

FILED FOR RECORD  
SKAMANIA COUNTY, WASH  
BY SKAMANIA COUNTY CLERK

AUG 24 1 19 PM '95

*P. Lavy*  
AUDITOR

GARY M. OLSON

HIGHWAY EASEMENT DEED

123142

BOOK 152 PAGE 25

THIS DEED, made this 10<sup>th</sup> day of July, 1995 by and between the UNITED STATES OF AMERICA, acting by and through the DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, hereinafter referred to as the DEPARTMENT, and the STATE OF WASHINGTON, hereinafter referred to as the STATE:

WITNESSETH:

WHEREAS, the STATE has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. Section 317), for the right-of-way of a highway over certain land owned by the United States in the State of Washington, which is under the jurisdiction of the Department of Agriculture - Forest Service; and

WHEREAS, this transfer is further authorized under the provisions of the Act of Congress approved October 15, 1966 (80 Stat. 931, 937, Section 6(a)(1)(A)); and

WHEREAS, the Federal Highway Administrator, pursuant to delegations of authority from the Secretary of Transportation, has determined that an easement over the land covered by the application is reasonably necessary for right-of-way for State Route 14, Winu River to Collins (Old Hatchery Road to Berven Road); and

REAL ESTATE EXCISE TAX

AUG 24 1995

PAID

SKAMANIA COUNTY TREASURER

GARY M. OLSON, Skamania County Assessor

Book 152, Page 25

Registered  
Indexed, Dir  
Indirect  
Filed  
Mailed

WHEREAS, the Department of Agriculture, acting by and through the Forest Service, has agreed to the transfer by the DEPARTMENT of an easement over the land to the STATE;

Now THEREFORE, the DEPARTMENT, as authorized by law, does hereby grant to the STATE an easement for a right-of-way for the operation and maintenance of a highway, and use of the space above and below the established grade line of the highway pavement for highway purposes on, above, across, in and upon the following described land of the United States of America within the Columbia River Gorge National Scenic Area, County of Skamania, State of Washington:

T. 3N., R. 8E., Willamette Meridian

Section 35, Lot 3;

Section 36, Lots 1 and 5, and Jas. M. Findley D.L.C. C.39; as shown hachured on Exhibit A, attached hereto and made a part hereof, TOGETHER WITH temporary easements for the purpose of constructing highway facilities over and across those portions of the above described lands shown cross hatched on the attached Exhibit A. Said temporary construction easements between Station 396+84 to Station 399+00 and between Station 450+29.10 to 452+78 shall be for a term of two years and shall terminate two years from the date hereof, subject, however, to the following terms, conditions and covenants:

1. Outstanding valid claims, if any, existing on the date of this grant, and the STATE shall obtain such permission as may be necessary on account of any such claims.
2. The STATE and the Regional Forester shall make determination as to the necessity for archaeological and paleontological

reconnaissance and salvage within the right-of-way, and such reconnaissance and salvage to the extent determined necessary because of maintenance of the highway facility is to be undertaken by the STATE in compliance with the Act entitled "An Act for the Preservation of American Antiquities", approved June 8, 1906 (34 Stat. 225, 16 U.S.C. 432-433), and State laws where applicable.

3. Unless the STATE and Regional Forester stipulate as to a shorter time, the easement herein granted shall terminate ten (10) years from the date of the execution of this deed by the United States of America in the event construction of a highway on the right-of-way is not started during such 10 year period.
4. The easement herein granted is limited to use of the described right-of-way and the space above and below the established grade line of the highway pavement for the purpose of construction/reconstruction, operation and maintenance of a highway and does not include the grant of any rights for nonhighway purposes or facilities: Provided, That the right of the Forest Service to use or authorize the use of any portion of the right-of-way for nonhighway purposes shall not be exercised when such use would be inconsistent with the provisions of Title 23 of the United State Code of the Federal Highway Administration Regulations issued pursuant thereto or would interfere with the free flow of traffic or impair the full use and safety of the highway, and in any case the STATE and the DEPARTMENT shall be consulted prior to the exercise of such rights; and Provided further, That nothing herein shall preclude



the Forest Service from locating National Forest and other Department of Agriculture information signs on the portions of the right-of-way outside of construction/reconstruction clearing limits.

