

Road Survey No. 388

C. R. No. 274

T 25 R 4 W

Petition of Jas. T. Leach
and others.

ACCEPTED 2/6/1897

IN C. J. 13 pg. 199

PETITIONED GO' UID

FIELD NO. 13

Entered Vol 13. P. 198

In the Matter of the Application of Jas. T. Leach and others for a change in County Road No. 559.

On this the 5th day of August, 1897, this proceeding coming on to be heard upon the petition of Jas. T. Leach and others for a change in county road No. 559 and upon the report of W. W. Nelson, J. M. Gunn, and Wm. Merchant as viewers appointed at the June term of this court to view and report on said proposed change of road, and it appearing to the court C. E. Branson was appointed surveyor to survey said proposed change and that his report and the report of said viewers were heretofore filed herein, and that they were both read in open court on yesterday and that they were read a second time in open court to day, and it further appearing that the report of said viewers is favorable to said change and that they report that the route is more practicable and shorter than the old route and it appearing that said portion of said road No. 559 as changed and as viewed and surveyed and reported in favor of runs as follows:— Beginning at the beginning point of road survey No. 559 of this county, from which a Poplar tree bears S. 43 degrees and 35 minutes W., 273 links distant, and running thence North 3 degrees W., 4.50 minutes W., 3.43 chains; thence North 31 degrees W., 4.50 chains; thence North 33 degrees and 40 minutes W., 6.00 chains, and thence North 69 degrees and 49 minutes W., 1.50 chains xxx to stake set at East end of bridge for the terminus, and said terminus being in the said county road whose survey is No. 559, and said road whose survey is No. 559 being the county road located by this court at the July term of this court for 1896, on the petition of C. W. Johnson and others, and running from a point in the county road leading from North Yamhill to the head of Wapata Lake and terminating in center of county road leading from Wapata Station to John Platt's Farm, and it appearing to this court said proposed change in said road No. 559 above described and fully described in the survey No. 559 filed in this proceeding begins xxx at the beginning point of said road and terminates in said road and shortens and straightens the route and that said change and vacation ought to be granted and that it is of great public utility; that no objection is made thereto:— It is ordered by this court that said report of said viewers and the survey and plat made by said surveyor and on file be duly recorded, and that said change and vacation be and they are hereby made and established, and that the route as described by said survey and plat be a public highway and that all xxx that part of said county road whose survey is No. 559 which lies between the beginning point of said road No. 559 and the point where xxx the terminus of said change intersects said road No. 559 be and it is hereby vacated. The proper surveyor road supervisor is directed to open said road as changed.

W. W. Nelson, J. M. Gunn, Wm. Merchant
 Viewers
 C. E. Branson
 Surveyor
 Jas. T. Leach, et al.
 Petitioners
 S. J. Pearce
 Attest
 C. E. Branson
 Surveyor

FIELD NOTES

County Survey No. _____ made for _____
 on the _____ day of _____ 189__

and _____
 Chainmen.

duly sworn.

Beginning

At Cass's Grove July 22^d 1894 on section of James
 each side also for the purpose of making a change
 in R. & # 389.

Wm. M. Nelson, John Brown and Wm. Merchants (Witness

all of whom were duly qualified.

Beginning at the beginning point of R. & # 389

goes to the N. P. of the line to the N. 25th 25th 25th 25th 25th 25th

then to the N. 25th 25th 25th 25th 25th 25th

N 21st W 4,500 ft

" N 32st W 40' W 6,000 "

" N 69st 49' W 150' out stake at East Corner of bridge

for terminus of road.

I hereby certify that the foregoing field notes were
 examined & that a true representation of the same was
 made to the files and that the accountants employed
 were as follows:

Wm. M. Nelson 2 trips 1 day each trip \$4.00

John Brown " " " " " " \$4.00

Wm. Merchants 1 day " " " " " " \$2.00

" " " " " " " " " " " " \$2.00

" " " " " " " " " " " " \$2.00

" " " " " " " " " " " " \$2.00

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" " " " " " " " " " " " \$2.00

" " " " " " " " " " " " \$2.00

" " " " " " " " " " " " \$2.00

" " " " " " " " " " " " \$2.00

Allowed also \$20.00

to be paid from the County Fund

Wm. M. Nelson

John Brown

Wm. Merchants

J. J. Pease

In the County Board of the State of Oregon,

FOR THE COUNTY OF YAMHILL.

In the Matter of the Petition
of James Y. Leach and
19 others
and others for a County Road.

