

No

36

IN THE
CIRCUIT COURT,
UNION COUNTY, OREGON

EQUITY

Malinda C Vessey,

Plaintiff

vs

Victor L. Vessey,

Defendant

Docket

Page

C H Finn,

Attorney for Plaintiff

Attorney for Defendant

THE IRWIN HOBSON COMPANY PRINTERS AND STATIONERS
PORTLAND OREGON

No

1961-535

received Sept 6, 1961
On address Mrs. S. 140

58/v

Ina Read

petitioned for
by Oregon Railroad
& Navigation Co

P. 1000 11

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

September term, 1906.

Comes now the petitioner, the Oregon Railroad & Navigation Company by J. B. Eddy, its assistant right-of-way agent, and petitions the Court for a vacation of the County road from a point in the present County road 3438 feet north $5^{\circ}27'$ East from the Southwest corner of Section 25, Twp. 2 South Range 36 East near the old Pelican station to a point in the present County road 2708 feet South $1^{\circ}41'$ East, ^{from the north east corner of said section 23} and presents to the Court a deed of right-of-way conveying a strip of land 60 feet in width, being 30 feet on each side of the center line of the survey of the proposed new road between the two points first herein described, which said survey is particularly described as follows:

Beginning at a point in the center of the present county road whence the southwest corner of Section 25, Twp. 2 South, Range 36 East, W.M., bears south $5^{\circ}27'$ west 3438 feet; thence south $19^{\circ}35'$ west 46.2 feet; thence on a $12^{\circ}9'$ curve to the right a distance of 30.8 feet; thence south $17^{\circ}57'$ east, a distance of 255.6 feet; thence on a 38° curve to the right a distance of 137.8 feet; thence south $34^{\circ}36'$ east, a distance of 9.6 feet; thence on a $57^{\circ}17.6'$ curve to the left a distance of 230 feet; thence north $82^{\circ}34'$ east a distance of 20.7 feet; thence on a 40° curve to the right, a distance of 110 feet; thence south $53^{\circ}29'$ east, a distance of 34.7 feet; thence on a 30° curve to the left, a distance of 103.3 feet; thence south $84^{\circ}29'$ east, a distance of 51 feet; thence on a 10° curve to the left, a distance of 85 feet; thence north $87^{\circ}01'$ east, a distance of 215 feet; thence on a 16° curve to the left a distance of 156.2 feet; thence north $62^{\circ}01'$ east, a distance of 150 feet; thence on a 12° curve to the left, a distance of 75 feet; thence on an 80° curve to the right, a distance of 75 feet; thence on a

20° curve to the right, a distance of 75 feet; thence on a 60° curve to the right, a distance of 25 feet; thence on a 40° curve to the left, a distance of 50 feet; thence on an 8° curve to the right, a distance of 100 feet; thence of a 36° curve to the right, a distance of 50 feet; thence on a 10° curve to the left, a distance of 140 feet; thence south 44°59" east, for a distance of 170 feet; thence on a 20° curve to the left, a distance of 100 feet; thence south 64°59" east, for a distance of 174 feet; thence on a 16°30" curve to the left, for a distance of 100 feet; thence south 81°29" east, a distance of 66 feet; thence on a 20° curve to the left, a distance of 173.7 feet; thence north 63°46" east, a distance of 176.3 feet; thence on a 9°20" curve to the left a distance of 100 feet; thence north 54°26" east, a distance of 150 feet; thence on a 4° curve to the right, a distance of 100 feet; thence on a 14° curve to the right, a distance of 100 feet; thence on a 40° curve to the right, a distance of 50 feet; thence south 87°34" east, a distance of 50 feet; thence on a 24° curve right, for a distance of 50 feet; thence on a 32° curve to the right, a distance of 50 feet; thence on an 88° curve to the right, a distance of 25 feet; thence on a 54°56" curve to the left, for a distance of 40 feet; thence south 59°34" east, a distance of 94.9 feet; thence on a 10° curve to the left, a distance of 100 feet; thence south 69°34" east, a distance of 96.9 feet; thence on a 15°30" curve to the left a distance of 69. feet; thence on a 24° curve to the left a distance of 75 feet; thence on a 16° curve to the right, a distance of 50 feet; thence south 84°14" east, a distance of 26.6 feet; thence on a 27°08" curve to the left, a distance of 49.8 feet; thence north 82°06" east, a distance of 123.6 feet; thence on a 26° curve to the left, a distance of 49.8 feet; thence north 69°16" east, a distance of 87.2 feet; thence on a 9°35" curve to the right, a distance of 40 feet; thence north 75°06" east, a distance of 101.3 feet; thence on a 10° curve to the left, a distance of 117.5 feet; thence

