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RECEIVED  
APR 13 2001  
UMATILLA COUNTY  
RECORDS

ODOT  
File 6910-001

**PERMANENT EASEMENT FOR HIGHWAY RIGHT OF WAY**

DELBERT R. ELLENBERGER and MARY F. D. ELLENBERGER, husband and wife, Grantor, for the true and actual consideration of \$ 250.00 does grant to UMATILLA COUNTY, a political subdivision of the State of Oregon, Grantee, its successors and assigns, a permanent easement to construct, reconstruct, repair, and maintain a public highway and its appurtenances and facilities, and also to construct and maintain water, gas, electric and communication service lines, fixtures and facilities, and slopes, and appurtenances therefore, all upon, over and across the property described on Exhibit "A" attached hereto and by this reference made a part hereof.

Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

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.

2-7-01 Rerecorded to add legal description. Previously recorded on Reel 386 Page 489 or as fee number 2001-3860489 on original recordation date of April 13, 2001.



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.: 113131 TL 1400  
Property Address: 51378 Harris Road  
Milton-Freewater OR 97862

State of Oregon )  
County of Umatilla )  
This instrument was received and recorded on  
04-20-01 at 12:40  
in the record of document code type DE-CORR  
Location R387-0292  
Document number 2001-3870292  
Fee 0.00  
Office of County Records  
*Jean Hemphill*  
Records Officer

State of Oregon )  
County of Umatilla )  
This instrument was received and recorded on  
04-13-01 at 11:00  
in the record of document code type DE-EAS  
Location R386-0489  
Document number 2001-3860489  
Fee 36.00  
Office of County Records  
*Jean Hemphill*  
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 Umatilla County, unless and until accepted and approved by the recording of this document.

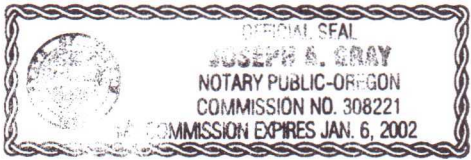
Dated this 12<sup>th</sup> day of March, 2001.

Delbert R. Ellenberger  
Delbert R. Ellenberger

Decease  
Mary F. D. Ellenberger

STATE OF OREGON, County of Umatilla

Dated March 12, 2001. Personally appeared the above named Delbert R. Ellenberger and Mary F. D. Ellenberger, who acknowledged the foregoing instrument to be their voluntary act. Before me:



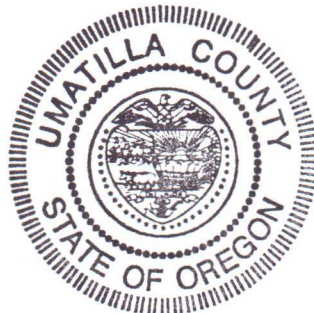
Joseph A. Gray  
Notary Public for Oregon  
My Commission expires June 6, 2002

Accepted on behalf of Umatilla County

Jennis D. Liberty  
Emile M. Holman  
William S. Hamell



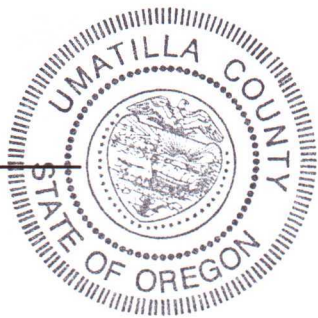
Office of County Records  
Attest Jean Humphreys  
Records Officer



ATTEST:  
Office of County Records



*Jean Humphreys*  
\_\_\_\_\_  
Records Officer



State of Oregon            )  
                                  )  ss  
County of Umatilla        )

March 19, 2001

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



*Marcia Wells*  
\_\_\_\_\_  
Notary Public for Oregon



EXHIBIT "A"

R6910001

**PERMANENT ROADWAY, UTILITY AND SLOPE MAINTENANCE EASEMENT  
 ALONG THE EASTERLY RIGHT-OF-WAY OF  
 HARRIS ROAD, UMATILLA COUNTY  
 DRY CREEK BRIDGE PROJECT  
 DELBERT R. ELLENBERGER  
 TAX LOT 6N 34 25 1400**



A parcel of land to serve as a permanent roadway, utility, and slope maintenance easement, together with all appurtenances thereto, said parcel located within the Southeast One-quarter of Section 25, Township 6 North, Range 34 East of the Willamette Meridian, Umatilla County, Oregon, said easement being 7.315 meters in width, and more particularly described as:

Commencing at Engineer's Centerline Station 0+120.000 as shown on the State of Oregon, Department of Transportation, Dry Creek Bridge design plans, said point bears N85°44'47"E a distance of 792.186 meters from the Southwest Corner of said Section 25, marked by a brass capped monument; **Thence** S70°49'12"E on a radial line a distance of 6.096 meters to a point on the Easterly Right of Way of Harris Road (Umatilla County Road #697), **The True Point of Beginning** of the easement being described; **Thence** continuing S70°49'12"E on a radial line a distance of 7.315 meters; **Thence** along a line parallel to and concentric with said Easterly Right of Way a distance of 27.072 meters to a point 7.315 meters left of said Easterly Right of Way at Engineer's Station 0+141.765; **Thence** S89°44'12"W along the South section line of said Section 25 a distance of 10.841 meters to said Easterly Right-of-Way at Engineer's Station 0+148.576; **Thence** along said Easterly Right of Way, parallel to and concentric with said Engineer's Centerline a distance of 31.743 meters, to the Point of Beginning of this description, containing 214.5 square meters.

The Basis of Bearing used in this description is the Oregon State Plane Coordinate System, North Zone. To obtain true North bearings rotate clockwise 01°14'26". The distances are reduced to ground.

Prepared by Anderson-Perry & Associates, inc.  
 November 17, 2000



EXPIRES 12-31-00  
 DATED 11-17-00

CONSULTING ENGINEERING • SURVEYING • MATERIALS TESTING

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 FAX (541) 963-5456

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