

No _____

IN THE
CIRCUIT COURT
UNION COUNTY OREGON

EQUITY

W. H. Berry

Plaintiff

vs

C. Wilson

Defendant

Doctet _____

Page

B-29

Hugh C. Brady
Attorney for Plaintiff

Attorney for Defendant

719

In re vacation of a
portion of County Road
561

Vacated June 7, 1928

No affidavit of posting

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

In the matter of the vacation of
a portion of County Road No. 561.

WHEREAS, it appears to the County Court of Union County,
Oregon, that a portion of County Road No. 561, more particularly
described as follows:

Beginning at a point in the center of Catherine
Creek which point is approximately 270.0 feet east of the quarter
section corner common to sections 3 and 10, T 4 S, R 39 EWM,
thence west 72.0 feet to angle No. 1 as designated in the
original notes, thence N 8° 30' E 500.0 feet, thence N 43° 00' W
a distance of 330.0 feet, thence N 28° 00' W a distance of 500.0
feet thence N 60° 00' W a distance of 264.1 feet to angle No. 5
thence West a distance of 165.0 feet,

is useless as a part of the general road system of Union County and
is burdensome to maintain, and

WHEREAS, the public will be benefited by the vacation of
said portion of said road, therefore

BE IT RESOLVED, that such proceedings as are required by law
~~be taken to vacate said above described road.~~ *will be undertaken*

Done and dated at La Grande, Oregon, March 8th, 1928.

County Judge,

Commissioner,

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 7th day of March, A. D., 1928, 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,
W. W. Stevens, Commissioner,
W. R. Ledbetter, Commissioner,
C. K. McCormick, Clerk,
Jesse Breshears, Sheriff.

WHEN, on Thursday, the 8th day of March, A. D. 1928, or the 2nd Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the vacation of a portion of County Road No. 561.

WHEREAS, it appears to the County Court of Union County, Oregon, that a portion of County Road No. 561, more particularly described as follows:

Beginning at a point in the center of Catherine Creek which point is approximately 270.0 feet east of the quarter section corner common to sections 3 and 10, T 4 S, R 38 EWM, thence west 72.0 feet to angle No. 1 as designated in the original notes, thence N 8° 30' E 500.0 feet, thence N 43° 00' W a distance of 330.0 feet, thence N 28° 00' W a distance of 500.00 feet, thence N 60° 00' W a distance of 264.1 feet to angle No. 5 thence West a distance of 165.0 feet,

is useless as a part of the general road system of Union County and is burdensome to maintain, and

WHEREAS, the public will be benefited by the vacation of said portion of said road, therefore

BE IT RESOLVED, that such proceedings as are required by law be taken to vacate said above described road.

U. G. Couch County Judge,
W. W. Stevens Commissioner,
W. R. Ledbetter Commissioner.

April 5, 1928.

To The Honorable County Court of Union County, Oregon

I beg leave to report that on the 10th day of March, 1928, in pursuance with said order I proceeded to view out that portion of Road No. 561 in the south half of section 3 T 4S R39 EWM, as shown on the accompanying map.

The above described road is no longer used as a County Road and the public will be benefited by its vacation.