north $61^{\circ}21''$ east, a distance of 156.6 feet; thence on an $8^{\circ}10''$ curve to the right, a distance of 110.0 feet; thence north $70^{\circ}21''$ east, a distance of 28.4 feet; thence on a 12° curve to the right, a distance of 104.1 feet; thence north $82^{\circ}51''$ east, a distance of 28.5 feet; thence on a 30° curve to the right, a distance of 86.7 feet; thence south $71^{\circ}09''$ east, a distance of 30.5 feet; thence on a 28° curve to the right, a distance of 52.5 feet; thence on a $47^{\circ}30''$ curve to the left, a distance of 52 feet; thence on a $17^{\circ}38''$ curve to the right, for a distance of 65.2 feet; thence on a 4° curve to the left, a distance of 82.5 feet; thence on a 28° curve to the left, a distance of 82 feet; thence north $84^{\circ}25'$ east, a distance of 25 feet; thence on a 12° curve to the left, a distance of 135 feet; thence on an 80° curve to the left, a distance of 30 feet; thence north $43^{\circ}13'$ east, a distance of 58.5 feet; thence on a 50° curve to the right, a distance of 100 feet; thence south $86^{\circ}47'$ east, a distance of 150 feet, to a point on the center of the present county road. Whence the northeast corner of Section 25, Twp. 2 South Range 36 East bears north $1^{\circ}41'$ west, 2708 feet;

And further requests that the road designated as above shall from henceforth be the regularly constituted county road, the same to be graded to the satisfaction of the Court by the Petitioner.

The Oregon Railroad & Navigation
Company,

By J. B. Eddy
Asst. Right-of-Way Agent,
Petitioner.

IN THE

County Court

OF THE

State of Oregon

For the County of Union

*Shore vacation
reestablishment
of a Road petitioned
for by Oregon
Railroad & Navigation
Co*

Filed Sept 5 1900

*J. P. Nelson
Clerk*

3rd

1 BE IT REMEMBERED, That at a regular term of the County Court of
2 the County of Union and State of Oregon, sitting for the purpose
3 of transacting county business, begun and held at the Court House
4 in the City of LaGrande, in said county and State, on Wednesday, the
5 2nd day of January A.D. 1907, the same being the first Wednesday of
6 said month and the time fixed by law for holding a regular term
7 of said Court, when were present:-

8 The Honorable J.C. Henry--County Judge--

9 The Honorable J.M. Selders--and

10 The Honorable Benjamin Brown--Commissioners--

11 When on Friday, the 4th day of January A.D. 1907--or the third day
12 of said term--the county judge and both commissioners being pres-
13 ent--among other things the following proceedings were had, to wit:-

14 In the Matter of the Petition
15 and Application of the Oregon
16 Railroad & Navigation Co--and
17 The George Palmer Lumber Co--
18 for a franchise for right of
19 way over Marion Street, in the
20 Riverside and Rynearson Additions
to LaGrande, Union County, Oregon.

21 Now at this time this matter came regularly on for
22 hearing upon the application and petition in writing of the
23 Oregon Railroad & Navigation Company and the George Palmer Lumber
24 Company--private corporations--for a perpetual franchise for right
25 of way over, through and along that part of Marion Street in the
26 Riverside and Rynearson Additions to LaGrande, Union County, Oregon
27 --leading north from the north limits of the municipal corporation
28 of the City of LaGrande, Union County, Oregon--to the grounds of the
29 said The George Palmer Lumber Co--to terminate at the northeast
30 corner of Block 30 in said Riverside Addition--as aforesaid--
31 And it appearing to the court now--that The Oregon Railroad &
32 Navigation Company is desirous of constructing, operating and

1 keeping in repair a railroad branch leading from its main
2 line in said City of LaGrande at the intersection of said
3 Marion Street with said main line-north and through said
4 street to the lumber plant of the said The George Palmer
5 Lumber Co-situated upon Block 30 of Riverside Addition to
6 LaGrande, Oregon-and other lands in that vicinity-for the
7 purposes of transporting freight and passengers over the same
8 between the said points as aforesaid; that the request is reas
9 onable, that it would do no injury to said street, to grant
10 said franchise, that the property along such street where the
11 franchise is sought is unoccupied, and that the City of La
12 Grande as aforesaid has by Ordinance No. 331-Series 1906-duly
13 approved July 10th 1906-granted to said petitioner-The Oregon
14 Railroad & Navigation Co-a perpetual franchise and right of
15 way for such railroad as aforesaid-through said Marion Street
16 from its intersection with the main line of said railroad as
17 aforesaid-north to the north limits of said City-being the
18 intersection of said Marion Street with Lake Street-in said
19 City-and said railroad within said corporate limits is already
20 constructed-

