



Umatilla County Road Department

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Commissioners

Bill Hansell
Emile Holeman
Dennis Doherty

Roadmaster

Hal Phillips

Assistant Roadmaster

Tom Fellows

November 4, 2004

To: Doug Olsen, County Counsel
Board of Commissioners

From: Gary Roberts, Road Department

RE: Poverty Flat Road Right-of-Way Issues

After researching the right-of-way for Poverty Flat Road prior to staking for the L.I.D., some problems were found. It appears that the portion from the freeway south to the reservation boundary doesn't legally exist.

In 1922 Road 824 was established by the County Court, though its legality was challenged by the Bureau of Indian Affairs (see attachments). It was then vacated in 1924, mainly because the road that was being traveled (near the present-day road) was more practical (see map for vacated portion). Unfortunately, nothing was ever done to acquire right-of-way for the traveled road.

In 2002 the B.L.M. did a survey in the area which I expect was done at the B.I.A.'s request. They state in their official field notes that no records for Road 1021 exist, so I'm sure that the B.I.A. is already aware of the problem. There is an application form for obtaining rights-of-way across federal lands that we've used before for portions of our roads that are on B.L.M. ground which we will probably have to fill out and then see what other hoops we'll have to jump through with the B.I.A. and C.T.U.I.R. I've attached the following for your information:

- 1) Resolution by County Court declaring intent to establish road No. 824, dated August 2, 1922;
- 2) County Court Order establishing Board of Road Viewers, dated September 6, 1922;
- 3) Road Viewers' Report recommending establishment of Road No. 824 and damage amounts to allottees, dated September 13, 1922;
- 4) Correspondence to the Commissioner of Indian Affairs from the Umatilla Agency Superintendent indicating that damages offered by the County were not sufficient and questioning the County's authority to establish roads across allotments, dated September 20, 1922;
- 5) First reading of Road Viewers' report, dated October 4, 1922;

- 6) Second reading of Road Viewers' report, dated October 9, 1922;
- 7) Final reading of Road Viewers' report, court order establishing Road No. 824 and establishing damages paid to allottees, dated October 10, 1922;
- 8) Correspondence from Assistant Commissioner of Indian Affairs to the Secretary of the Interior indicating that damages to the allottees offered by the County were not sufficient, dated October 21, 1922;
- 9) Resolution indicating the intent to vacate a portion of Road No. 824, dated July 18, 1924;
- 10) Roadmaster report recommending Road No. 824 be vacated, dated sometime between July 18, 1924, and August 6, 1924;
- 11) Hearing order for vacating a portion of Road No. 824, dated August 6, 1924;
- 12) Final order vacating a portion of Road No. 824, dated September 6, 1924;
- 13) B.L.M. field notes indicating no right-of-way records for Road 1021, dated 2002.

The portion of the road from the Reservation boundary south will need to be legalized through normal procedures at a later date.

IN THE COUNTY COURT OF THE STATE OF OREGON

FOR THE COUNTY OF UMATILLA.

In the Matter of Locating and Establishing
a County Road from the Old Oregon Trail to
the South boundary of the Umatilla Indian
Reservation on Cabbage Hill in the County
of Umatilla, State of Oregon, same being
known as the Ballinger Road.

RESOLUTION.

TO ALL PERSONS WHOM IT MAY CONCERN:-

WHEREAS, it is deemed advisable that a County Highway or road be located and established on territory leading from the (Old Oregon Trail to the south boundary of the Umatilla Indian Reservation on Cabbage Hill,) County of Umatilla, State of Oregon, said Highway or road being commonly known and designated as the (Ballinger Road) and that said Highway or road be located, established, altered, straightened, widened and changed by Resolution of the County Court of Umatilla, State of Oregon.

