

WARRANTY DEED

LUCILLE ELAINE AUSTIN; WILLIAM C. AND ROSALIE H. TUBBS FAMILY PARTNERSHIP, a Washington general partnership; Heirs and devisees of Frank C. Tubbs, deceased, Kelly Tubbs, Personal Representative of the Estate, Grantor, for the true and actual consideration of \$ 3,000.00 does convey unto the UMATILLA COUNTY, a political subdivision of the State of Oregon, Grantee, fee title to the property described on Exhibit "A" dated October 30, 2002, revised November 6, 2002 and revised December 16, 2002 attached hereto and by this reference made a part hereof.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Return To:
Commissioner's Journal
Send Tax Statements to:
Same as Present

Account No.: 122331/ 149184; 3N36/ 12600 01 & 02
Property Address: MP 21.5 Bingham Road
Athena, OR 97813

RECEIVED
SEP 26 2003
UMATILLA COUNTY
RECORDS

State of Oregon )
County of Umatilla )
This instrument was received
and recorded on
09-26-03 at 3:05
in the record of instrument
code type DE-WD

Instrument Number 2003-4480358
Fee 0.00

Office of County Records

[Signature]
Records Officer

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the Umatilla County, unless and until accepted and approved by the recording of this document.

Dated this 21 day of July, 2003.

L. Elaine Austin  
Lucille Elaine Austin

**WILLIAM C. AND ROSALIE H. TUBBS FAMILY PARTNERSHIP**, a Washington partnership consisting of \_\_\_\_\_

and \_\_\_\_\_

By Care Tubbs, General Partner  
Partner  
For Tubbs Family Partnership.

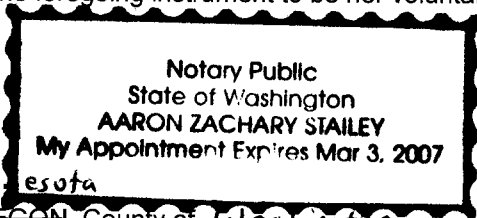
By \_\_\_\_\_  
Partner

Estate of Frank C. Tubbs  
by Kelly Tubbs, P.R.  
**KELLY TUBBS**, Personal Representative of the Estate of Frank C. Tubbs, Deceased

~~WASHINGTON~~

STATE OF OREGON, County of Snohomish

Dated July 21, 2003. Personally appeared the above named Lucille Elaine Austin, who acknowledged the foregoing instrument to be her voluntary act. Before me:



Aaron Zachary Stailey  
Notary Public for ~~Oregon~~ Washington

My Commission expires March 3, 2007

~~Minnesota~~

STATE OF OREGON, County of Washington

Dated 15 July, 2003. Personally appeared the above named Cari Tubbs and \_\_\_\_\_, who being sworn, stated that they are the partners of William C. and Rosalie H.

Tubbs Family Partnership, a Washington partnership, and acknowledged the foregoing instrument to be their voluntary act.

Before me:



Mary B. Johnson  
Notary Public for ~~Oregon~~ Minnesota

My Commission expires 31 January 2008



STATE OF OREGON, County of Umatilla

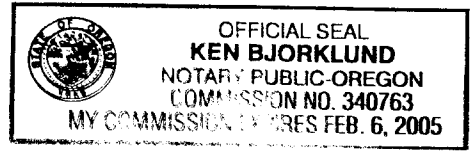
Dated June 25, 2003. Personally appeared the above named Kelly Tubbs, who executed the foregoing instrument as the Personal Representative of the Estate of Frank C. Tubbs, Deceased, and acknowledged the foregoing instrument to be her voluntary act. Before me:

Ken Bjorklund  
Notary Public for Oregon

My Commission expires Feb. 6, 2005

Accepted on behalf of the Umatilla County

\_\_\_\_\_



ACCEPTED BY UMATILLA COUNTY  
by its Board of Commissioners

William S. Hansell  
William S. Hansell, Chair

Dennis D. Doherty  
Dennis D. Doherty, Commissioner

Emile M. Holeman  
Emile M. Holeman, Commissioner



State of Oregon            )  
  )    ss  
County of Umatilla        )

August 11, 2003.

Personally appeared before me the within named William S. Hansell, Dennis D. Doherty, and Emile M. Holeman, and acknowledged the foregoing to be the voluntary act and deed of Umatilla County, Oregon.



