

No 668

IN THE MATTER OF A
COUNTY ROAD

PETITION OF
R. S. Shaw et al

beginning at

Petition filed 1

Affidavit of Posting filed 1

Bond filed 1

Order Appointing Viewers and Surveyor
 made Term 1

Page Vol Commissioners Journal

Oaths filed 1

Viewers Reports filed 1

Viewers Reports filed 1

Order of Court made 1

Final order Oct 5-1916

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M U
BUSHONG & CO
 OFFICE BANK AND COUNTY SUPPLIES
 PORTLAND ORE

Petition for County Road

To the Honorable County Court, for Union County, Oregon:

The undersigned freeholders, of Union County, Oregon, residing in the Road District where the hereinafter described road is proposed to be, respectfully petition your honorable body to lay out, alter and establish a County Road within said county, on the following line or route, to-wit:

Beginning at the ^N.W. corner of section thirty-five, T. five, S. R. thirty-nine, E. W. M., thence south along said section line for about three quarters of a mile to the Charles Myers house, thence south Easterly around the base of the hill past the Chas. Myers house to the S.E. corner of the S.W. 1/4 of section thirty-five, ^{said} thence south easterly along the present traveled road to its junction with the present County road near the S.E. corner section two, T. six, S. R. thirty-nine, E. W. M. which is about one half mile south westerly from the Homer Bidwell place.

And in duty bound, your petitioners will ever pray, &c.

NAMES:

NAMES:

R. S. Shaw
 A. C. Spain
 J. W. Barty
 J. T. Shaw
 S. P. Curick
 R. G. Curick
 Geo. Darling
 J. E. Miller
 C. G. Watkins
 E. W. Watkins
 S. A. Aughey
 J. B. Olsen
 J. L. Jones
 Albert Olsen

BOND OF ROAD PETITIONERS

Know All Men by These Presents, That we, A. C. Spain
and Albert Olsen of the County of Union and State of Oregon, are held and firmly bound unto said County of Union in the full sum of ONE HUNDRED DOLLARS (\$100.00) the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents.

Signed this 7th day of June A. D., 1916

Now, the conditions of the above obligation are such, that whereas, R. S. Shaw and others have petitioned the County Court of said County of Union, at the June term, 1916, thereof for a County Road, described in the petition and notice hereto annexed, as follows:

Now, if the above named R. S. Shaw shall well and truly pay, or cause to be paid, all costs and expenses that may be incurred by reason of the view or review of said road, in case the prayer of the petitioners be not granted or allowed, then that this obligation shall be void, otherwise to remain in full force and virtue.

A. C. Spain (Seal)
Albert Olsen (Seal)

STATE OF OREGON, ss.
County of Union
I, A. C. Spain and Albert Olsen each for himself, say I am worth the sum of TWO HUNDRED DOLLARS, (\$200.00) over and above all debts and liabilities and property exempt from execution; that I am a resident householder in said county and State.

A. C. Spain
Albert Olsen

Subscribed and sworn to before me this 7th day of June A. D., 1916

W. L. Lambert
Notary Public for Ore
my Com. expired May 7, 1917

STATE OF OREGON,

SS.

County of Union,

I, Albert Olson

, being first duly sworn, say that I posted

three several notices, of which the notice hereunto attached is a true and correct copy, in three public places in said county in the vicinity of the proposed road therein described, to-wit: One

at the Northwest corner Sec. 35, Tp. 5 S. R. 39 E. 10M,
one near the Southeast corner of Sec. 2 Tp. 6 S,
R. 39 E. 10M and one near the Charles
Myers place in the Southwest quarter of
Sec. 35 Tp. 5 S. R. 39 E. 10M.

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the

4th day of May 1906, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 3rd

day of June 1906, I posted a true and correct copy of said notice at the place of holding Court for Union County, Oregon, to-wit:

On the front of the Court House door, in the City of La Grande, in the said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

Albert Olson

Subscribed and sworn to before me this 7th day of June 1906

W. Lambert
Notary Public for Oregon
My Com. expires May 7 1917

REPORT OF BOARD OF COUNTY ROAD VIEWERS.