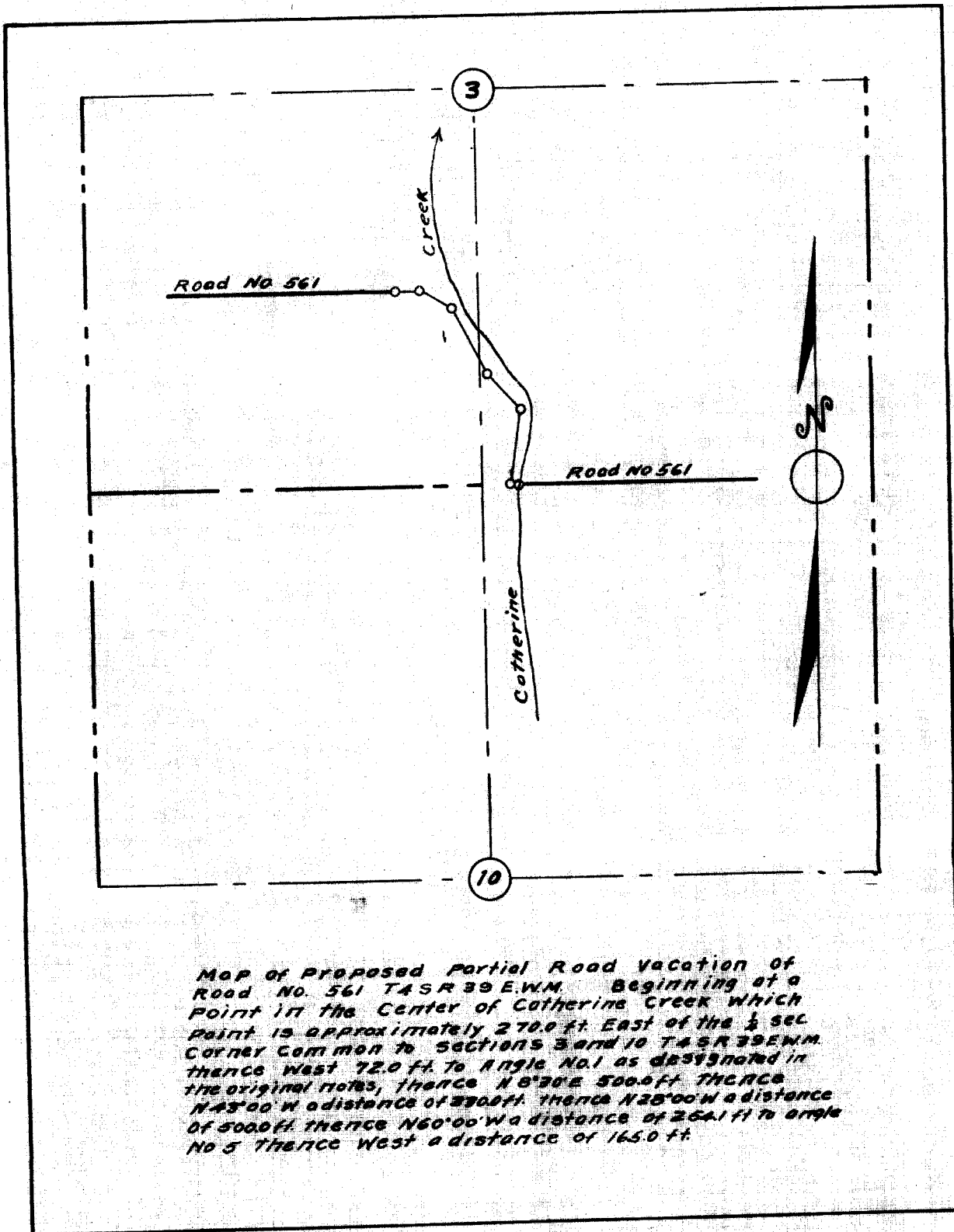
The above described road has been replaced as far as public convenience is concerned by the construction of the Old Oregon Trail Highway through this section.

I therefore recommend that the said road be closed as a public highway of Union County, Oregon.

Respectfully submitted,



County Engineer.



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 4th day of April, A. D., 191²⁸, 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,
W. W. Stevens, Commissioner,
W. R. Ledbetter, Commissioner,
C. K. McCormick, Clerk,
Jesse Breshears, Sheriff.

WHEN, on Thursday, the 5th day of April, A. D. 191²⁸, or the _____ Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the vacation of
a portion of County Road No. 561.

Now at this time it appearing to the Court that the County Roadmaster has filed a report in writing recommending that a portion of County Road No. 561 be vacated,

It is CONSIDERED AND ORDERED that Thursday, June 7th, 1928, at 10:00 A.M., be and the same is hereby fixed as the time for hearing said report.

It is further ordered that the County Roadmaster post notices as required by law notifying all persons of the time and place of said hearing.

U. G. Couch
W. W. Stevens
W. R. Ledbetter

County Judge,
Commissioner,
Commissioner.