AND WHEREAS, this being a regular term of the Umatilla County Court and the said Court being now in regular session, sitting for the transaction of County business with all members of said Court present,

NOW, THEREFORE, BE IT RESOLVED by the County Court of the County of Umatilla, State of Oregon, sitting at the regular monthly term for the Month of August, 1922, in the County Court Room of the Court House, in Pendleton, Umatilla County, State of Oregon, for the transaction of County business, that it is, and is hereby declared to be the intention of the said County Court to locate and establish a highway or road on and over a route as follows:

BE IT RESOLVED that the proposed (Ballinger Road) shall commence, run and terminate as follows, to-wit:

(Beginning at a point 134 feet west of the Quarter Section corner between sections 8 and 17, Tp. 1 North Range 34 E.W.M. on the South boundary of the Umatilla Indian Reservation and running thence on a curve to the left, whose tangent at a point 237.3 feet due south of the quarter ~~section~~ ^{section corner} common to Sections 8 and 17, Tp. 1 North, Range 34 E.W.M., is the North and South center line through said section 17,

with a radius of 286.5 feet - 109 feet; thence North 79° 24' West 23.14 feet; thence on a curve to the right of radius of 229.2 feet for 93.84 feet; thence North 55° 56' West, 514.5 feet; thence on a curve to the right with a radius of 110.2 feet; for 178 feet; thence North 36° 58' East, 1872.59 feet; thence on a curve to the left with a radius of 286.5 feet, for 212.6 feet; thence North 5° 54' West 560 feet; thence on a curve to the right with a radius of 409.3 feet for 248 feet; thence North 27° 08' East 35.87 feet; thence on a curve to left with a radius of 173.6 feet; for 160.1 feet; thence North 28° 43' West 217.62 feet; thence on a curve to the right with a radius of 1146 feet; for 440.4 feet; thence North 1° 41' West 107.88 feet; thence ~~N~~^H 0° 41' West, 232 feet to a point in the center line of the Old Oregon Trail.

Also beginning at the Southwest corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8, Tp. 1 North, Range 34 E.W.M. and running thence North 43° 58' East, 333.2 feet; thence on a curve to the left with a radius of 1910 feet for 233.4 feet; to the center of the proposed ^{Road} from the east.

The width of said right of way on roadway to be a ~~xxx~~ strip of land thirty feetwide on each side of the above described line making a total road way sixty feet in width.

BE IT FURTHER RESOLVED that a public necessity for said Highway or Road is hereby declared to exist for the following reason, to-wit: That the existing roads (between the Old Oregon Trail and the territory to the South known as Cabbage Hill) are inadequate to accommodate the public traffic and in order to accommodate the said traffis it is necessary that a shorter route of more uniform grade be established

BE IT FURTHER RESOLVED that the above entitled matter be heard at the regular ^{September} term for the year 1922 of said County Court at the County Court Room in the Court House at Pendleton, in the County of Umatilla, State of Oregon.

BE IT FURTHER RESOLVED that true copies of this Resolution, properly certified to as such by the County Clerk, be posted by the County Roadmaster as follows, to-wit: That a copy be posted upon the Bulletin Board at the North entrance of the Court House in the

City of Pendleton, Umatilla County, State of Oregon, said Court House being the place where the County Court is held; that one copy be posted at the initial or beginning point of said proposed road; that one copy be posted at the end of the said proposed road; and that one copy be posted in the vicinity of the said proposed road at some point between the beginning and the end of the said proposed road, and that this Resolution be duly entered in the Commissioners' Journal.

Dated this 2nd day of August, 1922.

J. C. ...

A. M. Schanney
County Judge.

G. P. Dunning
County Commissioner.

R. C. ...
County Commissioner.

IN THE COUNTY COURT OF THE STATE OF OREGON FOR

UMATILLA COUNTY.

100-100-90
In the Matter of Locating and Establishing
a county road from the Old Oregon Trail to
the South boundary of the Umatilla Indian
Reservation of Cabbage Hill in the county
of Umatilla, State of Oregon, same being
known as the Bellinger Road. } ROAD # 824.

Now on this day this matter coming on to be heard upon the
Resolution heretofore adopted by this court at the August, 1922
term thereof, showing its intention to establish a highway as
follows:

