

No 698

IN THE MATTER OF A
COUNTY ROAD

Resolution
 PETITION OF
 Warehouse Road
 et al

Beginning at NW cor Sec 20 T4
 3 S R 29 E then S

Petition filed August 5 1920

Affidavit of Posting filed Nov 9 1920

Bond filed 1

Order Appointing Viewers and Surveyor

made November Term 1920

Page 497 Vol 0 Commissioners Journal

Orders filed 1

Viewers Reports filed *Nov 20* 1920

Viewers Reports filed *Nov 20* 1920

Order of Court made *Dec 3rd* 1920

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M TURE Y
BUSHONG & CO
 OFFICE BANK AND COUNTY SUPPLIES
 PORTLAND ORE

IN THE COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY
SITTING AS A COMMISSIONERS' COURT

In the Matter of Establishing by)
Resolution the Warehouse Road.) RESOLUTION TO ESTABLISH A ROAD

o - 467

WHEREAS, the public convenience, utility and use requires and demands that a public and county highway and road be located, laid out and established between the Southwest corner of Section 20, in Township 3 South, Range 39 E.W.M., and the Warehouse of the Albers Bros. on the O-W.R.R. & N. Company's track, situated in the NE $\frac{1}{4}$ of Sec. 5, Twp. 4, South, Range 39 E.W.M., all in Union County, Oregon; and,

WHEREAS, the urgency and needs of the public are such that this court should proceed to establish such road by resolution;

THEREFORE, BE IT RESOLVED, and it is hereby declared to be the intention of this Court, the County Court of the State of Oregon, for Union County, - locate, lay out and establish a public and county highway and road, between the following terminals and upon the following described route or line, to wit:

Beginning at the Southwest corner of Section 20, Township 3 South, Range 39 E.W.M., in Union County, Oregon, the proposed road shall run thence south along the section lines between sections 29 and 30, and 31 and 32 in said township and range till said section line intersects the northeast boundary line of the right-of-way of the Oregon-Washington Railroad and Navigation Company, in the SW $\frac{1}{4}$ of Section 32 in said Township and Range, thence said proposed highway and road shall follow said northeast boundary line of said right-of-way till it intersects with the public and county road in the Northeast corner of Section 5, in Township 4, South Range 39 E.W.M., at the Albers Bros. Warehouse, and there terminates, all in Union County, Oregon.

That the width of said proposed road shall be 60 feet, and the middle line of the same shall follow the route indicated, excepting along the right-of-way of the O-W R.R. & N. Company, said proposed road to be wholly outside said right of way.

It is FURTHER RESOLVED that this resolution will be considered on Wednesday, the 6th day of October, 1920.

Dated at La Grande, Oregon, this the 5th day of August, 1920, at regular term of said court.

(sd) J. F. Phay, County Judge
C. A. Galloway, County Commissioner
W. J. Journey, County Commissioner

STATE OF OREGON, }
County of Union: } ss.

I, John F. Burney ^(copies of resolution) 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 a telephone pole at S. J. Ferguson place near the beginning of the proposed; one on a fence post near the middle of the proposed road, and one on Albers Warehouse at the terminus of said proposed road.

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 13th day of August 1920, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 13th day of August 1920, 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 Union, in said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

Subscribed and sworn to before me this 9th day of November 1920.
John F. Burney
Co. Road Master
C. K. McCormick, Co. Clerk
By Hattie McMurry, Deputy

NOTICE OF ROAD RESOLUTION

TO ALL PERSONS CONCERNED: You and each and all of you, will take notice that the County Court of Union County, Oregon, will at its regular session to be held on Wednesday, the 6th day of October, A. D. 1920, consider a resolution of said Court to lay out and establish a County Road within said County, on the following line, or route and in accordance with the following resolution:

IN THE COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY
SITTING AS A COMMISSIONERS' COURT

In the Matter of Establishing by)
Resolution the Warehouse Road.) RESOLUTION TO ESTABLISH A ROAD

WHEREAS, the public convenience, utility and use requires and demands that a public and county highway and road be located, laid out and established between the Southwest corner of Section 20, in Township 3 South, Range 39 E.W.M., and the Warehouse of the Albers Bros. on the O-W.R.R. & N. Company's track, situated in the NE $\frac{1}{4}$ of Sec. 5, Twp. 4, South, Range 39 E.W.M., all in Union County, Oregon; and,

