

103770

FILED FOR RECORD
SKAMANIA CO. WASH
BY SKAMANIA CO. TITLE

BOOK 106 PAGE 542

DUPLICATE PAGE NUMBER

SEP 4 2 29 PM '81

Tract No. Portion of BV-37 (FEE)

E. Muford
AUDITOR EASEMENT AND RELEASE

UJ1-905

GARY M. OLSON

KNOW ALL MEN BY THESE PRESENTS, That the United States of America, Department of Energy, Bonneville Power Administration (hereinafter called the Grantor), does hereby grant unto FRANK W. AND MARY RITA KELLETT, Husband and Wife, (hereinafter called the Grantees), and their assigns, a perpetual easement for use of the 50-foot-wide existing road known as Kellett Road and for the construction of 30-foot-wide driveways off said Kellett Road for access purposes over, upon, and across a portion of Tract No. BV-37 of Grantor's fee-owned 300-foot-wide North Bonneville-Troutdale Nos. 1 and 2 (formerly Bonneville-Vancouver) transmission line right-of-way acquired in fee under Civil No. 26, Declaration of Taking dated December 20, 1938, on record in the District Court of the United States for the Western District of Washington, Southern Division. The existing road and driveways are located as follows:

Tract No. BV-37: In a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington, as shown on the attached segment of the Kellett Short Plat, marked Exhibit A and by this reference made a part hereof.

Subject to outstanding rights.

Subject also to the following terms and conditions:

1. There shall be a minimum clearance of 50 feet between the nearest tower legs and the closest edge of the driveways to the towers in order to maintain a safe working distance.
2. If this easement should ever be terminated, the Grantee shall place the existing road in as good a condition as when the Grantee's use began.
3. Any damage to the existing road resulting from the Grantee's use shall be repaired or replaced promptly at the Grantee's expense.

This easement shall not interfere with any use by the Grantor of its fee-owned land.

Reserving unto the Grantor, and its assigns, the right to maintain, operate, rebuild, and upgrade existing electric transmission lines and facilities and to erect, operate, rebuild, upgrade, and maintain future transmission lines and facilities over, under, and across the easement area.

Reserving also unto the Grantor, and its assigns, the right of access to and along the fee-owned property at all times, and the right to use the road and to construct, operate, and maintain such approaches to the road as the Grantor may consider necessary or convenient to the construction, operation, and maintenance of its facilities.

Registered	<i>E</i>
Indexed, Dir	<i>S</i>
Indirect	<i>S</i>
Filmed	
Mailed	

The Grantees, and their assigns, shall be liable for any damage to the property of the Grantor including transmission lines and structures arising out of or resulting from any act or omission of said Grantees or their employees, agents, or assigns acting within their authority in the use and maintenance of said existing road and driveways upon the property of the Grantor.

Should the rights granted herein no longer be used or needed for road purposes for a consecutive 2-year period, or be abandoned, then upon written notice by the Grantor to FRANK W. AND MARY RITA KELLETT, or their assigns, all rights granted by this easement shall automatically terminate and the title thereto revert in the Grantor and its assigns.

TO HAVE AND TO HOLD the above-described perpetual easement unto FRANK W. AND MARY RITA KELLETT, or their assigns, forever.

In consideration for the easement granted, FRANK W. AND MARY RITA KELLETT do hereby release and quitclaim unto THE UNITED STATES OF AMERICA, Department of Energy, Bonneville Power Administration, all of their right, title, and interest in and to the following-described land, granted by the United States of America to Peder C. Birkeland, a single man, his heirs and assigns, by instrument dated September 3, 1940, to wit:

A parcel of land being all that portion of the SE $\frac{1}{4}$ of Section 26, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington, which lies within a strip of land 300.0 feet in width of which 212.50 feet lies on the northerly side of and 87.50 feet lies on the southerly side of the Bonneville-Vancouver transmission line survey.

