

106190

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Tract No. Portion of BV-39 (Fee)

EASEMENT AND RELEASE

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 the STATE OF WASHINGTON, acting by and through its DEPARTMENT OF NATURAL RESOURCES, and its assigns (hereinafter called the Grantee), a perpetual easement for a 40-foot-wide existing road for access purposes for the continued management, including timber removal, administration, and utilization of State-owned lands over, upon, and across portions of Tract No. BV-39 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 by Declaration of Taking No. 26, dated December 20, 1938, on record in the District Court of the United States for the Western District of Washington, Southern Division. The road is located as follows:

Tract No. BV-39: In the NW¹/₄NW¹/₄ and NE¹/₄NW¹/₄ of Section 26, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington, and as shown on the attached portion of BPA Drawing No. 3049, marked Exhibit A and by this reference made a part hereof.

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, and also reserving the right of access to and along the fee-owned property at all times, and the right unto the Grantor and its assigns 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.

Subject to outstanding rights.

Subject also to the following terms and conditions:

1. This easement shall not interfere with any use by the Grantor.
2. The road shall be maintained by Grantee at all times in as good condition as existed prior to Grantee's use.
3. If this easement should ever be terminated, ~~the~~ Grantee shall place the road in as good a condition as when Grantee's use began.

FILED FOR RECORD
SKAMANIA CO. WASH

Nov 15 4 17 PM '88

E. M. Olson

AUDITOR
GARY M. OLSON

Registered ☒
Indexed, Dir ☒
Indirect ☒
Filmed ☐
Mailed ☐

WILMA J. CORNWALL
TREASURER OF SKAMANIA COUNTY

Glenn J. Kimmel, Skamania County Assessor
By: *[Signature]* Parcel # 2-5-26-200

4. There shall be a minimum clearance of 50 feet between the nearest tower leg and the closest edge of the road to the tower in order to maintain a safe working distance.

5. There shall be no "cold decking" of logs on the right-of-way, or use of the right-of-way for loading or log handling.

The Grantee, and its 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 Grantee or its employees, agents, or assigns acting within their authority in the use and maintenance of said existing road upon the property of the Grantor.

Should the rights granted herein no longer be used or needed for road purposes for a consecutive two-year period, or be abandoned, then upon written notice by the Grantor to the STATE OF WASHINGTON, DEPARTMENT OF NATURAL RESOURCES, or its assigns, all rights granted by this easement shall automatically terminate and the title thereto revert in the Grantor and its assigns.

In consideration for the easement granted, the STATE OF WASHINGTON, DEPARTMENT OF NATURAL RESOURCES, does hereby release and quitclaim unto THE UNITED STATES OF AMERICA, Department of Energy, Bonneville Power Administration, all its right, title, and interest in and to the following-described land, to wit:

A strip of land three hundred feet in width, lying eighty-seven and one-half feet (87.5') southerly and two hundred twelve and one-half feet (212.5') northerly measured at right angles from the survey line of the Bonneville-Vancouver Circuit No. 1 as now located and staked on the ground, lying over, across, and through the E¹/₄ and that portion of the NW¹/₄ east of the Washougal River in Section 26, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington. Said survey line being more particularly described as:

Beginning at Survey Station 602+69.77, a point on the North-South centerline of Section 26, said point lying S.0°47'06"E., 1732.64 feet from an iron pipe marking the 1/4 section corner common to Sections 23 and 26, Township 2 North, Range 5 East, Willamette Meridian; thence continuing N.31°50'40"W., a distance of 1024.91 feet to Survey Station 612+94.68; thence N.58°20'30"W., a distance of 1191.90 feet to Survey Station 624+86.58 Back = 593+50.00 Ahead; thence S.89°34'50"W., a distance of 992.08 feet to Survey Station 603+42.08 a point on the section line common to Sections 26 and 27, said point lying 247.75 feet south of the section corner reestablished from original bearing trees, common to Sections 22, 23, 26 and 27, Township 2 North, Range 5 East, Willamette Meridian, Skamania County, Washington,

except the rights granted by this Easement and Release document. The right-of-way released is shown crosshatched on a reduced copy of BPA Drawing No. 3049, marked Exhibit B and by this reference made a part hereof.

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TO HAVE AND TO HOLD the above-described perpetual easement unto THE STATE OF WASHINGTON, its successors or assigns, forever.

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 31 day of May 1988.

UNITED STATES OF AMERICA
Department of Energy
Bonneville Power Administration

By John R. Conner
Chief, Land Branch

Dated at Olympia, this 11 day of May 1988.

STATE OF WASHINGTON
Department of Natural Resources

By Kenneth E. Smith
KENNETH E. SMITH
Division of Lands and Minerals

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STATE OF OREGON)

County of Multnomah)

) ss:

On this day personally appeared before me John R. Cowger, 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 31 day of May 1988.

