

EASEMENTS

KNOW ALL MEN BY THESE PRESENTS, That EUGENE TROST and MILDRED Z. TROST, husband and wife, Grantors, for \$560.⁰⁰ received, hereby grant unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, Grantee, its successors and assigns, a permanent easement for a channel change over and across the following described property, to wit:

PARCEL 1

A parcel of land lying in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 9 South, Range 25 East, W.M., Wheeler County, Oregon and being a portion of that property described in that deed to Eugene and Mildred Z. Trost, recorded in Book 33, Page 238, Wheeler County Record of Deeds; the said parcel being that portion of said property lying between lines at right angles to the center line of a Channel Change at Engineer's Stations 3+00 and 14+50 and included in a strip of land 70 feet in width, 35 feet on each side of said center line which center line is described as follows:

Beginning at Engineer's center line Station "ChCh" 3+00, said station being 9440.6 feet North and 8098.6 feet West of the Southeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 9 South, Range 25 East, W.M.; thence South 86° 40' West 196 feet; thence North 81° 40' West 304 feet; thence North 87° 52' 30" West 145 feet; thence South 72° 26' 30" West 505 feet to Engineer's center line Station "ChCh" 14+50.

Bearings are based on Oregon State Highway Division Survey. See Drawing No. 2B-10-4 dated November 1921.

The parcel of land to which this description applies contains 1.48 acres, more or less, outside of the existing right of way.

Grantee shall have the right and privilege to go upon the above described property for the purpose of making a channel change in an unnamed creek in connection with the reconstruction of the Dry Gulch Bridge Section of the John Day Highway, and in connection therewith, Grantee may use and appropriate for highway construction, without additional compensation, all materials excavated in the making of said channel change. It is understood that except for making said channel change and using materials derived from said channel change and except for the right to maintain the relocated channel of said creek, Grantee shall acquire no interest in said property, nor shall Grantee be deemed to have assumed any obligation in connection therewith.

It is also understood that upon completion of said channel change, the relocated

OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, Grantee, its successors and assigns, a permanent easement for a channel change over and across the following described property, to wit:

PARCEL 1

A parcel of land lying in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 9 South, Range 25 East, W.M., Wheeler County, Oregon and being a portion of that property described in that deed to Eugene and Mildred Z. Trost, recorded in Book 33, Page 238, Wheeler County Record of Deeds; the said parcel being that portion of said property lying between lines at right angles to the center line of a Channel Change at Engineer's Stations 3+00 and 14+50 and included in a strip of land 70 feet in width, 35 feet on each side of said center line which center line is described as follows:

Beginning at Engineer's center line Station "ChCh" 3+00, said station being 9440.6 feet North and 8098.6 feet West of the Southeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 9 South, Range 25 East, W.M.; thence South 86° 40' West 196 feet; thence North 81° 40' West 304 feet; thence North 87° 52' 30" West 145 feet; thence South 72° 25' 30" West 505 feet to Engineer's center line Station "ChCh" 14+50.

Bearings are based on Oregon State Highway Division Survey. See Drawing No. 2B-10-4 dated November 1921.

The parcel of land to which this description applies contains 1.48 acres, more or less, outside of the existing right of way.

Grantee shall have the right and privilege to go upon the above described property for the purpose of making a channel change in an unnamed creek in connection with the reconstruction of the Dry Gulch Bridge Section of the John Day Highway, and in connection therewith, Grantee may use and appropriate for highway construction, without additional compensation, all materials excavated in the making of said channel change. It is understood that except for making said channel change and using materials derived from said channel change and except for the right to maintain the relocated channel of said creek, Grantee shall acquire no interest in said property, nor shall Grantee be deemed to have assumed any obligation in connection therewith.

It is also understood that upon completion of said channel change, the relocated channel shall become the natural channel of said creek for all intents and purposes. Grantee shall have the right to maintain said creek in its relocated channel although it shall not be obligated to do so, and in connection therewith, may go upon the said property for the purpose of maintaining same.

It is also understood that this easement does not convey any right, title or interest in said property except those expressly stated in this document.

It is further understood that Grantors hereby release Grantee from any and all liability or claims whatsoever arising from the making of said channel change.

