

ORIGINAL

C. D. No. 52455-16

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT, OREGON-WASHINGTON RAILROAD & NAVIGATION COMPANY, a corporation of the State of Oregon, and its lessee, UNION PACIFIC RAILROAD COMPANY, a corporation of the State of Utah, collectively the Grantor, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to it paid, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto COUNTY OF UMATILLA, STATE OF OREGON, Grantee, a PERPETUAL EASEMENT solely for roadway purposes upon, over and along the property of the Grantor situate in the County of Umatilla, State of Oregon, described in Exhibit A, hereto attached.

RESERVING, however, to the Grantor, its successors and assigns, the right to construct at any and all times and to maintain railroad tracks, pipe lines and telephone, telegraph and electric power pole and wire lines, over, under and across such roadway of the Grantee on the premises described in Exhibit A; it being understood that the right so reserved to the Grantor, its successors and assigns, is retained along with the general right of the Grantor, its successors and assigns, to the use of such premises for any purpose not inconsistent with the use by the Grantee of such easement for the purposes herein defined.

The Grantee agrees to assume, bear and pay all taxes and assessments of whatsoever kind or nature (whether general, local or special) levied or assessed upon or against the premises described in Exhibit A, excepting taxes levied upon and against such property as a component part of the Grantor's operating property as a whole.

This deed is made subject to all outstanding leases and other outstanding rights, including, but not limited to, those for highways and other roadways and rights of way for irrigation ditches, pipe lines, pole and wire lines and the right of renewals and extensions of the same, and subject also to all conditions, limitations, restrictions, encumbrances, reservations or interests of any person which may affect the said land, whether recorded or unrecorded, and is made without covenant of title or to give possession or for quiet enjoyment.


It is expressly made a condition of this easement that if the Grantee, its successors or assigns, shall abandon the premises of the Grantor in the location described in Exhibit A, or any portion of such premises, for the purposes of this easement, then and in that event all the rights herein granted shall cease and determine with respect to the premises so abandoned, and the title to such premises shall be freed from the burden of such easement; and it is further agreed that nonuser of the premises described in Exhibit A or any portion thereof for the purposes of such easement for the period of one (1) year shall be deemed an abandonment of the premises or portion thereof not used.

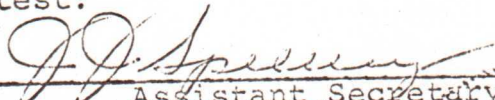
IN WITNESS WHEREOF, the Grantor has caused these presents to be signed by its Vice President and attested by its Assistant Secretary, and its corporate seal to be hereunto affixed as of the 3rd day of July, 1975.

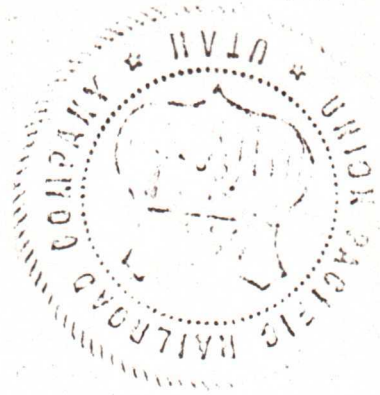
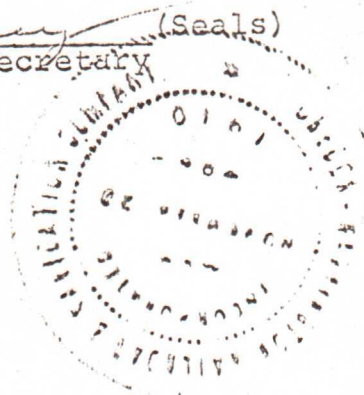
OREGON-WASHINGTON RAILROAD &  
NAVIGATION COMPANY,  
UNION PACIFIC RAILROAD COMPANY,

Attest:

By

  
Vice President

  
Assistant Secretary (Seals)



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STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

On this 5<sup>th</sup> day of July, 1975,  
before me, a Notary Public in and for said county in the  
State aforesaid, personally appeared W. J. FOX,  
to me personally known, and to me personally known to be the  
Vice President of OREGON-WASHINGTON RAILROAD & NAVIGATION COM-  
PANY and UNION PACIFIC RAILROAD COMPANY, and to be the same  
person whose name is subscribed to the foregoing instrument,  
and who, being by me duly sworn, did say that he is Vice  
President of Oregon-Washington Railroad & Navigation Company  
and Union Pacific Railroad Company; that the seals affixed to  
said instrument are the corporate seals of said corporations;  
and that said instrument was signed and sealed on behalf of  
said corporations by authority of their respective boards of  
directors; and the said W. J. FOX acknowledged  
said instrument to be his free and voluntary act and deed, and  
the free and voluntary act and deed of said corporations, by  
them voluntarily executed, for the uses specified therein.

IN WITNESS WHEREOF, I have hereunto set my hand and  
official seal the day and year last above written.

My commission expires September 23, 1977.

Marvin E. Thomas  
Notary Public

Residing <sup>now at</sup> OMAHA, NEBRASKA 68179

(Seal)



EXHIBIT A

A strip of land 50.0 feet in width situate in the South Half of the Northeast Quarter (S1/2NE1/4) and the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section 31, Township 4 North, Range 29 East of the Willamette Meridian, Umatilla County, State of Oregon, such strip of land lying 25.0 feet on each side of the following described centerline and such centerline prolonged:

Commencing at the East Quarter (E1/4) Corner of such section, from which the Northeast (NE) Corner of the section bears North 0° 33' 00" West, a distance of 2608.96 feet;

thence North 89° 21' 55" West, a distance of 712.99 feet;

thence North 42° 06' 34" West, a distance of 33.54 feet to the true point of beginning;

thence South 89° 42' 10" West, a distance of 1930.08 feet;

thence South 89° 30' 33" West, a distance of 829.83 feet to the beginning of a tangent curve concave northwesterly having a radius of 150.0 feet;

thence northwesterly along such curve through a central angle of 44° 56' 40" an arc distance of 117.66 feet;

thence tangent to the last described curve, North 45° 32' 15" West, a distance of 405.58 feet to the beginning of a tangent curve concave northwesterly having a radius of 150.0 feet;

thence northwesterly along such curve through a central angle of 45° 30' 00" an arc distance of 119.12 feet;

thence tangent to the last described curve, North 00° 02' 37" West, a distance of 857.65 feet to a point on the Northerly Sixteenth (N1/16) line from which the center of the Northwest Quarter (NW1/4) bears South 89° 49' 40" West, a distance of 25.00 feet;

containing an area of 4.9 acres, more or less.

Filed for record **AUG 26 1975** at *12:04 P. M.*  
JESSIE M. BELL County Clerk

INDEXED  
PAGED

STATE OF OREGON,  
COUNTY OF UMATILLA, } ss

I, Jessie M. Bell, County Clerk, certify that  
this instrument was received and recorded  
ON AUG. 26. 1975

at 12:04 o'clock P. M. in the record  
DEEDS of said County in  
Book Page  
349 308

JESSIE M. BELL  
County Clerk

By Betty Browning Deputy  
Fees \$ XX No. 381879

Umatilla County  
Board of Commissioners  
Court House