Beginning at a point 134 feet west of the Quarter Section corner
between Sections 8 and 17, Township 1 North, Range 34 E.W.M., on the
South boundary of the Umatilla Indian Reservation and running thence
on a curve to the left, whose tangent at a point 237.3 feet due
south of the quarter section corner common to Sections 8 and 17, Tp.
1 North, Range 34 E.W.M., is the North and South center line through
said section 17 with a radius of 286.5 feet - 109 feet; thence North
79° 24' west 23.14 feet; thence on a curve to the right with a radius
of 229.2 feet for 93.84 feet; thence North 55° 56' west, 514.5 feet;
thence on a curve to the right with a radius of 110.2 feet; for 178
feet; thence North 36° 58' East, 1872.59 feet; thence on a curve to
the left with a radius of 286.5 feet, for 212.6 feet; thence North
5° 54' West 560 feet; thence on a curve to the right with a radius of
409.3 feet for 248 feet; thence North 27° 08' East 35.87 feet;
thence on a curve to left with a radius of 173.6 feet; for 160.1
feet; thence North 28° 43' West 217.62 feet; thence on a curve to
the right with a radius of 1146 feet; for 440.4 feet; thence North
1° 41' West 107.88 feet; thence North 41' West 232 feet to a point in
the center line of the Old Oregon Trail.

Also beginning at the Southwest corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8,
Tp. 1 North, Range 34 E.W.M., and running thence North 43° 58' East
333.2 feet; thence on a curve to the left with a radius of 1910
feet for 233.4 feet; to the center of the proposed road from the
east.

The width of said right of way or roadway to be a strip of land
thirty feet wide on each side of the above described line making a
total road way sixty feet in width.

And that the Court finds that due notice as the hearing has
been given by the posting of a certified copy of said Resolution
in three public places in the vicinity of said proposed road and
also by posting of a certified copy on the bulletin board at the
North door of the County Court House in Pendleton, Oregon, the
place of holding the County Court; that each and all of said no-
tices were securely posted for at least thirty days prior to this
hearing and their being no remonstrances or objections on file,

IT IS HEREBY ORDERED that A. E. Perry, ~~as~~ Surveyor and Kenneth McRae and ^{Perry}~~Henry~~ Hendrickson, be and they are hereby ordered as a board of county road viewers to view and report upon said proposed road, and that said Perry, McRae and Hendrickson be and they are hereby ordered and instructed to meet in Pendleton, Oregon, on the 11th day of September, 1922, or if unable to meet on that day, then within the next 10 days thereafter and proceed to view, survey if necessary, and report upon said proposed road and estimate the cost of opening the same and estimate the amount of damages which will accrue to the property owners by reason of establishing said proposed road and ~~may~~ make due return of their doings to the Court at its next regular term.

Dated this 6th day of September, 1922.

J. M. Schanup
County Judge.

G. L. Dunning
County Commissioner.

R. E. Tope
County Commissioner.

REPORT OF BOARD OF COUNTY ROAD VIEWERS.

In the Matter of Locating and Establishing
a county road from the Old Oregon Trail to
the South boundary of the Umatilla Indian
Reservation of Cabbage Hill in the County of
Umatilla, State of Oregon, same being known
as the Bellinger Road. } ROAD #824.

TO THE HONORABLE COUNTY COURT OF THE STATE OF OREGON FOR UMATILLA
COUNTY:-

We, the undersigned Board of County Road Viewers heretofore
instructed to view said road submit the following report:

Pursuant to our order, we met at Pendleton, Oregon, on the
13th day of September, 1922, the viewers having qualified, we pro-
ceeded to view said road. It is our opinion that this road will
be a benefit to the public and therefore most respectfully recom-
mend that it be opened as a public highway of Umatilla County,
State of Oregon.

We estimate the opening of said road at \$300.00.

We find that the following described pieces of land across
or through which this road will be located or established will be
made less valuable in the sums given after each description.

Racheal Van Pelt, #529, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, Township 1 North,
Range 34 E.W.M. \$5.00.

James Crayne, #566, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 8, Tp. 1 N. R. 34 E.W.M.,
land \$25.00 and fence \$50.00.

Pendultua - Men, #561 being the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, Tp. 1 N.R.
34 E.W.M., \$25.00 land and \$50.00 fence.

Moses Lloyd, #525, being the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, Tp. 4 N.R. 34,
E.W.M., \$5.00 for land and \$10.00 for fence.

Peter Lloyd, #524, being the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, Tp. 1 N.R. 34,
E.W.M., \$175. land and \$100.00 for fence.

Dated this 13th day of September, 1922.

Hubert E. Perry
Kenneth M. P. Cal.

Rasmus Henniksen
Board of County Road Viewers of Uma-
tilla County, Oregon.

