

SECOND JUDICIAL DAY

THURSDAY, MAY 5th, 1927.

In the matter of declaring the necessity of acquiring certain lands for the construction of the Alicel-Lower Cove Market Road.

WHEREAS, there has been heretofore duly and regularly adopted, located and established by the County Court of Union County, Oregon, and approved by the Oregon State Highway Commission, a certain Market Road within Union County, Oregon, known as the Alicel-Lower Cove Market Road, and

WHEREAS, it is necessary that Union County acquire and damage the hereinafter described land belonging to Melvin Kerns for the purpose of constructing and maintaining a portion of the said Alicel-Lower Cove Market Road,

NOW THEREFORE, because of the premises, it is hereby RESOLVED AND DECLARED by the County Court of the State of Oregon for Union County, that it is necessary that Union County acquire and take over for the construction and maintenance thereon of a portion of the Alicel-Lower Cove Market Road in Union County the following described property of the said Melvin Kerns, to-wit:

All that part of the property located in the SE $\frac{1}{4}$ of Sec. 20, T 2 S, R 40 EWM, within a strip of land 60 feet in width being 30 feet on each side of the center line of the Alicel-Lower Cove Market Road, said tract of land being more particularly described as follows:

Beginning at a point designated as station 437/18 said station being approximately 2609.9 feet North and 2691.7 feet West of the section corner common to sections 20, 21, 28 & 29 T 2 S, R 40 EWM, thence on a 573.0 ft radius curve to the right a distance of 29.5 feet, thence South 35 49' E a distance of 1980.9 feet, thence on a 1432.5 ft radius curve to the left a distance of 360 ft, thence S 50 13' E a distance of 1121.6 ft to station 472/10 said station being the intersection of said center line with the south boundary line of said property and approximately 0.9 ft South and 407.2 ft West of the section corner common to sections 20, 21, 28, & 29 T 2 S, R 40 EWM, said tract of land containing 4.81 acres more or less.

BE IT FURTHER RESOLVED AND DECLARED by the County Court that said Court endeavor to agree with the said Melvin Kerns for his interest in the above described land as owner thereof and his damages for the taking thereof for the purposes aforesaid.

Thereupon the Journal was read, approved, and is here now signed, and it was ORDERED that Court be now adjourned for the term.

G. G. Couch County Judge,
W. W. Stevens Commissioner,
H. P. Ledbetter Commissioner.

SECOND JUDICIAL DAY

THURSDAY, JUNE 2nd, 1927.

proper holding of the aforesaid election in accordance with law.

In the matter the payment of
1926 road funds to the city
of La Grande.

Now at this time it is ORDERED that the County Clerk be and he is hereby authorized and directed to issue a warrant on the General Road Fund of the County in favor of the city of La Grande, Oregon, an incorporated city of Union County, in the sum of \$2399.19 as funds due from 1926 taxes.

In the matter of declaring the
necessity of acquiring certain
lands for the construction of
the Alicel-Lower Cove Market Road. ✓

WHEREAS, there has been heretofore duly and regularly adopted, located and established by the County Court of Union County, Oregon, and approved by the Oregon State Highway Commission, a certain Market Road within Union County, Oregon, known as the Alicel-Lower Cove Market Road, and

WHEREAS, it is necessary that Union County acquire and damage the hereinafter described land belonging to Ethel May Kerns, Mabel White, and Helen Kerns, devisees under the will of Melvin Kerns, Deceased, for the purpose of constructing and maintaining a portion of the said Alicel-Lower Cove Market Road,

NOW THEREFORE, because of the premises, it is hereby RESOLVED AND DECLARED by the County Court of the State of Oregon for Union County, that it is necessary that Union County acquire and take over for the construction and maintenance thereon of a portion of the Alicel-Lower Cove Market Road in Union County the following described property of the said Ethel May Kerns, Mabel White and Helen Kerns, devisees under the will of said Melvin Kerns, deceased, to-wit:

All that part of the property located in the SE $\frac{1}{4}$ of Sec. 20, T 2 S, R 40 EWM, within a strip of land 60 feet in width being 30 feet on each side of the center line of the Alicel-Lower Cove Market Road, said tract of land being more particularly described as follows:

Beginning at a point designated as station 437/18, said station being approximately 2609.9 feet North and 2691.7 feet West of the section corner common to sections 20, 21, 28 & 29 T 2 S, R 40 EWM, thence on a 573.0 ft radius curve to the right a distance of 29.5 feet, thence South 35° 49' E a distance of 1980.9 feet, thence on a 1432.5 ft radius curve to the left a distance of 360 ft, thence S 50° 13' E a distance of 1121.6 ft. to station 472/10 said station being the intersection of said center line with the south boundary line of said property and approximately 0.9 ft South and 407.2 ft West of the section corner common to sections 20, 21, 28 & 29 T 2 S, R 40 EWM, said tract of land containing 4.81 acres more or less,

BE IT FURTHER RESOLVED AND DECLARED by the County Court that said court endeavor to agree with the said Ethel May Kerns, Mabel White and Helen Kerns for their interest in the above described land as owners thereof and their damages for the taking thereof for the purpose aforesaid.