(SEAL)

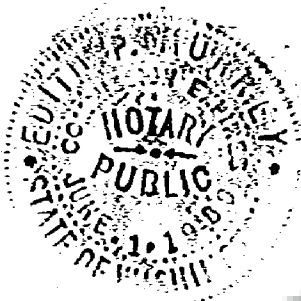
John R. Cowger
Notary Public for Oregon
My Commission Expires: 2-13-92

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STATE OF WASHINGTON)
COUNTY OF THURSTON) ss

On this 11th day of May, 1988, before me personally appeared Kenneth E. Solt, to me known to be the Lands and Minerals Division Manager of the Department of Natural Resources, State of Washington, who executed the within and foregoing instrument on behalf of the State of Washington, and acknowledged said instrument to be the free and voluntary act and deed of the State of Washington for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the official seal of the Commissioner of Public Lands for the State of Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year set forth above.



Edith P. Murray
Notary Public in and for the State of
Washington.

My appointment expires June 1, 1989

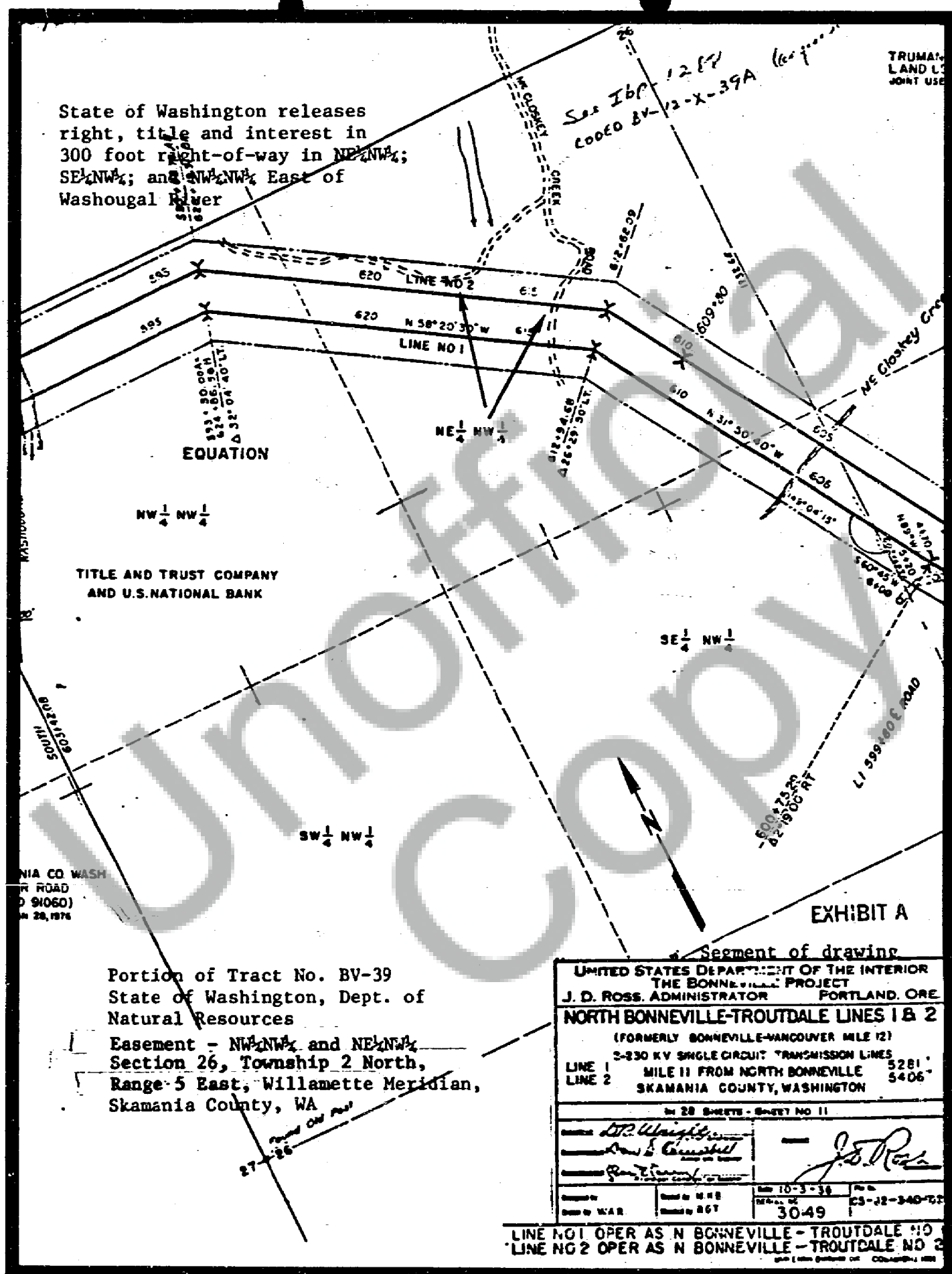


EXHIBIT B

STATE OF WASHINGTON releases rights, title, and interest in 300 foot right-of-way in NE1/4, SE1/4, and NW1/4 East of Washougal River shown as area crosshatched

8.3

TEN ASK WU