Said survey line being located as follows: Beginning at a point which is the intersection of the said survey line with the east line of the SE $\frac{1}{4}$ of said Section 26, said point being North 0°19'35" West along the said east line a distance of 642.80 feet from the section corner common to Sections 25, 26, 35 and 36, said township and range; thence South 89°04'59" West a distance of 328.58 feet to an angle point; thence North 62°28'16" West a distance of 646.71 feet to an angle point; thence North 34°01'51" West a distance of 2063.76 feet to a point on the north line of said SE $\frac{1}{4}$ of said Section 26; said point being North 89°55'45" West a distance of 2044.74 feet along the said north line of said SE $\frac{1}{4}$ from the quarter section corner common to Sections 26 and 25, said township and range;

except the rights granted by this Easement and Release document. The right-of-way released is shown crosshatched on a segment of BPA Drawing No. 3372, marked Exhibit B, and by this reference made a part hereof.

This conveyance of easement rights is made pursuant to the Acts of August 20, 1937 (50 Stat. 732, 16 U.S.C. § 832a), as amended, and October 23, 1962 (76 Stat. 1129, 40 U.S.C. § 319), and regulations and delegations of authority issued pursuant thereto, it having been determined that the granting of the easement shall not be adverse to the interests of the United States.

Dated at Portland, Oregon, this 28 day of August 1987.

UNITED STATES OF AMERICA
Department of Energy
Bonneville Power Administration

By John R. Conser
Chief, Land Branch

Dated at _____ this 17 day of August 1987.

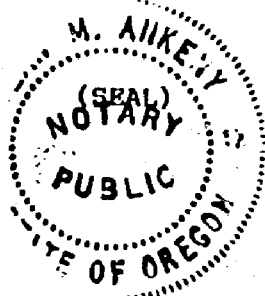
By Frank W. Kellett
Frank W. Kellett

By Mary Rita Kellett
Mary Rita Kellett

STATE OF OREGON)
County of Multnomah) ss:

On this day personally appeared before me John R. Conser to me known to be the _____ Chief, Land Branch Bonneville Power Administration, described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 28 day of August 1987.



John R. Conser
Notary Public for Oregon
My Commission Expires: 2-13-88

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U.S. DEPARTMENT OF ENERGY—BONNEVILLE POWER ADMINISTRATION
PERSONAL ACKNOWLEDGMENT
Washington, Oregon, Idaho, and Montana

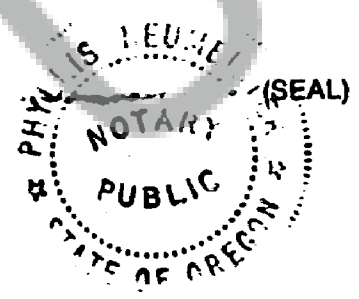
State of Oregon)
County of Multnomah) ss.

On this 18 day of August, in the year of 1987, before me personally appeared Frank W. Kellett & Mary Rita Kellett, known to me to be the individual(s) and person(s) who executed and whose name(s) are subscribed to the within instrument, and acknowledged to me that they signed and executed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal on the day written above.



Notary Public in and for the
State of Oregon
Residing at Portland, OR
My commission expires December 3, 1989



BOOK 106 PAGE 546
622.8 (UPA)

LOT 2
2.01 AC.

LOT 3
2.30 AC.

LOT 4
2.50 AC.

LOT 1
2.00 AC.