Thereupon it was ORDERED that Court be now adjourned until Thursday, June 9th 1927, at 9:00 o'clock, A.M.

THIRD JUDICIAL DAY

THURSDAY, JUNE 9th, 1927.

Court met pursuant to adjournment, except W.R. Ledbetter, Com'r.

Present: Same officers as on last Judicial Day.

Due proclamation of the opening of Court having been made, the Journal of the last day's proceedings was read, approved, and is here now signed.

D. G. Couch

County Judge,

W. W. Stevens

Commissioner,

W. R. Ledbetter

Commissioner.

Whereupon the following proceedings were had, to-wit:

In the matter of the application of the Union Live Stock Show Association for the transfer of the appropriation for the Elgin Fair and the State Fair Funds.

Now at this time this matter comes on for the consideration of the application of the Union Live Stock Show Association for the transfer to it of the appropriation of \$500.00 allowed in the county budget for 1927 for the Elgin Fair Association and Union County's proportion of the State Fair Funds for 1927, and it appearing to the Court that the County Fair Board has signified its intention not to hold a county fair during the year 1927, and it further appearing that an agreement has been entered into by the Union Live Stock Show Association and the Elgin Fair Association whereby the County Fair will be held in conjunction with the Union Live Stock Show,

It is CONSIDERED AND ORDERED that said application be allowed and the County Clerk is hereby authorized and directed to draw a warrant on the general fund of the county in the sum of \$500.00 in favor of said Union Live Stock Show Association, said sum being heretofore provided for the Elgin Fair Association in the budget for 1927, and the County Treasurer is hereby authorized and directed to pay to the said Union Live Stock Show Association when received, Union County's proportion of the State Fair Funds for 1927.

In the matter of acquiring a right-of-way for the Alicel-Lower Cove Market Road across the lands of Ethel May Kerns, et al.

Now at this time, it appearing that this Court has been unable to agree with Ethel May Kerns, Mabel White and Helen Kerns upon the compensation to be paid by Union County for the land necessary as a right-of-way for the Alicel-Lower Cove Market Road across the lands owned by said persons,

It is therefore CONSIDERED AND ORDERED AND ADJUDGED that the District Attorney of Union County be and he is hereby authorized and directed to commence and prosecute in the Circuit Court of Oregon in the name of Union County any suit, action or proceeding against the above named persons which he deems necessary in order to acquire for said County the land required as a right-of-way for the Alicel-Lower Cove Market Road across lands owned by said persons.

Thereupon the Journal of today's proceedings was read, approved, and is here now signed, and it was ORDERED that Court be now adjourned for the term.

D. G. Couch

County Judge,

W. W. Stevens

Commissioner,

W. R. Ledbetter

Commissioner.

SECOND JUDICIAL DAY

THURSDAY, DECEMBER 6th, 1928.

exemption are entitled to said exemption,

It is therefore ORDERED that said report be and the same is hereby approved.

In the matter of altering,
re-establishing and changing the
direction of a portion of the
Alicel-Lower Cove Road.

WHEREAS, the Alicel-Lower Cove road in Union County, Oregon, is being improved by changing the grade and direction thereof and the laying of a rock surface thereon, and

WHEREAS, public necessity requires that said road be altered, re-established and the direction thereof changed between a point described as Station 437/18, said station being approximately 2609.9 feet north and 2691.7 feet west of the section corner common to sections 20, 21, 28 and 29, Twp 2 S, Range 40 EWM, and a point described as Station 472/10, said station being approximately 0.9 feet south and 407.2 feet west of the section corner common to sections 20, 21, 28 and 29, Twp 2 S, Range 40 EWM, for the reason that said road as now established between said points is located on high, rocky ground, which precludes the establishment of a practical or convenient grade for said road, and for the further reason that said road as now established between said above described points would require the expenditure of a greater sum of money to improve than the route hereinafter described, THEREFORE,