WHEREAS, the urgency and needs of the public are such that this Court should proceed to establish such road by resolution;

THEREFORE, BE IT RESOLVED, and it is hereby declared to be the intention of this Court, the County Court of the State of Oregon, for Union County, to locate, lay out and establish a public and county highway and road, between the following terminals and upon the following described route or line, to wit:

Beginning at the Southwest corner of Section 20, Township 3, South, Range 39 E.W.M., in Union County, Oregon, the proposed road shall run thence south along the section lines between sections 29 and 30, and 31 and 32 in said township and range till said section line intersects the northeast boundary line of the right-of-way of the Oregon-Washington Railroad and Navigation Company, in the SW $\frac{1}{4}$ of Section 32 in said Township and Range, thence said proposed highway and road shall follow said northeast boundary line of said right-of-way till it intersects with the public and county road in the Northeast corner of Section 5, in Township 4, South Range 39 E.W.M., at the Albers Bros. Warehouse, and there terminates, all in Union County, Oregon. That the width of said proposed road shall be 60 feet, and the middle line of the same shall follow the route indicated, excepting along the right-of-way of the O-W.R.R. & N. Company, said proposed road to be wholly outside said right of way.

It is FURTHER RESOLVED that this resolution will be considered on Wednesday, the 6th day of October, 1920.

Dated at La Grande, Oregon, this the 5th day of August, 1920, at regular term of said court.

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

STATE OF OREGON, }
County of Union, } ss.

I, C. K. McCormick, County Clerk and Ex-Officio Clerk of the _____ County _____ Court
of Union County, State of Oregon, do hereby certify that the foregoing copy of _____
Resolution in re Establishing by resolution the Warehouse Road
_____ has been compared by me with the original, and it is a correct
transcript therefrom, and of the whole of such original _____ Resolution
as the same appears _____ of record _____ in my office and in my custody.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
seal of said court this 16th day of _____ August _____ A. D., 19 20

C. K. McCormick Co Clerk

By _____ Deputy

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 3rd day of November A. D. 1920, 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 4th day of November A.D. 1920, or the 2nd Judicial Day of said term, among others the following proceedings were had, towit:

In the matter of establishing
by resolution the Warehouse
Road.

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Now at this time the above entitled matter comes on to be heard upon the Resolution heretofore passed by this Court on August 5th, 1920 declaring its intention to lay out and establish a county road upon the following described line or route, towit:

Beginning at the Southwest corner of Section 20, Township 3, South Range 39 E.W.M., in Union County, Oregon, the proposed road shall run thence south along the section lines between sections 29 and 30, and 31 and 32 in said township and range till said section line intersects the Northeast boundary line of the right of way of the Oregon-Washington Railroad and Navigation Company, in the SW $\frac{1}{4}$ of Section 32, in said Township and Range, thence said proposed highway and road shall follow said Northeast boundary line of said right of way till it intersects with the public and County road in the Northeast corner of Section 5, in Township 4 South Range 39 E.W.M., at the Albers Bros. Warehouse, and there terminates, all in Union County, Oregon. That the width of said proposed road shall be 60 feet, and the middle line of the same shall follow the route indicated, excepting along the

right of way of the O-W R.R. & N. Company, said proposed road to be wholly outside said right of way.

And it appearing to the Court from the affidavit of the County Roadmaster on file 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~~ a telephone pole at the L. J. Furgason place near the beginning of the proposed road, one on a fence post near the middle of said proposed road, and one on Albers Bros. Warehouse at the terminus of said proposed road, for more than thirty days immediately prior to this date, which notice consisted of true and correct copies of said Resolution duly certified by the County Clerk.

It is therefore ORDERED that D. J. McLellan, County Surveyor, W. D. Hanks and C. J. Black, constituting a Board of County Road Viewers, be and they are hereby directed to meet at the beginning of said proposed road on Tuesday, the 16th day of November 1920, at 1 o'clock P. M. and proceed to survey, view and lay out said proposed road according to law, and to file their report with the County Clerk not later than November 20th, 1920.