Also, there is hereby granted to Grantee, its successors and assigns, a temporary easement for the construction of a detour road for public travel for a period of two (2) years from the date hereof or until the completion of and opening to traffic of the Dry Gulch Bridge Section of the John Day Highway, whichever is earlier, over and across the following described parcel of land, to wit:

PARCEL 2

A parcel of land lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 9 South, Range 25 East, W.M. Wheeler County, Oregon and being a portion of that property described in that deed to Eugene and Mildred Z. Trost, recorded in Book 33, Page 238, Wheeler County Record of Deeds; the said parcel being that portion of said property lying Southerly of a line at right angles to the following described line at Engineer's Station 18+00 and included in a strip of land variable in width, lying on the Easterly side of said center line which center line is described as follows:

Beginning at Engineer's center line Station 17+00, said station being 9791.2 feet North and 8911.2 feet West of the Southeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 9 South, Range 25 East, W.M.; thence South 19° 51' East 700 feet to Engineer's center line Station 24+00.

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

Station	to	Station	Width on Easterly Side of Center Line
18+00		19+60	30 in a straight line to 90 90
19+60		24+00	

Bearings are based on Oregon State Highway Division Survey. See Drawing No. 2B-10-4 dated November 1921.

The parcel of land to which this description applies contains 0.37 acre, more or less, outside of the existing right of way.

If any portion of the above described parcel is surfaced, it is understood and agreed that at the termination of this easement, said surfacing shall be removed by Grantee herein and the land so far as practicable, restored to its existing condition, considering the use to be made of the property by Grantee.

Grantors hereby covenant to and with Grantee, its successors and assigns, that

...the construction of a detour road for public travel for a period of two (2) years from the date hereof or until the completion of and opening to traffic of the Dry Gulch Bridge Section of the John Day Highway, whichever is earlier, over and across the following described parcel of land, to wit:

PARCEL 2

A parcel of land lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 9 South, Range 25 East, W.M. Wheeler County, Oregon and being a portion of that property described in that deed to Eugene and Mildred Z. Trost, recorded in Book 33, Page 238, Wheeler County Record of Deeds; the said parcel being that portion of said property lying Southerly of a line at right angles to the following described line at Engineer's Station 18+00 and included in a strip of land variable in width, lying on the Easterly side of said center line which center line is described as follows:

Beginning at Engineer's center line Station 17+00, said station being 9791.2 feet North and 8911.2 feet West of the Southeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, Township 9 South, Range 25 East, W.M.; thence South 19° 51' East 700 feet to Engineer's center line Station 24+00.

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

Station	to	Station	Width on Easterly Side of Center Line
18+00		19+60	30 in a straight line to 90 90
19+60		24+00	

Bearings are based on Oregon State Highway Division Survey. See Drawing No. 2B-10-4 dated November 1921.

The parcel of land to which this description applies contains 0.37 acre, more or less, outside of the existing right of way.

If any portion of the above described parcel is surfaced, it is understood and agreed that at the termination of this easement, said surfacing shall be removed by Grantee herein and the land so far as practicable, restored to its existing condition, considering the use to be made of the property by Grantee.

Grantors hereby covenant to and with Grantee, its successors and assigns, that they are the owners of said property, and will warrant and defend the easement rights herein granted from all lawful claims whatsoever.

Dated this 25th day of October, 1984.

Eugene Trost
Eugene Trost

Mildred Z. Trost
Mildred Z. Trost

Highway Division
File 54031
10C-52-12

STATE OF OREGON, County of Clackamas

October 25, 1984. Personally appeared the above named Eugene Trost and Mildred Z. Trost, who acknowledged the foregoing instrument to be their voluntary act.

Before me:

Shirley E. Baird
Notary Public for Oregon

My Commission expires 10-13-88

7-31-84
Page 3 - EA
096410

#6667
STATE OF OREGON }
County of Wheeler } ss.

David Luffin Bauman
Notary Public for Oregon

My Commission expires 10-13-80

7-31-84
Page 3 - EA
086415

#6667
STATE OF OREGON }
County of Wheeler } ss.

I hereby certify that the within instrument was received for record.

DEC 7 1984 10:45 am

and assigned No. M-37-145

(Reeds)

in the Microfilm Records of said county

Witness My Hand and Seal of County Affixed

ARLENE STEGNER
County Clerk
Arlene Stegner