BE IT RESOLVED AND DECLARED that it is the intention of the County Court of Union County, Oregon, to alter, re-establish and change the direction of the Alicel-Lower Cove road between the points and along the line described as follows:

Beginning at a point designated as station 437/18 said station being approximately 2609.0 feet North and 2691.7 feet West of the section corner common to sections 20, 21, 28 & 29 T 2 S, R 40 EWM, thence on a 573.0 ft. Radius curve to the right a distance of 29.5 feet, thence South 35° 49' E a distance of 1980.9 feet, thence on a 1432.5 ft radius curve to the left a distance of 360 ft., thence S 50° 13' E a distance of 1121.6 ft. to station 472/10 said station being the intersection of said center line with the south boundary line of said property and approximately 0.9 ft south and 407.2 ft. west of the section corner common to sections 20, 21, 28 & 29 T 2 S, R 40 EWM, said road to be 60 feet in width or 30 feet on each side of the above described line and to contain 4.81 acres, more or less.

Thereupon it was ORDERED that Court be now adjourned until Friday, December 7th, 1928, at 9:00 o'clock, A.M.

SECOND JUDICIAL DAY

THURSDAY, FEBRUARY 7th, 1929.

In the matter of the cancellation
of warrants.

Now at this time, it appearing to the Court that County Warrants No. 1928, series 1927, No. 1268 and 1774, Series 1929, on the General Fund of the County, and No. 468, series 1928, and No. 6, series 1929, on the Market Road Fund, have been ordered issued thru error, said amounts being duplicate payments of former payments paid to the persons in whose favor said warrants were issued, and that said warrants should be cancelled,

It is here now ordered that the warrants herein named be cancelled and the Clerk is hereby authorized and directed to make the proper entries upon his records showing such cancellation.

In the matter of altering,
re-establishing and changing
the direction of a portion of
the Alicel-Lower Cove Road.

Now at this time this matter comes on for further consideration of the resolution passed by this Court on December 6th, 1928, declaring its intention to alter, re-establish and change the direction of a portion of the Alicel-Lower Cove Road between the following described points and along the following line:

Beginning at a point designated as station 437/18 said station being approximately 2609.0 feet north and 2691.7 feet West of the section corner common to sections 20, 21, 28 & 29 T 2 S, R 40 EWM, thence on a 573.0 ft radius curve to the right a distance of 29.5 feet, thence South 35° 49' E a distance of 1980.9 feet, thence on a 1432.5 ft radius curve to the left a distance of 360 ft, thence S 50° 13' E a distance of 1121.6 ft. to station 472/10 said station being the intersection of said center line with the south boundary line of said property and approximately 0.9 ft south and 407.2 ft west of the section corner common to sections 20, 21, 28 & 29 T 2 S, R 40 EWM, said road to be 60 feet in width or 30 feet on each side of the above described line and to contain 4.81 acres, more or less,

and it appearing to the Court that notice has been given, that further action would be taken upon said resolution at this time by a duly certified copy of said resolution being posted at the place of holding County Court, to-wit: at the Court House in the city of La Grande, Union County, Oregon, and also in three public places in the vicinity of that portion of said road proposed to be altered, to-wit: one on a fence post at each end and one on a gate post near the center of that portion of said Alicel-Lower Cove Road proposed to be altered, a description of which is fully set forth above, and that proof of the posting of said notices is shown by the affidavit of posting of Roscoe Neal, County Surveyor, on file herein;

And it further appearing from the affidavit of C. K. McCormick, County Clerk, that a true copy of said notices as posted was mailed to Ethel May Kerns, the only record owner of land which will be affected by said proposed change of said road, and that said copy of said notice was received by the said Ethel May Kerns which is more fully shown by the return receipt of the Post Office Department which is also on file herein,

It is therefore CONSIDERED, ORDERED AND ADJUDGED that Roscoe Neal, County Surveyor, and Charles Playle and J. A. McKenzie, two qualified and disinterested freeholders of Union County, be and they are hereby appointed and constituted a Board of County Road Viewers for the purpose of viewing that portion of said road proposed to be changed.

It is FURTHER ORDERED that said Board of Road Viewers meet on March 11th, 1929, for the purpose of viewing said road or within 10 days thereafter, and that they file their report with the County Clerk on or before March 23rd, 1929.

Thereupon the Journal of today's proceedings was read, approved, and is here now signed, and it was ordered that Court be now adjourned for the term.

W. W. Stewart Commissioner,
H. P. Leal Commissioner.

FIRST JUDICIAL DAY

WEDNESDAY, APRIL 3rd, 1929.

