

# Exhibit 5

## RECORDING REQUESTED BY AND WHEN RECORDED, RETURN TO:

Union Pacific Railroad Company  
Attn: Real Estate Acquisitions (Folder \_\_\_\_\_)  
1400 Douglas Street, MS 1690  
Omaha, Nebraska 68179

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*(Space Above for Recorder's Use)*

*[Insert RE Folder Number]*

### **ACCESS EASEMENT DEED**

This ACCESS EASEMENT DEED is made this \_\_\_\_\_ day of \_\_\_\_\_, 202\_, between **DOUGLAS E. MCQUOWN** ("Grantor"), and **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation ("Grantee").

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration paid to it, grants and conveys to Grantee, its successors and assigns, a PERPETUAL, NON-EXCLUSIVE ACCESS EASEMENT ("Access Easement") in, to, over, along, upon and across an existing roadway ("Roadway") located across, on, over, and upon certain real property in Multnomah County, State of Oregon, legally described in **Exhibit A**, attached hereto and made a part hereof ("Access Easement Property"), for ingress and egress to Grantee's railroad right-of-way located adjacent to the Access Easement Property ("Grantee's Adjacent Property").

The Access Easement shall run with and be appurtenant to and for the benefit of Grantee's Adjacent Property (and each and every parcel into which it may be divided) as the dominant tenement, and shall be a burden upon the Access Easement Property as the servient tenement.

Grantor, for itself, its successors and assigns, covenants with Grantee, its successors and assigns, that Grantor has the full power and lawful authority to grant and convey the Access Easement. Grantor also covenants with Grantee that Grantor will warrant and defend Grantee's title to the Access Easement in the Access Easement Property against the claims of all persons.

*(Remainder of page intentionally left blank.)*

DRAFT





**LEGAL DESCRIPTION and EXHIBIT MAP TO BE PROVIDED BY PETITIONER**

DRAFT

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*[Insert RE Folder Number]*

**ACCESS EASEMENT DEED**

This ACCESS EASEMENT DEED is made this \_\_\_\_\_ day of \_\_\_\_\_, 202\_, between **AMALGAMATED SUGAR COMPANY**, an Oregon cooperative corporation with its principal office located at 1951 S. Saturn Way, Suite 100, Boise, Idaho 83709 ("Grantor"), and **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation ("Grantee").

Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration paid to it, grants and conveys to Grantee, its successors and assigns, a PERPETUAL, NON-EXCLUSIVE ACCESS EASEMENT ("Access Easement") in, to, over, along, upon and across an existing roadway ("Roadway") located across, on, over, and upon certain real property in Multnomah County, State of Oregon, legally described in **Exhibit A**, attached hereto and made a part hereof ("Access Easement Property"), for ingress and egress to Grantee's railroad right-of-way located adjacent to the Access Easement Property ("Grantee's Adjacent Property").

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Grantor, for itself, its successors and assigns, covenants with Grantee, its successors and assigns, that Grantor has the full power and lawful authority to grant and convey the Access Easement. Grantor also covenants with Grantee that Grantor will warrant and defend Grantee's title to the Access Easement in the Access Easement Property against the claims of all persons.

*(Remainder of page intentionally left blank.)*

DRAFT





Grantor and Grantee have duly executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_, 202\_.

**UNION PACIFIC RAILROAD COMPANY,  
a Delaware corporation**

By: \_\_\_\_\_  
Printed Name: Chris D. Goble  
Title: Assistant Vice President – Real Estate

**STATE OF NEBRASKA )**  
**) ss.**  
**COUNTY OF DOUGLAS )**

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 202\_, by Chris D. Goble, Assistant Vice President – Real Estate of UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, on behalf of the corporation.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

(Seal)

**LEGAL DESCRIPTION and EXHIBIT MAP TO BE PROVIDED BY PETITIONER**

DRAFT