NOTICE OF ROAD VACATION

NOTICE IS HEREBY GIVEN, that the County Court of Union County, Oregon, will on the 7th day of June, 1928, at the County Court Room at La Grande, Oregon, at the hour of 10:00 o'clock in the forenoon of said date, ^{consider} hear the report of the County Roadmaster of Union County made upon ^{examination in the matter of the proposed} his survey, for the vacation of that portion of County Road No. 561 described as follows:

Beginning at a point in the center of Catherine Creek which point is approximately 270.0 feet east of the quarter section corner common to sections 3 and 16 T 4 S, R 39 EWN, thence West 72.0 feet to angle No. 1 as designated in the original notes, thence N 8° 30' E 500.0 feet, thence N 43° 00' W a distance of 330.0 feet thence N 28° 00' W a distance of 500.0 feet, thence N 60° 00' W a distance of 264.1 feet to angle No. 5, thence West a distance of 165.0 feet,

All persons concerned or having objections to the vacation of said above described portion of said road or to the report of the County Roadmaster relative thereto, may appear and be heard at said time and place.

Witness the Honorable U. G. Couch, County Judge, W. W. Stevens and W. H. Ledbetter, County Commissioners, of Union County, Oregon, with the seal of the County Court affixed this 5th day of April, 1928.

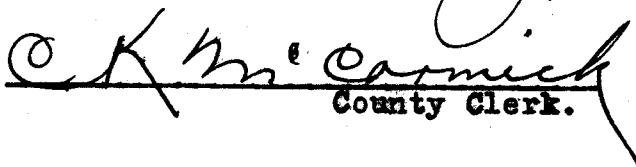
Attest: *C. K. McCormick*
County Clerk and ex-officio Clerk
of the County Court of Union County, Oregon.

State of Oregon)
County of Union)^{ss}

I, S. B. Morgan, 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 road therein described and proposed to be vacated, to-wit: One on a gate post at the beginning of said road; one on a 2 foot willow at the center of said road; and one on a gate at the terminus of said road, thirty days previous to the date set for hearing the report therein mentioned, to-wit: on the 7th day of June, 1928, and that thereafter and thirty days previous to the date set for hearing said report therein mentioned, to-wit: on the 9th day of April, 1928, 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 La Grande, in said county and state, and that said notices remained posted thirty days previous to the date of hearing said report as I verily believe.


S. B. Morgan

Subscribed and sworn to before me this 7th day of June,
1928.


C. K. Carmichael
County Clerk.

For recitation
of a portion of
Road #561

Abstract of Deeds
Notices

Filed June 4, 1938
C. K. Orr, Clerk
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 6th day of June, A. D., 1928, 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,
W. W. Stevens, Commissioner,
W. R. Ledbetter, Commissioner,
C. K. McCormick, Clerk,
Jesse Breshears, Sheriff.

WHEN, on Thursday, the 7th day of June, A. D. 1928, or the 2nd Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the vacation of
a portion of County Road No. 561.

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Now at this time the above entitled matter comes on for hearing the report of the County Roadmaster upon the proposed vacation of a portion of County Road No. 561 more particularly described as follows:

Beginning at a point in the center of Catherine Creek which point is approximately 270.0 feet east of the quarter section corner common to sections 3 and 10, T 4 S, R 39 EWM, thence west 72.0 feet to angle No. 1 as designated in the original notes, thence N 8° 30' E 500.00 feet, thence N 43° 00' W a distance of 330.0 feet, thence N 28° 00' W a distance of 500.0 feet thence N 60° 00' W a distance of 264.1 feet to angle No. 5 thence west a distance of 165.0 feet,

and it appearing to the Court from said report that that portion of said road proposed to be vacated is no longer useful as a part of the general road system of the County in that the travelling public is served by a hard surfaced highway within a short distance of said road and it further appearing from the affidavit of the County Roadmaster on file that more than 30 days prior to June 7, 1928, the date set for hearing the report of said roadmaster upon said proposed vacation and that 3 notices of the hearing were posted in the vicinity of the road proposed to be vacated, and that one notice was posted at the place of holding

county court; that said notices remained posted at least 30 days before the date set for the hearing, and it further appearing that no person has appeared to object to the vacation of said proposed road and that no remonstrance has been filed,

It is CONSIDERED AND ORDERED that said road be and the same is hereby vacated between the points and along the route above described.

H. G. Caugh
W. W. Stevens
H. R. Lebelter

County Judge,
Commissioner,
Commissioner.

