

In the matter of the Petition  
of Anti Hannula for a Road  
of Public Easement.

Now on this day this cause coming on to be heard upon the report of the viewers appointed herein, and it appearing to the Court that the said report was filed in this Court within the time prescribed by law, and that the hearing thereon and the hearing upon the other matters hereinafter set forth, was postponed until this time, by the consent of all the parties hereto, by their attorneys and the said cause now coming on regularly for hearing, upon the said report, as well as upon the demurrer of Harriet Hansen, Andy Tansen and Lars Hansen, filed herein by their attorneys Stillman & Pierce, to the petition of anti Hannula herein, and upon the exception to the viewers appointed herein, filed by said last named parties, and upon the motion to vacate the order of this Court appointing viewers to view, locate and lay out a public road as in said petition prayed for, filed herein by said last mentioned parties, and it appearing to this Court that said demurrer has been in no way sustained, and that said exceptions to the appointment of viewers, have not been well taken, and that the said viewers were and are disinterested freeholders and residents of the County of Yamhill and State of Oregon, and fully qualified by law to act as such viewers, said demurrer is therefore overruled and said exceptions are therefore overruled, and that the grounds for the motion to vacate the order of this Court, are insufficient and not well taken, and therefore the said motion is overruled and denied.

And it also appearing to the Court from the affidavit filed by said petitioner, Anti Hannula on December 30, 1899, that no portion of said public road, as viewed, laid out and located by said viewers in their report filed herein, is located or laid out upon or over any of the lands owned or supposed to be owned by Lars Hansen and Andy Tansen, and said petitioner having filed a motion herein, based upon said affidavit, to dismiss all proceedings herein as to said Andy Tansen and Lars Hansen, and as to the lands mentioned in said petition as owned by said Lars Hansen and supposed to be owned by said Andy Tansen, it is, therefore, ordered, adjudged and decreed that said motion be and is hereby granted, and all proceedings herein as to the said Lars Hansen and as to the lands mentioned in said petition as owned by the said Lars Hansen, to-wit: the Northwest quarter of said section 15 in Township 4 north of Range 31 East of the Willamette

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meridian, and as to the said Andy Tansen, and as to the lands supposed to have been owned by said Andy Tansen, to-wit: the northeast quarter of said Section 15 in Township 4 north of Range 31 East of the Willamette Meridian, he and are hereby disallowed.

And it further appearing to the Court by this affidavit, filed herein, that said petitioner is the owner of all the lands in the northeast quarter of said Section 15 in Township 4 north of Range 31 East of the Willamette Meridian, upon which said road is viewed, located and laid out, and that he, the said petitioner, makes no claim for the damages assessed, to-wit: \$35.<sup>00</sup>, and therefore it is ordered, adjudged and decreed that said damages of \$35.<sup>00</sup> be and are hereby disallowed and cancelled.

And it further appearing to this Court that the exceptions to the views appointed herein, are not well taken, and that the said viewers were and are residents and disinterested freeholders within the County of Multnomah and State of Oregon, and the Court being fully advised in the premises

It is now therefore, hereby ordered, adjudged and decreed, that said demurrer be overruled, and that said exceptions be overruled, and that said motion to vacate order, be overruled and denied.

And it further appearing that each of the parties heretofore named, to-wit: Tans Hansen, Andy Tansen and Hamet Hansen, who were the parties mentioned in said petition and order herein, over whose lands the said proposed road of public easement passed or was, was thought to pass, were duly and regularly served with a copy of the order appointing viewers herein, together with a copy of the petition on file herein, both duly certified to by the clerk of this Court, within four days after the making of said order, and that the said viewers met at the time and place specified in said order, to-wit: at the hour of ten o'clock A.M. of said 27<sup>th</sup> day of November, 1899, and that the time between the filing of the petition and making of the order, and the service thereof, and the time that the said viewers met as aforesaid, was the time required by law; and it further appearing that each and all of the said viewers were duly and regularly qualified, and took the oath as required by law, prior to entering upon the discharge of their duties as such viewers, and that an undertaking was given herein as required by law, by the petitioner, for the payment of such damages as the parties over whose lands the said road passes, should sustain by reason of the locating, laying out and establishing thereof, and for the payment of the costs

