

Lease/Miller and Union County

UNION COUNTY, OREGON, LESSEE

BY /s/ Earle C. Misener  
COUNTY JUDGE

/s/ R.W. Schaad  
COMMISSIONER

/s/ Russell Elmer  
COMMISSIONER

IN THE COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY

IN THE MATTER OF VACATION )  
 )  
OF A PORTION OF UNION AVENUE )  
-----

RESOLUTION

WHEREAS, Union Avenue between the easterly right-of-way line of Portland Street and the westerly right-of-way line of Albany Street, County of Union, State of Oregon, is a duly dedicated County Road, and

WHEREAS, a petition has been filed with the Union County Court requesting the above described portion of Union Avenue be vacated for the reason that Albertson's Inc. is proposing to develop a shopping center on Block 3 and 4 of Home Investment Addition to La Grande, County of Union, and

WHEREAS, if the shopping center is developed, the road would not be used as a part of the county road system as a portion of the road would be occupied by buildings, and

WHEREAS, THE County Court, on its own motion, in response to the petition of Albertson's Inc. desires to vacate said Union Avenue between Portland Street and Albany Street as the same appears on the attached map, marked Exhibit "A", and

WHEREAS, the named of the owners of the land adjacent to the proposed vacation are:

- (1) Albertsons Inc., Boise, Idaho; fee, Lots 7 and 8, Block 3, Home Investment Addition to La Grande, Union County, Oregon;
- (2) Albertsons Inc., Boise, Idaho; by assignment option to purchase fee title; Lots 1, 2 and 3, Block 4, Home Investment Addition to La Grande, Union County, Oregon. (Currently fee is vested in Earl M. and Emily N. Connell, Lot 1; Iver W. and Bernice Masterson, Lot 2 except westerly 19.5 feet thereof; Larry W. and Shirley Gates, Lot 3 and the westerly 19.5 feet of Lot 2.)

WHEREAS, the continued existence of Union Avenue surrounded by a shopping center would be useless as part of the general road system, dangerous and an unnecessary maintenance burden upon the County, and the public and the county would be benefited by its vacation,

BE IT RESOLVED that proceedings be instituted to vacate that portion of Union Avenue between Albany Street and Portland Street as the same appears on the attached map, Exhibit "A", with the further condition that actual vacation date would not be the date that the Order is filed with the County Clerk, but would be the date that the last of the deeds conveying fee title to Lots 3 and 6 of said Block and all of said Block 4 to Albertson's Inc., with the further condition that if fee title to said property has not been conveyed to Albertson's Inc. within two years from the date of the Order or if construction has not been commenced on a shopping center development within three years from the date of the Order, the Court may, upon its own motion, enter an order voiding the vacation.

DATED at La Grande, Oregon this 4th day of October, 1972

/s/ Earle C. Misener  
COUNTY JUDGE

/s/ R.W. Schaad  
COUNTY COMMISSIONER

/s/ Russell Elmer  
COUNTY COMMISSIONER

IN THE MATTER OF THE REPORT OF  
BLUE MOUNTAIN INTERGOVERNMENT COUNCIL  
INTERIUM COORDINATOR:

Mr. John Beck, Interium Coordinator, reported he had presented to Department of Environmental Quality requesting \$25,000 planning grant for Solid Waste Grant.

Court has approved request for Grant Planning Funds from Department of Environmental Quality for \$25,000 as presented by Solid Waste Committee Through Blue Mountain Intergovernmental Council



1"=100'

PLOT PLAN  
(SUBJECT TO CHANGE)