(Sd) J. F. Phy, County Clerk

W. J. Towaley, Commissioner

C. A. Galloway, Commissioner

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 4th day of Nov., 1920, 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 resolution of the County Court (known as the Warehouse road) beg leave to report that on the 18th day of Nov., 1920, 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 built laid out and declared a public highway of said county and that the County build and construct at its own expense, good and lawful fences on each side of the right of way where-ever necessary along said road. We find no damages due to the owners of the land through which said road is viewed.

[Handwritten signatures]

Two of the Board of County Road Viewers.

Dr. W. W. Lawrence
Bond

Deport of Deacons

Held Nov 20, 1920

J. K. McEannick
County Clerk

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 4th day of November 1922, 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 resolution of the County Court (Warehouse Road) et al., beg leave to report that on the 18th day of November, 1920, in pursuance with said order, we proceeded to view out said proposed road for the whole distance thereof, and that in ~~our~~^{my} opinions said proposed road should not be laid out nor established as a public highway of Union County, Oregon; that the same is not practicable and would add nothing to the convenience of the householders residing in the vicinity thereof. ~~We~~^I therefore recommend that said proposed road be not laid out nor declared a public highway of said county as I believe that the expense of building the road will be too great for the amount of good that will be derived from it at this time.

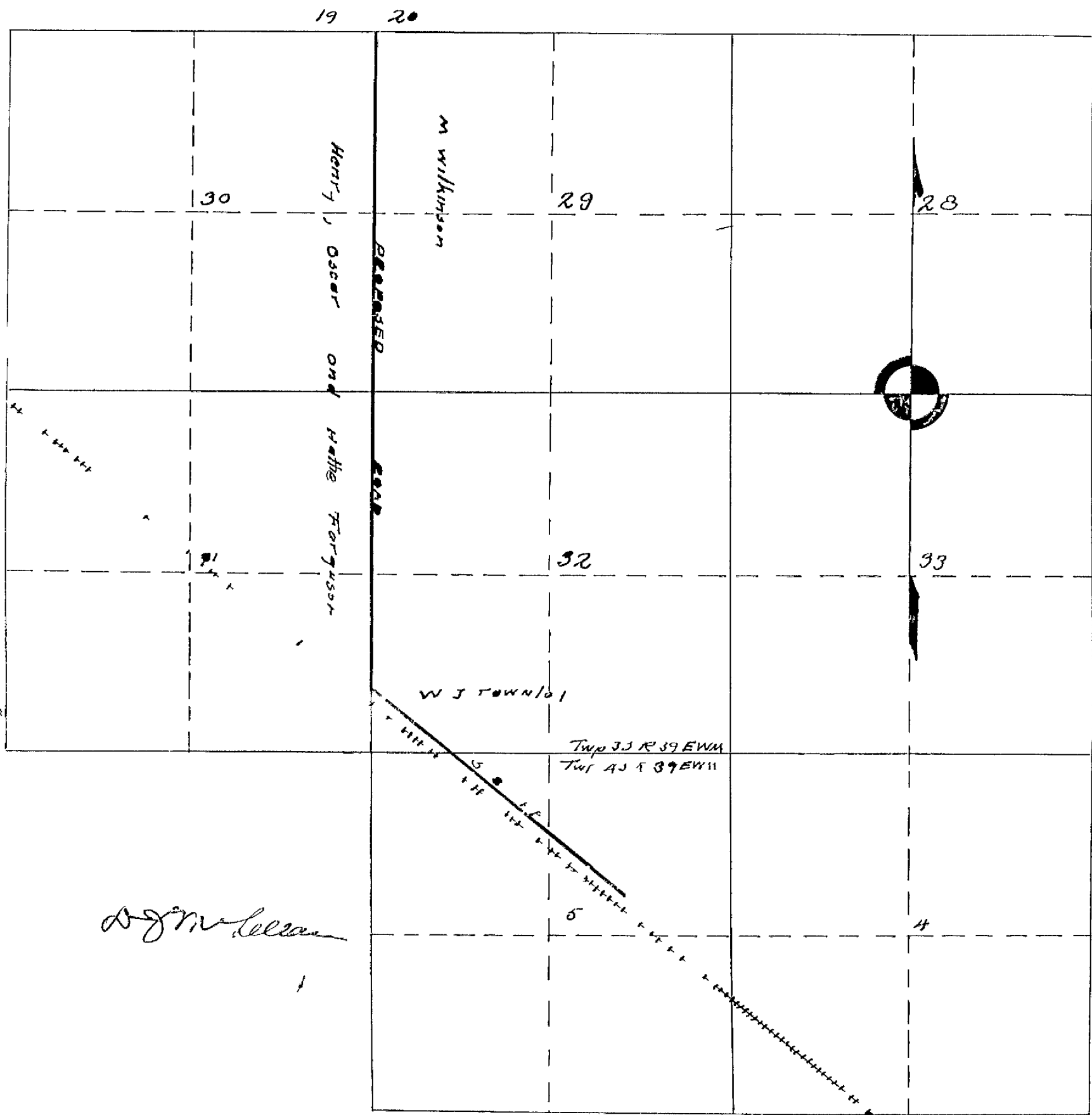
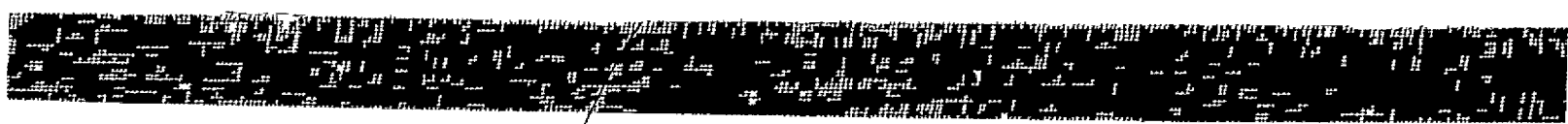
D. J. McAllen

