote of the board, it shall be referred to the voters of the county for action. If the voters of the county approve the petition, the board of county commissioners shall adopt a resolution authorizing the construction of the highway.

(c) The board of county commissioners may accept donations of land or funds for the construction of the highway. The board may enter into contracts for the construction of the highway with private contractors. The board may also enter into agreements with other public agencies or private entities for the construction and maintenance of the highway.

Section 2. (a) The highway shall be constructed and maintained in accordance with the standards established by the state department of transportation. The board of county commissioners shall ensure that the highway is completed in a timely manner.

(b) The board of county commissioners shall file a report with the state department of transportation regarding the construction and maintenance of the highway. The report shall include a statement of the cost of construction and maintenance, and a summary of the revenues generated by the highway.

(c) The board of county commissioners shall ensure that the highway is safe for use by the public. The board may establish speed limits and other safety regulations for the highway.

Section 3. (a) The board of county commissioners shall levy taxes to pay for the construction and maintenance of the highway. The tax levy shall be levied on the property within the county.

(b) The board of county commissioners shall provide a statement of the taxes levied for the construction and maintenance of the highway. The statement shall be filed with the state department of revenue.
Petition for New Road

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 the same as a County Road:

- thence North 6 miles to the SE cor. sec. 1, T32N, R36E. thence N81W, 610.8 ft.; thence N86°54’W, 523.9 ft.; thence N87°10’W, 465.6 ft.; thence W16°40’W, 156.7 ft.; thence N4°40’W, 61.2 ft.; thence N36°28’W, 312.5 ft.; thence N32°56’W, 400 ft.; thence N12°46’W, 110.5 ft.; thence N56°50’W, 300 ft.; thence N30°50’E, 264 ft.; thence N31°40’W, 679.5 ft.; thence N4°10’E, 1033.5 ft.; thence N3°36’E, 1413 ft.; thence N87°28’W, 326 ft. to the Willow Creek Bridge. thence across bridge and in a NW direction to the foothills and following along the foothills to connect with the old road above the ford.

- Total length of this road is about 10 miles.

We believe the cost of this road will not exceed $ _ _ _ _ _ _ _ .

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.

<table>
<thead>
<tr>
<th>Name of Petitioners</th>
<th>Land Owned by Same Liens to be Crossed by Proposed Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>T. G. Bartell</td>
<td></td>
</tr>
<tr>
<td>H. A. Casso</td>
<td></td>
</tr>
<tr>
<td>J. P. Johnson</td>
<td></td>
</tr>
<tr>
<td>C. W. Peterson</td>
<td></td>
</tr>
<tr>
<td>W. T. Peterson</td>
<td></td>
</tr>
</tbody>
</table>
Oath of Posting

NOTICE OF OPENING

Road No. 051
Petition No. 055

State of Montana, } SS. 23-
County of Valley. { Filed for Record this ____________ day

of June A.D. 1917 at ____________ o'clock ____________ M. and duly Recorded in ____________ book

Pay滚 of ____________

W.B. Thomsen County Recorder
Deputy

SAMPLE ROAD PETITION
Figure 1M (continued)
Petition No. 583
Road No. 621

NOTICE OF OPENING PUBLIC ROAD

Notice is hereby given that after sixty days from the date of posting this notice, a new 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
7 1/2 miles to the 1/4 cor. on the east side of sec. 12 T. 32 N.R. 36 E.
thence in a northwesterly 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 SW1/4SW1/4 of sec. 26-33-36 E. 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.

[Signature]
Clerk.

Date of Posting 191

[Signature]
Deputy.
<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>Petition Filed</td>
<td>Apr 5189</td>
</tr>
<tr>
<td>Viewers Appointed</td>
<td>9189</td>
</tr>
<tr>
<td>Warrant Sent to Viewers</td>
<td>12189</td>
</tr>
<tr>
<td>Date of Viewing</td>
<td>May 3171915</td>
</tr>
<tr>
<td>Viewers’ Report Filed</td>
<td>71915</td>
</tr>
<tr>
<td>Date of Hearing</td>
<td>1915</td>
</tr>
<tr>
<td>Non-Consentors Notified</td>
<td>1915</td>
</tr>
<tr>
<td>Report Approved</td>
<td>1915</td>
</tr>
<tr>
<td>Order of Survey and Opening</td>
<td>71915</td>
</tr>
<tr>
<td>Notices of Opening Sent</td>
<td>June 221915</td>
</tr>
<tr>
<td>To</td>
<td>James Smith</td>
</tr>
<tr>
<td>Date of Posting</td>
<td>June 241915</td>
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<tr>
<td>Oath Posting Returned</td>
<td>June 251915</td>
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<tr>
<td>Declared County Road</td>
<td>1915</td>
</tr>
</tbody>
</table>

{ County Surveyor |
Viewers |

See Book: Commissioners’ Proceedings
Page: Recorded, Road Book, Page

County Clerk:
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 build a bridge in Willow Creek, at the point selected by viewers, about 30 rods North of exact center of Sec. 1, Twp. 32N., R. 58E., 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 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 impossible, 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.

<table>
<thead>
<tr>
<th>Name of Petitioners</th>
<th>Land Owned by Same Likely to be Crossed by Proposed Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Doe</td>
<td>Thomas &amp; Grace</td>
</tr>
<tr>
<td>Frank Brown</td>
<td></td>
</tr>
<tr>
<td>Bob Smith</td>
<td></td>
</tr>
<tr>
<td>Mary Jones</td>
<td></td>
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<tr>
<td>Bill Black</td>
<td></td>
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<tr>
<td>Harry Brown</td>
<td></td>
</tr>
<tr>
<td>Susan Miller</td>
<td></td>
</tr>
<tr>
<td>John Johnson</td>
<td></td>
</tr>
<tr>
<td>Mary White</td>
<td></td>
</tr>
<tr>
<td>Bill Black</td>
<td></td>
</tr>
</tbody>
</table>

Figure 1M (continued)
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 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 56. The road viewers must be disinterested citizens of the county but not petitioners.

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)