Land-Contracts
64850-1922
J K B

file W40

Umatilla Indian Agency,

Pendleton, Oregon, September 20, 1922.

The Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:-

I have the honor to acknowledge receipt of copy of your letter of August 12, 1922, addressed to Hon. N. J. Sinnott, of the House of Representatives, with the enclosures, viz: Letter addressed to you by Allen Patawa; a letter addressed to Mr. Patawa by Allan Bynon, Assistant United States Attorney for the District of Oregon.

This correspondence relates to proposed road across Indian lands on the Umatilla reservation. I enclose a blue print map marked "A," showing a proposed road from the Old Oregon Trail Highway to the reservation line.

This map was prepared by Umatilla County, but this road has been abandoned, as it is not satisfactory to the County. Another blue print map enclosed, marked "B" is the road which Umatilla County desires. It involves trust allotments #509 - Rachel E. VanPelt; #566 - James Crane; #561 - Penotulteamon; #525 - Moses Lloyd and #524 Peter Lloyd.

The Lloyd boys are brothers and are minors - their father being Mitchell Lloyd. Rachel E. VanPelt is a minor - her father being dead and her mother, Jennie VanPelt. James Crane and Mrs. Allen Patawa are adults.

The matter of this road has been agitated for several years, and is a connection from a district south of the reservation called Cabbage Hill to the Old Oregon Trail Highway across the Umatilla Reservation. Its approximate distance is one mile, and the land involved is all trust allotted property.

There has been a road across these lands for many years, following to some extent the road marked on map "A".

Several weeks ago I appeared before the Umatilla County Court at Pendleton with Allen Patawa, husband of Mrs. Allen Patawa, Mitchell Lloyd, father of the two Lloyd boys, and James Crane.

We went there, at the request of the County Court, in an effort to adjudicate the damages which the public road across these lands 60 feet wide would cost. Patawa asked \$262.50 for a right of way across the allotment of his wife. Mitchell Lloyd asked \$375.00 for a right of way across the allotments of his two children. James Crane asked \$131.25 for right of way across his allotment. The County Court considered these sums excessive. They offered Allen Patawa \$87.50; Mitchell Lloyd \$125.00 and James Crane \$26.25. These amounts the Indians rejected, and they left without any further action.

Umatilla County Court is now seeking to obtain a right of way across these lands by resolution of the County Court - see section 4556 of Statutes of the State of Oregon - copy enclosed. And the Road - through its Roadmaster, has posted notices on the lands affected, of the resolution of the County Court.

The copy of Statutes enclosed shows the method of procedure which the court evidently intends to follow in procuring the right of way.

A few days ago I called on the County Court and advised them that it was my opinion that the laws as referred to were not applicable in obtaining right of way for roads across Indian trust lands. As stated heretofore, these lands are held in trust by the United States Government and the State law, in my opinion, cannot be invoked for the purpose of obtaining this right of way. I cited the County Court to the last paragraph of Section

3 of the Act of Congress March 3, 1901, 31 Statutes
1058-1084, reading as follows:

"That land allotted in severalty
to Indians may be condemned for any
public purpose under the laws of the
State or Territory where located in
the same manner as land owned in fee
may be condemned, and the money awarded
as damages shall be paid to the allottee."

In my opinion the above federal law is applicable.
The present road across these lands is not satisfactory -
it is hilly and cannot be made a standard State road
without excessive expense.

I believe the County should have right of way
across these lands, but feel the county did not offer
the Indians that such a right of way is worth. On the
other hand, I think the Indians asked more than they
should have.

It is my opinion that your office should refer
this matter to the attorney general, and request that
United States Attorney for the District of Oregon be in-
structed to appear for the Indians affected by this road,
in order that their rights may be properly protected.

When anything further develops in this matter
that is of importance, I will immediately write you.

Yours respectfully,

Superintendent.

Enc.
ELS-LMR

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

In the Matter of County Road }
No. 824 known as the Bel- } ROAD NO 824.
lenger road. }

Now on this day this matter coming on to be heard upon the Report of the Board of County Road Viewers, heretofore ordered and instructed at the September, term of this Court to view, and report upon said proposed road, and the Court having public read said report the first time, it is ordered that further consideration and reading of said report be and is hereby continued until October 9th, 1922.