Marcia Wells  
Notary Public for Oregon

ATTEST:  
Office of County Records

Jean Hemphill  
Records Officer





**EXHIBIT A  
LEGAL DESCRIPTION  
RIGHT OF WAY ACQUISITION  
BINGHAM ROAD - UMATILLA COUNTY ROAD No. 900  
CLARENCE AND LOIS TUBBS ET AL.  
UMATILLA COUNTY TAX LOT # 3N 36 12600**

A parcel of land to be acquired for road right of way, said parcel is located within the Southwest One-quarter of the Southwest One-quarter of Section 29 and the Southeast One-quarter of the Southeast One-quarter of Section 30 and the Northeast One-quarter of the Northeast One-quarter of Section 31 all in Township 3 North, Range 36 East of the Willamette Meridian, Umatilla County, Oregon. Said parcel is a portion of that property described in that warranty deed to Clarence Tubbs and Lois Tubbs, and their heirs and assigns recorded January 27, 1945 in Book 172, Page 539 of the Umatilla County deed records and more particularly described as follows:

**Commencing** at the Southwest corner of said Section 29, marked by a 2-1/2" diameter brass cap monument; **thence** S72°44'52"W, a distance of 396.020 meters (1299.28 feet) to Engineer's center line station 208+54.89 P.C. as shown on Umatilla County Road Department, Bingham Road Legalization Survey County Road No. 900, filed in October 2002, with the Umatilla County Surveyor as Map of Survey No. 02-252-C; **thence** N13°26'31"W, a distance of 9.144 meters (30.00 feet) to the northerly right of way of said Bingham Road and the **True Point of Beginning** of this description; **thence** leaving said northerly right of way on a bearing of N76°33'29"E, a distance of 136.599 meters (448.16 feet); **thence** N13°26'31"W, a distance of 6.096 meters (20.00 feet); **thence** N76°33'29"E, a distance of 6.744 meters (22.13 feet) to a point of curve to the left having a radius of 284.760 meters (934.25 feet), a central angle of 33°10'11", and a chord bearing of N59°58'23"E, 162.561 meters (533.34 feet); **thence** northeasterly along the arc a distance of 164.853 meters (540.86 feet); **thence** N43°23'18"E, a distance of 69.580 meters (228.28 feet); **thence** S46°36'42"E, a distance of 6.096 meters (20.00 feet); **thence** N43°23'18"E, a distance of 122.42 meters (401.64 feet) to said northerly right of way at said Engineer's center line station 225+95.98 P.T., a point of curve to the left having a radius of 3,027.859 meters (9,933.92 feet), a central angle of 04°37'34", and a chord bearing of S41°04'31"W, 244.406 meters (801.86 feet); **thence** southwesterly along said northerly right of way along the arc a distance of 244.472 meters (802.07 feet); **thence** continuing along said northerly right of way on a bearing of S38°45'44"W, a distance of 33.429 meters (109.68 feet) to the point of curve of a non tangent curve to the right, of which the radius point lies N30°52'11"W, a radial distance of 315.240 meters (1,034.25 feet) and having a chord bearing of S65°37'24"W, 71.296 meters (233.91 feet); **thence** leaving said northerly right of way southwesterly along the arc, through a central angle of 12°59'10", a distance of 71.449 meters (234.41 feet); **thence** S17°53'01"E, a distance of 10.406 meters (34.14 feet) to a point on the northerly right of way of said Bingham Road, said point being the point of curve of a non tangent curve to the right, of which the radius point lies N11°05'11"W, a radial distance of 99.813 meters (327.47 feet) and

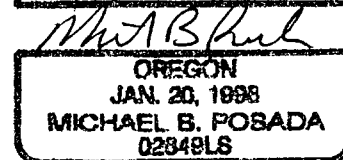
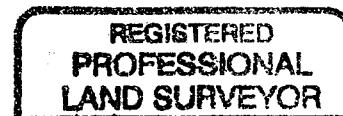
EXHIBIT A  
LEGAL DESCRIPTION  
RIGHT OF WAY ACQUISITION  
BINGHAM ROAD - UMATILLA COUNTY ROAD No. 900  
CLARENCE AND LOIS TUBBS ET AL.  
UMATILLA COUNTY TAX LOT # 3N 36 12600  
(page2)

having a chord bearing of S85°33'55"W, 23.123 meters (75.86 feet); **thence** westerly along said right of way and the arc of said curve, through a central angle of 13°18'12", a distance of 23.175 meters (76.03 feet); **thence** N87°47'00"W, a distance of 73.850 meters (242.29 feet) to a point of curve to the left having a radius of 276.457 meters (907.01 feet), a central angle of 15°39'31", and a chord bearing of S84°23'15"W, 75.319 meters (247.11 feet); **thence** westerly along the arc a distance of 75.554 meters (247.88 feet); to the **TRUE POINT OF BEGINNING**.

Containing 7006.08 square meters or 75,413 square feet (1.731 acres).

The bearings used in this description are based upon said Bingham Road Legalization Survey, County Road No. 900, filed as Umatilla County Map of Survey No. 02-252-C.

