

758

In re of vacation of  
portions of Deschutes Ave,  
Crestone Ave, + Elgin Ave,  
+ all alleyways in Blocks  
1, 2, 7 + 8 of Sugs Addition  
to Elgin, Oregon

December 8, 1949

## IN THE COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY

IN THE MATTER

of

An Application to vacate portions  
of Deschutes Avenue, Crestone  
Avenue and Elgin Avenue and all  
the alleyways in Blocks 1,2,7 and  
8 of Hug's Addition to Elgin,  
Oregon.

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) PETITION TO VACATE

TO The Honorable C. K. McCormick, Judge of the above  
entitled Court; and Chris Johnson and H. J. Speckhart, Commissioners:  
THE PETITION OF L. H. Case of Elgin, Oregon respectfully  
shows:

## I.

That your petitioner is a resident of Union County, Oregon.

## II.

That your petitioner is the owner in fee simple and in  
possession of certain land situate in Union County, Oregon, more  
particularly described as Blocks 1, 2, 7, 8 and 13 of Hug's  
Addition to the town of Elgin, Oregon, according to the recorded  
plat thereof, which said Blocks comprises the whole of the land  
abutting the county roads and alleyways hereinafter mentioned.

## III.

That your petitioner is desirous of having the following  
county roads and alleyways vacated, namely:

ALL THAT portion of Deschutes Avenue lying west of  
the westerly line of Main Street as the same was  
originally platted in Hug's Addition to the town  
of Elgin, Oregon.

ALL THAT portion of Crestone Avenue lying west of  
the westerly line of Main Street as the same was  
originally platted in Hug's Addition to the town  
of Elgin, Oregon.

ALL THAT portion of Elgin Avenue lying north of  
FourthStreet and south of Deschutes Avenue, ex-  
cepting the portion of Elgin Avenue lying south of the  
south line of Section 10, Township 1 North, Range 39  
East of the Willamette Meridian.

ALL THOSE alleyways in Blocks 1,2,7 and 8 of Hug's Addition to the town of Elgin, Oregon.

ALL referring to the plat of Hug's Addition to the town of Elgin, Union County, Oregon, as recorded February 2, 1911 in plat book 2 at page 15, records of said county.

IV.

The said portions of Deschutes Avenue, Crestone Avenue, Elgin Avenue, and the said alleyways are county roads, outside the city limits of the said town of Elgin and have never been opened, improved or used as public highway in Union County, Oregon, and no person or party, other than your petitioner, is the owner of any land abutting upon or contiguous to the same and no person or party would be adversely effected or suffer detriment or loss if the same were vacated and closed as public highways and county roads.

V.

That the reason for the vacation of the portions of the said county roads and alleyways is that the dwelling house of your petitioner is situated more or less upon the intersection of Crestone Avenue and Elgin Avenue aforesaid, and the whole of the said roads and alleyways would be of value and use to your petitioner as the owner thereof.

WHEREFORE your petitioner prays that the aforesaid portions of the said county roads and alleyways be vacated and declared closed as public highways in Union County, Oregon.

*L H Case*  
\_\_\_\_\_  
Petitioner

STATE OF OREGON )  
                  : ss.  
COUNTY OF UNION )

I, L. H. CASE, being first duly sworn depose and say, that I am the petitioner in the above entitled petition, that I have read the foregoing PETITION TO VACATE, know the contents thereof, and say that same is true as I verily believe.

L. H. Case

Subscribed and sworn to before me this 18th day of October  
1949.

H. E. Kuhn  
NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES: May 8, 1951

Application for vacation of  
Deschutes Ave, Crestone Ave,  
and Elgin Avenue, all in  
Blocks 1, 2, 7 and 8 of  
Hug's Add to Elgin, Oregon

*Relating to  
Deschutes Crestone  
of blocks in  
Elgin, Ore*

**FILED**

OCT 20 1949

C. L. GRAHAM  
COUNTY CLERK

*[Signature]*  
DEPUTY

IN THE COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY

IN THE MATTER )

of )

An Application to vacate portions )  
of Deschutes Avenue, Crestone )  
Avenue and Elgin Avenue and all )  
the alleyways in Blocks 1, 2, 7 )  
and 8 of Hug's Addition to Elgin, )  
Oregon, )  
-----

AFFIDAVIT OF POSTING

STATE OF OREGON )  
                  ) ss.  
COUNTY OF UNION )

I, L. H. CASE, being duly sworn, say:

