

No. 676

IN THE MATTER OF A
COUNTY ROAD

ILLIION OF

J. S. Munn

et al

Beginning at

Petition filed

1

Affidavit of Posting filed

Nov 7 1917

Bond filed

Nov 7 1917

Order Appointing Viewers and Surveyor

made

Nov

Term

1917

Page *171* Vol *0* Commissioners Journal

Oaths filed

1

Viewers Reports filed

Jan 2 1918

Viewers Reports filed

1

Order of Court made

Jan 4, 1918

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

STATE OF OREGON, }

County of Union }

ss

J S Muir

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 on the School House at the beginning of the road one on the Jolley Bridge near the terminus of said road and one a stake down near the center of said road and one on the butte

Thirty days previous to the presentation of the road petition therein mentioned to wit On the 29th day

of September 1907 and that thereafter and thirty days previous to the presentation of said road

petition therein mentioned to wit On the 29th day of September 1907 I posted a true

and correct copy of said notice at the place of holding Court for Union County One on 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 truly believe

Subscribed and sworn to before me this 4th

day of November 1907
J S Muir
C K McCarroll Co Clerk

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 7th day of November A. D. 1917... 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:

Commencing at the SE corner of the SE $\frac{1}{4}$ Sec. 35, Tp. 3 S.R. 39 E.W.M running thence west $\frac{1}{4}$ mile along the township line between townships 3 and 4 south to the SW corner of the SE $\frac{1}{4}$ Sec. 34, Tp. 3 S.R. 39 E.W.M. ~~thence~~ running thence south about three-fourths mile along the North and South center line of Sec 3, Tp 3 S, Rge 39 W.M. to the East bank of Catherine creek; running thence in a southerly direction along the East bank of Catherine creek about one-fourth mile to intersect the County road from Union to Hot Lake (known as the Valley road) at a point about thirty feet East of the East bank of Catherine creek at or near the East end of the Jelley bridge; the said Jelley bridge being at or near the quarter section corner on the South boundary line of Sec 3, Tp 4 S, Rge 39 W.M; there to terminate.

Dated at La Grande Oregon, the 15th day of September A. D. 1917...

NAMES	NAMES
1 J. W. Miner	15 P. J. Halling
Benson Bros	Olmer N. Jacobs
E. E. Miller	8 W. J. Jhy
2 David Hutchinson	9 Louis Gaffegg
3 W. R. Davis	
4 John F. Dobbin	
10 D. W. Hofford	
5 J. E. Hall	
12 C. J. Black	
6 E. E. Woodruff	
13 J. S. McCullan	
14 W. J. Lucas	
7 J. E. Peterson	
11 M. R. Bean	
H. H. Nibley	

BOND OF ROAD PETITIONERS

Know All Men by These Presents, That we, J. D. Muir

and W. T. Phy 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 _____ day of _____ A. D., 1917

Now, the conditions of the above obligation are such, that whereas, _____

J. D. Muir

and others have petitioned the County Court of said

County of Union, at the November term, 1917, thereof for a County Road, described

in the petition and notice hereto annexed, as follows:

Commencing at the SE corner of the SE 1/4 Sec. 35, Tp. 3 S.R. 39 E.W.M. running thence west 1 1/4 miles along the township line between townships 3 and 4 south to the SW corner of the SE 1/4 Sec. 34, Tp. 3 S.R. 39 E.W.M., running thence south about three-fourths mile along the north and south center line of Sec. 3 Tp. 4 S. Rge 39 E.W.M. to the east bank of Catherine creek; running thence in a southerly direction along the east bank of Catherine creek about one-fourth mile to intersect the county road from Union to Hot Lake (known as the Valley road) at a point about thirty feet east of the east bank of Catherine creek at or near the east end of the Jolley bridge; the said Jolley bridge being at or near the quarter section corner on the south boundary line of Sec. 3 Tp. 4 S. Rge 39 E.W.M.; there to terminate.

Now, if the above named _____

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.

J. D. Muir (Seal)
W. T. Phy (Seal)

STATE OF OREGON, } ss.
County of Union

I, J. D. Muir and W. T. Phy 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.

J. D. Muir
W. T. Phy

Subscribed and sworn to before me this 8th day of Nov A. D., 1917

CLARY PUBLIC FOR OREGON
My Commission Expires _____

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 November, A. D., 1917, 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.Fly, County Judge,
C.A.Galloway, Commissioner,
W.J.Townley, Commissioner,
G.F.McCormick, Clerk,
Lee Warnick, Sheriff.