Dated this 4th day of October, 1922.

A. M. Schaeffer
County Judge

G. L. Manning
County Com.

R. E. Tolson
County Com.

*Board of
Road Viewers
10-4-22*

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

In the Matter of County Road)
No 824 known at the Cliff) ROAD NO 824.
Bellinger road)

Now on this day this matter coming on for further consideration, and the Court having on this day public read said report of Viewers for the second time, it is hereby ORDERED, that further and final hearing and consideration of this matter be and is hereby continued until October 10th, 1922, that being the day following the day of the second reading of said report.

Dated this 9th day of October, 1922.

A. M. Schanup
County Judge

G. R. Downing
County Com.

R. E. To...
County Com.

*Bank P
5-21-22*

IN THE COUNTY COURT OF THE STATE OF OREGON,

FOR UMATILLA COUNTY.

In the Matter of Locating and Establishing
a County Road from the Old Oregon Trail to
the South boundary of Umatilla Indian Res-
ervation of Cabbage Hill in the County of
Umatilla, State of Oregon, same being
known as the Bellinger Road.

ROAD NO. 824.

Now on this day this matter coming on to be heard upon

the report of the Board of County Road Viewers, heretofore appointed
and instructed to view and report upon said proposed road No 824,

Beginning at a point 134 feet west of the quarter Section corner be-
tween Sections 8 and 17, Township 1. North Range 34 E.W.M, on the
South boundary of the Umatilla Indian Reservation and running thence
on a curve to the left, whose tangent at a point 237.3 feet due South

of the Quarter Section corner common to Section 8 and 17, Tp 1 North
Range 34 E.W.M, is the North and South center line through said
section 17 with a radius of 286.5 feet-- 109 feet; thence North 89° 24'
west 23.14 feet; thence on a curve to the right on a radius of
229.2 feet for 93.84 feet; thence North 55° 56' west, 514.5 feet;
thence on a curve to the right with a radius of 110.2 feet, for 178
feet; thence North 36° 58' East 1872.59 feet; thence on a curve to the
left with a radius of 286.5 feet, for 212.6 feet; thence North 5° 54'
west 560 feet; thence on a curve to the right with a radius of 409.3
feet for 248 feet; thence North 27° 08' East 35.87 feet; thence on
a curve to the left with a radius of 173.7 feet; for 160.1 feet;
thence North 28° 43' West 217.62 feet; thence on a curve to the right
with a radius of 1146 feet; for 440.4 feet; thence North 1° 41' West
107.88 feet; thence No° 41' West 232 feet to a point in the center
line of the Old regon Trail.

Also beginning at the Southwest corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 8,
Tp 1 North Range 34 E.W.M., and running thence North 43° 58' East
333.2 feet; thence on a curve to the left with a radius of 1910 feet
for 233.4 feet; to the center of the proposed road from the east,
and to be 60 feet wide, (30 feet on each side of above described line)
as a county road for final hearing, the same having been publicly

read on two different days of the same term of court, to-wit: having
been public read the first time on October 4th, 1922, and public read
the second time of October 9th, 1922, and the said Board of County
Road viewers having reported favorably and recomended that said pro-
posed road be established and declared as a County road of Umatilla
County, and there being no objection on file against said proposed
road or said report, and the Court being now fully advised and having
fully considered the matter, it is,

HEREBY ORDERED, that said report of the Board of County Road
viewers, be adopted in full, and that said road be opened and de-
clared a public highway of Umatilla County, and that warrants be drawn

to pay the damages accruing to the property owners, by reason of the establishing of said road, in accordance with said report, as follows:

Rachael Van Pelt, #529, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 8, Tp 1 N.R. 34, E.W.M, \$5.00
James Crayne, #566, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 8, Tp 1 N.R. 34, E.W.M, land \$25.00, fence \$50.00.
Pendultua- Men, #561 being the NW $\frac{1}{4}$ SE $\frac{1}{4}$. Sec 8 Tp 1 N.R. 34 E.W.M, land \$25.00, and fence \$50.00.
Moses Lloyd, #525, being the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 8 Tp 1 N R 34 E.W.M, land \$5.00, and for fence \$10.00.
Peter Lloyd, #524, being the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 8 Tp 1 N. R 34 E.W.M, \$175.00 for land and \$100.00 for fence.

