

WARRANTY DEED

328183

KNOW ALL MEN BY THESE PRESENTS, That ROBERT NEAGLE FORREST, who acquired title as NEAGLE FOREST, and DALE FORREST, husband and wife; NELL ISABELL MEISTER, who acquired title as NELL NEAGLE OLSEN, hereinafter called "Grantors", for the consideration of the sum of Nine Thousand Nine Hundred Seventy-five and No/100 DOLLARS (\$9,975.00) received, do hereby convey unto the STATE OF OREGON, by and through its STATE HIGHWAY COMMISSION, hereinafter called "Grantee", the following described property, to wit:

PARCEL 1

A parcel of land lying in the SW $\frac{1}{4}$ of Section 16 and in the N $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 2 North, Range 33 East, W.M., Umatilla County, Oregon; the said parcel being that portion of said subdivisions included in a strip of land variable in width, lying on each side of the center line of the Westbound lane of the Old Oregon Trail Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station "WB" 349+08.35, said station being 2340.70 feet South and 7364.60 feet East of the North quarter corner of Section 18, Township 2 North, Range 33 East, W.M.; thence South 48° 28' 22" East 8591.65 feet to Engineer's center line Station "WB" 435+00.

The widths in feet of the strip of land above referred to are as follows:

Station	to Station	Width on Northeasterly Side of Center Line	Width on Southwesterly Side of Center Line
"WB"355+75	"WB"357+50	230 taper to 160	230
"WB"357+50	"WB"363+00	160	230
"WB"363+00	"WB"369+00	160	230 taper to 210
"WB"369+00	"WB"387+00	160	210
"WB"387+00	"WB"389+00	160	210 taper to 230
"WB"389+00	"WB"392+00	160	230
"WB"392+00	"WB"394+00	160 taper to 200	230
"WB"394+00	"WB"397+00	100	230
"WB"397+00	"WB"408+00	100 taper to 130	230 taper to 260
"WB"408+00	"WB"411+50	130	260 taper to 220
"WB"411+50	"WB"413+00	130 taper to 100	220
"WB"413+00	"WB"435+00	100	220

EXCEPT therefrom that property conveyed by that certain Final Judgment dated September 28, 1954 and filed in the Circuit Court of the State of Oregon for the County of Umatilla, wherein the State of Oregon, by and through its State Highway Commission was the plaintiff and Robert Neagle Forrest et al were the defendants and bearing Case No. 6625.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 13.0 acres, more or less.

PARCEL 2

A parcel of land lying in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 2 North, Range 33 East, W.M., Umatilla County, Oregon; the said parcel being that portion of said subdivisions lying Southwesterly of a line which is parallel to and 220 feet Southwesterly of the center line of the Westbound lane of the relocated Old Oregon Trail Highway, Northeasterly of a line which is parallel to and 70 feet Southwesterly of the center line of the connection between the Eastbound lane of the relocated Old Oregon Trail Highway and the relocated Umatilla Mission Highway and Southeasterly of a line at right angles to said connection center line at Engineer's Station "C" 418+25.09, said connection center line being described as follows:

Beginning at Engineer's center line Station "C" 418+25.09, said station being 6000.71 feet North and 6429.71 feet West of the East quarter corner of Section 27, Township 2 North, Range 33 East, W.M.; thence South 44° 18' 22" East 185 feet; thence on a spiral curve right (the long chord of which bears South 42° 42' 22" East) 240

feet; thence on a 1432.39 foot radius curve right (the long chord of which bears South 33° 08' 22" East) 318.33 feet; thence on a spiral curve right (the long chord of which bears South 23° 34' 22" East) 240 feet; thence South 21° 58' 22" East 58.96 feet; thence on a spiral curve left (the long chord of which bears South 25° 58' 22" East) 200 feet; thence on a 477.47 foot radius curve left (the long chord of which bears South 57° 47' 37" East) 397.01 feet to Engineer's center line Station "C" 434+64.39 which station equals Engineer's Station "M" 18+73.37 on the center line of the relocated Umatilla Mission Highway.

The center line of the Westbound lane of the relocated Old Oregon Trail Highway referred to above being described in Parcel 1.

