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2003-4440262 1 of 5

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AUG 07 2003

UMATILLA COUNTY RECORDS

After recording, please return to:
Umatilla County Commissioners
c/o Douglas Olsen, Counsel
216 S.E. 4th Street
Pendleton, Oregon 97801

PERMANENT EASEMENT FOR ROAD RIGHT OF WAY

KNOW ALL PERSONS BY THESE PRESENTS that we, the undersigned, LEBER FARMS, Grantors, for good and valuable consideration receipt of which is hereby acknowledged, do grant, bargain, sell and convey to UMATILLA COUNTY, a political subdivision of the State of Oregon, Grantee, its successors, assigns, and permittees, a permanent easement to construct, reconstruct, repair, and maintain a public road and highway, and its appurtenances and facilities, including utility services lines and facilities, upon, over and across the lands of the undersigned, situated in the County of Umatilla, State of Oregon, consisting of certain property along Lower Dry Creek Road adjacent to the County right of way, and more particularly described as follows:

See Exhibit A attached

The undersigned covenant that they are the owners of the above-described lands and that said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons:

- Trust Deed in favor of Baker Boyer Bank as Beneficiary dated June 28, 2002 and recorded July 24, 2002;
- Subject to all prior easements and encumbrances of Record.

Grantor agrees the consideration set out in this document is just compensation for the property, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of the property and the construction of improvement of the public way, excepting that the consideration does not include any damages arising from any negligence of Grantee.

IN WITNESS WHEREOF, the undersigned have set their hands this 24 day of July, 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 Memphis

Records Officer





The legal description for Tax Lot 600, 6N3533C, Leber Farms' tracts

Three tracts of land lying in the Southwest Quarter of the Southwest Quarter of Section 33, Township 6 North, Range 35 East, Willamette Meridian, Umatilla County, Oregon, being parts of that land conveyed to LEBER FARMS by the Special Warranty Deed recorded March 9th, 1998 as document number 1998-3250194 of the deed records of said Umatilla County said tracts being more particularly described as follows:

Tract 1,

Commencing at the Northeast corner of the Southwest Quarter of the Southwest Quarter of said Section 33, thence along the East line of the Southwest Quarter of the Southwest Quarter, $S0^{\circ}01'11''W$ a distance of 30.46 feet to a point on the Easterly right of way line of Lower Dry Creek Road (road number 647) as said Lower Dry Creek Road was legalized by the instrument recorded March 19, 2003 as instrument number 2003-4320589 of the records of Umatilla County, said point being the True Point of Beginning for this description, thence continuing along said East line of the Southwest Quarter of the Southwest Quarter to a point on the Northerly line of the O W R & N Co. right of way, $S0^{\circ}01'11''W$ a distance of 70.07 feet; thence along said Northerly line $S59^{\circ}37'46''W$ a distance of 63.23 feet to a point on the legalized Easterly line of Lower Dry Creek Road, thence along said Easterly line 116.16 feet along the arc of a curve to the left having a radius of 385.02 feet and a central angle of $17^{\circ}17'09''$ the long chord of which bears $N28^{\circ}08'28''E$ a distance of 115.72 feet, to the Point of Beginning

Containing 0.04 acre more or less.

Tract 2,

Commencing at the Southwest corner of said Section 33, thence along the South line of said Section 33 to its intersection with the Westerly line of the O W R & N Co. right of way which line is coincident with the Easterly right of way line of Lower Dry Creek Road (road number 647) as said Lower Dry Creek Road was legalized by the instrument recorded March 19, 2003 as instrument number 2003-4320589 of the records of Umatilla County, $N89^{\circ}49'53''E$ a distance of 296.11 feet, thence along said Westerly line $N31^{\circ}32'48''E$ a distance of 459.68 feet to the True Point of Beginning for this description, thence leaving said Westerly line of the O W R & N Co. and running along said County Road right of way line by the following courses and distances, $N56^{\circ}52'38''W$ a distance of 5.30 feet, thence $N31^{\circ}47'46''E$ a distance of 355.22 feet, thence $N33^{\circ}47'23''E$ a distance of 99.78 feet to a point on the Westerly line of the O W R & N Co. right of way, thence along said Westerly line 18.10 feet along the arc of a curve to the left having a radius of 1052.48 feet and a central angle of $0^{\circ}59'08''$ the long chord of which bears $S32^{\circ}02'22''W$ a distance of 18.10 feet, thence along said Westerly line to the Point of Beginning, $S31^{\circ}32'48''W$ a distance of 436.97 feet.

Containing 0.04 acre more or less



Tract 3,

Commencing at the Southwest corner of said Section 33, thence along the South line of said Section 33 to it's intersection with the Southerly extension of the Westerly line of Lower Dry Creek Road (road number 647) as said Lower Dry Creek Road was legalized by the instrument recorded March 19, 2003 as instrument number 2003-4320589 of the records of Umatilla County, thence along said Westerly line by the following courses and distances, N31°47'46"E a distance of 845.23 feet, thence N33°47'23"E a distance of 133.95 feet, thence 151.68 feet along the arc of a curve to the right having a radius of 748.83 feet and a central angle of 11°36'21" the long chord of which bears N39°35'33"E a distance of 151.42 feet to the True Point of Beginning for this description, thence leaving said Westerly line N44°36'16"

W a distance of 4.00 feet, thence 4.00 feet Westerly of and parallel with the legalized Westerly line of Lower Dry Creek Road 111.87 feet along the arc of a curve to the right having a radius of 752.83 feet and a central angle of 8°30'50" the long chord of which bears N49°39'09"E a distance of 111.76 feet, thence to a point on said Westerly line, S36°05'27"E a distance of 4.00 feet; thence along said Westerly line to the Point of Beginning 111.27 feet along the arc of a curve to the left having a radius of 748.83 feet and a central angle of 8°30'50" the long chord of which bears S49°39'09"W a distance of 111.17 feet.

Containing 0.01 acres more or less.

State of Oregon)
County of Umatilla)

This instrument was received
and recorded on

08-07-03 at 10:30

in the record of instrument
code type DE-EAS

Instrument Number 2003-4440262
Fee 0.00

Office of County Records

Debra Thompson
Records Officer

EXHIBIT A
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