

No 5630

IN THE
CIRCUIT COURT
UNION COUNTY OREGON

EQUITY

Golda Allen

Plaintiff

vs

Alfred Allen

Defendant

Doc't

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Robt. L. Baker
Attorney for Plaintiff

Attorney for Defendant

707

In re proposed
County Road petitioned
for by Tom Wacker et al

Petition denied Jan 4, 1924

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Petition for County Road

To the Honorable County Court For Union County Oregon
Freeholders and in the road district

The undersigned ~~householders~~ of Union County Oregon residing in the vicinity where the hereinafter described road
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

Commencing at an iron pin in the center of the County Road leading from Union, Oregon, to the mountains east of High Valley, which iron pin is twenty one rods south and five rods west of the Northeast corner of the Southwest quarter of the Southeast quarter of section fourteen (14) in Township Four (4) South of Range forty (40) R W M running thence east seventeen (17) rods, thence northeasterly on the most practicable route, and in almost a direct line to an iron pin set in the center of the said County road at a point thirty rods west of the Northeast corner of the Southeast quarter of the Southeast quarter of said section fourteen (14) said Township and Range, and

there terminating, ~~and~~ said proposed road to be sixty feet in width, and also pray for the vacation of the present county road between said terminal points when the said proposed road shall be opened to travel.

And in duty bound your petitioners will ever pray &c

Dated at Union, Oregon this 20th day of October 1923

NAMES

Tom Markes
W. M. McNeill
Roy Paulsen
Edman Potter
Theo Reppert
Frank Ratz
George Lindsay
Frank Lindsey

NAMES

Edward Christcut
Carl Ratz
Raymond Alexander
Theo Edvalson
Edgar Williamson
W. B. Buford
Frank Buford
B. W. Ratz
W. W. Stead

No. _____

In the _____ County _____ Court

OF THE STATE OF OREGON

For the County of _____ Union _____

Department, No. _____

Plaintiff _____

vs

Defendant _____

IN THE MATTER OF THE PROPOSED
COUNTY ROAD IMPROVEMENT FOR
BI-TOL PARKS FT-AIS

PETITION

Filed December 5 1983

Wm. E. Carney
Clerk

By _____ Deputy

Attorney for _____

BOND OF ROAD PETITIONERS

Know All Men by These Presents, That we, Tom Marks

and W. W. Strange & Cecil Bates of the County of Union and State of Oregon, are held and firmly bound unto said County of Union in the full sum of ^{Two} ~~ONE~~ HUNDRED DOLLARS (~~\$100.00~~ ^{\$200.00}) the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents.

Signed this 24th. day of November A. D., 1923

Now, the conditions of the above obligation are such, that whereas, Tom Marks

and others have petitioned the County Court of said County of Union, at the December term, 1923, thereof for a County Road, described

in the petition and notice hereto annexed, as follows: Commencing at an iron pin in the center of the county road leading from Union, Oregon to the mountains east of High Valley, which iron pin is twenty one rods south of and five rods west of the northeast corner of the southwest quarter of the south east quarter of section fourteen (14) in Township four (4) South of Range forty (40) E. W. M. running thence east seventeen (17) rods, thence northeasterly on the most practicable route, and in almost a direct line to an iron pin set in the center of the said county road at a point thirty rods west of the northeast corner of the southeast quarter of the southeast quarter of said section fourteen (14) said Tp. and Range, and there terminating, said proposed road to be sixty feet in width and also pray for the vacation of the present county road between said terminal points when the said proposed road shall be opened to travel.

Now, if the above named Tom Marks and W. W. Strange

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.

Tom Marks (Seal)
W. W. Strange (Seal)
Cecil Bates (Seal)

STATE OF OREGON, } ss.
County of Union

I, Tom Marks and W. W. Strange each for himself, say

I am worth the sum of ~~TWO~~ HUNDRED DOLLARS, (~~\$200.00~~ ^{\$400.00}) over and above all debts and liabilities and property exempt from execution; that I am a resident householder in said county and State.

Tom Marks
W. W. Strange
Cecil Bates

Subscribed and sworn to before me this 24th. day

B. F. Wilson
of November 1923, 1923
B. F. Wilson

Notary Public for Ore.
My commission expires Dec 7 1924

In the County Court of
State of Oregon for the
County of Union

In the matter of the proposed
County road petitioned for by
Tom Marks et-als

BOND

Filed Nov 5, 1933
W. H. M. & Co. Clerk
County Clerk

Notice of Road Petition.