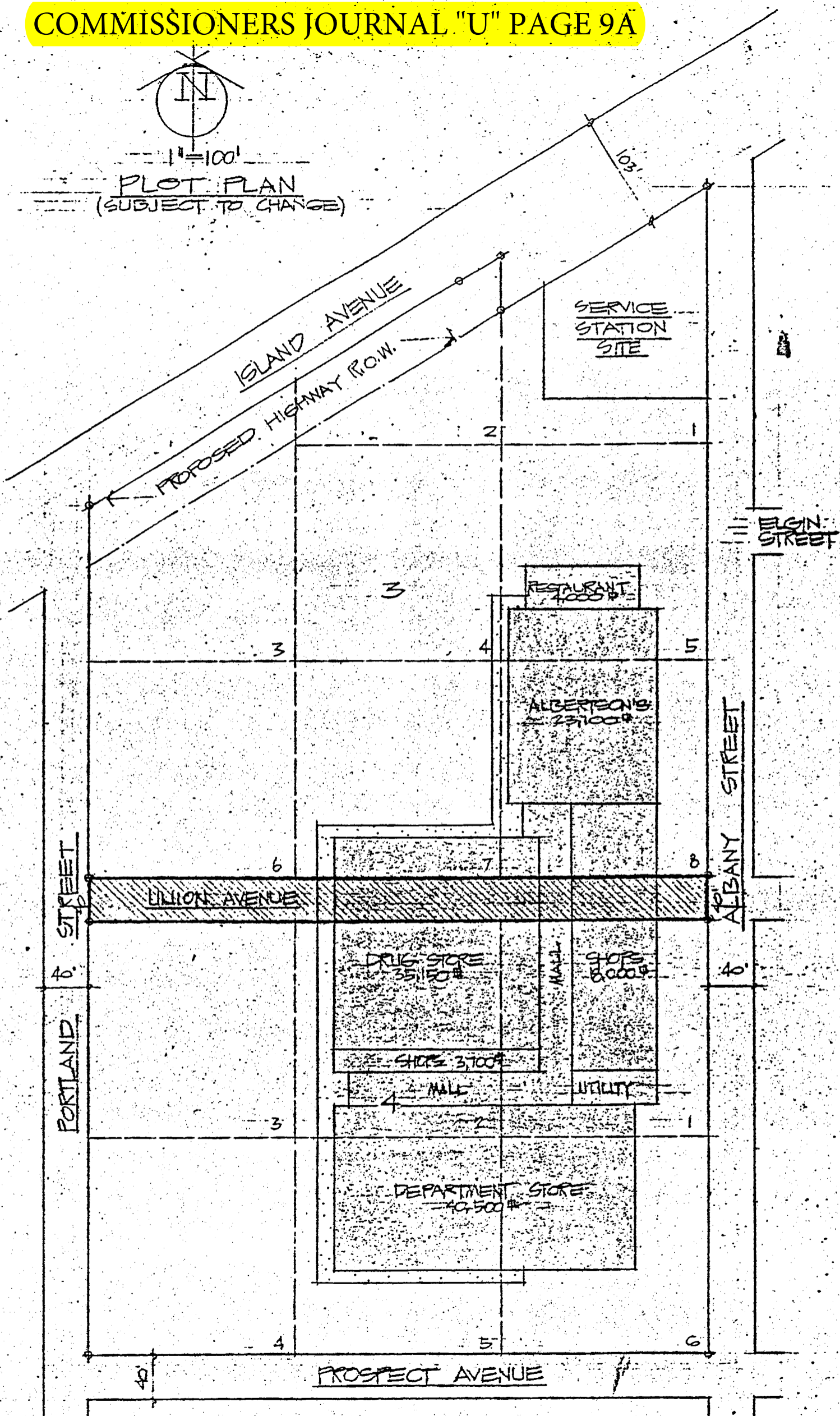


EXHIBIT "C"

S.W.C. ISLAND AVE. & ALBANY ST.  
LA GRANDE, OREGON

Exhibit A

25 SEPT '72 JM

Court met pursuant to adjournment  
Present: Same judicial officers as  
on last judicial day.  
Due proclamation of the opening of

Court having been made, thereupon the journal of the last day's proceedings was read approved, and is here now signed.

/s/ County Judge  
/s/ Commissioner  
/s/ Commissioner

COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY

IN THE MATTER OF )  
THE VACATION OF A PORTION )  
OF-UNION-AVENUE. )  
-----)

ORDER VACATING ROAD

No. \_\_\_\_\_

ON THIS DAY, November 8, 1972 at the hour of 10:00 A.M. this matter for the vacating of a portion of Union Avenue between the easterly right-of-way line of Portland Street and the westerly right-of-way line of Albany Street, County of Union, State of Oregon, came on for hearing before the Court duly convened, Earle C. Misener, County Judge, R.W. Schaad, Commissioner, and Russell Elmer, County Commissioner, Union County being represented by D. Dale Mammen, District Attorney for Union County, Albertsons, Inc., an interested party appearing by Gene D. Reneau and Darrell Creamer, and R.T. Gooding of La Grande, their attorney, and the Court finds as follows:

1. That on October 4, 1972 Union Avenue between the east of the right-of-way line of Portland Street and the westerly right-of-way line of Albany Street, County of Union, State of Oregon, is a duly dedicated county road and is not a part of any road system within any incorporated city of the State of Oregon and is not located within the territorial boundaries of any incorporated city in the State of Oregon, and is more particularly described as:

Commencing at the northwest corner of lot three (3) of block four (4) of HOME INVESTMENT ADDITION to La Grande, Union County, Oregon, according to the corrected recorded plat thereof; running thence north 40 feet more or less to the southwest corner of lot six (6) of block three (3) of said Home Investment Addition; thence running east along and upon the north line of said Union Avenue and along and upon the south line of block three (3) of said Home Investment Addition to the southeast corner of Block eight (8) in lot three (3) of said Home Investment Addition; thence running south a distance of 40 feet more or less to the northeast corner of lot one (1) of block four (4) of said Home Investment Addition; thence running west along and upon the south line of said Union Avenue and along and upon the north line of block four (4) in said Home Investment Addition to the point of beginning:

2. That a petition has been filed with the Court requesting the above described portion of Union Avenue be vacated on the Court's own motion, for the reason that Albertson, Inc. is proposing to develop a shopping and commercial center on Blocks three and four of Home Investment Addition to La Grande, County of Union, and

3. That if the shopping center is developed, the road would not be used as a part of the County road system as a portion of the road would be occupied by buildings, and

4. That this Court heretofore on its own motion and for satisfactor reasons adopted a resolution which was entered in the journal of this Court declaring that proceedings to vacate the above mentioned road will be undertaken,

5. That such resolution demonstrates and shows the legal description of the land adjacent to the road, the names of the owners of such land, the termini of the road to be vacated and that the road is useless as a part of the general road system, dangerous and burdensome to maintain and that the public will be benefited by its vacation, and that said resolution, omitting the title of the Court and Cause reads as follows:

"WHEREAS, Union Avenue between the easterly right-of-way line of Portland Street and the westerly right-of-way line of Albany Street, County of Union, State of Oregon, is a duly dedicated County Road, and

"WHEREAS, a petition has been filed with the Union County Court requesting the above described portion of Union Avenue be vacated for the reason that Albertson's Inc. is proposing to develop a shopping center on Block 3 and 4 of Home Investment Addition to La Grande, County of Union, and

WHEREAS, if the shopping center is developed, the road would not be used as a part of the county road system as a portion of the road would be occupied by buildings, and

WHEREAS, the County Court, on its own motion, in response to the petition of Albertson's Inc. desires to vacate said Union Avenue between Portland Street and Albany Street as the same appears on the attached map, marked Exhibit "A", and

WHEREAS, the names of the owners of the land adjacent to the proposed vacation are:

(1) Albertsons Inc., Boise, Idaho; fee, Lots 7 and 8, Block 3, Home Investment Addition to La Grande, Union County, Oregon;

(2) Albertsons Inc., Boise, Idaho; by assignment option to purchase fee title; Lots 1,2 and 3, Block 4, Home Investment Addition to La Grande, Union County, Oregon. (Currently fee is vested in Earl M. and Emily N. Connell, Lot 1; Iver W. and Bernice Masterson, Lot 2 except westerly 19.5 feet thereof; Larry and Shirley Gates, Lot 3 and the westerly 19.5 feet of Lot 2.)



## THE VACATION OF A PORTION OF UNION AVENUE (Continued)

WHEREAS, the continued existence of Union Avenue surrounded by a shopping center would be useless as part of the general road system, dangerous and an unnecessary maintenance burden upon the County, and the public and the county would be benefited by its vacation,

BE IT RESOLVED that proceedings be instituted to vacate that portion of Union Avenue between Albany Street and Portland Street as the same appears on the attached map, Exhibit "A", with the further condition that actual vacation date would not be the date that the Order is filed with the County Clerk, but would be the date that the last of the deeds conveying fee title to Lots 3 and 6 of said Block three and all of said Block 4 to Albertson's Inc., with the further condition that if fee title to said property has not been conveyed to Albertson's Inc. within two years from the date of the Order or if construction has not been commenced on a shopping center development within three years from the date of the Order, the Court may, upon its own motion, enter an Order voiding the vacation.

DATED at La Grande, Oregon this 4th day of October, 1972.

