

Chapter 369

1973 REPLACEMENT PART

Ways of Public Easement; County Line Roads

GENERAL PROVISIONS	
369.010	"County court" defined
369.020	Designation of county market roads as ways of public easement
369.210	Plans for bridge and culvert work furnished by and cost statement filed with Department of Transportation
COUNTY LINE ROADS	
369.410	Establishment, maintenance, alteration or vacation of county line roads
369.420	Petition for county line roads; signatures and contents
369.430	Dedication of county line road
369.440	Surveying and platting county line roads
369.450	Petitions in respective counties; notice; bond; procedure applicable
369.460	Joint board of viewers; duties; proceedings in each county
369.470	Allotting sections of county line road
369.480	Construction and maintenance of boundary line roads

CROSS REFERENCES

Liability for property damage from grade changes, 105.755	369.260
369.110	Cost account for county road work, by county clerk, 205.250
County engineer, employment, 368.055	369.410
County roads, Ch. 368	County roads, Ch. 368
Market roads as secondary state highways, selection by Department of Transportation, 366.290	Vacation of roads, 271.010 to 271.230

GENERAL PROVISIONS

369.010 "County court" defined. As used in this chapter, unless the context requires otherwise, "county court" includes board of county commissioners.

369.020 Designation of county market roads as ways of public easement. On or before January 1, 1974, county courts of the respective counties or city councils of the respective cities may take action to designate former "county market roads" as ways of public easement. If no designation is made, such roads shall become a part of the respective county or city road systems as of that date.

[1973 c.240 §2 (enacted in lieu of 369.110, 369.120, 369.130, 369.140, 369.150, 369.160, 369.170, 369.180, 369.190, 369.200, 369.220, 369.230, 369.240, 369.250, 369.260, 369.270, 369.280 and 369.290)]

369.110 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.110)]

369.120 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.120)]

369.130 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.130)]

369.140 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.140)]

369.150 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.150)]

369.160 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.160)]

369.170 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.170)]

369.180 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.180)]

369.190 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.190)]

369.200 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.200)]

369.210 Plans for bridge and culvert work furnished by and cost statement filed with Department of Transportation. Plans and specifications for all bridges and culverts shall be furnished without cost to the counties by the Department of Transportation, and all work shall be done in accordance therewith. When the work is completed and approved by the county court, a statement of the entire cost shall be filed at once with the department by the county clerk.

369.220 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.220)]

369.230 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.230)]

369.240 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.240)]

369.250 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.250)]

369.260 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.260)]

369.270 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.270)]

369.280 [Repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.280)]

369.290 [Amended by 1965 c.512 §1; repealed by 1973 c.240 §1 (369.020 enacted in lieu of 369.290)]

COUNTY LINE ROADS

369.410 Establishment, maintenance, alteration or vacation of county line roads. County roads may be established and maintained on county lines. They may be altered or vacated by concurrent action of the county courts of the counties interested. No such road shall be laid out, established, altered or vacated unless concurred in by the county court of each county adjacent to the county line. Such roads shall be referred to in ORS 369.420 to 369.470 as county line roads.

369.420 Petition for county line roads; signatures and contents. All applications for laying out, altering or vacating county line roads shall be by concurrent petition to the county court of each county bordering on the proposed road. The petition shall:

(1) Be signed by at least 12 freeholders of the road district or districts, of each county interested in the county line road.

(2) Specify the place of beginning and intermediate points, if any, and the terminating point thereof.

(3) Pray the county court of the county to cooperate with the other county in laying out, altering or vacating the described county line road.

369.430 Dedication of county line road. Property owners may dedicate to the county court, on each side of the county line, one-half of a county line road. This dedication may be accepted by the county court of each respective county.

369.440 Surveying and platting county line roads. County line roads may be surveyed and platted by concurrent action of the county courts, as nearly as practicable in the same manner as other roads of public easement are accepted and established, and they shall agree and designate the portion of the roads to be improved and kept in repair by each county.

369.450 Petitions in respective counties; notice; bond; procedure applicable. The description of the proposed road shall be the same in all the petitions, but the petitioners in each county shall sign a petition to the county court of their own county. Notice of presentation of the petition shall be given, proof thereof made and bond required of the petitioners in the same manner as is now provided by law for hearing of other road petitions, and the same procedure shall be followed whenever applicable.

369.460 Joint board of viewers; duties; proceedings in each county. (1) Upon presentation of the petition to the respective county courts, with proof that notice has been given as provided by law in such cases, each county court shall direct the board of county road viewers of its county to meet with the county road viewers of the other county, at the beginning point of the proposed county line road on a day named in the order made by the county court of the county named first in alphabetical order, or on their failure to meet on such day, within five days thereafter.

(2) Such viewers shall:

(a) All act as one board.

(b) Survey, view, lay out, vacate or alter the road.

(c) Assess the damages, if any, apportioning them to the respective counties sustaining the same, as now provided by law.

(d) Make all reports, plats, profiles, etc., in duplicate, or one for each county, and file

one copy of each paper with the county clerk of each of the counties interested.

(3) Each county court shall proceed to act upon the papers mentioned in paragraph (d) of subsection (2) of this section. The report shall be subject to remonstrance of freeholders of the road district of the county, in the same manner as other county road proceedings.

369.470 Allotting sections of county line road. The joint board of road viewers mentioned in ORS 369.460 shall divide the county line road, in case they recommend its establishment, in two sections as nearly equal as may be, and agree upon and designate in their report the section to be opened and maintained by each county. Each county shall thereafter open and maintain the full width of its allotted portion of the road.

369.480 Construction and maintenance of boundary line roads. The county court of any county may:

(1) Construct, maintain and operate any county road which forms the boundary line between the county and another county in this state or any other state, or which in its meanderings crosses and recrosses such boundary line.

(2) Acquire by purchase or condemnation any lands or rights of way within this state, necessary for such boundary road.

(3) Enter into joint contracts with authorities of adjoining counties within or without the state, for the construction, operation and maintenance of such roads.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on November 1, 1973.

Thomas G. Clifford
Legislative Counsel