



# *Legal Determination Of Highways*

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## Legal Determination Of Highways

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- Right by prescription is obtained by
  - Open and continuous use
  - Statutory period of time
- County road or city street taken over as a state highway is a legalized entity
- How do you determine a highway's location and width when original documents cannot be found?



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**366.285 Location of highways when in doubt; procedure.** (1) The Department of Transportation may locate, relocate, define, establish, reestablish and confirm the extension, location and establishment of primary and secondary state highways where:

(a) By reason of loss or destruction of field notes of the original surveys made by the county when such roads or highways were laid out and established by the county, defective or incomplete surveys or records, or destroyed monuments or marks, the exact original location and boundary cannot be found or ascertained.

(b) For any reason the exact location and right of way lines are in doubt or are challenged.

(2) In exercising the authority under subsection (1) of this section the procedure afforded the county with respect to public roads under ORS 368.201 to 368.221 may be followed by the department.