/s/ Earle C. Misener  
EARLE C. MISENER, COUNTY JUDGE

/s/ R.W. Schaad  
R.W. SCHAAD, COMMISSIONER

/s/ Russell Elmer  
Russell Elmer, COMMISSIONER

6. THAT on October, 1972 this Court entered an order that the County Road master examine that portion of Union Avenue between the easterly right-of-way line of Portland Street and the westerly right-of-way line of Albany Street and make a report in writing on the road on or before October 31, 1972, such report containing the opinion of the Roadmaster as to whether the road should be vacated, whether the road is or has been in use as a part of the county road system, whether it would be advisable to preserve the road as a part of the general road system in the future, whether the public would be benefited by the vacation of said county road, and all other facts, matters and things which are of importance to the Court, and that the Court further ordered on that November 8, 1972 at 10:00 A.M. in the County Courthouse in the Courthouse in the City of La Grande, Oregon, be and the same is hereby fixed as the time, and place for hearing of the report, and the Court further ordered that the Sheriff of Union County, or one of his deputies, cause notice of the hearing to be given by advertisement posted at the place of the holding of the County Court and at three public places in the vicinity of the road at least 30 days before the date set for hearing and proof that such notice has been given was to be made by affidavit of the person directed by the County Court to post the notices; that the report of the County Roadmaster has been received by the Clerk of Union County, Oregon and such report includes that the above portion of Union Avenue should be vacated, that it has not been in use as a part of the county's road system, that it is not advisable to preserve the road as a part of the general road system in the future, and that the public will be benefited by the vacation of the county road; that the affidavit of posting notice and the supplemental affidavit of posting notice shows that notice of this hearing was given by advertisement posted at the place of the holding of County Court, namely the County Courthouse at La Grande, Oregon, and that the notices were also posted at three public places in the vicinity of the road, at least 30 days before the date set for the hearing, October 5, 1972, and proff that the notice has been given has been made by the affidavit of the person directed by the Court to post the notice;

7. AND THE COURT having heard the testimony of the hearing and examined the records and files herein specifically finds that the portion of the above road described has not been in use as a part of the county's general road system, that it is not advisable to preserve the road as a part of the general road system in the future, that the public will be benefited by the vacation of that portion of the above described county road, that such county road is burdensome to maintain, and that no one residing on the portion sought to be vacated and depending thereon for access has appeared in protest, and that such vacation should be allowed,  
NOW THEREFORE

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. The portion of Union Avenue between the easterly right-of-way line of Portland Street and the westerly right-of-way line of Albany Street, located within Union County, State of Oregon, and particularly described as:

Commencing at the northwest corner of lot three (3) of block four (4) of HOME INVESTMENT ADDITION TO La Grande, Union County, Oregon, according to corrected recorded plat thereof; running thence north 40 feet more or less to the southwest corner of lot six (6) of block three (3) of said Home Investment Addition; thence running east along and upon the north line of said Union Avenue and along and upon the south line of block three (3) of said Home Investment Addition to the southeast corner of block eight (8) in lot three (3) of said Home Investment Addition; thence running south a distance of 40 feet more or less to the northeast corner of lot one (1) of block four (4) of said Home Investment Addition; thence running west along and upon the south line of said Union Avenue and along and upon the north line of block four (4) in said Home Investment Addition to the point of beginning;

Be and the same is hereby vacated effectively when Albertson's Inc. has received fee title to lots three (3) and six (6) of block three (3) of said Home Investment Addition and all of said block four (4) of said Home Investment Addition;

2. The portion vacated shall attach to the lots bordering thereon and all right and title thereto shall vest in the persons owning the property on the site thereof, in equal proportions, according to the length or breadth of such lots or ground as the same may border on the vacated portion of the road;

THIRD JUDICIAL DAY (Continued)

NOVEMBER 8, 1972

THE VACATION OF A PORTION OF UNION AVENUE (Continued)

3. If fee title to the above mentioned property has not been conveyed to Albertson's Inc. within two years from the date hereof, or if construction has not been commenced on the shopping and commercial center development within three years from the date hereof, or if construction has not been commenced on the shopping and commercial center development within three years from the date hereof, the Court may, upon its own motion, and after notice to Albertson's Inc., enter an order setting aside the vacation;

4. At such time that Albertson's Inc. acquires the fee titles mentioned in paragraph 1 above, the Court will entertain its petition for further and supplemental orders consistent with this order.

DATED at La Grande, Oregon November 8, 1972

/s/ Earle C. Misener, County Judge

/s/ R.W. Schaad, Commissioner

/s/ Russell Elmer, Commissioner

COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY

IN THE MATTER OF )  
 )  
 THE VACATION OF A PORTION )  
 OF UNION AVENUE. )  
 ----- )

SUPPLEMENTAL ORDER

The Court notes that on October 5, 1972, had a meeting of the Court duly convened at the Union County Courthouse at La Grande, Oregon, the Court determined among other matters that the Sheriff of Union County, Oregon, or one of his deputies, should post the notices of the hearing herein, that the written order entered by the Court October 5, 1972 did not contain such a provision, that such order should be corrected to reflect such provision, NOW THEREFORE,

IT IS HEREBY ORDERED that this Court's order dated October 5, 1972 setting the time and place for hearing is hereby amended, and the Sheriff of Union County, Oregon or one of his deputies, is hereby directed and ordered to cause notice of the hearing to be given by advertisement posted at the place of holding County Court, the Union County Courthouse, and at three public places in the vicinity of the road, at least 30 days before the date set for hearing, and proof that the notice has been given shall be made by the Sheriff of Union County, Oregon, or one of his deputies.