WHEN, on Friday, the 9th day of November, A. D. 1917, or the 3rd 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 J. D. Muir et al

0165

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

J.F.Fly, 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 5th day of December, A. D., 1917, 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,
C.K.McCormick, Clerk,
Lee Warnick, Sheriff.

WHEN, on Thursday, the 6th day of December, A. D. 1917, or the 2nd Judicial Day of said term, among others the following proceedings were had, to-wit:

In the latter of the proposed County road petitioned for by J. D. Muir et al.

0171

Comes now J. D. Muir 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 the SE corner of the Sec. 35, Tp. 3 S. R. 39 E. W. M., running thence west 1/4 mile along the township line between townships 3 and 4 south to the SW corner of the Sec. 34, Tp. 3 S. R. 39 E. W. M., running thence south about three-fourths mile along the north and south center line of Sec. 3, Tp. 4 S. R. 39 E. W. M. to the east bank of Catherine creek; running thence in a southerly direction along the east bank of Catherine creek about one-fourth mile to intersect the County road from Union to Hot Lake (known as the Valley road) at a point about thirty feet east of the east bank of Catherine creek at or near the east end of the Jolley bridge; the said Jolley bridge being at or near the quarter section corner on the south boundary line of Sec. 3 Tp. 4 S. R. 39 E. W. M.; there to terminate

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 on the School House at the beginning of the road; one on the Jolley Bridge near the terminus of said road and one on a stake driven near the center of said road

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 R.R.Neal, Deputy County Surveyor, and C.E.Lawson and R. H. Davis constituting the Board of County Road Viewers, be, and they are hereby directed to meet at the Hanna School House on the 19 day of December 1917, at the hour of ten 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 Sixth day of Dec. 1917, 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 J. D. Muir and others et al., beg leave to report that on the 19th. day of Dec. 1917, 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 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 ~~if right of way can be secured.~~

The road will deprive Mr. J. D. Muir of the use of Catherine Creek for stool purposes.

R. R. Neal
A. H. Davis

Board of County Road Viewers.

Filed Jan 5, 1918
St. John's Cemetery
County Clerk

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 2nd day of January A. D. ~~1907~~¹⁹¹⁸, 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.
C. K. McCormick Clerk.
Lee Warnick Sheriff.

When on Friday day, the 4th day of January A. D. ~~1907~~¹⁹¹⁸, or the 3rd 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 J. D. Muir et al.

0-187

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 Sixth day of Dec. 1917 ~~1907~~, 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 J. D. Muir and others et al., beg leave to report that on the 19th day of Dec. 1917 ~~1907~~, 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 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. The road will deprive Mr. J. D. Muir of the use of Catherine Cceek for stock purposes.

R. R. Neal
R. H. Davis } 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 the petitioners having settled with J. D. Muir for any damages he might sustain on account of the opening of said proposed road, and the said J. D. Muir having delivered to Union County a deed of his interest in the land included in the survey of said proposed road

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

_____ Road Supervisor of Road District No. _____, 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.

(Signed) J. F. Phy
County Judge.

