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File 6909002

FEB 28 2003

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UMATILLA COUNTY DEED RECORDS

ARTHUR R. BARROWS and VIVIAN BARROWS, Grantor, for the true and actual consideration of \$26,000.00 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 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.

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.: 101330, 100

Property Address: Pendleton, OR 97801

State of Oregon)
County of Umatilla)

This instrument was received and recorded on

02-28-03 at 11:00

in the record of instrument code type DE

Instrument Number 2003-4310341 Fee 41.00

Office of County Records

Jean Hopkins
Records Officer

PIONEER TITLE CO. 65769
126 SE Court, Pend. OR, 97801

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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.

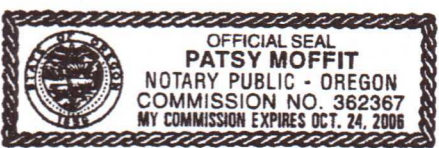
Dated this 18th day of Feb., 2003

Arthur R Barrows
Arthur R. Barrows

Vivian F. Barrows
Vivian Barrows

STATE OF OREGON, County of Umatilla

Dated February 18, 2003. Personally appeared the above named Arthur R. Barrows and Vivian Barrows, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Patsy Moffit
Notary Public for Oregon

My Commission expires 10-24-06

Accepted on behalf of the Oregon Department of Transportation
Richard R. [Signature]

Arthur R. & Vivian F. Barrows
1222 NW Horn
Pendleton, OR 97801

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Exhibit "A"
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FEE

RIGHT OF WAY (PARCEL I)

A portion of that tract of land conveyed to Arthur R. and Vivian F. Barrows (hereinafter referred to as the "Barrows Tract") by Special Warranty Deed recorded November 12, 1993 as Document No. 93-187995 and filed in Reel 244, Page 145, Umatilla County Deed Records, said tract being located in the southwest one-quarter of the northeast 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 west line of said Barrows 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 N 67°02'54"E along said railroad right of way line 1,420.47 feet to the east line of said Barrows Tract; thence, leaving said railroad right of way line, N01°37'44"W along said east line 47.79 feet to the north line of the right of way herein described; thence, leaving said east line of the Barrows Tract, S66°43'04"W along said north line 431.64 feet to the beginning of a 3,244.76 foot radius tangent curve concave northerly; thence along said curve, through a central angle of 07°51'26" (which chord bears S70°38'47"W 444.61 feet), an arc distance of 444.96 feet to the point of tangency; thence S74°34'30"W 67.59 feet to the beginning of a 1,676.51 foot radius tangent curve concave southerly; thence along said curve, through a central angle of 07°51'26" (which chord bears S70°38'47"W 229.73 feet), an arc distance of 229.91 feet to the point of tangency; thence S66°43'04"W 230.24 feet to the west line of said Barrows Tract; thence S01°34'56"E along said west line 98.65 feet to the **POINT OF BEGINNING**.

Said Right of Way contains 89,068 square feet, more or less.

TEMPORARY CONSTRUCTION EASEMENT (PARCEL II)

BEGINNING at the intersection of the west line of said Barrows Tract and the north line of the above described Parcel I; thence N66°43'04"E along said north line 230.24 feet to the beginning of a 1,676.51 foot radius tangent curve concave southerly; thence along said curve, through a central angle of 07°51'26" (which chord bears N70°38'47"E 229.73 feet), an arc distance of 229.91 feet to the point of tangency; thence N74°34'30"E 67.59 feet to the beginning of a 3,244.76 foot radius tangent curve concave northerly; thence along said curve, through a central angle of 07°51'26" (which chord bears N70°38'47"E 444.61 feet), an arc distance of 444.96 feet to the point of tangency; thence N66°43'04"E, continuing along said north line of Parcel I, 431.64 feet to the east line of said Barrows Tract; thence N01°37'44"W along said east line 16.72 feet to a brass disk marking the northeast corner of said Barrows Tract, said corner being also the north-east 1/16th corner of said Section 7; thence S88°38'54"W along the north line of said Barrows Tract 2.31 feet to a point lying a perpendicular distance of 16.40 feet north of the



north line of the above described Parcel I; thence S66°43'04"W, parallel with said north line, 362.18 feet; thence S22°59'05"E 7.86 feet; thence S69°04'06"W 57.98 feet; thence N22°59'05"W 5.48 feet; thence S66°43'04"W 15.54 feet to the beginning of a 3,228.35 foot radius tangent curve concave northerly; thence along said curve, through a central angle of 07°51'26" (which chord bears S70°38'47"W 442.37 feet), an arc distance of 442.71 feet to the point of tangency; thence S74°34'30"W 67.59 feet to the beginning of a 1,692.92 foot radius tangent curve concave southerly; thence along said curve, through a central angle of 07°51'26" (which chord bears S70°38'47"W 231.97 feet), an arc distance of 232.16 feet to the point of tangency; thence S66°43'04"W 223.72 feet to the west line of said Barrows Tract; thence S01°34'56"E along said west line 17.66 feet to the **POINT OF BEGINNING**.

Said temporary construction easement contains 22,649 square feet, more or less.

Subject to easements of record.