Dated this 10th day of October, 1922.

J. M. Schanney
County Judge

E. L. Dunning
County Com,

R. C. Beard
County Com.

Inclosure 25619.

W40

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OCT 21 1922

The Honorable
The Secretary of the Interior.

Sir:

There are inclosed herewith two copies of letter dated September 20, 1922, with inclosures received from the Superintendent of the Umatilla Indian School, Pendleton, Oregon, relative to the proceedings had before the Umatilla County (Oregon) court, concerning the opening of a public highway across certain Umatilla Indian allotments as follows:

		T. 1 N., R. 34 E.
509	Rachel E. Van Pelt	NW ¹ - NE ¹ Sec. 8
506	James Crane	SW ¹ - NE ¹ "
561	Penotulteazen	NW ¹ - SE ¹ "
525	Moses Lloyd	NE ¹ - SW ¹ "
524	Peter Lloyd	SE ¹ - SW ¹ "

Said allotments were made under the act of March 2, 1917 (39 Stat. L., 969-998), and trust patents were issued therefor under the act of February 8, 1887 (24 Stat. L., 388) as amended, providing for a twenty-five year trust period which has not yet expired.

The record shows that the county court was unwilling to allow the allottees the amount of damages which they demand, and the Superintendent says that although he considers the amounts asked for by the allottees are excessive the damages offered by the county court are not sufficient compensation for the desired right of way.

He says that the county court is now reported to be taking steps under the Oregon State laws of eminent domain to acquire the right of way in question and recommends that the matter be referred to the Department of Justice for appropriate action.

In this connection the act of March 3, 1901
(31 Stat. L., 1058) contains the following provisions:

Sec. 3.

* * * * *

That lands allotted in severalty to Indians may be condemned for any public purpose under the laws of the State or Territory where located in the same manner as land owned in fee may be condemned, and the money awarded as damages shall be paid to the allottee.

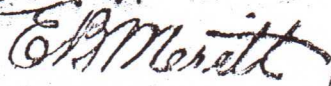
Sec. 4. That the Secretary of the Interior is hereby authorized to grant permission, upon compliance with such requirements as he may deem necessary, to the proper State or local authorities for the opening and establishment of public highways, in accordance with the laws of the State or Territory in which the lands are situated, through any Indian reservation or through any lands which have been allotted in severalty to any individual Indians under any laws or treaties but which have not been conveyed to the allottees with full power of alienation.

* * * * *

The Office is of opinion that the first section of law above quoted is not applicable to the present case, and that the only way the Umatilla County court can proceed is to comply with said Section 4 of the act of March 3, 1901, and the regulations thereunder.

It is recommended that the Department of Justice be requested to instruct the United States Attorney to enter his appearance in the case for the purpose of contesting the jurisdiction of the court and taking such other action as may be warranted by the laws and the facts.

Respectfully,



Assistant Commissioner.

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

In the matter of vacating a portion of County Road No. 824 in Section 8, Township 1 North Range 34, E .W.M. in Umatilla County, Oregon)
RESOLUTION

BE IT RESOLVED by the county court of the State of Oregon for Umatilla County, sitting for the transaction of County business, that proceedings to vacate that portion of the County Road known as County Road No. 824 described as follows:

Beginning at a point 134 feet west of the quarter section corner common to section 8 and 17, Tp. 1, North Range 34 E.W.M. on the South boundary of the Umatilla Indian Reservation and running thence on a curve to the left whose tangent at a point 237.3 feet due south of the quarter section corner common to said Sections 8 and 17, is the North and South center line through said section 17, with a radius of 286.5 feet -109 feet, thence North 79° 24' West 23.14 feet, thence on a curve to the right of radius 229.2 feet for 93.84 feet, thence North 55° 56' West 514.5 feet, thence on a curve to the right with a radius of 110.2 feet for 178 feet, thence North 36° 58' East 1304 feet to a point on the center section line of said section 8, approximately 1565 feet North of the South one quarter corner thereof.

Also beginning at the Southwest corner of SE 1/4 SW 1/4 Section 8, Tp. 1 N.R. 34 E.W.M. and running North 43° 58' East 333.2 feet, thence on a curve to the left with a radius of 1910 feet for 233.4 feet to the center of the road proposed to vacate, said County Road No. 824 being 60 feet wide, 30 feet wide on each side of the above described center line, in Umatilla County, Oregon, shall be undertaken; that said

road is useless and dangerous to maintain and that the people and public will be benefitted by the vacation of that part of said road above described.