DATED at La Grande, Oregon November 8, 1972, nunc pro tunc for October 5, 1972.

/s/ Earle C. Misener, County Judge

/s/ R.W. Schaad, Commissioner

/s/ Russell Elmer, Commissioner.

IN THE MATTER OF THE TAX  
 REFUND ORS. 308.425 - 308.440:

Refund due to the Destruction of Residential Property. Refund to Giles and Eddie D. Van Housen.

The county assessor and/or tax collector are hereby ordered to abate the tax against the property described hereon in the amount of \$144.72 as provided by ORS 308.425. If the herein described tax had been paid, a refund shall be issued from the general fund of the county and the assessor and tax collector shall make the necessary correcting adjustment to the assessment and tax rolls.

Signed: /s/ Earle C. Misener  
 Chairman or County Judge

Date: 11/8/72

/s/ R.W. Schaad  
 County Commissioner

11/8/72

/s/ Russell Elmer  
 County Commissioner

11/8/72

THEREUPON IT WAS ORDERED that Court be adjourned until Friday, 10,th of November A.D., 1972

IN THE MATTER OF THE VACATION )  
OF PORTION OF UNION AVENUE )

SUPPLEMENTAL PETITION  
NO. \_\_\_\_\_

FILED  
AT 8:30 A.M. Feb. 20, 1973  
County Clerk  
/s/ Shirley Bolin

Albertson's Inc., a corporation, represents and petitions:

1. The road vacation herein is related to the purchase by Albertson's, Inc., of fee title of certain owners in Blocks 3 and 4, Home Investment Addition to La Grande, Union County, Oregon namely: Earl M. Connell, Emily N. Connell, Iver W. Masterson, Bernice Masterson, Larry W. Gates and Shirley A. Gates, and Savway, Inc., and Oregon Corporation.
2. Albertson's Inc., has purchased the interest of the foregoing persons as represented by the attached copy of recorded deeds.
3. In its Order dated November 8, 1972, the Court ruled that when Albertson's Inc. acquired the above mentioned fee titles, that the Court would entertain this petition for further and supplemental orders. The Court should determine that its initial vacation dated November 8, 1972, is now effective. WHEREFORE petitioner requests the foregoing Order and such other relief as may be met in the premises.

CAREY & GOODING

By: /s/ R.T. Gooding  
Attorneys for Albertson's Inc.

STATE OF IDAHO )  
                  )ss  
COUNTY OF ADA )

The undersigned being sworn states: I am the Senior Vice President of Albertson's, Inc., authorized to verify this petition, and state that the foregoing is true as I verily believe.  
Page -1- Supplemental Petition.

/s/ T.E. Minson  
Senior Vice President

Suscribed and sworn January 29, 1973

/s/ Edith G. Stephens  
Notary Public for Idaho  
My Commission Expires:  
Jan. 12, 1974

Page -2- Supplemental Petition

42317

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That SAVWAY, INC., a corporation duly organized and existing under the laws of the State of Oregon ("Grantor"), in consideration of the exchange of other like property to it conveyed by ALBERTSON'S, INC., a Delaware corporation, ("Grantee"), does hereby grant, bargain, sell and convey to Grantee, its successors and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Union, and State of Oregon, bounded and described as follows, to-wit:

All of Lots Three (3) and Six (6), Block Three (3), Home Investment Addition to La Grande, County of Union, State of Oregon, according to the corrected recorded plat thereof, Except the northerly forty (40) feet of Lot 3 along Island Avenue reserved for highway widening.

SUBJECT TO the following reservations and deed restrictions which shall attach to, be burden upon, and run with the within conveyed land for the periods therein prescribed, being binding upon Grantee and its successors and assigns"

1. Grantor hereby reserves the right, but does not have the duty, to remove within six months from the date hereof any one or all of the buildings, improvements and structures existing upon or under the within conveyed real property.
2. Grantor hereby declares and places upon the within conveyed land the following deed restrictions which shall run for fifty (50) years from the date hereof and which shall be for the benefit of the real property described on Schedule I attached hereto and the owners or interest holders thereof:

No part of the within conveyed real property shall be used for the purposes of storing, selling or distributing gasoline, lubricants or other petroleum products for motor vehicles, or for the purposes of repairing or maintaining motor vehicles,

Grantee by executing and acknowledging this Instrument agrees for itself and for its successors and assigns to be bound by the above reservations and deed restrictions,

TO HAVE AND TO HOLD the above described and granted premises unto Grantee, its successors and assigns forever.