SECOND JUDICIAL DAY

THURSDAY, MARCH 8th, 1928.

north of the southwest corner of the southeast quarter of the northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of section 9, township 3 south, range 38 east of the Willamette Meridian, in Union County, Oregon; running thence east twentyfour and four ninths (24-4/9) rods; thence south sixty (60) feet; thence west twenty-four and four/ninths (24-4/9) rods; thence north sixty (60) feet to the point of beginning; for use as a right-of-way for a county road and it appearing to the Court that such road is necessary for the convenience of persons residing in the vicinity thereof,

It is CONSIDERED AND ORDERED that said deeds be accepted and the lands described therein be and the same are hereby declared to be a County Road of Union County, Oregon.

In the matter of the acceptance of the deeds of Ben Blais, et ux; John Shaw, et ux; John Brant, Sr., a widower; E. R. McCanse, et ux; Edson R. McCanse, and Margaret C. McCanse; Ben Blais, et ux; for lands for use as a right-of-way for the North Powder-Clover Creek Market Road.

Now at this time are presented to the Court the deeds of Ben Blais, et ux., John Shaw, et ux; John Brant, Sr., a widower; E. R. McCanse, et ux; Edson R. McCanse and Margaret C. McCanse; for lands for use as a right-of-way for the North Powder-Clover Creek Market Road, and it appearing to the Court that said lands are necessary for the construction and use of said North Powder-Clover Creek Market Road,

It is CONSIDERED AND ORDERED that said deeds be and the same are hereby accepted.

In the matter of the vacation of a portion of County Road No. 399.

WHEREAS, it appears to the County Court of Union County, Oregon, that a portion of County Road No. 399, more particularly described as follows:

Beginning at a point designated in the original notes as A8 which point is approximately the section corner common to sections 28, 29, 32 and 33 T 2 N, R 40 EWM, thence north to the intersection of said road with the Cemetery-Cricket Flat Market Road a distance of approximately 1022 feet, is useless as a part of the general road system of Union County and is burdensome to maintain, and

WHEREAS, the public will be benefited by the vacation of said portion of said road, therefore,

BE IT RESOLVED, that such proceedings as are required by law be taken to vacate said above described road.

In the matter of the vacation of a portion of County Road No. 561.

WHEREAS, it appears to the County Court of Union County, Oregon, that a portion of County Road No. 561, more particularly described as follows:

Beginning at a point in the center of Catherine Creek which point is approximately 270.0 feet east of the quarter section corner common to sections 3 and 10, T 4 S, R 39 EWM, thence west 72.0 feet to angle No. 1 as designated in the original notes, thence N 8° 30' E 500.0 feet, thence N 43° 00' W a distance of 330.0 feet, thence N 28° 00' W a distance of 500.0 feet thence N 60° 00' W a distance of 264.1 feet to angle No. 5 thence West a distance of 165.0 feet,

is useless as a part of the general road system of Union County and is burdensome to

SECOND JUDICIAL DAY

THURSDAY, MARCH 8th, 1928.

maintain, and

WHEREAS, the public will be benefited by the vacation of said portion of said road, therefore

BE IT RESOLVED, That such proceedings as are required by law be taken to vacate said above described road.

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

H. G. Bauch

County Judge,

W. W. Stevens

Commissioner,

H. R. Ledbetter

Commissioner.

SECOND JUDICIAL DAY

THURSDAY, APRIL 5th, 1928.

In the matter of the vacation
of a portion of County Road
No. 561.

Now at this time it appearing to the Court that the County Roadmaster has
filed a report in writing recommending that a portion of County Road No. 561 be vacated,

It is CONSIDERED AND ORDERED that Thursday, June 7th, 1928, at 10:00 A.M.
be and the same is hereby fixed as the time for hearing said report.

It is FURTHER ORDERED that the County Roadmaster post notices as required by
law notifying all persons of the time and place of said hearing.

In the matter of the vacation
of a portion of County Road
No. 399.

Now at this time it appearing to the Court that the County Roadmaster has
filed a report in writing recommending that a portion of County Road No. 399 be vacated,

It is CONSIDERED AND ORDERED that Thursday, June 7th, 1928, at 10:00 A.M.,
be and the same is hereby fixed as the time for hearing said report.

It is FURTHER ORDERED that the County Roadmaster post notices as required by
law notifying all persons of the time and place of said hearing.