and expenses of the laying out, and locating of said road; and it further appearing from the said report of the said viewers, that in accordance with the prayer of the petition, and the directions and orders of the County Court, they proceeded to and did, on the 27<sup>th</sup> day of November, 1899, view, lay out and locate a public road, to-wit a road of public easement, 30 feet wide, commencing at the Northeast corner of the Southwest quarter of Section 15 in Township 4 North of Range 31 East of the Willamette Meridian, (the said Southwest quarter of Section 15 being the residence of said petitioner, Anti Hannula) in Umatilla County, Oregon; thence running east 9.95 chains thence running north 27° 30' east, 9.60 chains, making the total length of said road 19.55 chains, to the public highway known as the "Stage Road" running Northwest and Southeast through the Northeast quarter of Section 15, Township 4 North of Range 31 East of the Willamette Meridian, intersecting said public highway, in accordance with the plat and map attached to the said report of said viewers, filed herein; and that said road was laid out upon the most practicable route from the point of beginning (the Northeast corner of the said land upon which said petitioner Anti Hannula resides) to the termination, and upon the route designated in said order appointing them as viewers, as nearly as practicable, and in accordance with the prayer of the petition, and they have laid out said road so as to do the least possible damage to the lands over which it passes, and that J. W. Kimbrell, the County Surveyor of Umatilla County, State of Oregon, who was appointed to assist them upon said survey, met with them at the time and place mentioned in said order, and assisted them in making the survey of the <sup>said</sup> road of public easement, and the same was done under their directions, and he made the plat attached to said report and made a part thereof; and it further appearing that said surveyor, J. W. Kimbrell was duly and regularly qualified, and took the oath prescribed by law prior to entering upon the discharge of his duties required herein as surveyor; that they took into consideration, in assessing the damages, the value of the land taken by said road, and all other damage and inconvenience resulting from said road over and across the lands of the parties hereinbefore mentioned, and how much less valuable each of said places would be rendered by reason of said road; and they found that the lands of Harriet Hansen, over which they viewed, laid out and located said road would be rendered less valuable in the sum of \$500 and no more, by reason of the laying out and locating and establishing of the said road of public easement as above

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described, and accordingly assessed her damages at \$5<sup>00</sup> and no more, and that the sum of \$35<sup>00</sup> is all the damages that would be sustained by the said Andy Larsen, by reason of the laying out, locating and establishing of said road of public easement as above described, across said premises supposed to have been owned by him, but which as the Court is informed by said affidavit of petitioner, was never owned by him; and that the said \$35<sup>00</sup> is the only damage that he would have sustained by reason of the laying out, locating and establishing of said public road that he owned same; but since the said order was entered herein for the viewing, laying out and locating of said road, it is found that the part of the Northeast quarter of said Section 15 in Township 4 North of Range 31 East of the Willamette Meridian, upon which said road of public easement is viewed, laid out and located has been bought and is now owned by said petitioner, Antti Hannula, in fee simple, and that no damages are asked by him, and that said road of public easement does not pass over any of the lands supposed to have been owned, or owned by said Andy Larsen; therefore it is ordered, adjudged and decreed that the damages so assessed to-wit \$35<sup>00</sup>, in favor of Andy Larsen, are hereby disallowed, denied and cancelled, it appearing that he has no right thereto, not having any interest in the lands over which said road was viewed, located and laid out.

And it further appearing to the Court that said petition and order and all the proceedings herein are in due and regular form, and that said road has been duly and regularly located and laid out in accordance with law, and that the said Southwest quarter of Section 15 in Township 4 North of Range 31 East of the Willamette is the residence of said Antti Hannula, the petitioner herein, the Northeast corner of which said land being one of the termini of said road of public easement, and it further appearing that J. B. Medill, Road Master for Umatilla County, Oregon, has viewed, approved and recommended the establishment of said road, and the Court being fully advised in the premises,

It is hereby ordered, adjudged and decreed that the report of the said viewers be and the same is hereby approved and confirmed in all respects, and that the said road of public easement, as viewed, located, and laid out by said viewers, in accordance with their report filed herein, be, and the same is hereby decreed to be a road of public easement, and a public county road, in accordance with the petition

herein and in accordance with the law; and the same is hereby established and ordered opened in accordance with the report of said viewers; it being shown to the satisfaction of this Court that the payment of all the costs and damages in said report set forth and as allowed by this Court, with the exception of said amount of \$35.00 assessed in favor of Andy Soren which was disallowed by this Court, (it having been shown that he is not entitled to the same for reasons set forth in this order, and in the affidavit of said petitioner, Anti Staunela, filed herein on December 30, 1899) and all the costs and expenses of this proceeding have been duly paid.

No further business appearing and the Journal having been read approved and signed, whereupon Court adjourned until the next Regular term, on March, 5<sup>th</sup>, 1900, at the hour of 9 o'clock A. M.

J. P. Bessie County Judge  
 W. L. Traylor " " Clerk  
 T. P. Gilliland " " Clerk