

SKAMANIA COUNTY, WASHINGTON

#28392

Robt. F. Caples et al to United States.

In the District Court of the United States for the Western District of Washington
Southern Division.

United States of America,)	
	Petitioner	(
	v.)
Robert F. Caples, et al.,)	Docket No. 34
	Respondents	(
)	Order

In the above entitled cause the United States of America, represented by the Bonneville Project by Frank A. Banks, Acting Administrator, by and through its attorneys J. Charles Dennis, United States Attorney for the Western District of Washington, and James Lawrence Fly, Attorney for the Bonneville Project, and the respondents in the above entitled cause, Northwestern Electric Company, a corporation of the State of Washington, Harris Trust and Savings Bank, a corporation of the State of Illinois, and Harold Eckhart, of the village of Winnetka, in the State of Illinois, by and through Laing & Gray, their attorneys herein, have entered into a stipulation in writing, such stipulation having been filed with the clerk of this court, said stipulation being as follows, to-wit:

"Come now Northwestern Electric Company, a corporation of the State of Washington, Harris Trust and Savings Bank, a corporation of the State of Illinois, and Harold Eckhart, of the village of Winnetka, in the State of Illinois, respondents in the above entitled cause, by Laing & Gray, their attorneys herein, and the United States of America, represented by the Bonneville Project by Frank A. Banks, Acting Administrator, and appearing by J. Charles Dennis, United States Attorney for the Western District of Washington, and James Lawrence Fly, Attorney for the Bonneville Project, and hereby stipulate and agree as follows:

"On February 3, 1939, the United States of America by J. D. Ross, then Administrator of the Bonneville Project, Department of the Interior, by virtue of authority vested in him under Section 2 (c) of the Act of Congress approved August 20, 1937, (50 Stat. 731), which provides as follows:

"The administrator is authorized, in the name of the United States, to acquire, by purchase, lease, condemnation or donation, such real and personal property, or any interest therein, including lands, easements, rights-of-way, franchises, electric transmission lines, substations, and facilities and structures appurtenant thereto, as the administrator finds necessary or appropriate to carry out the purposes of this Act. Title to all property and property rights acquired by the administrator shall be taken in the name of the United States."

filed a declaration of taking in the above entitled court and cause, and deposited therein the sum of \$218.00 as estimated compensation for the taking of fee simple title to a strip of land 300 feet in width, totalling 9.14 acres, it being the intention of said Administrator that the United States of America acquire said strip of land for use as a transmission line right-of-way, and without acquiring any buildings, structures or facilities of said Northwestern Electric Company, said strip of land being more particularly described as follows:

All that portion of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 10, Township 3 North, Range 10 East of Willamette Meridian, which lies within a strip of land 300 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-Coulee Transmission line survey, which survey line is described as follows:

Beginning at a point which is the intersection of said survey line with the west line of said Section 10, said point being North 0° 29' 50" East, 1069.81 feet from County Engineers Monument marking section corner common to Sections 9, 10, 15, and 16, Township 3 North, Range 10 East, Willamette Meridian; thence continuing South 84° 31' 00" East, a distance of 3263.52 feet to Survey Station 1269 + 32.00; thence North 87° 01' 00" East, a distance of 900.15 feet to Survey Station 1278 + 32.15, said point being on the county line common to Skamania and Klickitat Counties, State of Washington; thence continuing North 87° 01' 00" East, a distance of 383.15 feet to Survey Station 1282 + 15.30; thence North 75° 01' 00" East, a distance of 727.02 feet, to Survey Station 1289 + 42.32, on the section line common to Sections 10 and 11, Township 3 North, Range 10 East, W. M.; said point being North 0° 31' 14" East, a distance of 1103.82 feet from a U.S.E.D. monument, marking the section corner common to sections 10, 11, 14, and 15, Township 3 North, Range 10 East, W.M., Skamania and Klickitat Counties, Washington;

"It now appears that certain highly valuable structures and facilities of said Northwestern Electric Company are located upon the said real property described in and covered by said declaration of taking; and said company claims that the value of such structures and facilities so taken by the United States of America is in excess of \$100,000.00.

"It is the opinion of the Administrator that the purposes of the United States of America will best be served by limiting its acquisition with respect to said real property to a perpetual easement for the purpose of constructing, maintaining and operating its transmission lines on and over said real property; accordingly,