EXCEPT therefrom that property conveyed by that certain Final Judgment dated September 28, 1954 and filed in the Circuit Court of the State of Oregon for the County of Umatilla, wherein the State of Oregon, by and through its State Highway Commission, was the plaintiff and Robert Neagle Forrest et al were the defendants and bearing Case No. 6625.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 3.1 acres, more or less, outside of the existing right of way.

PARCEL 3

A parcel of land lying in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, Township 2 North, Range 33 East, W.M., Umatilla County, Oregon; the said parcel being that portion of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Northeasterly of a line which is parallel to and 100 feet Northeasterly of the center line of the Westbound lane of the relocated Old Oregon Trail Highway, which center line is described in Parcel 1 and included in a strip of land variable in width, lying on the Northeasterly side of the center line of the connection between the relocated Umatilla Mission Highway and the Westbound lane of the relocated Old Oregon Trail Highway, which connection center line is described as follows:

Beginning at Engineer's center line Station "A" 416+35, at which station the Northwestern line of said strip of land lies at right angles to said center line, said station being 6242.02 feet North and 6469.91 feet West of the East quarter corner of Section 27, Township 2 North, Range 33 East, W.M.; thence South 50° 56' 22" East 371.76 feet; thence on a spiral curve left (the long chord of which bears South 53° 20' 22" East) 240 feet; thence on a 954.93 foot radius curve left (the long chord of which bears South 64° 30' 22" East) 212.22 feet; thence on a spiral curve left (the long chord of which bears South 75° 40' 22" East) 240 feet; thence South 78° 04' 22" East 118.12 feet to Engineer's center line Station "A" 428+17.10 which station equals Engineer's Station "M" 9+50 on the center line of the relocated Umatilla Mission Highway.

The widths in feet of the strip of land above referred to are as follows:

Station	to Station	Width on Northeasterly Side of Center Line
"A" 416+35	"A" 422+46.76	60
"A" 422+46.76	"A" 424+58.98	60 in a straight line to 85
"A" 424+58.98	"A" 428+17.10	85

ALSO that portion of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Southwesterly of said connection center line and Northeasterly of said parallel line.

EXCEPT therefrom that property conveyed by that certain Final Judgment dated September 28, 1954 and filed in the Circuit Court of the State of Oregon for the County of Umatilla, wherein the State of Oregon, by and through its State Highway Commission, was the plaintiff and Robert Neagle Forrest et al were the defendants and bearing Case No. 6625.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 1.6 acres, more or less.

PARCEL 4

A parcel of land lying in the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 21, Township 2 North, Range 33 East, W.M., Umatilla County, Oregon; the said parcel being that portion of said

included in a strip of land variable in width, lying on the Westerly side of the center line of the Umatilla Mission Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station "M" 1+00 at which station the Northerly line of said strip of land lies at right angles to said center line, said station being 6539.48 feet North and 5465.78 feet West of the East quarter corner of Section 27, Township 2 North, Range 33 East, W.M.; thence South 1° 04' 52" East 2400 feet to Engineer's center line Station "M" 25+00 at which station the Southerly line of said strip of land lies at right angles to said center line.

The widths in feet of the strip of land above referred to are as follows:

Station	to Station	Width on Westerly Side of Center Line
"M"1+00	"M"2+00	40 taper to 65
"M"2+00	"M"7+50	65 taper to 100
"M"7+50	"M"8+50	100 taper to 150
"M"8+50	"M"15+00	150
"M"15+00	"M"20+00	100
"M"20+00	"M"24+00	100 taper to 40
"M"24+00	"M"25+00	40

EXCEPT therefrom Parcels 1, 2 and 3.

ALSO EXCEPT therefrom that property conveyed by that certain Final Judgment dated September 28, 1954 and filed in the Circuit Court of the State of Oregon for the County of Umatilla, wherein the State of Oregon, by and through its State Highway Commission, was the plaintiff and Robert Neagle Forrest et al were the defendants and bearing Case No. 6625.

ALSO EXCEPT therefrom that property described in that deed to the State of Oregon, by and through its State Highway Commission, recorded in Book 261, Page 460 of Umatilla County Record of Deeds.

Bearings are based upon the Oregon Co-ordinate System, North Zone.

