

Chapter 374

Control of Access to Public Highways

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CASE CITATIONS: State Hwy. Comm. v. Hazapis, (1970) 3 Or App 282, 472 P2d 831, Sup Ct review denied; State Hwy. Comm. v. Stupek, (1970) 3 Or App 268, 472 P2d 835.

374.005

LAW REVIEW CITATIONS: 33 OLR 16.

374.010

ATTY. GEN. OPINIONS: Necessity for city to consent to commission construction of a throughway on a city street, 1964-66, p 125.

374.015

NOTES OF DECISIONS

Incorporation of a city does not halt the authority of State Highway Commission to carry out duties already undertaken pursuant to the throughway Act. City of Maywood Park v. State Hwy. Comm., (1970) 2 Or App 568, 468 P2d 905, Sup Ct review denied.

Jurisdiction to construct the highway was acquired by the commission upon adoption of the survey resolution. Id.

ATTY. GEN. OPINIONS: Highways using beds of navigable rivers, 1960-62, p 391.

374.035

NOTES OF DECISIONS

Convenience in traveling a direct route to a highway is not an interest in land. State Hwy. Comm. v. Cent. Paving Co., (1965) 240 Or 71, 399 P2d 1019.

FURTHER CITATIONS: Klamath Falls Assembly of God v. State Hwy. Comm., (1970) 255 Or 211, 465 P2d 697.

LAW REVIEW CITATIONS: 46 OLR 130, 131.

374.055

NOTES OF DECISIONS

When a nonaccess highway is to be constructed across certain land partially taken by condemnation, the landowner is entitled to damages for the loss attributable to the nonaccess character of the highway. State Hwy. Comm. v. Burk, (1954) 200 Or 211, 265 P2d 783. Distinguished in State Hwy. Comm. v. Cent. Paving Co., (1965) 240 Or 71, 399 P2d 1019.

Special benefits may not be set off against the value of the land actually seized, but may be set off against injury to the residue of the tract. State Hwy. Comm. v. Bailey, (1957) 212 Or 261, 319 P2d 906.

FURTHER CITATIONS: Klamath Falls Assembly of God v. State Hwy. Comm., (1970) 255 Or 211, 465 P2d 697.

374.060

NOTES OF DECISIONS

Incorporation of a city after commencement of procedure to establish a throughway does not divest the county or commission of previously vested jurisdiction. City of Maywood Park v. State Hwy. Comm., (1970) 2 Or App 568, 468 P2d 905, Sup Ct review denied.

ATTY. GEN. OPINIONS: Necessity for city to consent to commission construction of a throughway on a city street, 1964-66, p 125.

374.065

NOTES OF DECISIONS

Incorporation of a city in area including a proposed throughway does not halt jurisdiction acquired, before incorporation, in proceedings to construct a throughway. City of Maywood Park v. State Hwy. Comm., (1970) 2 Or App 568, 468 P2d 905, Sup Ct review denied.

374.075

NOTES OF DECISIONS

Incorporation of a city in area including a proposed throughway does not halt jurisdiction acquired, before incorporation, in proceedings to construct a throughway. City of Maywood Park v. State Hwy. Comm., (1970) 2 Or App 568, 468 P2d 905, Sup Ct review denied.

374.090

CASE CITATIONS: Walker v. Mackey, (1953) 197 Or 197, 251 P2d 118, 253 P2d 280.

374.305 to 374.325

CASE CITATIONS: State Hwy. Comm. v. Clackamas Water Dist., (1967) 247 Or 216, 428 P2d 395.

374.305

NOTES OF DECISIONS

The instruction on the right of access was technically correct but not in desirable form. State Hwy. Comm. v. Beach, (1966) 244 Or 162, 416 P2d 316.

FURTHER CITATIONS: Pacific N.W. Bell Tel. Co. v. De-Long Corp., (1967) 246 Or 369, 425 P2d 498.

374.310

NOTES OF DECISIONS

An instruction on the right of access was technically correct but not in desirable form. State Hwy. Comm. v. Beach, (1966) 244 Or 162, 416 P2d 316.

374.405

ATTY. GEN. OPINIONS: Law regulating location of advertising signs compared, 1958-60, p 110.