1. That I did on the 27 day of October , 1949, post  
copies of the Notice of Road Vacation, a copy of which is hereunto  
annexed, in the following public places in Union County, Oregon,  
to-wit:

  at each end  
One of such copies on a fence post/of that portion of  
Deschutes Avenue proposed to be vacated and one copy  
notice on a fence post about half way distant between  
the termini of the portion of Deschutes Avenue proposed  
to be vacated.

  at each end  
One of such copies on a fence post/of that portion of  
Crestone Avenue proposed to be vacated and one copy  
notice on a fence post about half way distant between  
the termini of the portion of Crestone Avenue proposed  
to be vacated.

  at each end  
One of such copies on a fence post/of that portion of  
Elgin Avenue proposed to be vacated and one copy  
notice on a fence post about half way distant between  
the termini of the portion of Elgin Avenue proposed  
to be vacated.

One of such copy notices on a fence post at each end of the  
alleyway in Block 1 of Hug's Addition proposed to be  
vacated and one copy notice on a fence post about half  
way distant between the termini on that portion proposed  
to be vacated.

One of such copy notices on a fence post at each end of the  
alleyway in Block 2 of Hug's Addition proposed to be  
vacated and one copy notice on a fence post about half  
way distant between the termini on that portion proposed  
to be vacated.

One of such copy notices on a fence post at each end of the alleyway in Block 7 of Hug's Addition proposed to be vacated and one copy notice on a fence post about half way distant between the termini on that portion proposed to be vacated.

One of such copy notices on a fence post at each end of the alleyway in Block 8 of Hug's Addition proposed to be vacated and one copy notice on a fence post about half way distant between the termini on that portion proposed to be vacated.

And one of such copy notices on the bulletin board at the front door of the Court House in La Grande, Oregon.

*L.H. Case*

\_\_\_\_\_  
L.H. Case

Subscribed and sworn to before me this 27 day of October, 1949.

*George H. Kirkely*  
\_\_\_\_\_  
Notary Public for Oregon

My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC FOR OREGON  
My Commission expires Feb. 24, 1950

NOTICE OF ROAD VACATION

NOTICE IS HEREBY GIVEN that a petition has been duly filed in the County Court for the State of Oregon for Union County, by the undersigned, L.H. CASE praying that the following county roads and alleyways:

ALL THAT portion of Deschutes Avenue lying West of the westerly line of Main Street as the same was originally platted in Hug's Addition to the town of Elgin, Oregon.

ALL THAT portion of Crestone Avenue lying west of the westerly line of Main Street as the same was originally platted in Hug's Addition to the town of Elgin, Oregon.

ALL THAT portion of Elgin Avenue Lying north of Fourth Street and south of Deschutes Avenue, excepting the portion of Elgin Avenue lying south of the south line of Section 10, Township 1 North, Range 39 East of the Willamette Meridian.

ALL THOSE alleyways in Blocks 1, 2, 7 and 8 of Hug's Addition to the town of Elgin, Oregon.

be vacated and closed as a county road and alleyways.

NOTICE IS HEREBY FURTHER GIVEN that the said petition will be heard in the County Court Room, at the Court House, La Grande, Oregon on Thursday, the 8th day of December, 1949, at 10:00 A.M. and all persons concerned or having any objections thereto may appear and be heard at the said time and place.

DATED at La Grande, this 27 day of October, 1949.

L. H. CASE



**FILED**

OCT 29 1949

C. GRAHAM  
COUNTY CLERK

BY  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 7th day of December A. D., 1949, 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 C. K. McCormick, County Judge  
H. J. Speckhart, Commissioner  
Ray C. Baum, Commissioner  
C. L. Graham, Clerk  
Jesse Breshears, Sheriff

WHEN, on Thursday, the 8th day of December A. D., 1949 or the 2nd Judicial Day of said term, among others, the following proceedings were had, to-wit:

IN THE MATTER )  
-of- ) ORDER OF VACATION  
An Application to vacate portions )  
of Deschutes Avenue, Creston Avenue )  
and Elgin Avenue and all the alleyways )  
in Blocks 1, 2, 7 and 8 of Hug's )  
Addition to Elgin, Oregon. )

5-10

THIS MATTER coming on for hearing upon the Petition of L. H. Case of Elgin, Oregon, for an Order vacating certain portions of county roads and alleyways situated in blocks 1, 2, 7 and 8 of Hug's Addition to the town of Elgin, Union County, Oregon according to the recorded plat thereof, and more particularly described as being:

ALL THAT portion of Deschutes Avenue lying west of the westerly line of Main Street as the same was originally platted in Hug's Addition to the town of Elgin, Oregon.