The parcel of land to which this description applies contains 1.3 acres, more or less, outside of the existing right of way.

PARCEL 5

A parcel of land lying in the SW $\frac{1}{4}$ of Section 16 and in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, Township 2 North, Range 33 East, W.M., Umatilla County, Oregon; the said parcel being that portion of the West 30 feet of said subdivisions lying Southerly of Parcel 1.

The parcel of land to which this description applies contains 5 acres, more or less, outside of the existing right of way.

PARCEL 6

A parcel of land lying in the NE $\frac{1}{4}$ of Section 21, Township 2 North, Range 33 East, W.M., Umatilla County, Oregon; the said parcel being that portion of the Northerly 30 feet of said NE $\frac{1}{4}$ lying Easterly of Parcel 1.

The parcel of land to which this description applies contains 1.7 acres, more or less, outside of the existing right of way.

ALSO for the above stated consideration, there is hereby conveyed to Grantee all existing, future or potential common law or statutory abutter's easements of access between the right of way of the relocated Old Oregon Trail Highway and all of Grantors' remaining real property together with all access rights to that portion of the above described Parcel 4 lying Southerly of Engineer's Station "M" 6+00 and Northerly of Engineer's Station "M" 25+00; and also all farm crossing rights reserved in that certain Final Judgment dated September 28, 1954 above mentioned; EXCEPT, however:

There is reserved for the service of Grantors' remaining property access rights to and through a 6' x 6' concrete box underpass which will be extended at the Grantees' expense under the said highway at Engineer's Station 419+50. This right shall continue only so long as any portion of said remaining property on both sides of the relocated Old Oregon Trail Highway served by said right of passage is held by a single ownership. Grantee shall construct and maintain adequate fences along the right of way boundary in accordance with that certain final judgment dated September 28, 1954 entered by the Circuit Court for Umatilla County, Oregon, in case No. 6625 so as to prevent the straying of stock upon the public right of way.

Grantee shall construct a public frontage road on the Northeasterly side of the highway in said Section 16 and across the above described Parcel 6 which shall connect with the Umatilla Mission Highway, and a public road at least 15 feet wide from the North end of Parcel 5 along the West boundary of the Grantors' remaining property to the South end of Parcel 5 there connecting with Umatilla County Road No. 884, and the Grantors, their heirs, successors and assigns shall be entitled to access to and use of said roads for any purpose.

Nothing heretofore stated shall be construed as releasing Grantors' access rights to public ways across the above described Parcel 4 North of Engineer's Station "M" 6+00 and South of Engineer's Station "M" 23+00 existing as of December 31, 1969.

ALSO for the above stated consideration, there is granted to Grantee, a permanent easement to construct, operate and maintain drainage facilities over and across the following described property, to wit:

PARCEL 7

A parcel of land lying in the NW 1/4 SW 1/4 of Section 16, Township 2 North, Range 33 East, W.M., Umatilla County, Oregon, the said parcel being that portion of said NW 1/4 SW 1/4 lying Southwesterly of Parcel 1, Southeasterly of a line at right angles to the center line of the Westbound lane of the relocated Old Oregon Trail Highway at Engineer's Station "WB" 363+50, Northwesterly of a line at right angles to said center line at Engineer's Station "WB" 364+50 and Northeasterly of a line which is parallel to and 290 feet Southwesterly of said center line, which center line is described in Parcel 1.

The parcel of land to which this description applies contains 0.14 acre, more or less.

PARCEL 8

A parcel of land lying in the SE 1/4 NE 1/4 of Section 21, Township North, Range 33 East, W.M., Umatilla County, Oregon; the said

parcel being that portion of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Southeasterly of a line at right angles to the center line of the Westbound lane of the relocated Old Oregon Trail Highway at Engineer's Station "WB" 415+50, Northwesterly of a line at right angles to said center line at Engineer's Station "WB" 420+00, Southwesterly of Parcels 1 and 2 and Northeasterly of a line which is parallel to and 320 feet Southwesterly of said center line, which center line is described in Parcel 1.

The parcel of land to which this description applies contains 1.0 acre, more or less.