STATE OF OREGON, }
County of Yamhill. } ss

To the Honorable County Court of the State of Oregon, for the County of Yamhill:

The undersigned, who were duly appointed at the July term in the year 1897 of the above entitled court, as viewers of the road prayed for in the above named petition of James Y. Leach

and others, hereby report: That we met at the Sec. Eugene, on the 24th day of July

1897, that being the time and place prescribed for such meeting by the court, and, after taking an oath, faithfully and impartially to discharge the duties of our appointment, which oath is herewith filed, we took to our assistance James Y. Leach and J. O. Leach as chain bearers, and Peter Leach as marker, and

proceeded to view, survey, and lay out said road as prayed for in said petition, as near as in our opinion, a good road can be made at a reasonable expense, taking into consideration the utility, convenience and inconvenience and expense which will result to individuals as well as to the public, if such road shall be established and opened.

We also caused C. B. Brannen the surveyor appointed for that purpose, to survey the proposed road, under our direction, and caused the proposed road to be conspicuously marked throughout, and the corners and distances thereon noted, all in the manner required by law. Reference for particulars of said survey is hereby made to the plat and survey of said proposed road, made by C. B. Brannen and herewith filed.

We are of the opinion that said proposed road should be established, as described in said plat and survey, for the following reason, viz: That the road is most practicable and shorter

W. W. Nelson
 J. M. Burnett
 J. W. Wood
 Viewers.

Dated July 24th 1892

IN THE COUNTY COURT,

STATE OF OREGON,

FOR YAMHILL COUNTY.

Road Viewers' Report

REPORT OF

Viewers of Road,

"Wednesday, 2nd Term, 1892"
 W. P. King
 Clerk.
 By W. W. Nelson, Deputy.

BE IT REMEMBERED, That at a term of the Court House in McManville, in said County,
 County, State of Oregon, begun and held at the Court House in McManville, in said County,
 on the _____ day of _____, A. D. 189____, and from day to day
 thereafter, during the continuance of said term,

Present: Hon _____ County Judge,
 _____ Commissioner,
 _____ Clerk,

Be it REMEMBERED, That at a Term of the Court in said County, State of Oregon, begun and held at the Court House in McMinnville, in said County, on the _____ day of _____, A. D. 189____, and from day to day thereafter, during the continuance of said term.

Present: Hon _____ County Judge,
" _____ Commissioner,
" _____
" _____ Clerk,
" _____ Sheriff.

The following among other proceedings were had to-wit:

In the matter of the ~~Location and Establishment of a County Road~~ *James T. Robinson vs*
No 889
in Yamhill County, Oregon, petitioned for by *James*
Sevick and *19* others, }
On this day came *James S. Seevick* who presents to the Court the petition of himself and *19* others; praying for the location and establishment of a County Road to said County, which said proposed road is described in the petition as follows, to-wit:

357 and 358
Beginning at the beginning point of said County road leading from North Yamhill to the head of Repetas Lake near the N.E. corner of the orchard near the residence on the George Myers Donation Land claim in T.2 S.1 E. 2 W. in this county, from which a poplar tree in front of said residence bears S. 52 degrees and 25 minutes W. 275 links, and running thence North westerly in a straight line, 13 chains, more or less, to the 4th angle in said county road whose survey is No. 550, as ~~the~~ *the* terminating at said angle four, said change to be located over ~~the~~ *the* described route, and said said petition asks that said a public road be established over said route and that all of said road whose survey is No. 550 lying between the said beginning point of said road and said angle four thereof be only vacated, said road to be changed to 50 feet wide, and all ~~links~~ *links* situated in Yamhill county, Oregon.

And it satisfactorily appearing to the Court, from proof filed herein, that due notice of the pendency of this proceeding has been given as by law required; that more than twelve of said petitioners are legal householders of this county, residing in the vicinity of said road, and that a good and sufficient bond has been filed.

IT IS THEREFORE ORDERED BY THE COURT, that _____ and _____ be appointed Viewers, and *L. E. Ferguson* Surveyor, to view, survey, locate and report upon said proposed road, and that they meet at _____ *Surrey* on the _____ day of *June* 189____
James Seevick on the _____ day of _____ 189____
at ten o'clock A. M., and duly qualify ~~within the time~~ and enter upon the discharge of their duties in this behalf.

(Signed) _____
County Judge

KNOW ALL MEN BY THESE PRESENTS:

BOARD OF STATE PRINTERS, - Printed and for sale by T. M. White, Salem

In the County Court,
OF THE STATE OF OREGON
FOR YAMHILL COUNTY
Appointment of Road Viewers and Surveyor.