To the Honorable County Court for Union County, Oregon:

The undersigned Board of County Road Viewers, heretofore on the 3rd day of Aug. 1906, instructed to view, lay out and alter the proposed county road, of which the survey hereto attached is a true and correct description, as petitioned for by R.S. Shaw et al., beg leave to report that on the 18th day of Aug. 1906, in pursuance with said order, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinions said proposed road should be laid out and established as a public highway of Union county, Oregon; that the same is practicable and would add greatly to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said county.

L. H. Lund
Jas. A. Pitcher
P. W. Parker

Board of County
Road Viewers.

Notice of Road Petition.

TO ALL PERSONS CONCERNED: You and each and all of you, will take notice that the undersigned freeholders, of Union county, Oregon, residing in the road district where the hereinafter described road is proposed to be, will at the next session of the County Court for Union county, Oregon, to-wit: on Wednesday, the 10th day of May A. D. 1916 respectfully present to said court a petition praying said court to lay out, alter and establish a County Road within said county, on the following line, or route, to-wit:

Beginning at the S.W. corner of section thirty-five, T. Five, S. R. Thirty-nine, R. 1. W. Thence south along said section line for about three quarters of a mile to the Charles Myers house, thence south easterly around the base of the hill past the Chan. Myers house to the south east corner of the S. 1/4 of said section thirty-five, thence south easterly along the present traveled road to its junction with the present county road near the S.E. corner of section TWO, T. Six, S. R. Thirty-nine, R. 1. W. which is about one half mile south westerly from the Homer Bidwell place.

Dated at North Powder Oregon, the 4th day of May A. D. 1916

NAMES:

NAMES:

R. E. Shaw
 A. C. Spain
 J. W. Barger
 J. T. Shaw
 E. F. Cusick
 R. S. Cusick
 Gen. Darlin
 G. E. Miller
 G. S. Watkins
 R. W. Watkins
 R. A. Aughey
 T. A. Olsen
 J. L. Jones
 Albert Olsen

5/10/16

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Court House in the City of La Grande, in said County and State, on Wednesday, the 7th day of June, A. D., 1916, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable J. F. Phy, County Judge,
C.A. Galloway, Commissioner,
W.J. Townley, Commissioner,
Ed Wright, Clerk,
August Hug, Sheriff.

WHEN, on Thursday, the 8th day of June, A. D. 1916, or the 2nd Judicial Day of said term, among others the fol-

lowing proceedings were had, to-wit:

In the Matter of the proposed County road petitioned for by R. S. Shaw et al.

018

Comes now R. S. Shaw 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: Beginning at the N.W. corner of section thirty-five T. five S.R. thirty-nine, E.W.M., thence south along said section line for about three quarters of a mile to the Charles Myers house, thence south easterly around the base of the hill past the Chas. Myers house to the S.E. corner of the SW¹/₄ of said section thirty-five, thence south easterly along the present traveled road to its junction with the present county road near the S.E. corner section two T. six S.R. thirty-nine E.W.M. which is about one half mile southwest-erly from the Homer Bidwell place.

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 specifies 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 at the northwest corner Sec. 35, Tp. 5 S.R. 39 E.W.M., one near the southeast corner of Sec. 2 Tp. 6 S.R. 39 E.W.M., and one near the Charles Myers place in the southwest quarter of Sec. 35, Tp. 5 S.R. 39 E.W.M. 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 the present session of this court, and that the 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 given.

It is therefore ORDERED that L. D. Howland County Surveyor, and J. A. Pilcher and C. R. Nye constituting the Board of County Road Viewers, be, and they are hereby directed to meet at North Powder on the 20 day of June 1916, at the hour of 9 o'clock A. M., or within five days thereafter and proceed to survey, view and lay out said road according to law.

REPORT OF BOARD OF COUNTY ROAD VIEWERS.