And Grantor does covenant that it is lawfully seized in fee simple of the above granted premises free from all encumbrances, except taxes for 1972-73 and subsequent years, and except those reservations and deed restrictions reserved herein, and that it will and its successors shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Done by order of the Board of Directors, with the seal of said corporation, this 27th day of December, 1972.

ALBERTSON'S INC., a Delaware corporation

By: /s/ Paul W. Mouser Senior Vice President

By: /s/ Minnie O. Armstrong Secretary

SAVWAY, INC., an Oregon corporation

By: /s/ Keith L. Remington President

By: /s/ W.F. Schroeder Secretary

SEALED

SEALED

STATE OF IDAHO ) ) ss. County of Ada )

On this 12th day of January, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared Paul W. Mouser and Minnie O. Armstrong, to me known to be the Senior Vice President and Secretary, respectively, of ALBERTSON'S INC., the corporation that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires: Jan. 12, 1974

/s/ Edith G. Stephens Notary Public in and for the State of Idaho Residing at Boise, Idaho

SEALED

STATE OF OREGON ) ) ss. County of Malheur )

On this 8 day of January, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared Keith L. Remington and W.F. Schroeder, to me known to be the President and Secretary, respectively, of SAVWAY, INC., the corporation that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires: Sept. 26, 1973

/s/ Maxine Ryan Notary Public in and for the State of Oregon Residing at Vale, Oregon

SEALED

SCHEDULE I

A portion of Lots 12, 13 and 14 of Block 20, Williamson's Addition to La Grande and more particularly described as follows with reference to a map of survey made for La Grande Paint & Glass, Inc., dated November 10, 1972 as filed in the Office of the Union County Surveyor:

Beginning at the SW corner of Lot 12 of Block 20; thence N. 0° 37'30" W. along the west line of said Lot 12, 511 feet to the SE line of the proposed highway right of way; thence N. 58° 41'56" East along said highway right of way line 134.77 feet to the center line of the vacated alley through said Block 20; thence S. 0° 38' 34" E along the center line of said vacated alley 73.92 feet; thence S. 89° 23' 38" W. along the South line of said Lot 12 115.92 feet to the point of beginning, said parcel containing 4582 square feet.

42317

INDEXED STATE OF OREGON ) ) ss County of Union )

I certify that the within instrument of writing was received for record on the 15 day of January 1973 at 3:00 o'clock P.M., and recorded on page - in book - Record of Deeds of said County.

SHIRLEY L. BOLIN County Clerk, By: /s/ Charlotte M. Skaggs, Deputy

Second Judicial Day continued

March 8, 1973

42479

KNOW ALL MEN BY THESE PRESENTS, That EARL M. CONNELL and EMILY N. CONNELL, husband and wife, as tenants by the entirety, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by ALBERTSON'S INC., A Delaware corporation does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Union and State of Oregon, described as follows, to-wit:

All of Lots One (1) and Six (6), in Block Four (4) of HOME INVESTMENT ADDITION to La Grande, Union County, Oregon, according to the corrected recorded plat thereof; TOGETHER WITH (1) a strip of land 20 feet in width adjoining the north side of Lot 1 (being the South one-half of vacated Union Avenue, as platted, which adjoins said land), (2) all of grantor's possessory interest, if any, in Lot 5 of said Block 4, and (3) all water rights adjudicated for the irrigation of the within conveyed real property under the name of La Grande Irrigation Company, from the Grande Ronde River, with priority of 1903, State Record Volume 6, Page 6417, and Union County Record Book 3, Page 213 of Water Right Certificates.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, except general real estate taxes for 1972-73 years,

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$26,500.00.

In construing this deed and where the context so requires, the singular includes the plural.  
WITNESS grantor's hand this 25th day of January, 1973.

/s/ Earl M. Connell  
Earl M. Connell

/s/ Emily N. Connell  
Emily N. Connell

STATE OF OREGON, County of Union ) ss.

January 25, 1973

Personally appeared the above named Earl M. Connell and Emily N. Connell and acknowledged the foregoing instrument to be their voluntary act and deed.

SEALED

Before me: /s/ Stuart F. Wyld  
Notary Public for Oregon  
My commission expires 10-22-74

NOTE- The sentence between the symbols 0, If not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

42479

STATE OF OREGON )  
 ) ss.  
County of Union )

I certify that the within instrument was received for record on the 25 day of January, 1973, at 4:40 o'clock P.M. and recorded in book - an page - or as filing fee number 42479, Record of Deeds of said County.  
Witness my hand and seal of County affixed.