5. The design and construction/reconstruction of the highway project situated on this right-of-way will be in accord with the provisions of Title 23, United State Code-Highways, and amendments; the Regulations for the Administration of Federal-aid for Highways, effective May 11, 1960, and amendments and established procedures for Federal-aid projects, including the requirements of Title 23, Code of Federal Regulations, Part 771, and the construction specifications of the State Highway Department as approved by the Federal Highway Administration for use on Federal-aid projects.

The Regional Forester will be provided an opportunity to review plans relative to effects, if any, that the project works as planned will have upon adequate protection and utilization of the land traversed by the right-of-way and adjoining land under the administration of the Forest Service for the purposes for which such land is being administered. Those features of design, construction/reconstruction and maintenance of the highway facility and of use of the right-of-way that would have effect on the protection and utilization of the land under the administration of the Forest Service are to be mutually agreed upon by the Regional Forester and the STATE by a conference or other communication during the preparation of the plans and specifications for each construction/reconstruction project, and

the plans shall be revised, modified, or supplemented to meet the approval of the Regional Forester, or when deemed appropriate, supplemented by written stipulation between the Regional Forester and the STATE, prior to start of construction/reconstruction.

The final design and the construction specifications for any highway construction project on the right-of-way will be presented to the Regional Forester for his approval and construction/reconstruction shall not begin until such approval is given: Provided, That if it is subsequently deemed necessary that the approved plans, specifications, or stipulation be amended or supplemented, any amendment or supplement shall be approved by the Regional Forester and the STATE before being placed in effect.

6. Consistent with highway safety standards, the STATE shall:
  - a. Protect and preserve soil and vegetative cover and scenic and esthetic values on the right-of-way outside of construction/reconstruction limits.
  - b. Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction/reconstruction, operation, or maintenance of the highway, and shall vegetate and keep vegetated with suitable species all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed where it is deemed necessary during a joint review between the Regional Forester and the

STATE and the STATE shall maintain all terracing, water bars, leadoff ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction/reconstruction.

7. The STATE shall establish no borrow, sand, or gravel pits, stone quarries, permanent storage areas, sites for highway operation and maintenance facilities, camps, supply depots, or disposal areas within the right-of-way, unless shown on approved construction/reconstruction plans, without first obtaining approval of the Regional Forester.
8. The STATE shall maintain the right-of-way clearing by means of chemicals only after specific written approval has been given by the Regional Forester. Application for such approval must be in writing and specify the time, method, chemicals, and the exact portion of the right-of-way to be chemical treated.
9. The STATE, in consideration of the grant of this easement, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns that:
  - a. No person shall, on the grounds of race, color, sex, age, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such land hereby conveyed;
  - b. The STATE Shall use said easement right-of-way so conveyed, in compliance with all requirements imposed



BOOK 152 PAGE 31

by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination, in federally assisted programs of the Department of Transportation, effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulation may be amended.

10. When need for the easement herein granted shall no longer exist, the STATE shall give notice of that fact to the Secretary of Transportation and the rights herein granted shall terminate and the land immediately revert to the full control of the Department of Agriculture.

IN WITNESS WHEREOF, I Robert B. Rutledge, Regional Counsel, Pursuant to delegations of authority from the Secretary of Transportation, the Federal Highway Administrator, the Regional Federal Highway Administrator, and Chief Counsel, Federal Highway Administration, by virtue of authority in me vested by law, have hereunto subscribed my name as of the day and year first above written.

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

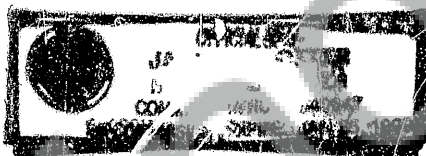
By   
Robert B. Rutledge  
Regional Counsel

BOOK 152 PAGE 32

STATE OF Oregon  
COUNTY OF Multnomah } ss.

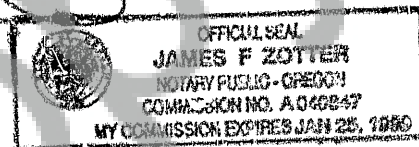
I, James Zotter, Notary Public in and for the State of Oregon  
do hereby certify that on the day of July 15, 1995 before me personally  
appeared Robert B. Rutledge, Regional Counsel, Federal Highway  
Administration, and acknowledged that the foregoing instrument bearing  
date of July 15, 1995, was executed by him, in his official capacity  
and by authority him vested by law, for the purposes and intents in said  
instrument described and set forth, and acknowledged the same to be his free  
act and deed as Regional Counsel, Federal Highway Administration.