ALL THAT portion of Crestone Avenue lying west of the westerly line of Main Street as the same was originally platted in Hug's Addition to the town of Elgin, Oregon.

ALL THAT portion of Elgin Avenue lying north of Fourth Street and south of Deschutes Avenue, excepting the portion of Elgin Avenue lying south of the south line of Section 10, Township 1 North, Range 39 East of the Willamette Meridian.

ALL THOSE alleyways in Blocks 1, 2, 7 and 8 of Hug's Addition to the town of Elgin, Oregon.

ALL referring to the plat of Hug's Addition to the town of Elgin, Union County, Oregon, as recorded February 2, 1911 in plat book 2 at page 15, records of said County.

AND IT APPEARING that the aforesaid portions of the said county roads and alleyways lie outside the limits of the incorporated city of Elgin, Oregon and that the said city is not interested therein.

AND IT FURTHER APPEARING That the Petitioner herein, L.H. Case, is the sole owner of all land abutting upon the said portions of

the said county roads and alleyways;

AND IT FURTHER APPEARING That notice in writing of the pendency of the petition filed herein was duly given in the manner prescribed by law, as shown by the affidavit of posting, sworn on the 27th day of October, 1949, and filed herein;

AND IT FURTHER APPEARING that more than thirty (30) days have elapsed since the date of filing of said petition and affidavit of posting herein, and no person has appeared in opposition to the said petition, and no objections having been filed herein;

IT IS ORDERED and ADJUDGED that the said portions of the county roads and alleyways hereinbefore and in the petition herein more particularly set forth and described be and the same are hereby vacated and declared closed as public county roads and alleyways and that all right, title and interest in and to the same vest in the petitioner, L.H. Case, as the sole owner of the land abutting the said portions of the said county roads and alleyways hereby vacated;

AND IT IS FURTHER ORDERED That this order be recorded in the deed records of Union County, Oregon and be indexed under the letter "V", "Title Vacations" and the County Surveyor for Union County, Oregon forthwith trace upon the original plat of Hug's Addition to the City of Elgin, Oregon aforesaid, with red ink, the said portions of Deschutes Avenue, Crestone Avenue, Elgin Agenuue and the alleyways in blocks 1, 2, 7 and 8 of Hug's Addition to the said town of Elgin, shown upon the said plat so vacated and write therein the word "Vacated", with appropriate reference by number to notation, and shall make a notation on the original plat of Hug's Addition, in red ink, giving the book and page of the deed record in which this Order is recorded, in the manner prescribed by law.

<u>H. J. Spuckhart.</u> Commissioner	<u>K. M. Connick</u> County Judge
	<u>Ray C. Baum</u> Commissioner

22850

Union Co

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

I certify that the within and  
of writing was received for record

this 8<sup>th</sup> day of Feb 1958 at 8:30

o'clock P.M., and recorded on page

in Book 121 Record of

of said County

By: *[Signature]* Deputy

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SECOND JUDICIAL DAY

THURSDAY, DECEMBER 8, 1949

Court met in pursuance to adjournment.

Present: Same officers as on the 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.

County Judge

Commissioner

Commissioner

Whereupon the following proceedings were had, to-wit:

IN THE MATTER OF THE MONTHLY REPORT  
OF THE COUNTY TREASURER AND CREDITS  
BE GIVEN HIM

COMES now Al Harlow, Treasurer of the County of Union, Oregon, and presented to the court of the county certain sums of money, and it appearing to the court, from the examination thereof; that the warrants are regularly issued on the Court order, and the Treasurer be given credit upon his account for the same.

164 Warrants, General Fund	\$19,692.18
39 Warrants, Road Fund	3,654.97
38 Warrants, Market Road Fund	3,735.08
8 Warrants, Weed Control	674.77
3 Warrants, County Law Fund	90.00
1 Warrant, Indigent Soldier Fund	74.80
1 Receipt, County School Fund	23,276.67
1 Receipt, Irreducible School Fund	36.37
18 Receipts, Special Cities Fund	5485.60
Receipts, Special School Fund	46,250.94
Receipts, Rural School Fund	48,304.42
	<u>\$182,932.83</u>

IN THE MATTER OF AN APPLICATION TO  
VACATE PORTIONS OF DESCHUTES AVENUE,  
CRESTON AVENUE AND ELGIN AVENUE AND  
ALL THE ALLEYWAYS IN BLOCKS, 1, 2, 7  
and 8 of Hug's Addition TO ELGIN, OREGON.