SHIRLEY L. BOLIN  
County Clerk Title

By: /s/ Charlotte M. Skaggs, Deputy

42480

KNOW ALL MEN BY THESE PRESENTS, That IVER W. MASTERSON and BERNICE MASTERSON, husband and wife, as tenants by the entirety, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by ALBERTSON'S INC., a Delaware corporation, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Union and State of Oregon, described as follows, to-wit:

All of Lots Four (4) and Five (5) and all of Lot (2) except the West nineteen and one-half (19½) feet of Lot 2, in Block Four (4) of HOME INVESTMENT ADDITION to La Grande, Union County, Oregon, according to the corrected recorded plat thereof, TOGETHER with (1) a strip of land 20 feet in width adjoining the north side of Lot 2 except the West 19½ feet thereof (being the South one-half of vacated Union Avenue, as platted, which adjoins said land), (2) all of grantor's possessory interest, if any, in Lots 1, 3 and 6 of said Block 4, and (3) all water rights adjudicated for the irrigation of the within conveyed real property under the name of La Grande Irrigation Company, from the Grande Ronde River, with priority of 1903, State Record Volume 6, Page 6417, and Union County Record Book 3, Page 213 of Water Right Certificates, and under the name of Iver W. Masterson for the use of waters of a well, tributary of the Grande Ronde River, under Permit No. G-1041 of the State Engineer, with priority of July 28, 1958, point of diversion being 9 chains north and 6 chains west from the SE corner of Sec. 5, T 3 S, R 38 E, W.M., State Record Volume 19, Page 26894, and Union County Record Book 3, Page 589 of Water Right Certificate.

continued



And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, except general real estate taxes for 1972-73 and subsequent years,

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$63,600.00.

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand this 24th day of January, 1973.

/s/ Iver W. Masterson  
Iver W. Masterson

/s/ Bernice Masterson  
Bernice Masterson

STATE OF OREGON, County of Union) ss.

January 24, 1973

Personally appeared the above named Iver W. Masterson and Bernice Masterson and acknowledged the foregoing instrument to be their voluntary act and deed.

SEALED

Before me: /s/ Stuart F. Wylde  
Notary Public for Oregon  
My commission expires Oct. 22, 1974

42480

STATE OF OREGON)  
) ss.  
County of Union)

I certify that the within instrument was received for the record on the 25 day of January, 1973, at 4:40 P.M., and recorded in book - on page - or as filing fee number 42480, Record of Deeds of said County.

Witness my hand and seal of County affixed.

SHIRLEY L. BOLIN  
County Clerk, Title

By: /s/ Charlotte M. Skaggs, Deputy

42481

WARRANTY DEED

LARRY W. GATES and SHIRLEY A. GATES, husband and wife, hereinafter called grantors, convey to ALBERTSON'S INC., a Delaware corporation, all that real property situated in Union County, State of Oregon, described as:

All of Lot Three (3) and the West nineteen and one-half (19½) feet of Lot Two (2), in Block Four (4) of HOME INVESTMENT ADDITION to La Grande, Union County, Oregon, according to the corrected recorded plat thereof: Together with (1) a strip of land 20 feet in width adjoining the north side of Lot 3 and the north side of the West 19½ feet of Lot 2 (being the South one-half of vacated Union Avenue, as platted, which adjoins said land, (2) all of Grantor's possessory interest, if any, in Lots 4 and 5 of said Block 4, and (3) all water rights adjudicated for the irrigation of the within conveyed real property under the name of La Grande Irrigation Company, from the Grande Ronde River, with priority of 1903, State Record Volume 6, Page 6417, and Union County Record Book 3, Page 213 of Water Right Certificates, if any;

and covenant that grantors are the owners of the above-described property free of all encumbrances except general real estate taxes for the 1972-73 and subsequent years, and except the condition contained in that certain order of the County Court of Union County, Oregon, entered November 8, 1972, pertaining to the vacation of Union Avenue (between Blocks 3 and 4 of Home Investment Addition) to the effect that if construction has not been commenced on the shopping and commercial center development within three (3) years from the date of said order, the Court may, upon its own motion, and after notice to Albertson's, Inc., enter an order setting aside the vacation.

Second Judicial Day continued

March 8, 1973

The true and actual consideration for this transfer is \$48,200.00.

DATED this 23rd day of January, 1973.