In the matter of discontinuing
the allowance of Almeda McCurry.

Now at this time, it appearing to the Court that Almeda McCurry, who was heretofore granted a monthly allowance as County Aid, is now deceased,

It is CONSIDERED AND ORDERED that said allowance be and the same is hereby discontinued.

In the matter of altering and
re-locating the Alicel-Lower
Cove Road.

Now at this time this matter comes on for the reading of the report of the Board of Road Viewers heretofore appointed to view the above entitled road, and said report having been publicly read,

It is CONSIDERED AND ORDERED that this matter be and the same is hereby continued until tomorrow, April 4th.

Thereupon it was ORDERED that Court be now adjourned until Thursday, April 4th, 1929, at 9:00 o'clock, A.M.

SECOND JUDICIAL DAY

THURSDAY, APRIL 4th, 1929.

Court met pursuant to adjournment.

Present: Same officers as on last Judicial Day.

Due proclamation of the opening of Court having been made, the Journal of the last day's proceedings was read, approved, and is here now signed.

U. G. Couch County Judge,
W. W. Stevens Commissioner,
H. P. Leebetter Commissioner.

Whereupon the following proceedings were had, to-wit:

In the matter of the monthly report of the County Treasurer and credits given her.

Comes now Florence Bacon, Treasurer of Union County, Oregon, and presents to the Court certain vouchers, warrants, and receipts showing that she has paid out of the various funds of the County certain sums of money. And it appearing to the Court from an examination of said vouchers and warrants that the sums have been duly paid out of the funds applicable thereto, that the warrants were regularly issued on the order of the Court, and that the Treasurer should have credit upon her account for the same,

It is therefore ORDERED that said vouchers, receipts, etc., be filed and the Treasurer be given credit therefor as follows:

260 General Fund Warrants	\$14,471.91
71 Road Fund Warrants	2,190.42
32 Market Road Warrants	1,540.76
1 Prohibition Enf. Fund Receipt	25.00
1 High School Fund Receipt	411.32
4 Special Cities receipts	393.57
5 Special School District Receipts	<u>2,803.63</u>
	\$21,836.61

In the matter of the allowance to Bessie Fields for Widow's Pension.

Now at this time, it appearing to the Court that the County Judge, acting as Juvenile Judge, has allowed the sum of \$25.00 per month to Bessie Fields under the provisions of the Widows' Pension law of this state,

It is therefore CONSIDERED AND ORDERED that the action of the County Judge in making such allowance be and the same is hereby approved.

In the matter of altering and re-locating the Alicel-Lower Cove Road.

Now at this time this matter comes on for the second reading of the report of the Board of County Road Viewers heretofore appointed to view the above entitled road and said report having been publicly read for the second time,

It is ORDERED that this matter be and the same is hereby continued until tomorrow, April 5th, for further action.

THIRD JUDICIAL DAY

FRIDAY, APRIL 5th, 1929.

Court met pursuant to adjournment.

Present: Same officers as on last Judicial Day.

Due proclamation of the opening of Court having been made, the Journal of the last day's proceedings was read, approved, and is here now signed.

H. G. Caugh County Judge,

W. W. Stevens Commissioner,

H. R. Ledbetter Commissioner.

Whereupon the following proceedings were had, to-wit:

In the matter of altering, and relocating the Alicel-Lower Cove road.

Now at this time this matter comes on for further consideration and it appearing to the Court that Ethel M. Kerns, the owner of land affected by the proposed alteration and re-location of the Alicel-Lower Cove road, has filed a claim for damages in the sum of \$3,000.00 and the Court having considered said claim but not being ready to dispose of same at this time,

It is CONSIDERED AND ORDERED that this matter be and the same is hereby continued until May 2nd, 1929.

Thereupon it was ORDERED that Court be now adjourned for the term, the journal of today's proceedings having been read, approved and which is here now signed.

H. G. Caugh County Judge,

W. W. Stevens Commissioner,

H. R. Ledbetter Commissioner.

SECOND JUDICIAL DAY

THURSDAY, MAY 2nd, 1929.

Court met pursuant to adjournment.

Present: Same officers as on last Judicial Day.

Due proclamation of the opening of Court having been made, the Journal of the last day's proceedings was read, approved, and is here now signed.

W. G. Couch County Judge,

W. W. Stevens Commissioner,

H. R. Ledbetter Commissioner.

Whereupon the following proceedings were had, to-wit:

In the matter of altering and re-establishing the Alicel-Lower Cove Road.