Prepared by Anderson-Perry & Associates, Inc.  
Revised December 16, 2002



EXPIRES 12-31-02

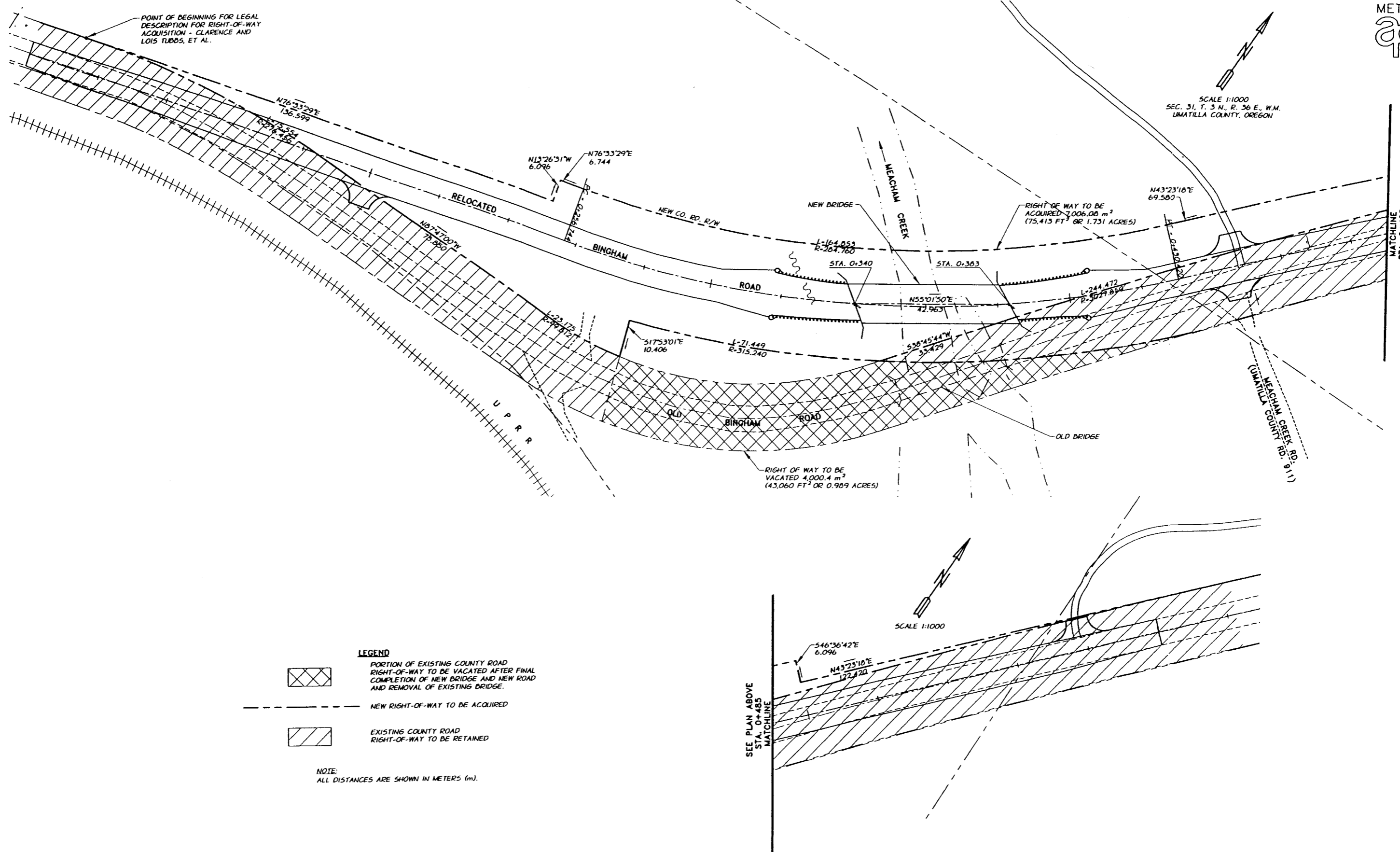
DATED 12-16-02

2003-4480358 7 of 7  
 12/16/2002 02:12:11 PM, gprice,

2003-4480358 7 of 7



SCALE 1:1000  
 SEC. 31, T. 3 N., R. 36 E., W.M.  
 UMATILLA COUNTY, OREGON



**LEGEND**

- PORTION OF EXISTING COUNTY ROAD RIGHT-OF-WAY TO BE VACATED AFTER FINAL COMPLETION OF NEW BRIDGE AND NEW ROAD AND REMOVAL OF EXISTING BRIDGE.
- NEW RIGHT-OF-WAY TO BE ACQUIRED
- EXISTING COUNTY ROAD RIGHT-OF-WAY TO BE RETAINED

NOTE:  
 ALL DISTANCES ARE SHOWN IN METERS (m).

REVISION	BY	DATE	HORIZ. SCALE 1:1000	VERT. SCALE
DESIGNED BY A. RIEKE			JOB NUMBER 152-40	DATE 2002
DRAWN BY G. PRICE			HEAD FILE: EXHIBIT B.DWG	
REVIEWED BY			COPYRIGHT 2003 BY ANDERSON-PERRY & ASSOC., INC.	

**anderson perry**  
 & associates, inc.  
 ENGINEERING SURVEYING MATERIALS TESTING  
 LA GRANDE, OR WALLA WALLA, WA BAKER CITY, OR.

CONFEDERATED TRIBES OF THE  
 UMATILLA INDIAN RESERVATION  
 MEACHAM CREEK AND UMATILLA RIVER BRIDGES  
 BINGHAM ROAD  
 MEACHAM CREEK BRIDGE  
 EXHIBIT B

SHEET