IT IS ORDERED that the Clerk of this court in its behalf shall notify the County Roadmaster of Umatilla County, Oregon, of the proceedings instituted by the foregoing resolution and said County Roadmaster is directed to examine the road mentioned in said resolution and make a report in writing on the same and on the matter mentioned in the resolution.

Dated and done in open court this ~~6th day of December, 1923.~~ ^{18th day of July 1924} ~~6th day of Aug 1924~~

E.M. Schanck
County Judge

R.C. Dean
County Commissioner

J. O. Hades
County Commissioner

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

In the Matter of Vacating a portion of)
County Road No. 824 in Section 8, T. 1) REPORT OF COUNTY ROADMASTER.
N. R. 34 E. W.M. in Umatilla County,)
Oregon.)

To the Honorable County Court of the State of Oregon for
Umatilla County:

July 18 1924
~~December 6, 1923~~
Pursuant to your order of ~~December 6, 1923~~, a copy of which
is hereto attached, I have made examination of that part of County Road
No. 824 describe in said order, which it is proposed to vacate and
report as follows;

That portion of County Road No. 824 described in said order
should be vacated.

It is not being used now and has not yet been opened to travel.
The location of this section of road is not as practical as that of the
road now being traveled which follows the north and south center line
of said Section 8. in that the grades are steeper and the length greater.

It is not advisable to preserve this road for the general
road system in the future.

The people and the public will be benefitted by the vacation
of that portion of County Road No. 824 described in said order.

L. J. Shannon
County Roadmaster.

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

In the matter of vacating a portion
of County Road No. 824 in Section 8,
township 1 North Range 34 E.W.M.
in Umatilla County, Oregon.

O R D E R

Now on this day this matter coming on for hearing upon
the report of the County Roadmaster filed in this court on the 6th
day of ~~December 1923~~ ^{August 1924} upon the proposed vacating of said road,

Beginning at a point 134 feet west of the quarter section
corner common to Sections 8 and 17, Tp. 1 N.R. 34 E.W.M. on the South
Boundary of the Umatilla Indian Reservation and running thence on a
curve to the left whose tangent at a point 237.3 feet due south of
the quarter section corner common to said Sections 8 and 17, is the
North and South center line through said Section 17, with a radius
of 286.5 feet - 109 feet, thence North 79° 24' West 23.14 feet, thence
on a curve to the right of radius 229.2 feet for 93.84 feet, thence
North 55° 56' West 514.5 feet, thence on a curve to the right with
a radius of 110.2 feet for 178 feet, thence North 36° 58' East 1304
feet to a point on the center section line of said Section 8, approx-
imately 1565 feet North of the South one quarter corner thereof.

Also beginning at the Southwest corner of SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8
Tp. 1 N.R. 34 E.W.M. and running North 43° 58' East 333.2 feet, thence
on a curve to the left within a radius of 1910 feet for 233.4 feet to
the center of the road proposed to vacate, said County Road No. 824
being 60 feet wide, 30 feet wide on each side of the above described
center line.

and the examination and report having been made and said report being
before the court and the same declaring in substance that said road
should be vacated and that it is not advisable to preserve the same for
any future public road and is useless and burdensome to maintain and
that the public will be benefitted by its vacation and it appearing
now that it would be the duty of the court to set a time and place
for hearing on said report of the County Roadmaster and to cause notices
of said hearing to be given by advertisement posted at the place of
holding the county court, namely at the County Court house in Pendleton,
Oregon, and at three public places in the vicinity of the said road so
sought to be vacated for at least thirty days before the date of hearing
on the report of the county roadmaster aforesaid.