Witness my hand and seal this 15th day of July  
1995.



My commission expires 1/25/96

Notary Public



In compliance with the conditions set forth in the foregoing  
instrument, STATE certifies, and by the acceptance of this instrument, accepts  
the right-of-way over certain land herein described and agrees for itself, its  
successors and assigns forever to abide by the conditions set forth in said  
instrument.

By Seachon P. Liger 8/21/95  
Director, Real Estate Services  
STATE OF WASHINGTON  
Department of Transportation

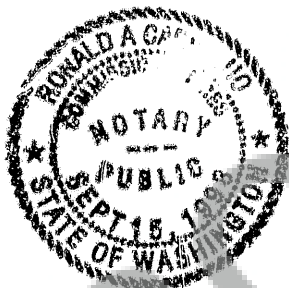


STATE OF WASHINGTON )  
COUNTY OF THURSTON )

BOOK 152 PAGE 33

I, Ronald A. Canale, Notary Public in and for said County and State, hereby certify that Joachin Pestinger, whose name as Director, Real Estate Services is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he in his capacity as Director, Real Estate Services executed the same voluntarily on this day.

Given under my hand and seal of office this 21<sup>st</sup> day of August, 1992.



Ronald A. Canale  
Notary Public in and for the  
State of Washington  
Residing at Olympia

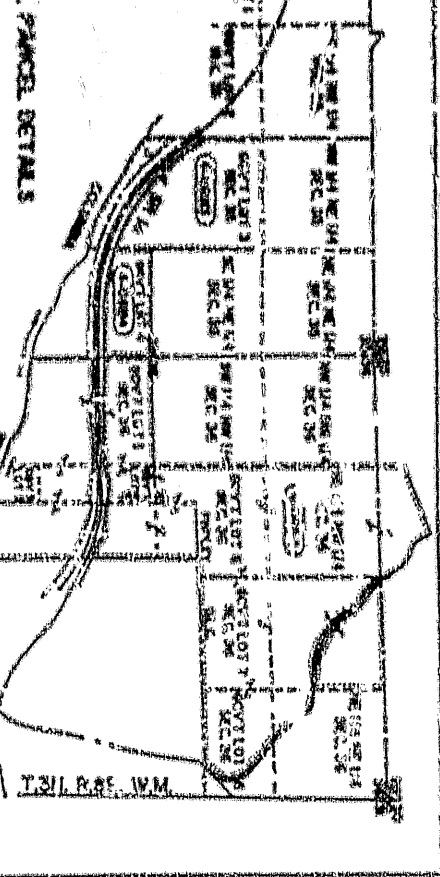
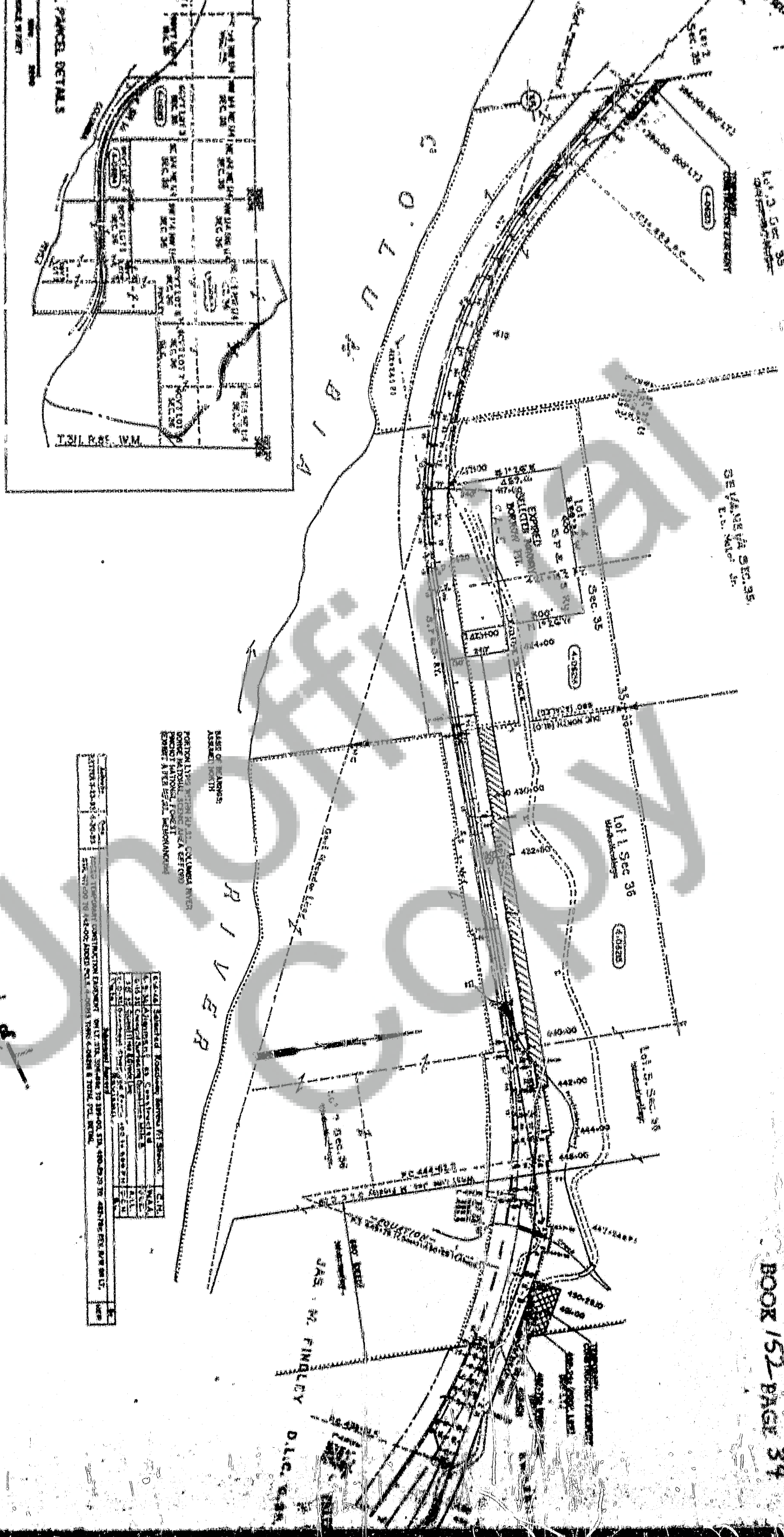
My commission expires 9/15/98.