For entered
June 9, 1894

John Brown
Wm. Drayton
and Jim [unclear]
July 24 - at [unclear]
of [unclear] [unclear]
to [unclear] [unclear]
- 1894

KNOW ALL MEN BY THESE PRESENTS:

THAT ~~we~~ *J. James D. Beach*

of the County of *Clatsop*

Clatsop

and State of Oregon, are held and firmly bound unto the said County of

Clatsop

the sum of *one hundred and one*

Dollars, the payment of which, well and

truly to be made, ~~we~~ ^{we} bind ourselves, ~~our~~ ^{our} heirs, executors and administrators, jointly by these presents.

Signed this *9th* day of *June*

1894 *James D. Beach*

Now the condition of the above obligation is such, that whereas, if the County Road petitioned, for by *James*

Beach and others, and presented at the *June*

Term 1894 of the County Court of said *Clatsop* County, ~~presenting~~ ^{bringing} a

James D. Beach petition in the County

Road petition showing in his 859 *and*

particulars *Beach* in the petition

by said *James D. Beach* and *James*

Beach the origin *James* lot 1894 *James*

Beach *Beach* and 19 *James*

James ~~be~~ ^{be} ~~correct~~ ^{correct} and established, then this obligation to be void, otherwise to remain in full force and virtue in law.

James D. Beach

STATE OF OREGON,

County of *Clatsop*

J. James D. Beach and

Beach ~~sworn~~ ^{sworn} for himself says that I am worth the sum of

one hundred Dollars over and above all debts and liabilities and property exempt from execution, and that I am a resident and householder in said County and State *James* in *James*

Subscribed and sworn to before me, this *9th* day of *June* A. D. 18 *94*

R. E. Duckenfield Clerk,

By *James D. Beach* Deputy.

State of Oregon,
Yamhill County:-

I, W.M. Ramsey, being sworn, say:- That at the request of parties interested, I did, on the 5th day of May, 1897, post the road notice written on the other side of this ~~sixteen~~ sheet of paper on the bulletin board at the court house door at the main entrance of the court house in McMinville, Yamhill county, State of Oregon, and that said bulletin-board was and is in a public place, and that public notices are usually posted there. That I have just taken said notice down in order to file it and use it in making the proof heretofore made. That it was up from the date of its posting, as aforesaid, until a few minutes ago when I took it down, for the purpose aforesaid. *And that said notice was posted on the other side of the bulletin-board at the court house in McMinville, Yamhill county, State of Oregon, on the 5th day of May, 1897, and that one of them was so posted at the cross roads on the fence at the Thompson place on the public road, - one I posted in a public place at the beginning of said proposed change in road and one at the terminus of said proposed change and that each of said notices was posted that the traveling public could and did read them.*

Subscribed and sworn to before me this the 5th day of June, 1897, as witness my hand and seal affixed.

Frank W. Steubley
Notary Public for Oregon.

State of Oregon,
Yamhill County:-

I, J. T. ~~Beck~~ *Beck* being sworn, say:- That I am a household-
er of said county and state and reside within two hundred yards of the proposed change in road described in the notice written on the other side of this sheet of paper. That I circulated the aforesaid road petition for said change, and that all the persons whose names are subscribed to said petition and said notice were and are householders of said Yamhill county and resided and now reside within three miles of said proposed change and all of them but one reside within two miles of said proposed change ~~within~~, and that each of them signed said petition and all four of the notices in this affidavit referred to; that I posted three notices of which the one on the other side of this sheet of paper is a true copy, in three of the most public places in said county in the vicinity of said proposed change, and that each of said notices was by me posted, as aforesaid, on the 5th day of May, 1897, and that one of them was so posted ~~at~~ at the cross roads on the fence at the Thompson place on the public road, - one I posted in a public place at the beginning of said proposed change in road and one at the terminus of said proposed change and that each of said notices ~~was~~ *was* posted that the traveling public could and did read them.

J. T. Beck
Jury of Peace

Subscribed and sworn to before me this the 5th day of June, 1897.

W. M. Ramsey

The County Court of Yamhill County, State of Oregon, sitting to transact County business:-

The undersigned, householders of Yamhill

County, State of Oregon, residing in the vicinity of the proposed change and vacation of a part of a county road, as herein-after described, hereby petition said County Court, whose

Subscribed and sworn to before me this 1st day of May, 1897.

Wm Mc Carver

Public for Oregon.