Approximate location of driveway

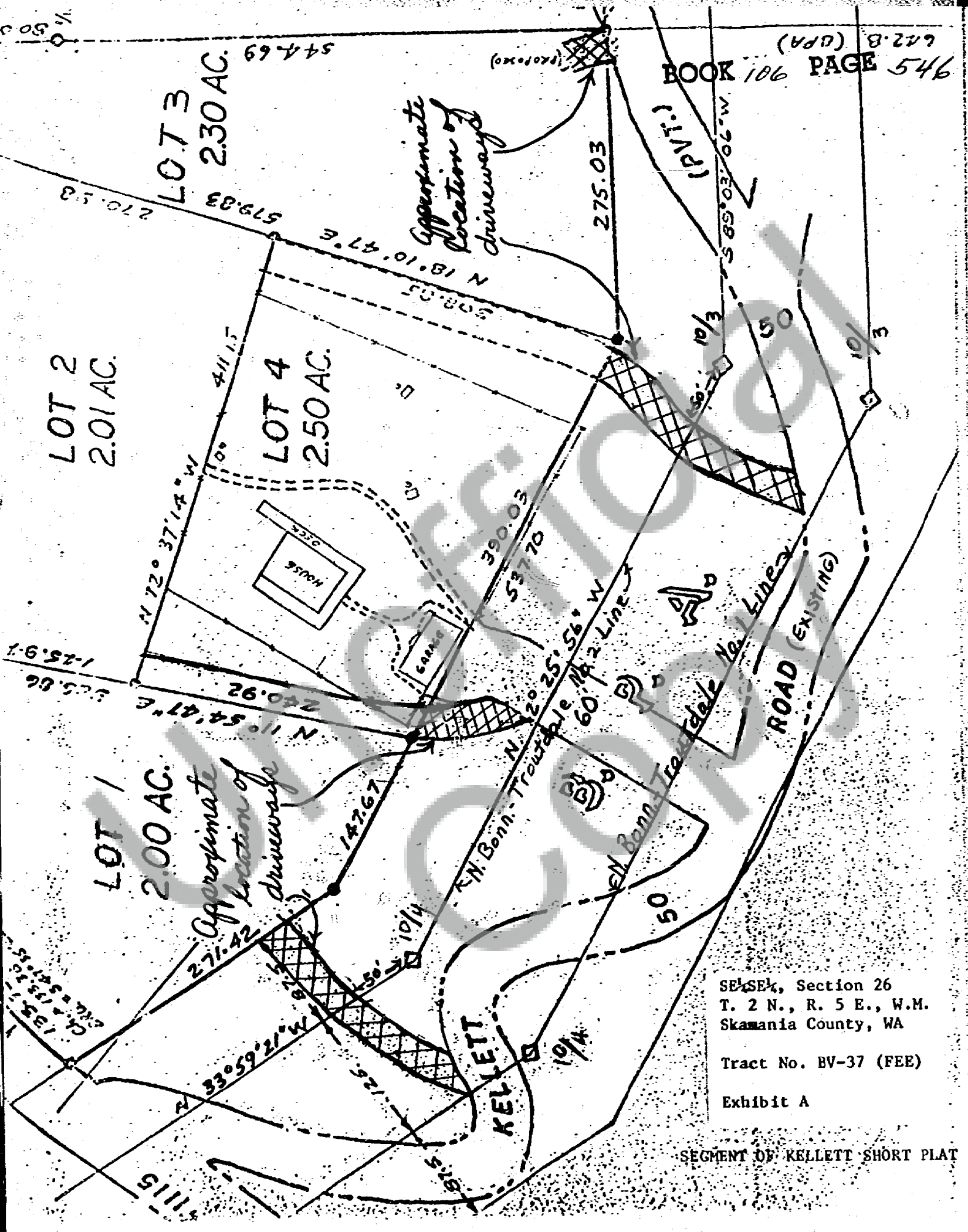
Approximate location of driveway

SE 1/4, Section 26
T. 2 N., R. 5 E., W.M.
Skamania County, WA

Tract No. BV-37 (FEE)