/s/ Larry W. Cates  
LARRY W. CATES

/s/ Shirley A. Cates  
SHIRLEY A. CATES

STATE OF OREGON  
COUNTY OF UNION )  
January 23rd, 1973

Personally appeared the above-named Larry W. Cates and Shirley A. Cates and as knowledgeable the foregoing instrument to be their voluntary act. Before me:

/s/ Warner V. Wasley  
Notary Public for Oregon  
My Commission Expires: 8/25/75-

SEALED

Page One Warranty Deed

RECORDED Jan. 25, 1973 at 4:40 P.M. - Microfilm #42481, Union County

COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY  
IN THE MATTER OF )  
THE VACATION OF A PORTION OF )  
UNION AVENUE. )  
----- )

SUPPLEMENTAL ORDER

No. \_\_\_\_\_

BASED UPON the petition filed herein by Albertson's Inc., a corporation, the Court finds as follows:

1. The road vacation herein is related to the purchase by Albertson's Inc., of fee title of certain owners in Blocks 3 and 4, Home Investment Addition to La Grande, Union County, Oregon namely, Earl M. Connell, Emily N. Connell, Iver W. Masterson, Bernice Masterson, Larry W. Cates and Shirley A. Cates, and Savway, Inc., an Oregon corporation.
2. Albertson's Inc., has purchased the interest of the foregoing persons as represented by the attached copy of recorded deeds.
3. In its Order dated November 8, 1972, the Court ruled that when Albertson's Inc., acquired the above mentioned fee titles, that the Court would entertain this petition for further and supplemental orders. The Court should determine that its initial vacation dated November 8, 1972 is now effective.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the portion of Union Avenue between the easterly right-of-way line of Portland Street, and the westerly right-of-way line of Albany Street, located within Union County, State of Oregon and particularly described as:

Commencing at the northwest corner of lot three (3) of block four (4) of HOME INVESTMENT ADDITION TO La Grande, Union County, Oregon, according to the corrected recorded plat thereof; running thence north 40 feet more or less to the southwest corner of lot six (6) of block three (3) of said Home Investment Addition; thence running east along and upon the north line of said Union Avenue and along and upon the south line of block three (3) of said Home Investment Addition to the southeast corner of block eight (8) in lot three (3) of said Home Investment Addition; thence running south a distance of 40 feet more or less to the northeast corner of lot one (1) of block four (4) of said Home Investment Addition; thence running west along and upon the south line of said Union Avenue and along and upon the north line of block four (4) in said Home Investment Addition to the point of beginning;

Second Judicial Day continued

March 8, 1973

Be and the same is hereby finally and effectively vacated, all pursuant and supplemental to the Court's order herein dated November 8, 1972.

IT IS FURTHERED ORDERED that this Court's Order dated November 8, 1972 is corrected and modified by inserting, paragraph 3, page 6, line 20, the words "by Albertson's, Inc., or its successor in title" such insertion to be immediately following the words "date hereof" so that the entire paragraph 3 as hereby corrected reads as follows:

"If fee title of the above mentioned property has not been conveyed to Albertson's Inc., within two years from the date hereof, or if construction has not been commenced on the shopping and commercial center development within three years from the date hereof by Albertson's Inc., or its successor in title, the Court may, upon its own motion, and after notice to Albertson's, Inc., enter an order setting aside the vacation;"

DATED AT La Grande, Oregon March 8, 1973

/s/ Earle C. Misener  
Earle C. Misener, County Judge

/s/ Russell Elmer  
Russell Elmer, Commissioner

/s/ Harold Schwebke  
Harold Schwebke, Commissioner

Page 2 - Supplemental Order

IN THE MATTER OF THE )  
PAYMENT GENERAL AND )  
ROAD FUND BILLS )

Allowed as presented

IN THE MATTER OF THE SOLID WASTE )  
MANAGEMENT PLANNING BUDGET )

County Court of Union County  
La Grande, Oregon 97850

From the office of  
EARLE C. MISENER, County Judge

RUSSELL ELMER, Commissioner  
HAROLD SCHWEBKE, Commissioner

March 9, 1973

Mr. Robert D. Jackson  
Department of Environmental Quality  
1234 S.W. Morrison St.  
Portland, Oregon 97205

Dear Mr. Jackman,

Forwarded herewith are the revisions requested for the Union County Solid Waste Grant Application.

These changes were approved by the Union County Court at their March 8, 1973 meeting.

All of the requested revisions have been accomplished by adding notes to the revised Proposed Solid Waste Management Planning Budget and cross referencing them to paragraph 6 - Work Plan of the grant application.

Sincerely,

/s/ Earle C. Misener

Earle C. Misener

ECM/jl  
Enclosure

Amended Critical Path Method Chart (3)  
Revised Proposed Solid Waste Management Planning Budget (3)

continued