ALSO for the above stated consideration, there is granted to Grantee, a perpetual easement for a channel change over and across the following described property, to wit:

PARCEL 9

A parcel of land lying in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 2 North, Range 33 East, W.M., Umatilla County, Oregon; the said parcel being that portion of said subdivisions lying Southwesterly of Parcel 2; Westerly of Parcel 4, Southeasterly of a line at right angles to the center line of the connection between the Eastbound lane of the relocated Old Oregon Trail Highway and the Umatilla Mission Highway at Engineer's Station "C" 424+50 and North-easterly of the following described line:

Beginning at a point opposite and 200 feet Southwesterly of Engineer's Station "C" 424+50 on said connection center line; thence Southeasterly in a straight line to a point opposite and 175 feet Southwesterly of Engineer's Station "C" 426+00 on said connection center line; thence Southeasterly parallel to said connection center line to a point opposite Engineer's Station "C" 434+64.39 on said connection center line, which center line is described in Parcel 2.

EXCEPT THEREFROM THAT PROPERTY CONVEYED BY THAT CERTAIN FINAL JUDGMENT dated September 28, 1954 and filed in the Circuit Court of the State of Oregon for the County of Umatilla, wherein the State of Oregon, by and through its State Highway Commission, was the plaintiff and Robert Neagle Forrest et al were the defendants and bearing Case No. 6625.

The parcel of land to which this description applies contains 2.5 acres, more or less.

Grantee by virtue of said easement shall have the right to go upon the above described Parcel 9 for the purpose of making a channel change in Patawa Creek in connection with the construction of the Pendleton - Emigrant Hill Section of the relocated Old Oregon Trail Highway, and in connection with said channel change, Grantee may use and appropriate for highway construction without additional compensation, all materials excavated in the making of the channel change. Upon the completion of said channel change, the relocated channel shall be considered as the natural channel of said creek for all intents and purposes, and Grantee

shall have the right to maintain the said creek in its relocated channel, although it shall not be obligated to so do, and in connection therewith, may go upon the above described Parcel 9 for the purpose of maintaining same in its relocated channel.

IT IS UNDERSTOOD that nothing herein contained is intended to prevent Grantors from the full use and dominion over said Parcel 9 provided that such use shall not be permitted to interfere with relocation and maintenance of Patawa Creek by Grantee.

And Grantors do hereby covenant to and with Grantee, its successors and assigns, that they are the owners in fee simple of all of the above described property which is free from all encumbrances except for the following, to wit:

1. Easement, recorded November 7, 1951, in Deed Book 199 at Page 607 in favor of the United States for electrical distribution facilities.
2. Right of the public in existing roads.
3. Rights, if any, of third parties to the above described Parcel 5.
4. Right of way thereon for ditches and canals constructed by authority of the United States.
5. Easement recorded June 12, 1947, in Deed Book 180 at Page 491 in favor of Pacific Power & Light Company for electric power facilities.
6. 1970-1971 real property taxes.

Grantors further warrant and agree to defend the property herein conveyed and the easement rights herein granted from all lawful claims except those mentioned above, it being understood, however, that Grantors' liability on said warranty shall not exceed the amount of the consideration hereinabove stated.

It is expressly intended that the covenants, burdens, restrictions and reservations contained herein shall run with the land and shall forever bind Grantors, their heirs, successors and assigns as well as the

Grantee, its successors and assigns:

Dated this 22 day of March, 1971.

Robert Neagle Forrest
Robert Neagle Forrest

Dale Forrest
Dale Forrest

Nell Isabel Meister
Nell Isabel Meister

STATE OF CALIFORNIA, County of Monterey

March 22, _____, 1971. Personally appeared the above named Robert Neagle Forrest and Dale Forrest, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Patricia A. Myers
Notary Public for California
My commission expires: July 31, 1971

STATE OF California, County of San Diego

March 25, 1971. Personally appeared the above named Nell Isabeil Meister, who acknowledged the foregoing instrument to be her voluntary act. Before me:

Eva M. McKay
Notary Public for
My commission expires: _____

EVA M. MCKAY
My Commission Expires May 8, 1974



Filed for record APR 29 1971 at 8:32 A. M.
JESSIE M. BELL County Clerk