Iz	1012 AIA					
•	1973-010					
1	COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY					
2	IN THE MATTER OF					
3	IN THE MATTER OF					
4	UNION AVENUE.					
5	SUPPLEMENTAL PETITION					
6	No					
7	Albertson's, Inc., a corporation, represents and petitions:					
8	1. The road vacation herein is related to the purchase by					
9	Albertson's, Inc. of fee title of certain owners in Blocks 3 and 4, Home					
10	Investment Addition to La Grande, Union County, Oregon namely:					
11	Earl M. Connell, Emily N. Connell, Iver W. Masterson, Bernice					
12	Masterson, Larry W. Gates and Shirley A. Cates, and Savway, Inc.,					
13	an Oregon Corporation.					
14	2. Albertson's, Inc. has purchased the interest of the					
15	foregoing persons as represented by the attached copy of recorded					
16	deeds.					
17	3. In its Order dated November 8, 1972, the Court ruled					
18	that when Albertson's, Inc. acquired the above mentioned fee titles,					
19	that the Court would entertain this petition for further and					
20	supplemental orders. The Court should determine that its initial					
21	vacation dated November 8, 1972, is now effective.					
2 2	WHEREFORE petitioner requests the foregoing Order and such					
23	other relief as may be met in the premises.					
24	CAREY & GOODING					
25	D14 N					
26	By: Attorneys for Albertson's, Inc.					
37						
2 8	STATE OF IDAHO) :ss					
29	COUNTY OF ADA)					
30	The undersigned being sworn states: I am the Senior Vice President					
31	of Albertson's, Inc., authorized to verify this petition, and state					
3 2	that the foregoing is true as I verily believe.					
	Page -1- Supplemental Petition From the offices of CAREX & COODING					

CAREY & GOODING Attorneys-at-Law LA GRANDE, OREGON

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8-1 C.

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•

l Senior Vice President Suscribed and sworn January 22, 1973 ens Notary Notary Public for Idah My Commission Expires Idahø Jan. 12, 1974 Ħ Page -2- Supplemental Petition From the offices of CAREY & GOODING Attorneys-at-Law LA GRANDE, OREGON

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:

Copy to Tom Cooling 42317

.....

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 a 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 that 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

Paro W.Morre enior Vice President By: By: Munie O. (1) Secre

SAVWAY, INC., an Oregon corporation By: lin President By: C Secretary

STATE OF IDAHO)

My commission expires:

County of Ada

On this / 1th day of <u>fullikit</u>, 1977, before me, the undersigned, a Notary Public in and for said state, personally appeared <u>au</u> <u>fullie</u> and <u>fullie</u> <u>said</u> Secretary, to me known to be the Senior Vice President and <u>secretary</u>, 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.

> STATE OF OREGON) : ss. County of Malheur)

) ss.

On this <u>8</u> day of <u>January</u>, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared <u>Keith L. Remington and W. F. Schroeder</u>, to me known to be the <u>President and</u> 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.

Residing at Boise, Idaho

Notary Public in and for the State of Idaho

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

My commission expires:

Notary Public in and for the State of Oregon Residing at Vale, Oregon

Sept. 26, 1973

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 pro-posed 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.

Or of

42317

MORXED STATE OF OREGON SS County of Union I certify that the within instrument of writing was received for record on o'clock P. M., and recorded on page in book _____ Record of) eeds of said County. SHIRLEY L. BOLIN County Clerk, By Charlotte Males of Deputy.

FORM No. 633-WARRANTY DEED

1967/SO.

No.

633

424 KNOW ALL MEN BY THESE PRESENTS, That EARL M. CONNELL and EMIL CONNELL, husband and wife, as tenants by the entirety

....., hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid byALBERTSON'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, sit-.....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.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

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 and subsequent years,

and that

Title

....Deputy

SHIRLEY L. BOLIN County Clerk

Be horlatte Mother

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 The week-the consideration consideration paid for this transfer, stated in terms of dollars, is \$ 26,500.00 barkat XX6 MX XXHX X ROMidesetien £indientexetiek).©

. In construing this deed and where the context so requires, the singular includes the plural WITNESS grantor's hand this 25th day of January <u>______1973</u>

Connell January 25 STATE OF OREGON, County of Union "Personally appeared the above named Earl M. Connell and Emily N. Connell act and deed. voluntari NOTARI Level Before me FIGAL SEAL Notary Public for Oregon My commission expires 10-22-74 d. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Sessi OF E. STATE OF OREGON WARRANTY DEEL ss. County of Mion I certify that the within instrument was received for record on the 25 day of January, 1973, TO T HEF THIS at 4:40 o'clock M., and recorded SPACE; RESERVED FOR RECORDING in book.....on page.....or as BEL IN COUNtiling fee number 42,479....., Rec-TIES WHERE USED.) AFTER RECORDING RETURN TO ord of Deeds of said County. Witness my hand and seal of County affixed.

