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Board of Commissioners
Commissioners Journal
216 SE 4th Street
Pendleton OR 97801

2008 5380586

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2008-5380586

1 of 3

JUN 18 2008

ATTACHMENT B TO RESOLUTION 08-047

UMATILLA COUNTY

PERMANENT RIGHT-OF-WAY EASEMENT AGREEMENT

THIS PERMANENT RIGHT-OF-WAY EASEMENT AGREEMENT, is made and entered into this 17 day of June, 2008, by and between the Confederated Tribes of Umatilla Indian Reservation (hereinafter referred to as "CTUIR"), a federally recognized Indian tribe, and the County of Umatilla (hereinafter referred to as "UMATILLA COUNTY").

WITNESSETH:

RECITALS

A. CTUIR is the owner of certain lands held in fee. UMATILLA COUNTY desires to acquire a Permanent Right-of-Way Easement for expanding a public highway, together with the attendant customary uses, including vehicular, bicycle, and pedestrian traffic, drainage, and utilities, over, under, through, across, and along a portion of CTUIR's fee lands. Such Permanent Right-of-Way Easement is more particularly described on Exhibit "A," attached hereto and made a part hereof.

B. CTUIR is willing to grant said Permanent Right-of-Way Easement and UMATILLA COUNTY agrees to acquire said Permanent Right-of-Way Easement upon the terms and conditions herein below.

NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED as follows:

1. CTUIR, in consideration of one dollar and no/100 (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto UMATILLA COUNTY a Permanent Right-of-Way Easement for the purpose of expanding a public highway.

2. UMATILLA COUNTY reserves the right to make improvements on the Permanent Right-of-Way Easement according to such plans and specifications, as will, in its opinion, best serve the public purpose.

3. CTUIR understands and agrees that it is prohibited from placing or constructing any structure or improvement on the Permanent Right-of-Way Easement.

4. CTUIR shall retain all underlying fee interest in the property described in Exhibit "A" subject to the use by UMATILLA COUNTY of this Permanent Right-of-Way Easement.

5. This Permanent Right-of-Way Easement shall run with the land and be binding upon the grantees, lessees, successors, and assigns of the parties hereto, unless terminated by UMATILLA COUNTY. In the event that the Permanent Right-of-Way Easement is no longer

used for highway purposes or is abandoned, it shall be deemed terminated by UMATILLA COUNTY and shall revert back to CTUIR.

6. Umatilla County accepts the permanent Right of Way Easement conveyed by this document.

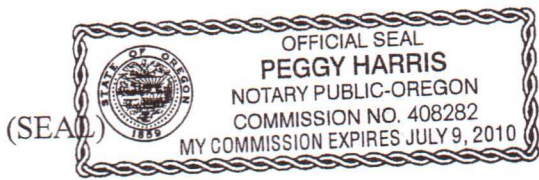
IN WITNESS WHEREOF:

Donald G. Sampson
Donald G. Sampson, Executive Director
CTUIR

6/12/08
Date

STATE OF OREGON)
) ss.
COUNTY OF UMATILLA)

SUBSCRIBED AND SWORN to before me this 12th day of June, 2008 by Donald G. Sampson, on behalf of CTUIR.



Peggy Harris
Notary Public

My Commission Expires: 7/9/10

William S. Hansell
UMATILLA COUNTY



6/18/08
Date

STATE OF OREGON)
) ss.
COUNTY OF UMATILLA)

SUBSCRIBED AND SWORN to before me this 17th day of June, 2008 by William S. Hansell, on behalf of UMATILLA COUNTY.

(SEAL)



Laura J Headley
 Notary Public

My Commission Expires: *July 5, 2010*



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EXHIBIT A to PERMANENT RIGHT-OF-WAY EASEMENT AGREEMENT

EASEMENT FOR THE BENEFIT OF UMATILLA COUNTY AND THE PUBLIC

A roadway slope and drainage easement to be granted to Umatilla County as hereinafter described:

A parcel of land, 20 feet in width beginning 30 feet north and 30 feet east of the southwest corner of Section 22, Township 2 North, Range 33 East, Willamette Meridian, Umatilla County, State of Oregon and extending northward parallel to and adjacent to the eastern right-of-way line of South Market Road to the intersection of the southern right-of-way line for the eastbound ramp of Interstate Highway 84.

State of Oregon)
)
 County of Umatilla)

This instrument was received
 and recorded on

06-18-08 at 11:20

in the record of instrument
 code type DE-EAS

Instrument Number 2008-5380586
 Fee 0.00

Office of County Records

Jean Hemphill
 Records Officer