21 It is therefore ordered that said petition be granted-that
22 the said Oregon Railroad & Navigation Company-is hereby granted
23 a perpetual franchise and privilege to construct a roadbed on
24 a right of way and operate and keep in repair a railroad of
25 standard gauge in width upon, through and along Marion Street
26 in Riverside and Rynearson Additions to LaGrande, Union County,
27 Oregon-north from the north city limits of the City of La
28 Grande, Union County, Oregon-to the northeast corner of Block
29 30 in Riverside Addition to LaGrande, Union County, Oregon-
30 that part of said Riverside Addition as aforesaid being in
31 an unincorporated town or part of town within Union County,
32 Oregon-for the purposes of transporting all kinds of freight

1 and passengers and keeping said railroad in proper repair-and
2 and restrictions
3 upon the express conditions-that said railroad company shall not
4 so occupy or use said street or part of street either in the
5 construction or operation of said roadbed or railroad as to
6 prevent the said street being safely and conveniently used for
7 public travel and use, and that said Railroad Company shall
8 provide, construct and keep in repair at the crossing of each
9 street or other highway along said line of said franchise and
10 right of way -a suitable, substantial, convenient and safe cross
11 ing for public travel across said railroad for each street or
12 highway to intersection same; and that said Railroad Company
13 and maintain
14 and its successors shall lay the track upon its said roadbed
15 and street in accordance with the present grade, and shall from
16 a distance of one foot, ^{from the end of the crossties thereof} on each side of said roadbed and between
17 the rails of said track in such a manner by ballast or plank-
18 ing or otherwise that the same shall conform to any improve-
19 ment or grade now established or to be hereafter established
20 either by Union County or any municipal corporation exercising
21 control over the same-and that said track shall at all times
22 be kept in a good and passable condition for teams operating
23 over said street or highway-and shall run and operate its said
24 railroad through or upon said street or highway in a safe and
25 convenient manner for public travel, free from unnecessarily
26 obstructing the same, therefor.

25
26
27
28
29
30
31
32

FROM THE LAW OFFICE OF
C. H. FINN,
LA GRANDE, OREGON.

SECOND JUDICIAL DAY.

THURSDAY, NOVEMBER 8th, 1906.

presents to the Court for settlement the Tax-roll for the year 1905, from which it appears and from the return herewith submitted, that the Sheriff was charged on said Tax Roll with the sum of \$198,820.76. That he has made Sheriffs' Assessments on said roll to the amount of \$139.77, and that he has collected penalty and interest amounting to the sum of \$959.38, and has made over-collections on taxes charged amounting to \$97.18, and that the County Clerk made an undercharge on said roll amounting to \$160.69, aggregating the sum of \$200,177.78. That he has collected on the original taxes charged and turned over to the County Treasurer the sum of \$188,314.54, and has collected penalty and interest amounting to \$959.38, and has collected on Sheriffs' Assessments, the sum of \$139.07, and has taken Sheriffs' Credit in the sum of \$939.89, and has also taken credit for overcollections on said roll in the sum of \$94.78, and has rebated on said roll, the sum of \$3,805.79, and returns as delinquent and uncollected the sum of \$5,924.33.

It is therefore CONSIDERED and ORDERED by the Court, that the Sheriffs' return on said Tax-Roll for the year 1905, be and the same is in all things approved. It is further ORDERED that the Clerk of the Court is hereby directed to make the proper entries upon the County Books charging the said Sheriff with Sheriffs' Assessments, penalty and interest over-collections and undercharge by the Clerk as above set forth, and that he be credited with rebate of taxes, Sheriffs' credits and the amount of taxes returned delinquent and uncollected.

In the Matter of the Proposed change of the County road from the Mouth of Five Points Creek to Old Pelican Station.

WHEREAS heretofore the Oregon Railroad & Navigation Company by its authorized Agent has duly filed with this Court a petition asking for a change of Road from the original location to the location set forth in said petition from a point near the junction of Five Points Creek with Pelican Creek westerly to a point near Pelican Station, and

WHEREAS at the same time the said Railroad Company did file with the Clerk of this Court a deed conveying to Union County a strip of land sixty (60) feet in width, being thirty (30) feet on each side of the center line of the proposed location, which said center line is fully set forth in said petition, and

Whereas said change of road will be of benefit to the traveling public and is in all respects as good or better road than the original.

NOW THEREFORE, It is ORDERED, ADJUDGED and DECREED that the said road set forth in said petition shall from henceforth be the legal County Road between the points in question and that all of the original road between the said points, is hereby vacated and abandoned.

Thereupon the Journal of today's proceedings was read, approved and is here now signed, and it is ORDERED that Court be now adjourned for the term.

J. L. Henry County Judge.
 J. M. Selder Commissioner.
 Ben Brown Commissioner.