Exhibit A

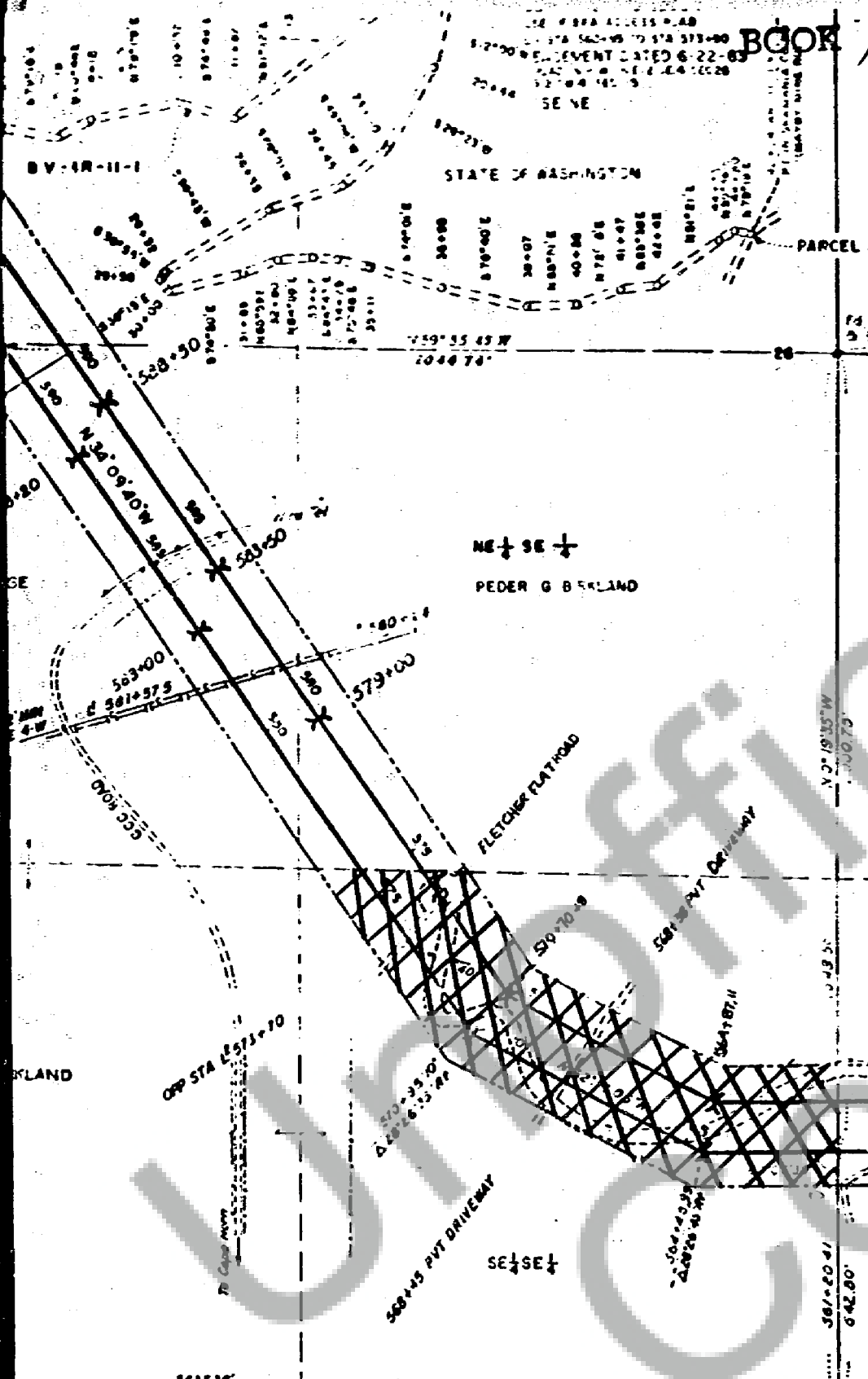
SEGMENT OF KELLETT SHORT PLAT



HUGH H. WEDKIND
NANCY C. WEDKIND
CONT NO 39733
USE OF ACCESS RO
OPP STA L 578+20 (FL
OPP STA L 503+24
KNAPP BROS TREE
CONT NO 59616
USE OF ACCESS RO
STA L 573+70 (FLEI
TO STA L 494+36 33

SKAMANIA COUNTY
(MAYBY MINE ROAD)
R/W
PARCEL A

WILLIAM E SLOAN
EASEMENT DATED 7-14-83
ACCESS ROAD ON R/W
OPP STA L 530+70
TO OPP STA 516+00



SE 1/4 SE 1/4, Section 26
T. 2 N., R. 5 E., W.M.
Skamania County, WA
Tract No. BV-37 (FEE)

EXHIBIT B
SEGMENT
26/165
NORTH BONNEVILLE-TROUTDALE LINES 1 & 2
(FORMERLY BONNEVILLE-VANCOUVER MILE 11)
2-210 KV SINGLE CIRCUIT TRANSMISSION LINES
LINE 1 MILE 13 FROM NORTH BONNEVILLE 5280'
LINE 2 SKAMANIA COUNTY, WASHINGTON 5153'

Equation of E of Section 26

BEARINGS
& of Circ
Property L

IN 18 FEET
J.S. Ross
3372
05-22-340-02