To the Honorable County Court for Union County, Oregon:

The undersigned Board of County Road Viewers, heretofore on the 8th day of June 1906, instructed to view, lay out and alter the proposed county road, of which the survey hereto attached is a true and correct description, as petitioned for by R. S. Shaw et al., beg leave to report that on the 21st day of June 1906, in pursuance with said order, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinions said proposed road should be laid out and established as a public highway of Union county, Oregon; that the same is practicable and would add greatly to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said county, ~~as far as angle 5 as shown on the plat herewith. From angle 5 to the terminus it is our oppinion that a more feasible route can be obtained than that shown on the plat or contained in the petition.~~

J. H. Huband
C. B. Mays
R. W. Parker

Board of County
Road Viewers.

ENGINEER'S OFFICE
UNION COUNTY
LA GRANDE, OREGON

L. D. HOWLAND
ASSOC. M. AM. SOC. C. E.
MEMBER A. A. E.
COUNTY ENGINEER

*** REPORT OF SURVEYOR **

TO THE HON. COUNTY COURT OF UNION COUNTY, ORE:

I, the undersigned, County Surveyor, appointed to survey the County Road proposed by R. S. Shaw, et al., beg leave to report that on the 21st day of June, 1916, in pursuance of said appointment and order, I surveyed said proposed road for the whole distance thereof, the following being the field notes of said survey:-

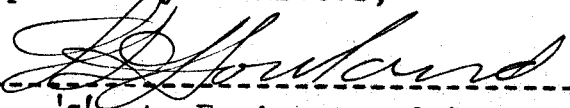
Beginning at a stake marked "R", 30 feet South of the corner to Sections 26-27-34-35, T.5 S., R.39 E.W.M., running thence South along the line between sections 34 and 35 4270 feet, to angle 1, thence 90 deg. left, 1415 feet to angle 2, thence 50 deg. 30 min. right, 1335 feet to angle 3, thence 50 deg. 30 min. left, along South line Section 35, 386 feet to angle 4, the South $\frac{1}{4}$ corner Sec. 35, thence 89 deg. 09 min. right, along N. & S. E line Sec. 2, T. 6 S., R. 39 E.W.M., 3694 feet to angle 5, thence 89 deg. 09 min. left, 1300 feet to angle 6, thence 65 deg. 30 min right, 1100 feet to angle 7, thence 36 deg left, 1048 feet to a rock marked "R T" in the County Road near the S.E.Cor. sec. 2, T. 6 S., R. 39 E.W.M.

And that the field notes made by me are true and correct, and that the accompanying plat is true and correct representation of said road, both in an^gle and distance.

To angle 5 the proposed route as shown on the plat is as practicable as can be obtained, but from angle 5 on, a much better location can be found than either the one shown on the plat or contained in the petition.

The total length of the proposed road is,14,548 feet.