W. J. Townley
Commissioner.

C. A. Galloway
Commissioner.

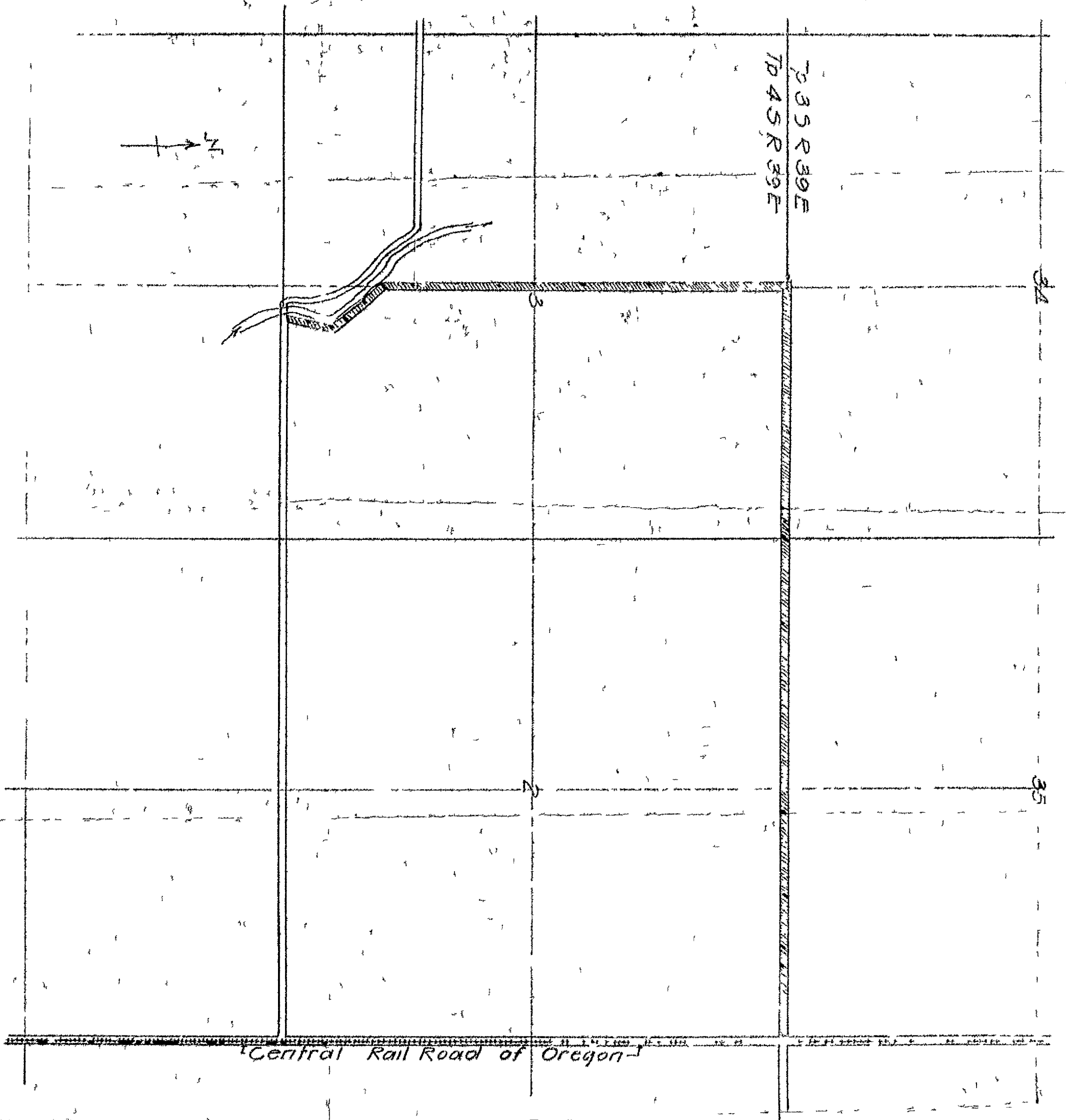
STATE OF OREGON, }
COUNTY OF UNION, } ss.

I, C. K. McCormick, 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 therefrom, and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said court this 14th day of January 1918 A. D. 1918.

Clerk.

By _____
Deputy.



*Map of
Proposed County Road
Petition of J. D. Muir*

Surveyed by R R Neal

Dec 21, 1917

Scale, 1=100

1/10/11
#676
east of town

and picture of
new road on
Lower Jones Creek.

R. R. NEAL
CITY ENGINEER
COUNTY ENGINEER

OFFICE OF CITY ENGINEER
CITY OF LA GRANDE, OREGON

Established under Commission Government, with Manager, Oct. 1st, 1913

COMMISSIONERS
VINCENT PALMER, PRESIDENT J. D. MCKENNON DR. H. S. BROWNTON
FRED B. CURREY, GENERAL MANAGER

Dec. 24th., 1917.

County Court,
Union County, Oregon.

Gentlemen:--

I beg to report that I have performed the necessary surveying of the proposed County Road which was petitioned for by J. D. Muir and others and submit herewith accurate description of same:--

Beg. at the S. E. Cor. of the S. E. $\frac{1}{4}$ of Sec. 35 in Tp. 3 S, R. 39 East of W. M. and running thence West $1\frac{1}{2}$ miles along the Township line between Townships 3 & 4 South to the S. W. Cor. of the S. E. $\frac{1}{4}$ of Sec. 34 in Tp. 3 S. R. 39 E. W. M. ; thence South three-fourths of a mile to the S. W. Cor. of the N. W. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Sec. 3 in TP. 4 S. R. 39 E.; thence South 326 feet; thence S 46 deg. 45 min. E, 230 feet along the East bank of Catherine Creek; thence S. 35 deg. E. 450 feet; thence S. 8 deg. 15 min. W. 171 feet; thence S. 10 deg. 15 min. W 365 feet to meet the present County Road on the East bank of said Catherine Creek near the Jolley Bridge.

This road has been partly opened and fenced and will be easily graded.

Respectfully submitted,

R. R. Neal
County Engineer.

OFFICE OF THE ATTORNEY GENERAL
STATE OF CALIFORNIA

#676