In the matter of the application
of P. R. McKinnis for County Aid.

Now at this time this matter comes on for consideration of the application
of P. R. McKinnis for County Aid and it appearing to the Court from said application that
the said P. R. McKinnis is of the age of 76 years, and by reason of his physical condition
is unable to work and earn a livelihood; that he has no relatives or friends who are
willing to assist him and the Court having investigated said application and being advised
in the premises,

It is CONSIDERED AND ORDERED that said application be allowed and the County
Clerk is hereby authorized and directed to draw a warrant on the General Fund of the County
in the sum of \$10.00 per month in favor of P. R. McKinnis until further orders of this
Court.

In the matter of the opening
of Ballot Boxes.

Now at this time, upon application of the County Clerk, it is ORDERED that
said Clerk be and he is hereby authorized and directed to open the ballot boxes and burn
the ballots and stubs remaining therein from the last election and to prepare said boxes
for use at the Primary Election to be held on May 18th, 1928.

In the matter of designating Polling
Places for use at the Primary Election
to be held May 18th, 1928.

Now at this time it appearing that the polling places for use at the
primary election to be held on May 18th, 1928, be and the same are hereby designated as
the same places as used at the last election.

SECOND JUDICIAL DAY

THURSDAY, JUNE 7th, 1928.

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In the matter of the vacation
of a portion of County Road
No. 561.

Now at this time the above entitled matter comes on for hearing the report of the County Road Master upon the proposed vacation of a portion of County Road No. 561 more particularly described as follows:

Beginning at a point in the center of Catherine Creek which point is approximately 270.0 feet east of the quarter section corner common to sections 3 and 10, T 4 S, R 39 EWM, thence west 72.0 feet to angle No. 1 as designated in the original notes, thence N 8° 30' E 500.0 feet, thence N 43° 00' W a distance of 330.0 feet, thence N 28° 00' W a distance of 500.00 feet thence N 60° 00' W a distance of 264.1 feet to angle No. 5 thence west a distance of 165.0 feet,

and it appearing to the Court from said report that that portion of said road proposed to be vacated is no longer useful as a part of the general road system of the County in that the travelling public is served by a hard surfaced highway within a short distance of said road and it further appearing from the affidavit of the County Road master on file that more than 30 days prior to June 7, 1928, the date set for hearing the report of said road-master upon said proposed vacation and that 3 notices of the hearing were posted in the vicinity of the road proposed to be vacated, and that one notice was posted at the place of holding county court; that said notices remained posted at least 30 days before the date set for the hearing, and it further appearing that no person has appeared to object to the vacation of said proposed road and that no remonstrance has been filed,

It is CONSIDERED AND ORDERED that said road be and the same is hereby vacated between the points and along the route above described.

In the matter of the vacation
of a portion of County Road
No. 399.

Now at this time the above entitled matter comes on for hearing the report of the County Road Master upon the proposed vacation of a portion of County Road No. 399 more particularly described as follows:

Beginning at a point designated in the original notes as A8 which point is approximately the section corner common to sections 28, 29, 32 and 33 T 2 N, R 40 EWM, thence north to the intersection of said road with the Cemetery-Cricket Flat Market Road a distance of approximately 1022 feet,

and it appearing to the Court from said report that that portion of said road proposed to be vacated is no longer useful as a part of the general road system of the county in that the travelling public is served by a hard surfaced highway within a short distance of said road and it further appearing from the affidavit of the County Road master on file that more than 30 days prior to June 7, 1928, the date set for hearing the report of said road-master upon said proposed vacation and that 3 notices of the hearing were posted in the vicinity of the road proposed to be vacated, and that one notice was posted at the place of holding county court; that said notices remained posted at least 30 days before the date set for the hearing, and it further appearing that a remonstrance containing 24 names was filed against the vacation of said road as above described but that a petition containing 19 names has been filed recommending the vacation of said road, and that 8 signers of the remonstrance have prior hereto filed a request that their names be not counted on said remonstrance, and that they be counted upon the request to have said road vacated, and the Court having duly considered the report of the County Road master which report recommends the vacation of said road, as well as the remonstrance and the recommendation of freeholders residing in the vicinity of said road, and being advised in the premises finds that said road is no longer useful as a part of the general road system of the