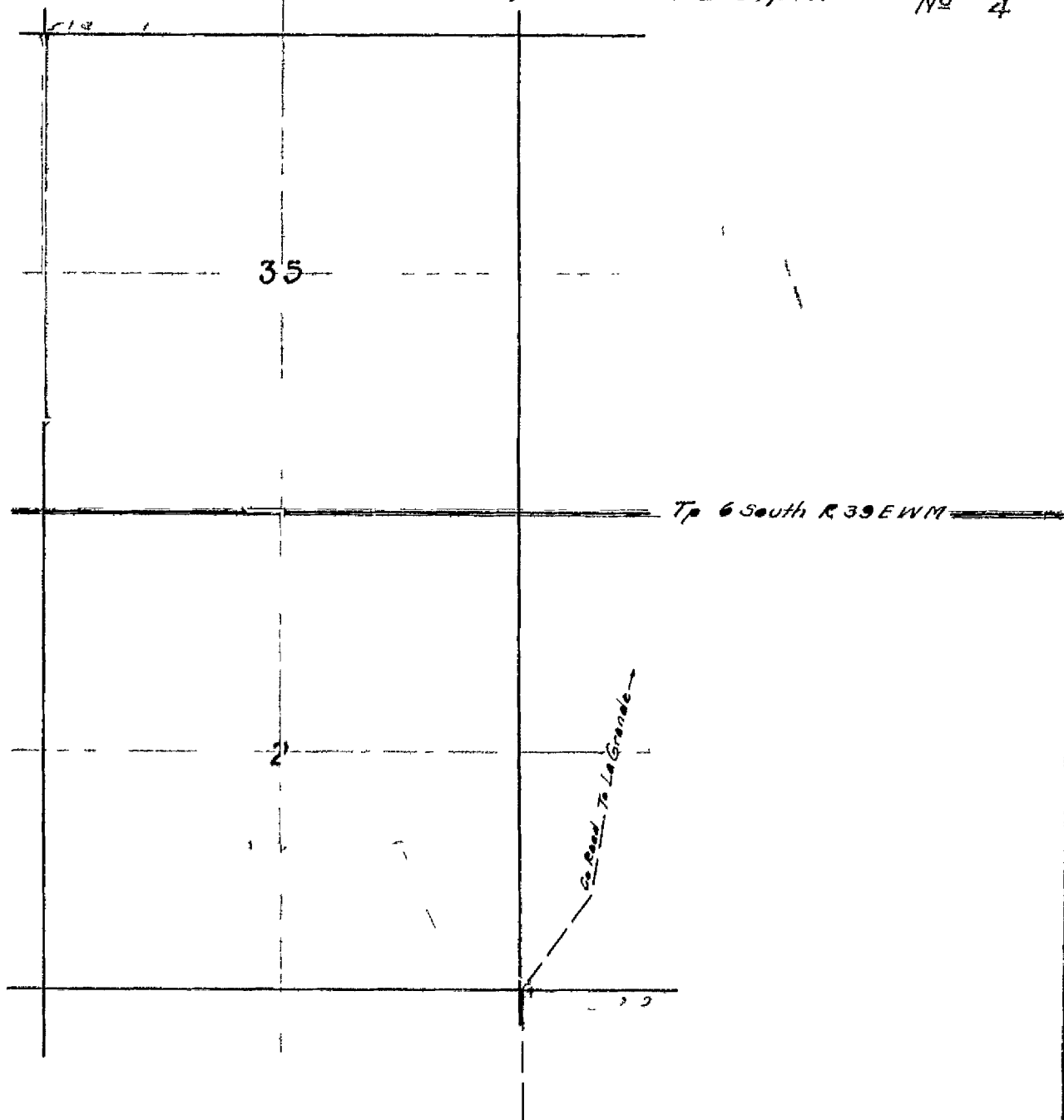
Respectfully submitted,



County Engineer and Surveyor.

TOWNSHIP 5 SOUTH, RANGE 39 EAST, WM

FILE $\frac{2}{4}$
No. $\frac{2}{4}$



PLAT

Showing road petitioned for by
R S Shaw et al
Co Engrs Office July 5 1916
SCALE 3" = ONE MILE

Legend -

Proposed road

TOWNSHIP 5 SOUTH, RANGE 39 EAST WM

FILE - R
No - 7

14 1 129

35

Tp 6 South R 39 E 11 M

2

Co. Road to La Grande

Terrains

N

PLAT

Showing road petitioned for by
RS Shaw, et al
Co Engr's Office Aug 19, 1916
SCALE, 3/10" = ONE MILE

Legend—

-- Proposed road

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Court House in the City of La Grande, in said County and State, on Wednesday, the 2nd day of August, A. D., 1916, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable J.F.Phy, County Judge,
C.A.Galloway, Commissioner,
W.J.Townley, Commissioner,
Ed Wright, Clerk,
August Hug, Sheriff.

WHEN, on Thursday, the 3rd day of August, A. D. 1916, or the 2nd Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the proposed county road petitioned for by R.S.Shaw et al.

035

It appearing to the court at this time from the report of the Road Viewers that the route of the road petitioned for in the above entitled proceeding is not the most feasible or practicable route for said road,

It is therefore ORDERED that said matter be re-referred to ~~said~~ the Surveyor and viewers who heretofore viewed said road for further and fuller report, and that said Board be and is hereby directed to meet at North Powder on Friday, August 18, 1916, at 10 o'clock A.M. and proceed to view out and report a full and complete route for said proposed road.