County Court of Yamhill County, State of Oregon, sitting to transact County Business:--

The undersigned, householders of Yamhill County, State of Oregon, residing in the vicinity of the proposed change and vacation of a part of a county road, as herein after described, hereby petition said County Court to change a portion of that certain county road of said Yamhill county whose survey is numbered 359, petitioned for by C.W. Johnson and others, located and established by said County Court at the July term of said court, A.D. 1892, beginning at a point in the county road leading from North Yamhill to the head of Wapata Lake and terminating at a point in the center of county road leading from Wapata Station to John Rielt's farm, in said county, said proposed change in said road whose survey is No. 359 as aforesaid, is described as follows, to wit:-- Beginning at the beginning point of said county road whose survey is No. 359, as aforesaid, which beginning point is in the ~~west~~ county road leading from North Yamhill to the head of Wapata Lake, near the W.F. corner of the orchard, near the residence on the George Myers Donation Land Claim in T.2.S.R.3 W. of the Willamette meridian, from which a Poplar tree in front of said residence bears South 42 degrees and 55 minutes W., 278 links, and running thence northwesterly in a straight line, 12 chains, more or less, to the fourth angle in said county road whose survey is No. 359, as aforesaid, and terminating at said angle four, and young petitioners hereby make said road survey No. 559 now on file in said court xxxxxxxxxxxxxxxx and the plat thereof a part of this petition; and your petitioners further pray of the court an order thereof duly vacating all that part of said county road whose survey is No. 359, as aforesaid, lying between the beginning point of said road and said angle four of said road, as shown by said survey and plat, and duly establishing, in lieu thereof, a county road 60 feet wide from the beginning point of said road to said angle four thereof on the route above described, and your petitioners represent that the proposed change and vacation will shorten said road materially and straighten it from the beginning point of said change to said angle four, the terminus of the proposed change, and that said proposed change and vacation if made, will be beneficial to the public and result in a better shorter and straighter road than the public now has there. And for these reasons we pray that the court will duly make said change and vacation of road, as above described, and your petitioners, as in duty bound, will ever pray, etc.

Dated, May 1st, 1897.

Names.

Names.

- | | | | |
|---|-------------------------|----|----------------------|
| 1 | <i>Geo Doonick</i> | 12 | <i>Geo Rowles</i> |
| 2 | <i>Wm C. Johnson</i> | 13 | <i>E. D. Carter</i> |
| 3 | <i>W. J. Webb</i> | 14 | <i>Wm C. Johnson</i> |
| 4 | <i>J. A. Russell</i> | 15 | <i>J. J. Brown</i> |
| 5 | <i>O. W. Dr. Oliver</i> | 16 | <i>P. J. Johnson</i> |
| 6 | <i>E. B. B. Stent</i> | 17 | <i>P. J. Johnson</i> |

- | | | | |
|----|------------------------|----|-----------------------|
| 18 | <i>John Stuyvesant</i> | 24 | <i>W. H. Miller</i> |
| 19 | <i>D. Egger</i> | 25 | <i>L. A. D. D. D.</i> |
| 20 | <i>B. A. Johnson</i> | 26 | <i>D. D. D. D.</i> |

George Myers Donation Land Claim in T.2.S.R.3 W. of the Will-
 amette meridian, from which a poplar tree in front of said res-
 idence bears South 42 degrees and 35 minutes W., 278 links,
 and running thence Northwestery in a straight line, 12 chains,
 more or less, to the fourth angle in said county road whose
 survey is No. 559, as aforesaid, and terminating at said angle
 four, and joint petitioners hereby make said road survey No. 559
 how on file in said court ~~XXXXXXXXXXXXXXXXXXXX~~ and the plat
 thereof a part of this petition; and your petitioners further
 pray of the court an order whereof duly vacating all that
 part of said county road whose survey is No. 559, as aforesaid,
 lying between the beginning point of said road and said
 angle four of said road, as shown by said survey and plat, and
 duly establishing, in lieu thereof, a county road in front of
 town the beginning point of said road to said angle four
 thereof on the route above described, and your petitioners
 represent that the proposed change and vacation will secure
 said road materially and straighten it from the beginning
 point of said change to said angle four, the terminus of the
 proposed change, and that said proposed change and vacation
 if made, will be beneficial to the public and result in a bet-
 ter and straighter road than the public now has there.
 And for these reasons we pray that the court will duly
 make said change and vacation of road, as above described,
 and your petitioners, as in duty bound, will ever pray, etc.

Dated, May 1st, 1897.

Names.

Names.

1 Geo Deane + J. J. Rowland
 2 H. C. Johnson + J. S. Lambert

3 H. T. Woods + J. M. Colburn
 4 J. A. Russell + S. J. Brown
 5 O. A. Dr. Ainslie +
 6 E. S. B. Elliott + P. J. Mahoney +

7 John Stuyvesant + W. T. Miller +
 8 C. E. Loper + P. B. A. D. Cook +
 9 H. A. James +
 10 R. W. Cook +
 11 W. D. Loper +