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File 6909-001

NOV 18 2002

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WARRANTY DEED

UMATILLA COUNTY
RECORDS

STATE OF OREGON, by and through it's Department of Fish and Wildlife, Grantor, for the true and actual consideration of \$ 5,750.00 does convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, fee title to the property described on Exhibit "A" attached hereto and by this reference made a part hereof.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area for construction purposes over and across the following property described on Exhibit "A" attached hereto and by this reference made a

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate three (3) years from the date hereof or upon completion of the above-mentioned construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does not convey any right or interest in the above-described Parcel 2, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights herein granted.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of all the above-described property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the property herein conveyed and the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

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

RETURN TO AND TAX STATEMENT TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301-3871

Account No.: 101325, 501

Property Address:
Pendleton, OR 97801

State of Oregon)
County of Umatilla)

This instrument was received
and recorded on

11-18-02 at 3:20

in the record of document
code type DE-WD

Location R424-0502
Document number 2002-4240502
Fee 41.00

Office of County Records

Debra Hampshire
Records Officer

PIONEER TITLE CO. 65771
126 SE Court, Pend. OR, 97801

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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.

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 State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 18 day of OCTOBER, 20 02.

STATE OF OREGON, by and through its
DEPARTMENT OF FISH AND WILDLIFE

By Lindsay A. Ball
Lindsay A. Ball, Director

STATE OF OREGON, County of ~~Marion~~ Multnomah.

Dated October 18, 20 02. Personally appeared Lindsay A. Ball, who being sworn, stated that he is the Director for the State of Oregon, Department of Fish and Wildlife, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to him. Before me:



[Signature]
Notary Public for Oregon

My Commission expires 5-13-2004

Accepted on behalf of the Oregon Department of Transportation

[Signature]

6909001

Exhibit "A"
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1.6001

State of Oregon, Department of Fish and Wildlife
911 NE 11th Avenue
Portland OR 97232

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FEE**RIGHT OF WAY (PARCEL I)**

A portion of that tract of land conveyed to the State of Oregon Department of Fish and Wildlife (hereinafter referred to as the "State of Oregon Tract") by Warranty Deed recorded April 3, 1991 in Book R20, Page 771 and filed in Reel 204, Pages 771-773, Umatilla County Deed Records, said tract being located in the southeast one-quarter of the northwest one-quarter of Section 7, Township 2 North, Range 33 East of the Willamette Meridian, Umatilla County, Oregon, which right of way being more particularly described as follows:

BEGINNING at the intersection of the east line of said State of Oregon Tract and the north right of way line of the Union Pacific Railroad, said beginning point being S01°34'56"E 587.42 feet from a brass disk marking the center-north 1/16th corner of said Section 7; thence S67°02'54"W along said railroad right of way line 569.77 feet to the beginning of a 2,812.54 foot radius tangent curve concave northerly; thence, on said curve and continuing along said right of way line, through a central angle of 12°27'29" (which chord bears S73°16'39"W 610.34 feet), an arc distance of 611.54 feet to the beginning of a 1,673.31 foot radius curve concave northerly; thence, leaving said railroad right of way line, on said curve, through a central angle of 15°17'50" (which chord bears N85°05'11"W 445.43 feet), an arc distance of 446.75 feet to the point of reverse curvature of a 951.45 foot radius curve concave southerly; thence, on said curve, through a central angle of 09°48'34" (which chord bears N82°20'33"W 162.70 feet), an arc distance of 162.90 feet; thence N16°04'45"W 69.07 feet to the beginning of a 1,017.06 foot radius curve concave southerly; thence, on said curve, through a central angle of 11°03'56" (which chord bears S82°58'14"E 196.12 feet), an arc distance of 196.43 feet to the point of reverse curvature of a 1,607.69 foot radius curve concave northerly; thence, on said curve, through a central angle of 12°20'01" (which chord bears S83°36'16"E 345.41 feet), an arc distance of 346.08 feet; thence N00°13'35"E along a radial line 6.31 feet to the beginning of a 1,601.38 foot radius curve concave northerly; thence, on said curve, through a central angle of 30°09'29" (which chord bears N75°08'59"E 833.20 feet), an arc distance of 842.90 feet to the point of tangency; thence N60°04'15"E 366.36 feet to an angle point; thence N66°43'04"E 76.03 feet to the east line of said State of Oregon Tract; thence S01°34'56"E along said east line 98.65 feet to the **POINT OF BEGINNING**.

