

IN THE COUNTY COURT OF THE STATE OF OREGON, FOR UMATILLA COUNTY.

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IN THE MATTER OF THE PETITION)
 OF)
 FRANK FRAZIER and JAMES McKAY)
 for the laying out, locating and establishing)
 and establishing of a road from)
 the residence of the petitioner,)
 James McKay, on the Northwest)
 1/4 of Section 14 Township 2,)
 North, Range 32 E.W.M., over and)
 across the East 1/2 of the South)
 west 1/4 of Section 11 in said)
 County Township and Range, running)
 to and intersecting with the south)
 end of Thompson Street in the City)
 of Pendleton, and upon the south)
 line of the Reservation Addition)
 to the said city of Pendleton.)

O R D E R.

Now on this day this cause coming on to be heard upon the petition of Frank Frazier and James McKay for the laying out, locating and establishing of a county road and public highway, commencing at the barnyard gate upon the north side of the barnyard, just east of the dwelling house; said point being about 880 feet north from the south line of the Northwest quarter of Section 14, Township 2 North, Range 32 East of the Willamette Meridian and 450 feet west from the east line of said Northwest quarter of said section, township and range; said dwelling house being upon the lands of the petitioner, to-wit: on the Northwest quarter of Section 14, Township 2 North, Range 32 East of the Willamette Meridian, and running thence upon the line of the road as it now exists, across the said premises in a northerly direction, to a point upon the south line of the Southwest quarter of Section 11 Township 2 North, Range 32 East of the Willamette Meridian, 13 chains and 42 links west of the southeast corner of the said Southwest quarter of said section 11 Township 2 North, Range 32 East of the Willamette Meridian, thence running in a northerly direction to the east ^{of the} line fence, as it now runs in a northerly direction over and across the East half of the

Southwest quarter of said Section 11 in Township 2 North, Range 32 East of the Willamette Meridian, to a point about 250 feet south of the line of the Reservation Addition to the City) of Pendleton, and south of the end of Thompson Street, as the same runs over and across said Reservation Addition to the said town (now city, of Pendleton; thence in a northerly ^{northerly} direction so that the west line of the said proposed road shall connect with the west line of said Thompson Street, upon the south line of said Reservation Addition to the town (now city) of Pendleton, and for the appointment of viewers as provided by law, to lay out, locate and establish a public highway and road of public easement, thirty (30) feet wide across the lands hereinbefore described, in accordance with the petition; and it appearing to the court that the said petition has been duly verified by the said petitioners, as by law required, and it further appearing that the said Frank Frazier and the said James McKay are each householders within Umatilla County, State of Oregon, that the dwelling house and usual place of abode of the said James McKay is reached by no convenient public county road, provided for by law or otherwise, and that it is necessary that the public and these petitioners have ingress to and egress from the residence of the said James McKay upon the lands hereinbefore described, and that a good public highway and county road, known as Thompson Street, is one of the public streets of the City of Pendleton, which runs from the south line of the Reservation Addition to the town (now city) of Pendleton, past the public school, and into the city of Pendleton, and that a good road, without doing any unnecessary damage to the lands of the said W. J. Furnish or the said John Armstrong, can be constructed, laid out, located and established from the usual place of abode of the said James McKay, over and across the lands of the parties hereinbefore mentioned to the said Thompson Street; that the dwelling house and place of usual abode of the petitioner, James McKay, is situated 880 feet North from the south line of the Northwest quarter of the Section 14 Township 2 North, Range 32 East

of the Willamette Meridian, and 450 feet west from the east line
of the said Northwest quarter of said ^{Section,} Township and Range; that there
is no public road ^{or} private ~~road~~ way leading to or from the res-
idence of the said petitioner, nor is there any public or private
way across or upon the lands to the south, East, North or West of
the said premises, and leading to or connected with the said premises,
that the city of Pendleton is about a mile due north of the house
upon the said premises; that upon the south, east, west and north
are located private ^{lands of} individuals.

And it further appearing to the court that John Armstrong and
W. J. Furnish own the lands to the north and lying between the said
city of Pendleton and the residence upon the premises of the peti-
tioners hereinbefore named.

And it further appearing to the court that the nearest public
highway that can be reached by the petitioners without great and
unnecessary expense, is Thompson Street in the City of Pendleton,
which runs through the Reservation Addition, past the public school
in the city of Pendleton; and the Court being fully advised in the
premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the prayer of
the petitioners be, and the same is hereby granted, and W.H.
Jones and J.S. McClellan and R.F. Rema,
three disinterested freeholders of Umatilla County, State of Oregon,
be, and they are hereby appointed as viewers, and C.A.
McCumber, County Surveyor, as surveyor to view, locate and
lay out a road of public easement, and a public county road, as in
the petition prayed for as nearly as practicable, and as ^{do to} doing the
least possible damage to the lands over which the same passes.

And it is further ORDERED, ADJUDGED and DECREED that the said
viewers and surveyor shall meet at the beginning of said proposed
road, on the 25th day of March, 1902, at the hour of ten o'clock
A. M. of said day, and proceed to lay out, locate and establish a

road thirty (30) feet wide in accordance with the prayer of the petitioners, as nearly as practicable, and so as to do the least possible damage to the lands over which the said proposed road passes, and to assess the damages to the said ~~±~~ W. J. Furnish and John Armstrong, and to the lands over which the same passes, by reason of the laying out, locating and establishing of the said proposed county road as aforesaid, according to law, and report their doings and proceedings to this court at the May term thereof, 1902, and that they duly qualify before entering upon the discharge of their duties in this behalf; and that a copy of this order, together with a copy of the petition, shall be served upon each of the persons ~~XXXXXXXXXX~~ hereinafter named, to-wit: W. J. Furnish and John Armstrong, within four days after the making of this order.

Dated this 10th day of March, 1902.

G. A. Hartman

County Judge.

T. P. Hilliard

County Commissioner.

Horace Walker

County Commissioner.