(Signed) J.F.Phy, County Judge
C.A.Galloway, Commissioner
W.J.Townley, Commissioner

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Court House in the City of La Grande, in said County and State, on Wednesday, the 6th day of September, A. D., 1916, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable J. F. Phy, County Judge,
C.A. Galloway, Commissioner,
W.J. Townley, Commissioner,
Ed Wright, Clerk,
August Hug, Sheriff.

WHEN, on Thursday, the 7th day of September, A. D. 1916, or the 2nd Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the proposed
county road petitioned for by
B. S. Shaw

O H F

et al.

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

(Sd) J.F.Phy, County Judge
C.A.Galloway, Commissioner
W.J.Townley, Commissioner

Be it Remembered, That at a regular term of the County Court of the State of Oregon, for the County of Union, begun and held at the Court House, in the City of Union, said County and State, on Wednesday, the 4th day of October A. D. 1906, the same being the first Wednesday in said month and the time fixed by law for holding a regular term of said Court, when were present to-wit:

The Hon. J. F. Phy Judge, Presiding.
The Hon. C. A. Galloway County Commissioner.
The Hon. W. J. Townley County Commissioner.
Ed Wright Clerk.
August Hug Sheriff.

When on Thursday day, the 5th day of Oct A. D. 1906, or the 2nd Judicial day of said term, among others, the following proceedings

were had, to-wit:

In the Matter of the Proposed County Road Petitioned
for by R. S. Shaw et al.

673

This matter came to be heard at this time on the report of the Board of County Road Viewers for a second reading, as provided by law, said report being in words following to-wit:

REPORT OF BOARD OF COUNTY ROAD VIEWERS.

To the Honorable County Court of Union County, Oregon:

The undersigned Board of County Road Viewers heretofore on the 3rd day of August 1906, instructed to view, lay out and alter the proposed county road, of which the survey hereto attached is a true and correct description, as petitioned for by R. S. Shaw et al., beg leave to report that on the 18th day of August 1906, in pursuance with said order, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinions said proposed road should be laid out and established as a public highway of Union County, Oregon; that the same is practicable and would add greatly to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said county.

L. D. Howland
Jas. A. Pilcher
R. W. Parker } Board of County Road Viewers.

And said report of the Board of County Road Viewers having been now publicly read in open court on two several days of the present term of the court, and it appearing to the court that said Board of County Road Viewers report favorably thereon, and recommend that said proposed road be established as a county road and be declared a public highway of Union County, Oregon, and all the

proceedings herein having been regular and according to law, [✓] and no remonstrance or claim for damages having been filed herein

and there having been no cause shown why this proposed road should not be declared a public highway and ordered open according to law, and the court being satisfied from the report of the Board of County Road Viewers that such road will be of public utility; the report of the viewers being favorable thereto, and all the files and records of said proceedings having been submitted to the District Attorney, who has advised this court as to the legality of said proceedings, it is therefore considered and ordered by the court that the report of the Board of County Road Viewers be placed on record in this journal, and that the surveyor's profile and plat of the proposed road, and his field-notes of the survey thereof be placed on record in the Book of Plats of County Roads of Union County, Oregon, and that said proposed road be declared a public highway of Union County, Oregon, and ordered opened up and placed in repair for travel according to law, and that I. C. Grout

_____ Road Supervisor of Road District No. 10, the same being the road district in which said road is located, be furnished with a copy of the petition herein, and a copy of this decree and ordered to open up said road and place the same in repair for travel.

County Judge.

Commissioner.

Commissioner.

STATE OF OREGON, }
COUNTY OF UNION, } ss.

I, Ed Wright, Clerk of the County Court of the State of Oregon for the County of Union, do hereby certify that the foregoing copy of Journal Entry has been by me compared with the original entry made in the above entitled proceedings, now remaining of record in my office; that it is a correct transcript therefor, and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said court this 10th day of October A. D. 1906.

Clerk.

By _____
Deputy.