

Road Petitioned for by James L. Smith and others.

State of Kansas, Montgomery County, ss.

Order on Road Petition

AND NOW, On this 25th day of January, A. D. 1910, being one of the days of the regular meeting of the Board of County Commissioners, begun and holden on the 25th day of January, A. D. 1910, there was presented to said Board for their consideration, a petition signed by James L. Smith and 13 others, praying for the establishment of a certain road, hereinafter described.

The Board do find as follows: First—That said petition is a legal one, and is signed by at least twelve householders of Montgomery County, Kansas, residing in the vicinity of the road prayed for. Second—That the proper bond required by law has been filed, signed by James L. Smith as principal and Lawrence Gorham and R. L. Teegarden as sureties, which said bond is by the Board approved.

THEREUPON, The Board orders that a view and survey of said proposed establishment be had on the 18th day of February, A. D. 1910, and appoints J. Travis, Dan Pollett, and C. H. Wheeler, three disinterested householders of Montgomery County, as viewers of said road, with instructions to meet in conjunction with the County Surveyor of Montgomery County, at the place of beginning, in Caney Township, and proceed to view and survey the same, give to all parties a hearing, and make report thereof, as the law directs.

The Board further orders the County Clerk to prepare for publication, in the official newspaper of the County, a notice which shall contain a correct and pertinent description of said proposed establishment of road, which said notice is in words and figures as follows, to wit:

State of Kansas, Montgomery County, ss.

ROAD NOTICE.

NOTICE IS HEREBY GIVEN, That on the 25th day of January, A. D. 1910, a petition signed by James L. Smith and 13 others, was presented to the Board of County Commissioners of the County and State aforesaid, praying for the establishment of a certain road, described as follows, viz.:

Commencing one-fourth mile (1/4) south and one-fourth (1/4) mile west of the northeast corner of Section Twelve (12) Township Thirty-five (35) Range Fourteen (14), running due west on a line until it intersects the section line between Sections ten (10) and eleven (11), Township thirty-five (35), Range Fourteen (14).

WHEREUPON, Said Board of County Commissioners appointed the following-named persons, viz.: J. Travis, Dan Pollett, and C. H. Wheeler, as viewers, with instructions to meet in conjunction with the County Surveyor at the place of beginning, in Caney Township, on the 18th day of February, A. D. 1910, and proceed to view said road, give to all parties a hearing, and make report thereof as the law directs.

By order of the Board of County Commissioners.

(SEAL.)

E. H. Stewart, County Clerk.

Road Petitioned for by James L. Smith and others.

State of Kansas, Montgomery County, ss.

FINAL ORDER.

NOW, On this day, being one of the days of the regular meeting of the Board of County Commissioners of Montgomery County, Kansas, begun and holden on the 21st day of February, A. D. 1912, comes on for hearing the report of the viewers and surveyor upon the location of a road petitioned for by James L. Smith and others, praying for the establishment of a road described as follows, to wit:

Beginning one-fourth (1/4) mile and one-fourth (1/4) mile west of the North east corner of Section Twelve (12), Township Thirty-five (35) Range Fourteen (14), running due West on a line until it intersects the section line between Sections ten (10) and Eleven (11), Township Thirty-five (35) Range Fourteen (14).

Report of Surveyor

Starting at the center of the NE 1/4 of Section 12, Township 35, Range 14 East; thence west on the North 1/2 line, one and three quarters miles to the West line of Section 11, Township 35, Range 14 East, road to occupy 20 ft on each side of said line.

The Board finds thereon as follows: First—That notice of the view and survey of said establishment of road has been given by advertisement in the Cherryvale Republican, a newspaper published and of general circulation in Montgomery County, Kansas, for two consecutive weeks, the last publication of which was not more than twenty days prior to the time appointed for the view and survey thereof, in pursuance of an order made at the Jan. 25th, 1910, meeting of said Board; that a copy of said notice has been set up in the County Clerk's office, and in every municipal township through which any part of said road was designated to be established, for at least twenty days next preceding the view and survey thereof. Second—That the proper notices have been given in writing to the owners and agents of owners through whose lands such road is proposed to be established, at least six days prior to the view and survey thereof.

THEREFORE, Upon due consideration, and no legal objection having been made against the establishment of said road, and believing the same will be of public utility, it is ordered that the viewers' report of view, surveyor's report of survey, and his plat thereof, be accepted and adopted, and said road established in accordance therewith.

IT IS FURTHER ORDERED, That the County Surveyor make a record of said road in the County Road Records, including field-notes and plat; also, that the County Clerk notify the Trustee of Caney Township to cause said road to be opened for public travel to a width of 40 feet.

IT IS FURTHER ORDERED, That warrants issue to the following-named persons, for amounts stated, in full compensation for all damages occasioned by the location and establishment of said road, to wit:

<u>D. A. Dobney</u> , land taken $\frac{3}{4}$ a - @ \$15.00 = <u>\$46.875</u>	<u>D. P. McClaren</u> - land $\frac{1}{4}$ a = <u>18.75</u>
<u>"</u> , fencing <u>40</u> = <u>8.00</u>	<u>"</u> - fencing = <u>16.00</u>
<u>J. E. Fields</u> - land taken $\frac{3}{4}$ a - @ \$15.00 = <u>9.375</u>	<u>J. M. Williams</u> - land $\frac{1}{4}$ = <u>18.75</u>
<u>"</u> , fencing <u>8</u> = <u>8.00</u>	<u>"</u> - fencing = <u>16.00</u>
<u>C. E. Bording</u> - land taken $\frac{3}{4}$ a - @ \$15.00 = <u>9.375</u>	<u>Jerome Travis</u> - <u>\$2.00</u>
<u>"</u> , fencing <u>8</u> = <u>8.00</u>	<u>Dan Pollett</u> - <u>\$2.00</u>
	<u>Chas. H. Wheeler</u> - <u>\$2.00</u>

Viewers

Attest:

E. H. Stewart, County Clerk.

(SEAL.)

Milton Arby, Chairman of the Board of County Commissioners.