IT IS HEREBY ORDERED that hearing shall be had on said report
of the County Roadmaster at the County Court room at the County Court
house at Pendleton, Oregon at 10 o'clock in the *forenoon* on
the ~~10th~~ ^{6th} day of ~~January~~ ^{September}, 1924, and

IT IS FURTHER ORDERED that the County Clerk of Umatilla County,

Oregon prepare and L.J. Shannon, County Roadmaster is hereby ordered to post notices of said hearing at the place of holding this court to-wit on the bulletin board at the west door of the County Court house at Pendleton, Oregon, and also in three public places in the vicinity of said poad or portion of said road, so south to be vacated for at least thirty days prior to said ^{September} ~~6th~~ day of ~~January~~ 1924, and that due proof of said advertisement shall be made to this court as by statute provided.

Dated this ~~7~~ day of ~~December~~, 1923.

6 day Aug 1924

L.J. Shannon
County Judge

R. C. Brown
County Commissioner

County Commissioner

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

In the matter of vacating a portion
of County Road No. 824 in Section 8
Township 1 N.R. 34 E.W.M. in Umatilla
County, Oregon } FINAL ORDER

Now on this day this matter coming on to be heard,
this being the time and term for final decision of the court upon said
matter, and

It appearing that due and lawful advertisement of the
final hearings have been given by the posting of three certified
copies of the resolution of this court declaring its intention to
vacate such road, in three public places and in the vicinity of said
road which is proposed to be vacated and also by the posting of a
certified copy of such resolution on the bulletin board at the west
door of the County Court House in Pendleton, Oregon, being the place
of holding the County Court, and all for at least thirty days prior
to the date of hearing, and

It appearing that due proof of the posting of said
resolutions is on file herein, and that such affidavit is before the
court, and it appearing that no objections has been made or filed to
such proposed vacation and that said road so proposed to be vacated is
not useful as part of the general road system of Umatilla County and
that such road will not be in the future useful as part of the general
road system and it not of sufficient public benefit to warrant the
same being maintained by the county.

IT IS THEREFORE CONSIDERED ORDERED AND ADJUDGED that
such portion of said County Road 824 is useless and dangerous to
maintain and is of no value to individuals or to the general public and
is useless as part of the road system of Umatilla County, and that the
public will be benefitted by its vacation and the same is hereby vacated.

Dated this 6 day of September, 1924.

J. M. Schaeffer
County Judge

R. E. Perry
County Commissioner

J. O. Hales
County Commissioner

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Subdivision of Section 9,
T. 1 N., R. 34 E., Willamette Meridian, Oregon

FEET	
	<p>From this same point, Oregon State Highway right-of-way monument 924+35.47, on the southerly right-of-way of Interstate Highway No. 84, bears S. 15° 23' 43" W., 149.17 ft. dist., monumented with an iron rod, 5/8 in. diam., firmly set flush with the ground, with right-of-way paddle laying on the ground alongside mkd. "EB 924+35.47 PSC 260 FT RT R/W".</p> <p>Ascend over SE. slope.</p>
1330.90	<p>The N 1/16 sec. cor. of secs. 8 and 9.</p> <hr/> <p style="text-align: center;">Metes-and-Bounds Survey in Section 8, T. 1 N., R. 34 E., Willamette Meridian, Oregon</p> <hr/> <p style="text-align: center;">NOTE</p> <p>The right-of-way for East Poverty Flats Road (County Road No. 1022) was surveyed using existing monuments established by the Oregon Department of Transportation, as shown on plat map 1A-21-9, dated June 1968 with revisions in March 1975, a copy of the record is held at the Oregon Department of Transportation office in Pendleton, Oregon. The record delta angle and record radius are used in these field notes, resulting in small angle points at the PC's and PT's of the curves.</p> <p>No record pertaining to Poverty Flats Road (County Road No. 1021) could be found, therefore that portion of Poverty Flats Road, which pertains to this survey, was determined from an as-built survey of the existing center line of the road.</p> <hr/> <p>From the true point for Angle Point No. 1, at intersection with the center line of Poverty Flats Road (County Road No. 1021) and the E. and W. center line of the SE¼ of sec. 8, hereinbefore described.</p> <p>From this point, the witness cor. to Angle Point No. 1 bears N. 89° 58' 01" E., 30.00 ft. dist., hereinbefore described.</p> <p>N. 8° 22' 00" W., on line 1-2, along the center line of Poverty Flats Road (County Road No. 1021).</p> <p>Over level ground.</p>
55.21	<p>True point for Angle Point No. 2, at point of curve in the center line of Poverty Flats Road (County Road No. 1021), not monumented.</p>