} One of the
Board of County
Road Viewers.

In accordance
with

Report of the

Field No. 20, 1920
C. H. M. & Co. Inc.
County Clerk



Beginning at the sec 30 sec 13, 20, 29 + 30 thence
 S 10017 ft to within 80ft of over + N & thence 348 14 E
 paralling said E and intersecting warehouse road 4668
 terminating there

D J M McCallan
 County Surveyor

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 1st day of December, A. D., 1921, 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,
_____, Commissioner,
W. J. Tawney, Commissioner,
W. H. McEwanick, Clerk,
Lee Wannick, Sheriff.

WHEN, on Friday, the 3rd day of December, A. D. 1920
1921, or the _____ Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the establishment of the Warehouse Road by Resolution.

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Now at this time the above entitled matter comes on to be heard upon the reports of the Board of County Road Viewers, said reports being in words and figures as follows, to-wit:

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 4th day of November 1920, 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 resolution of the County Court (Warehouse Road), beg leave to report that on the 18th day of November, 1920, in pursuance with said order, we proceeded to view out said proposed road for the whole distance thereof, and that in my opinion said proposed road should not be laid out nor established as a public highway of Union County, Oregon; that the same is not practicable and would add nothing to the convenience of the householders residing in the vicinity thereof. I therefore recommend that said proposed road be not laid out nor declared a public highway of said county as I believe that the expense of building the road will be too great for the amount of good that will be derived from it at this time.

D. J. McLellan
One of the Board of County
Road Viewers

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 4th day of Nov., 1920 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 resolution of the County Court, (known as the Warehouse road) beg leave to report that on the 18th day of Nov. 1920, 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 built laid out and declared a public highway of said county and that the County build and construct at its own expense, good and ~~lawful fences~~ on each side of the right of way wherever necessary along said road. We find no damages due to the owners of the land through which said road is viewed.

C. J. Black

W. D. Hanks

Two of the Board of County Road Viewers

And said reports of the Board of County Road Viewers having been publicly read in open court on two previous days of the present ~~xx~~ term, to wit, December 1st and 2nd, and it appearing to the court that the majority report of said Board of Road Viewers is favorable thereto, and that said report recommends that said proposed road be established as a County Road and declared a public highway of Union County and no remonstrance thereto or claim for damages having been filed and no cause shown why said proposed road should not be declared a public highway,

It is therefore CONSIDERED AND ORDERED that said road be and the same is hereby declared a public highway of Union County, Oregon, and opened up and placed in repair for travel.