To All Persons Concerned: You and each and all of you, will take notice that the undersigned ~~holders~~ **freeholders** ~~holders~~ for **Union** County, Oregon, residing **and in the road district** in the vicinity 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

5th day of **December** A. D. 19**23** 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 an iron pin in the center of the County Road leading from Union, Oregon to the mountains east of High Valley, which iron pin is twenty one rods south and five rods west of the Northeast corner of the Southwest quarter of the Southeast quarter of section fourteen (14) in Township four (4) South of Range forty (40) E. W. N., running thence east seventeen (17) rods thence northeasterly on the most practicable route and in almost a direct line to an iron pin set in the center of the said County Road at a point thirty rods west of the northeast corner of the Southeast quarter of the Southeast quarter of said section fourteen (14) said Township and Range, and there terminating; said proposed road to be sixty feet in width and also praying for the vacation of the present ~~xxxx~~ County Road between said terminal ~~xx~~ points when the said proposed road shall be opened to travel;

Dated at **Union, Oregon**, Oregon, the **20th** day of **October** A. D. 19**23**

NAMES

Geo Marks
W. M. Balkell
Bess Badger
Elmer Tetter
Thos Heckerich
Frank Ross
George R. [unclear]
Frank Lindsey

NAMES

Wood Chestnut
W. H. Bates
Randolph Alexander
Theo Edvalson
Edgar Wilkinson
O. B. Buford
Frank Buford
W. H. Bates
W. H. Strang

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

I, Tom Marks 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 ~~about 220 yards east of B. W. Bates' residence on the road leading from Union to the mountains above High Valley, in an open box nailed to a post on the side of the public highway~~ one opposite the residence of Ray Wright on said public road nailed to a telephone pole on the side of said high way and one about one hundred yards east of the entrance to the farm of G. F. Hall on said high way, on the side of said highway, all being in view of the public from said public road.

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 31st day of October 1923, ~~and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the _____ day of _____ 190____, 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.~~

Tom Marks

Subscribed and sworn to before me this 4th day of December 23 1923

D. F. Wilson

Notary Public for Oregon
My commission expires Dec 7 1924

In the County Court of
State of Oregon for
Union County

In the matter of the propos
d county road petitioned for by
Tom Marks et-als

PROOF OF POSTING NOTICES

Filed Dec 5th, 1925
O. H. E. Carver
County Clerk

State of Oregon }
County of Union } ss.

I, C. K. McCormick being first duly sworn, say that I posted a true copy of the hereto attached Notice of Road Petition, on the bulletin board at the front door of the Court House in the City of La Grande, Union County, Oregon, on October 31, 1923, and that said Notice remained posted more than thirty days previous to the presentation of the Petition therein mentioned.

C. K. McCormick

Subscribed and sworn to before me this 5th day of December, 1923.

W. G. Couch
County Judge

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 Courthouse in the city of La Grande, in said County and State, on Wednesday, the 5th day of December, A.D., 1923, 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 U. G. Couch, County Judge,
J. F. Hutchinson, Commissioner,
John Wells, Commissioner,
C. K. McCormick, Clerk,
Lee Warnick, Sheriff.

WHEN on Thursday, the 6th day of December, A.D., 1923, 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 Tom Marks, et al.

Comes now Tom Marks, 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 an iron pin in the center of the County Road leading from Union, Oregon, to the mountains east of High Valley, which iron pin is twenty one rods south and five rods west of the Northeast corner of the Southwest quarter of the Southeast quarter of Section fourteen (14) in Township Four (4) South of Range Forty (40) EWM running thence east seventeen (17) rods, thence northeasterly on the most practicable route, and in almost a direct line to an iron pin set in the center of said County Road at a point thirty rods west of the Northeast corner of the Southeast quarter of the Southeast quarter of said section fourteen (14) said Township and Range, and there terminating, said proposed road to be sixty feet in width.

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 Courthouse 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 in an open box nailed to a post on the side of the public highway about 220 yards east of B.W.Bates' residence on the road leading from Union to the mountains above High Valley; One nailed to a telephone pole at the side of said highway opposite the residence of Ray Wright; and one on the side of said highway about one hundred yards east of the entrance to the farm of G. F. Hall, ~~the first of the three mentioned as being in the vicinity of said proposed road being near the beginning of said proposed road and the last being near the terminus of the proposed 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 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 Clyde R. Seitz, County Roadmaster, Arch Burford, and Ed. Miles, constituting a Board of County Road Viewers, be and they are hereby directed to meet at Union, Oregon, on Thursday, December 13th, 1923, at 10 AM, 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 December 22nd, 1923.