Now at this time it is ORDERED that the above entitled matter be and the same is hereby continued for the term.

In the matter of the proposed County Road petitioned for by James Darr, et al.

Comes now James Darr, one of the petitioners for the above named proposed County Road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County Road, described as follows, to-wit:

Commencing at a point on the present county road 8.125 chains South of the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 33 in Township 2 North, Range 39 East Willamette Meridian, thence running in a northwesterly direction, following up a ravine, along the most practical route, to a point intersecting the present county road at or near the northeast corner of the Northwest Quarter of the Southwest Quarter of Section 23 in said Township and range, being a distance of approximately three quarters of a mile,

and it appearing to the Court that said petition is signed by more than twelve freeholders of this County, residing in the road district where the hereinbefore described road is proposed to be, and that said petition properly specified the place of beginning, intermediate points and place of termination of said road, and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the place of holding County Court, to-wit: at the Court House in the city of La Grande, Union County, Oregon, and also in three public places in the vicinity of said proposed road, to-wit: one on a pine tree at the side of the present county road at the southern terminal of said proposed road; one on a pine tree at the side of the present county road at the northern terminal of said proposed road; and one at the big two barrel spring on fence post at corner of Wilson farm on south side of road on Gordon Creek, for more than thirty days immediately prior to the presentation of said petition to this Court, notifying all persons concerned that application would be made to this Court at its present session and that notices so posted were in due form and duly signed by the petitioners, and that a bond for the cost of this proceeding has been duly filed,

It is therefore ORDERED that S. B. Morgan, County Engineer, Chas. Playle, and J. A. McKenzie, constituting a Board of County Road Viewers, be and they are hereby directed to meet at Elgin, Oregon, on May 14th 1929, at 10:00 A.M., or within ten days thereafter and proceed to survey, view, and lay out said proposed road according to law, and that said Board of County Road Viewers file its report with this Court not later than May 25th, 1929.

SECOND JUDICIAL DAY

THURSDAY, JUNE 6th, 1929.

In the matter of altering, re-establishing and changing the direction of a portion of the Alicel-Lower Cove Road.

Now at this time this matter coming on for further consideration of the report of board of county road viewers appointed to view that portion of the Alicel-Lower Cove Market Road located on the Southeast quarter of Section 20, Township 2 South, Range 40, E.W.M., in Union County, Oregon, said report having been filed on the 22nd day of March, 1929, and it appearing that Ethel M. Kerns, the owner of said described quarter section has filed a claim for damages in the amount of \$3,000.00 in event said road is located on said described premises, said claim being filed on the 4th day of April, 1929; and the Court having considered the said report of said viewers and the claim filed by said Ethel M. Kerns are of the opinion that the said report is not equitable to all parties concerned and that the claim filed by said Ethel M. Kerns is excessive and the court being advised in the premises,

It is therefore CONSIDERED AND ORDERED that the claim of Ethel M. Kerns, be and the same is hereby rejected and the report of the said road viewers is hereby modified to read as follows: The County of Union will pay to the said Ethel M. Kerns the sum of \$336.70 for the right of way as now located upon and over the Southeast Quarter of Section 20, Township 2 South, Range 40 EWM; that the said County of Union construct, if desired by the said Ethel M. Kerns, a cattle pass under said road or in lieu thereof pay to her the sum of \$400.00. The above two amounts are to be taken as covering the value of the property taken and all damages of every kind or nature arising out of the taking of said property.

In the matter of the petition of James Darr, et al., for a county road.

Now at this time this matter comes on to be heard upon the report of the board of road viewers heretofore appointed to view said proposed road, and it appearing to the Court that the report of said viewers is unfavorable and said board recommends that the said proposed road be not constructed,

It is therefore CONSIDERED AND ORDERED that said petition be and the same is hereby denied, and that the petitioners or their bondsmen pay Union County the costs incurred in viewing said proposed road, to-wit: the sum of \$_____.

In the matter of the claim of Adam Beck for refund of money paid for personal property at tax sale.

Now at this time this matter comes on for consideration of the claim of Adam Beck in the sum of \$41.00 as refund for money paid to the Sheriff of Union County for one show case purchased at a tax sale held by said Sheriff which property the claimant alleges was recovered from him in a replevin suit instituted by the Webber Showcase and Fixture Company which case the defendant did not appear in or defend, and it appearing to the Court that in a similar case brought by the Webber Showcase and Fixture Company against the Red Cross Drug Store which involved similar facts as the case brought against the claimant, and it further appearing to the Court that the judgment in the case against the