Said Right of Way contains 105,642 square feet or 2.43 acres, more or less.

TEMPORARY CONSTRUCTION EASEMENT (PARCEL II)

BEGINNING at the intersection of the east line of said State of Oregon Tract and the north line of the above described Parcel I; thence N01°34'56"W along said east line 17.66 feet; thence, leaving said east line, S66°43'04"W 83.51 feet to an angle point; thence S60°04'15"W 367.31

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Exhibit "A"

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feet to the beginning of a 1,584.98 foot radius tangent curve concave northerly; thence, on said curve, through a central angle of $42^{\circ}29'29''$ (which chord bears $S81^{\circ}18'59''W$ 1,148.69 feet), an arc distance of 1,175.45 feet; thence $N12^{\circ}33'42''E$ along a radial line 3.53 feet to the beginning of a 1,043.31 foot radius curve concave southerly; thence, on said curve, through a central angle of $11^{\circ}03'56''$ (which chord bears $N82^{\circ}58'14''W$ 201.18 feet), an arc distance of 201.50 feet to the point of tangency; thence $N88^{\circ}30'12''W$ 47.34 feet; thence $S01^{\circ}29'48''W$ 108.27 feet; thence $S88^{\circ}30'12''E$ 47.34 feet to the beginning of a 935.04 foot radius tangent curve concave southerly; thence, on said curve, through a central angle of $11^{\circ}03'56''$ (which chord bears $S82^{\circ}58'14''E$ 180.31 feet), an arc distance of 180.59 feet to the point of reverse curvature of a 1,689.71 foot radius curve concave northerly; thence, on said curve, through a central angle of $03^{\circ}09'59''$ (which chord bears $S79^{\circ}01'15''E$ 93.36 feet), an arc distance of 93.38 feet; thence $S09^{\circ}23'42''W$ along a radial line 16.40 feet to the beginning of a 1,706.12 foot radius curve concave northerly; thence, on said curve, through a central angle of $05^{\circ}12'20''$ (which chord bears $S83^{\circ}12'24''E$ 154.96 feet), an arc distance of 155.01 feet to the north line of said railroad right of way and the beginning of a 2,812.54 foot radius curve concave northerly; thence, along said right of way line, on said curve, through a central angle of $04^{\circ}12'44''$ (which chord bears $N81^{\circ}36'45''E$ 206.72 feet), an arc distance of 206.77 feet to the beginning of a 1,673.31 foot radius curve concave northerly; thence, leaving said railroad right of way line, on said curve, through a central angle of $15^{\circ}17'50''$ (which chord bears $N85^{\circ}05'11''W$ 445.43 feet), an arc distance of 446.75 feet to the point of reverse curvature of a 951.45 foot radius curve concave southerly; thence, on said curve, through a central angle of $09^{\circ}48'34''$ (which chord bears $N82^{\circ}20'33''W$ 162.70 feet), an arc distance of 162.90 feet; thence $N16^{\circ}04'45''W$ 69.07 feet to the beginning of a 1,017.06 foot radius curve concave southerly; thence, on said curve, through a central angle of $11^{\circ}03'56''$ (which chord bears $S82^{\circ}58'14''E$ 196.12 feet), an arc distance of 196.43 feet to the point of reverse curvature of a 1,607.69 foot radius curve concave northerly; thence, on said curve, through a central angle of $12^{\circ}20'01''$ (which chord bears $S83^{\circ}36'16''E$ 345.41 feet), an arc distance of 346.08 feet; thence $N00^{\circ}13'35''E$ along a radial line 6.31 feet to the beginning of a 1,601.38 foot radius curve concave northerly; thence, on said curve, through a central angle of $30^{\circ}09'29''$ (which chord bears $N75^{\circ}08'59''E$ 833.20 feet), an arc distance of 842.90 feet to the point of tangency; thence $N60^{\circ}04'15''E$ 366.36 feet to an angle point; thence $N66^{\circ}43'04''E$ 76.03 feet to the **POINT OF BEGINNING**.

Said temporary construction easement contains 52,628 square feet or 1.21 acres, more or less.

Subject to easements of record.