ORDER OF VACATION

THIS MATTER coming on for hearing upon the petition of L. H. Case of Elgin, Oregon, for an Order vacating certain portions of county roads and alleyways situated in blocks 1, 2, 7 and 8 of Hug's Addition to the Town of Elgin, Union County, Oregon according to the recorded plat thereof, and more particularly described as being:

ALL THAT portion of Deschutes Avenue lying west of the westerly line of Main Street as the same was originally platted in Hug's Addition to the Town of Elgin, Oregon.

All THAT portion of Crestone Avenue lying west of the westerly line of Main Street as the same was originally platted in Hug's Addition to the Town of Elgin, Oregon.

ALL THAT portion of Elgin Avenue lying north of Fourth Street and south of Deschutes Avenue, excepting the portion of Elgin Avenue lying south of the south line of Section 10, Township 1 North, Range 39 East of the Willamette Meridian.

ALL THOSE Alleyways in Blocks 1, 2, 7 and 8 of Hug's Addition to the town of Elgin Oregon.

All referring to the plat of Hug's Addition to the Town of Elgin, Union County, Oregon, as recorded February 2, 1911 in plat book 2 at Page 15, records of said County.

AND IT APPEARING that the aforesaid portions of the said county roads and alleyways lie outside the limits of the incorporated city of Elgin, Oregon and that the said city is not interested therein.

AND IT FURTHER APPEARING that the Petitioner herein, L. H. Case, is the sole owner of all land abutting upon the said portions of the said county roads and alleyways;

SECOND JUDICIAL DAY

THURSDAY, DECEMBER 8, 1949

AND IT FURTHER APPEARING That the notice in writing of the pendency of the petition filed herein was duly given in the manner prescribed by law, as shown by the affidavit of posting, sworn on the 27th day of October, 1949, and filed herein;

AND IT FURTHER APPEARING that more than thirty (30) days have elapsed since the date of filing of said petition and affidavit of posting herein, and no person has appeared in opposition to the said petition, and no objections having been filed herein;

IT IS ORDERED AND ADJUDGED that the said portions of the county roads and alleyways hereinbefore and in the petition herein more particularly set forth and described be and the same are hereby vacated and declared closed as public county roads and alleyways and that all right, title and interest in and to the same vest in the petitioner, L. H. Case, as the sole owner of the land abutting the said portions of the said county roads and alleyways hereby vacated;

AND IT IS FURTHER ORDERED That this order be recorded in the deed records of Union County, Oregon and be indexed under the letter "V", Title Vacations" and the County surveyor for Union County, Oregon forthwith trace upon the original plat of Hug's Addition to the City of Elgin, Oregon, aforesaid, with red ink, the said portions of Deschutes Avenue, Crestone Avenue, Elgin Avenue and alleyways in blocks, 1, 2, 7 and 8 of Hug's Addition to the said City of Elgin, shown upon the said plat so vacated and write therein the word "Vacated", with appropriate reference by number to notation, and shall make a notation on the original plat of Hug's Addition, in red ink, giving the book and page of the deed record in which this Order is recorded, in the manner prescribed by law.

IN THE MATTER OF THE APPROVAL OF  
OFFICIAL BONDS.

Now at this time the above entitled matter comes on for consideration, and it appearing that the official bond of H. E. Kuhn as Justice of Peace of the Elgin Justice of Peace and constable District has been presented for approval, and it further appearing that said bond is in all proper form and in the required amount.

IT IS CONSIDERED AND ORDERED that each of the foregoing named bonds be, and the same is hereby approved.

IN THE MATTER OF THE APPROPRIATION  
OF SALVATION ARMY FOR RELIEF.

Now at this time, upon application of the Salvation Army at La Grande, it appearing that an appropriation was made in the 1949-50 budget in the sum of \$700.00 for said Salvation Army for relief work, and that said organization has expended moneys for relief work and is in need funds to carry on their work in this regard,

IT IS CONSIDERED AND ORDERED that a warrant in the sum of \$700.00 on the general fund of the county be issued in favor of the Salvation Army, said sum being the entire appropriation for the fiscal year 1949-50.

IN THE MATTER OF THE ISSUANCE OF

DEEDS

Now at this time, it appearing to the Court that the Certain tracts of real property heretofore acquired by Union County thru tax foreclosure proceedings or otherwise, have been sold, as by law provided, to the persons hereinafter named, as shown by the description thereof as set opposite each named, to-wit:

City of Elgin:

Lots 2, 3 & 4 Block 3, Sommer's 2nd Addition To Elgin

and it also appearing to the court that each of said persons has fully paid the amount required on their respective piece of real property.