Please return to:  
STATE OF WASHINGTON  
Department of Transportation  
REAL ESTATE SERVICES OFFICE  
Transportation Building  
P. O. Box 4 7338  
Olympia, Washington 98504-7338

T.3N., R.8E.W.M.

Construction of: Old Hatchery Rd. to Park Rd.

BOOK 152 PAGE 34



LEGEND  
TEMPORARY CONSTRUCTION EASEMENT FROM R.F.S.  
NEW EASEMENT FROM R.F.S.

REMARKS  
APPROVED BY  
DATE



WIND RIVER TO COUL  
SANDS CO. & SONS

CONVEYANCES

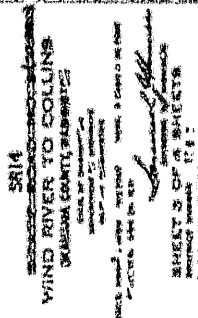
TO	FROM	BY	DATE
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32
33	34	35	36
37	38	39	40
41	42	43	44
45	46	47	48
49	50	51	52
53	54	55	56
57	58	59	60
61	62	63	64
65	66	67	68
69	70	71	72
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	100

SCALE IN FEET  
0 100 200 400



[illegible]

BOOK 152 PAGE 34



AS STENOGRAPH  
CA 11-14  
BOSTON, MASSACHUSETTS

**06-93**

[illegible]

CONFIDENTIAL

4-00000

U.S. GOVERNMENT PRINTING OFFICE

DATE RECORDED  
FILED

NOTES:  
 1. ALL ITEMS FROM THE REMAINING AT THE PROPERTY LOC.  
 2. ITEMS ARE RETURNED BY POSTAL MAIL OR OTHERWISE.  
 3. REMAINS REMAINING CANNOT BE RETURNED FOR SALE.  
 4. ALL REMAINS FROM PROPERTY REMAINING.

OWNE: 15125-3