Kow ALL MEN BY THESE PRESENTS The IVER W. MASTERSON, and DERINICE MASTERSON, husband and wife, an tenantic hy the orbitraty meetandle called the grants, for the consideration hereinates start, for grantor poid by _ALBERTSONS, INC., a Delaware corporation meetandle of the consideration hereinates start, de hereby fami, bergin, all and coarsy unto the said grante and granted in the consideration hereinates start, de hereby fami, bergin, all and coarsy unto the said grante and granted in the consideration hereinates and one h de hereby fami, bergin, all and coarsy unto the said grante and granted in the consideration hereinates and one h de hereby fami, bergin, all and coarsy unto the said grante and granted in the consideration in the coarsy of	FORM	No.º 633-WARRANTY DEED.	· ,	-		
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deeb hereby grant, bargin, sail and concey unto the said grantes and grantes hoirs, successors and assign, hat certain real property, with the incements, heredinames and grantes and or form, described as follows, to-wit: All of Lubs Four (4) and Five (5) and all of Lut Two (2) except the West interest and one-A All of Lubs Four (4) and Five (5) and all of Lut Two (2) except the West interest and one-A (1) - L/2) foet of Luc 2, in Block Four (4) of HOME INVESTMENT ADDITION to La Grande, (1) a strip of Land 20 feet in width adjoining the north side of Luc 2 except the West 19-1/2 foet of Luc 4, and (3) all watter rights adjudicated foor the irrigation of the within conversed seal proper under the name of La Grande Trigation Company, from the Grande Ronde River, with priving of 1903, State Record Volume 6, Page 6417, and Union County Record Book 3, Page 21 of watter Right Certificates, and under the name of Lus Grande Ronde River, under Permit No. G-1041 of the State Engline with priority of July 22, 1956, point of diversion on twose soft age 589 of Water Right Certificates, and under the name of Lus Grande Strip addition on two soft age 589 of Water Right Certificates, and under the name of soft and strip schedule y the Water Right Certificates, and under the name of soft age 589 of Water Right Certificates, and under the soft age and a strip schedule y the Water Right Certificates, and under the soft age and a strip schedule y the Water Right Certificates, and under schedule y the Water Right Certificates, and under schedule age strip schedule y the Water Right Certificates, and under the soft diversion below to grantes hereby acced as a strip of the State Right Certificates and the soft schedule age schedule as a strip schedule as a strip schedule astrip schedule as a strip schedule astrip schedule as a strip sc		•			- F	
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used in the County of						
All of Lots Four (4) and Five (5) and all of Lot Two (2) except the West nineteen and one_h (10)-1/2) 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 did of Lot 2 except the West 19-1/2 feet thereof fosing the South one-half or vacated Union Avenue, as platted, which adjoins ald land), (2) all of grantor's possessory interest, if any, in Lots 1, 3 and 6 of said Bloc 4, and (3) all water rights adjudicated for the irrigation of the within conveyed real propen- under the name of La Grande Inrigation Company, from the Grande Ronde River, with pri- ity of 1903, State Record Volume 6, Page 6417, and Union County Record Book 3, Page 21 (4) Water Right Certificates, and under the name of Iver W. Masterson for use of waters a well, tributary of the Grande Ronde River, under Permit No. G-1041 of the State Engine with priority of July 28, 1958, point of diversion being 9 chains north and 6 chains west fr hos SE corner of Sec. 5, T 3 S, R 3E, R 5E, W. M. Stata Record Volume 19, Page 26894, and Union County Record Book 39 More Neurence, ones maximum page 589 of Water Right Certificates And said grantor hereby covennets to and with said granter here, successes and axign, that fandor is hawfully said in the same undo the above granted premises, the formal incombrances , except general real estate taxes for 1972-73 and subsequent years,						
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WARRANTY DEED 1 LARRY W. CATES and SHIRLEY A. CATES, husband and wife, hereinafter called 2 grantors, convey to ALBERTSON'S, INC., a Delaware corporation, all that real property situated 8 in Union County, State of Oregon, described as: 4 All of Lot Three (3) and the West nineteen and one-half (19-1/2)Б feet of Lot Two (2), in Block Four (4) of HOME INVESTMENT 6 ADDITION to La Grande, Union County, Oregon, according to the corrected recorded plat thereof; Together with (1) a strip of 7 land 20 feet in width adjoining the north side of Lot 3 and the north side of the West 19-1/2 feet of Lot 2 (being the South one-half of vacated Union Avenue, as platted, which adjoins said 8 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 irri-9 gation of the within conveyed real property under the name of La Grande Irrigation Company, from the Grande Ronde River, with 10 priority of 1903, State Record Volume 6, Page 6417, and Union County Record Book 3, Page 213 of Water Right Certificates, if any; 11 12 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 13 condition contained in that certain order of the County Court of Union County, Oregon, entered 14 November 8, 1972, pertaining to the vacation of Union Avenue (between Blocks 3 and 4 of 15 16 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, 17 18 the Court may, upon its own motion, and after notice to Albertson's, Inc., enter an order setting aside the vacation. 19 20 The true and actual consideration for this transfer is \$48,200.00. DATED this 23 day of January, 1973. 21 22 2324 STATE OF OREGON 250n Seg COUNTY OF UNION) 2627 January 🖯 28 Personally appeared the above-named Larry W. Cates and Shirley A. Cates and asknowledged the foregoing instrument to be their voluntary act. Before me: 29 80 ary Public region My Commission Expires: PageWarranty Deed.

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

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