

DEED RECORD No. 32

SKAMANIA COUNTY, WASHINGTON

expense to the grantor, its successors or assigns. As compensation for the use of Development Areas as herein provided, the record owners of such areas shall be paid an amount equaling in the aggregate two and one-half per cent (2½%) of the gross value of minerals produced and saved at the surface of said Development Areas; but on condition that the right to such payment shall not vest in said record owners any interest in said minerals or mineral rights or any control over the exploration for, removal or disposition of said minerals. The grantee and successors in interest in the Development Areas may use the same, subject always to the superior right of use herein reserved to the grantor, its successors and assigns. Subject to the proviso hereinafter contained, the Development Areas on and after the date hereof shall be and are specifically described as follows:

Beginning at the point of intersection of the southeasterly line of that certain parcel of land heretofore conveyed to the State of Washington by the Union Pacific Railroad Company by deed dated March 4, 1938 with the northeasterly right of way line of State Road No. 8, which point is 60 ft. distant northeasterly, measured at right angles from the center line of said highway at Highway Survey Station 456 plus 00; thence northeasterly along the southeasterly line of said parcel of land heretofore conveyed to the State of Washington by said deed dated March 4, 1938, a distance of 190 feet to a point thereon; thence southeasterly at right angles, a distance of 100 feet; thence southwesterly at right angles, a distance of 200 feet, more or less, to a point on the northeasterly right of way line of said highway which is 50 feet distant northeasterly, measured at right angles, from said center line of highway; thence northwesterly along the northeasterly right of way line of said highway, which is parallel with and 50 feet distant northeasterly, measured at right angles, from said center line of highway, a distance of 100 feet; thence northeasterly at right angles to said center line of highway a distance of 10 feet to the point of beginning; also,

Beginning at the point of intersection of the east line of said James M. Findley Donation Land Claim No. 37 with the northerly right of way line of said State Road No. 8, which northerly line is 40 feet distant northerly, measured radially from the center line of said highway; thence north along the east line of said Donation Land Claim No. 37 a distance of 200 feet to a point thereon; thence west at right angles a distance of 100 feet; thence south at right angles a distance of 200 feet, more or less, to said northerly right of way line of State Road No. 8; thence easterly along said northerly right of way line which is parallel with and 40 feet distant northerly, measured radially from said center line of highway, to the point of beginning.

PROVIDED that if before any construction shall have been begun upon the premises hereby conveyed the grantee or successors in interest in said premises may desire to substitute for a Development Area or Areas as above described, the use of which shall not prior to that time have been begun in whole or in part by the grantor, its successors or assigns, a Development Area or Areas upon said premises of like area and lying adjacent to or otherwise having access to a public street or highway, then if such new locations be approved by the grantor, its successors or assigns, the substitution may be made. Such substitution shall be evidenced by an appropriate written instrument duly signed, acknowledged and delivered by the interested parties, and from and after the date thereof the right of the grantor, its successors and assigns, to use the Development Area or Areas above described, for which substitution is made, shall terminate.

This conveyance does not include any improvements not owned by the grantor.

This conveyance and any covenants (as to the property warranted) herein implied by law shall be and are subject to the following

- (1) The railroad right of way of Spokane, Portland and Seattle Railway Company, a corporation.
- (2) The flowage easement conveyed to the United States of America by Union Pacific Railroad Company by instrument dated September 10, 1937, recorded in Book 27, page 114, deed records of Skamania County, Washington.
- (3) The right of Northwestern Electric Company, its successors and assigns (including Pacific Power & Light Company) to construct, maintain and operate an electric power line and appurtenances thereof upon, over and across said property, which right was granted by instrument dated February 17, 1913.
- (4) The right of West Coast Power Company, a corporation, its successors and assigns (including Public Utility District No. 1 of Skamania County, Washington) to construct, maintain and operate an electric power transmission line upon,