(Sd) U.G.Couch, County Judge,
J.F.Hutchinson, Commissioner
John Wells, Commissioner.

OATH OF COUNTY ROAD VIEWERS

State of Oregon)
: ss
County of Union)

I, Ed Miles, do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of Oregon and that I will perform the duties of Road Viewer in viewing the proposed road petitioned for by Tom Marks, et al., to the best of my ability and understanding. So help me God.

Ed Miles

Subscribed and sworn to before me this 18th day of December, A.D., 1923.

Opel M. Shappat
Notary Public for Oregon
My commission expires: Nov 25-1927

OATH OF COUNTY ROAD VIEWERS

State of Oregon)
County of Union) :ss

I, Arch Burford, do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of Oregon and that I will perform the duties of Road Viewer in viewing the proposed road petitioned for by Tom Marks, et al., to the best of my ability and understanding. So help me God.

Arch Burford

Subscribed and sworn to before me this 18th day of December, A.D., 1923.

Opal M. Shappat
Notary Public for Oregon
My commission expires: Nov 25 - 1927

OATH OF COUNTY BOARD MEMBER

(State of Oregon)
County of Union

I, *John Barrett*, do solemnly swear that I will

faithfully discharge the duties of the office of County Board Member

and will support the Constitution of the United States and the

Constitution of the State of Oregon and that I will perform the

duties of said office in view of the fact that I have taken the

oath of office and will do so to the best of my ability and

to the best of my knowledge.

Witness my hand and seal of office on this day of

December, A.D., 1923.

Filed Nov 18, 1923
John Barrett
County Clerk

Oath of Members

In me prepared
County Board positions
John Barrett
County Clerk

Notary Public for Oregon
My commission expires:

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 December 1923, 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 Tom Marks

et al., beg leave to report that on the 18th day of December, 1923, 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 not be laid out nor established as a public highway of Union County, Oregon; that the same is impracticable and would add nothing

to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be not laid out nor declared a public highway of said county for the reason that it is not on the best grade or alignment obtainable; To properly construct it would involve an unjustifiable expenditure, without commensurate benefits.

Lyde R. Seif - chairman
E. H. Miles
Arch. Burford

Board of County
Road Viewers.

I have prepared
road positions for
my farm in order

Report of Deacons

Filed Dec 18, 1923
O. J. McCombs
County Clerk

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 January, A. D., 1924, 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 U. G. Couch, County Judge,
J. F. Hutchinson, Commissioner,
John Wells, Commissioner,
C. K. McCormick, Clerk,
Lee Warnick, Sheriff.

WHEN, on Wednesday, the 2nd day of January, A. D. 1924, or the 1st 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 Tom Marks, et al.

Now at this time the above entitled matter comes on to be heard upon the report of the board of County Road Viewers heretofore appointed to view said road and said report having been publicly read the same is hereby continued until tomorrow for further action.

(sd) U. G. Couch, County Judge,
J. F. Hutchinson, Commissioner,
John Wells, 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 2nd day of January, A. D., 1924, 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 U. G. Couch, County Judge,
J. F. Hutchinson, Commissioner,
John Wells, Commissioner,
C. K. McCormick, Clerk,
Lee Warnick, Sheriff.

WHEN, on Thursday, the 3rd day of January, A. D. 1924, 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 Tom Marks, et al.

Now at this time the above entitled matter comes on for the second reading of the report of the Board of County Road Viewers heretofore appointed to view said road and said report having been publicly read for the second time the same is hereby continued until tomorrow for further action.

(Sd) U. G. Couch, County Judge,
J. F. Hutchinson, Commissioner,
John Wells, 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 2nd day of January, A. D., 1924, 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 U. G. Couch, County Judge,
J. F. Hutchinson, Commissioner,
John Wells, Commissioner,
C. K. McCormick, Clerk,
Lee Warnick, Sheriff.

WHEN, on Friday, the 4th day of January, A. D. 1924, 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 Tom Marks, et al.

Now at this time the above entitled matter comes on for the consideration of the report of the Board of County Road Viewers appointed to view said proposed road petitioned for by Tom Marks, et al. and it appearing to the Court from said report that said road is not practical and that the benefits to be derived therefrom would not justify the expense of opening said road,

It is therefore CONSIDERED AND ORDERED that the petition for said road be and the same is hereby denied.

(Sd) U. G. Couch, County Judge,
J. F. Hutchinson, Commissioner,
John Wells, Commissioner.