

and voluntary act and deed, for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand affixed my Notarial seal the day and year in this certificate first above written.

(Notarial Seal)

Laura J. Wallace
Notary Public in and for the
state of Washington residing at Cook in
said County.

Filed by O. B. Conrad of Cook, Wn. at 9:35 A. M. Mar. 10, 1928.

W. C. Potts
Auditor.

14713

Memorandum Agreement between S.P. & S. Ry. Co., and State of Washington

MEMORANDUM AGREEMENT

Entered into between the Spokane, Portland & Seattle Railway Company, a corporation, for itself, its successors and assigns, and hereinafter referred to also and included within in the term "S. P. & S. Ry.", on the one part, and the State of Washington in like capacity and hereinafter also referred to as the "State", on the other part:

1. Centerline of S.P. & S. Ry. is parallel and 61.0 feet southeasterly from the centerline of State Road No. 8, being constructed by the state.

2. Centerline of Pier No. 1 is at the state's highway station 313 plus 45.0, S. P. & S. Ry. engineering station not known; southerly end of said Pier No. 1 encroaches 1.5 feet into the right of way of the S. P. & S. Ry. plans.

3. Centerline of Pier No. 2 is at state's highway station 315 plus 26.25, S. P. & S. Ry. engineering station unknown; southerly end of said Pier No. 2 encroaches 2.0 feet into the right of way of the S. P. & S. Ry. plans.

4. At approximately state's highway station 315 plus 90, which is 30 feet in front or westerly from above described Pier No. 2, the S. P. & S. Ry. has constructed and maintains a retaining wall, the purpose of which is to hold back or retain the slopes of its bridge and embankment. This retaining wall extends on to the right of way now owned by the state and when the state's highway bridge is completed such retaining wall will project underneath the same in position approximately at right angles to the direction of the center line of said bridge.

5. At approximately state's highway station 313 plus 75, which is 30 feet in front or easterly from above described Pier No. 1, the S. P. & S. Ry. has constructed and maintains a retaining wall the purpose of which is to hold back or maintain the slopes of its bridge or embankment. This retaining wall extends on to the right of way now owned by the state and when the state's highway bridge is completed such wall will project underneath the same and be approximately at right angles to the direction of the centerline of said bridge.

6. Above described bridge piers and S. P. & S. Ry. retaining walls are shown on blue print sketch attached to this agreement marked Exhibit "A", now referred to and by reference incorporated herein and made part hereof.

7. It is intended by the parties hereto that encroachments above referred to shall be reciprocal as to each of the parties hereto and that in consideration thereof each party hereby agrees to protect the rights of the other and at all times permit the owner of whatever structure is involved to enter upon the right of way where the same is situated for the purpose of reconstructing or repairing said structures. In construction of the aforesaid Piers No. 1 and No. 2 and also in construction of Bent #1 and Bent #2 shown on the attached blue print marked Exhibit "A", it will be necessary for the state to cut into the slope of the S. P. & S. Ry. embankments to install cofferdams and the necessary masonry involved. The S. P. & S. Ry. agrees this may be done by the state and the state agrees to save harmless the tract and structure of said S. P. & S. Ry. over which said S. P. & S. Ry. operates trains in the ordinary course of its business as a common carrier.

8. When piers and bents above referred to have been completed and encroachments have been removed, the state is to reestablish the S. P. & S. Ry. slopes of embankment which it is understood will extend by and around the state's piers and bents.

Executed in duplicate form, one copy for the S. P. & S. Ry. and one copy for the state this 9th day of February, A. D. 1928.

SPOKANE, PORTLAND & SEATTLE RAILWAY COMPANY,

By W. F. Turner

Is President.

STATE OF WASHINGTON,

By A. H. Hartley

W. G. Potts

MEMBERS OF THE STATE HIGHWAY COMMITTEE.

Approved:
For STATE OF WASHINGTON
Samuel J. Pines
STATE HIGHWAY ENGINEER

Filed by STATE OF WASHINGTON at 11:40 A.M. Mar. 17, 1928.

W. C. Potts
Auditor.