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COMPARED: 3-3-20 Read by *J. B.* To *J. B.* Audit No. 5685
 File 6119

GRANTEE: COUNTY OF UMATILLA STATE OF OREGON,

GRANTOR: DIRECTOR GENERAL OF RAILROADS, OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY
 and WESTERN UNION TELEGRAPH COMPANY,

No. 7527 Date Nov. 17, 1919.

Instrument Agreement

Conveys Easement for highway purposes, West line of Umatilla County and the Town of Echo.

WHEREAS, Oregon-Washington Railroad & Navigation Company is the owner, and the Director General of Railroads is in possession of a certain line of railroad, depot grounds, rights of way, premises and appurtenances between the West line of Umatilla County and the Town of Echo; and

WHEREAS, the Western Union Telegraph Company, under and by virtue of an agreement with Oregon-Washington Railroad & Navigation Company, maintains upon said rights of way and premises a telegraph and telephone line and appurtenances; and

WHEREAS, the parties of the second part desire to construct a highway for pedestrian and vehicular travel paralleling in its general course said line of railroad; and

WHEREAS certain portions of said proposed highway will encroach upon the premises and rights of way of the Railroad at certain points and locations along the route thereof hereinafter described; and

WHEREAS the Oregon-Washington Railroad & Navigation Company and the Director General of Railroads, the Western Union Telegraph Company, and the State of Oregon entered into a certain agreement dated May 22, 1919, wherein temporary permission was granted to the State of Oregon to locate said proposed highway upon and occupy the portion of railroad right of way hereinafter described, and wherein full provisions are set forth defining the rights of the parties to said agreement during the period of construction of said proposed highway; and

WHEREAS the parties of the second part now desire that the parties of the first part grant to the parties of the second part a permanent easement for highway purposes covering parcels of right of way hereinafter described,

NOW THEREFORE, in consideration of the mutual dependent promises set forth in this contract, the parties hereto agree as follows:

I.

The Railroad does hereby license and permit the County and the State to enter upon and occupy the following described premises for the sole purpose of constructing and maintaining thereon, at the sole cost of the parties of the second part, a public highway for pedestrian and vehicular travel, to-wit:

PARCEL No. 1. A piece or parcel of land containing 1.23 acres more or less, being all that portion of the right of way of said Navigation Company situated in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 21, Township 5 North, Range 28 East, Willamette Meridian, Umatilla County, Oregon, that lies westerly of a line more particularly described as follows, to-wit:

Beginning at a point on the westerly right of way line of said Navigation Company distant fifty feet westerly from and measured at right angles to the center line of the main track of said Navigation Company as the same is now constructed and operated, said point also being distant 844.3 feet north and 2066.7 feet west from the southeast corner of the southwest quarter of said Section 21; thence North 4° 29' West a distance of 121.3 feet; thence on a curve to the right, radius 1415 feet, a distance of 229.2 feet; thence north 4° 26' east a distance of 587.5 feet; thence on a curve to the left, radius 1450.8 feet, a distance of 119.6 feet to a point which is distant 21.4 feet westerly from, when measured at right angles to the center line of main track of said Navigation Company as now constructed and operated; thence continuing on said curve to the left a distance of 119.6 feet; thence north 5° 01' west a distance of 647.7 feet; thence on a curve to the right, radius 2841.3 feet, a distance of 106.6 feet to a point which is distant 23.1 feet westerly from, when measured at right angles to the center line of said main track; thence continuing on said curve to the right a distance of 106.6 feet; thence north 0° 43' West a distance of 597.5 feet; thence north 89° 17' east a distance of 2 feet; thence on a curve to the left, tangent to which bears north 0° 43' West, radius 1165.7 feet, a distance of 195.9 feet; thence north 10° 21' West a distance of 18 feet to a point on the westerly right of way line of said Navigation Company, distant 50 feet westerly from, when measured at right angles to the center line of said main track.

PARCEL NO. 2. Also a piece or parcel of land containing 4.36 acres, more or less, being all that portion of the right of way of said Navigation Company situated in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 3, the NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, all in Township 4 North, Range 28 East, Willamette Meridian, Umatilla County, Oregon, that lies westerly of a line more particularly described as follows, to-wit:

Beginning at a point on the westerly right of way line of said Navigation Company distant 100 feet westerly from and measured at right angles to the center line of the main track of said Navigation Company as the same is now constructed and operated; said point also bearing North 23° 18' 50" west a distance of 3172.3 feet from the southeast corner of the S.W. quarter of said Section 3; thence south 53° 22' East 118.5 feet; thence on a curve to the right, radius 1657.3 feet, a distance of 625.6 feet; thence south 31° 44' East a distance of 75.4 feet to a point which is distant 59.8 feet westerly from, and measured at right angles to the center line of said main track as now constructed and operated; thence continuing south 31° 44' East a distance of 3368.4 feet to a point which is distant 60 feet westerly from, and measured at right angles to the center line of said main track; thence continuing south 31° 44' east a distance of 280.1 feet; thence on a curve to the right, radius 1930.1 feet, a distance of 151.6 feet to a point distant 62 feet westerly from, and measured at right angles to the center line of said main track; thence continuing on said curve a distance of 151.6 feet; thence south 22° 41' east a distance of 1891.4 feet to a point on the westerly right of way line of said Navigation Company, distant 100 feet westerly from, and measured at right angles to the center line of said main track.

TO HAVE AND TO HOLD said license, permit and easement for the purposes aforesaid, and not otherwise, but only to the extent which the Railroad may lawfully own.

Nevertheless the aforesaid license, permit and easement is given and granted subject to and dependent upon the following conditions:

(a) During the period of original construction of said highway, and until the same shall have been fully completed, all the provisions and conditions set forth in the above mentioned agreement of May 22, 1919, shall inure to the benefit of the parties of the first part, and shall remain in full