

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

19.46 ACRES OF LAND, MORE OR LESS,
SITUATE IN THE COUNTY OF SKAMANIA,
STATE OF WASHINGTON;

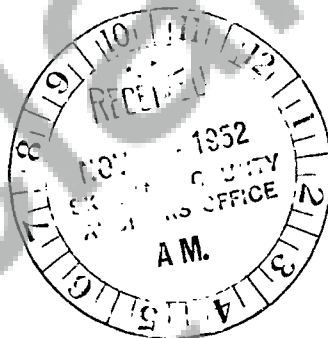
AMEDEE DANIEL ST. MARTIN, et al.,
and

UNKNOWN OWNERS,

Defendants.

NO. 1402

JUDGMENT
ON
DECLARATION OF TAKING



THIS CAUSE coming on to be heard on motion of plaintiff, United States of America, for entry of a judgment on the declaration of taking which was filed in the above entitled cause on August 23, 1952, a hearing having been held in open Court on said motion and declaration of taking, and the Court being fully advised in the premises, does hereby find:

1. That a petition for condemnation was filed November 10, 1950, as amended by complaints filed August 23, 1952, and October 16, 1952, at the direction and under the authority of the Attorney General of the United States of America, pursuant to the request of the Secretary of the Army, who has the power to acquire for the United States the land and rights described in said amended complaint.

2. That the United States is entitled to acquire property by eminent domain for the purposes described in said amended complaint.

3. That a proper description of the land which is sought to be condemned herein sufficient for the identification thereof, is set forth in said declaration of taking.

4. That said declaration of taking contains a statement of the estate in said land taken for the public use.

5. That a plat showing the land sought to be condemned herein is incorporated in said declaration of taking.

6. That a statement is contained in said declaration of taking of the sum of money estimated by the Secretary of the Army to be just compensation for the taking of the estate and interests condemned in the land herein, to-wit, the sum of Five Hundred Forty-five Dollars (\$545.00), and said sum has been deposited in the registry of this Court, and the Court being fully advised in the premises,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED as follows:

1. That there is vested in the United States of America the following estates in the property described in said declaration of taking and in Schedule A attached hereto:

(a) The fee simple title to the land designated in Schedule A as Tract WS-144, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; subject, also, to a perpetual flowage easement granted to the United States of America by instrument dated February 4, 1937, recorded March 9, 1937 in Volume Z, page 216, Deed Records of Skamania County, Washington; reserving, however, to the owners of the lands from which Tract WS-144, described in Schedule A, are taken, their successors and assigns, the following nonexclusive easements and rights of way:

(1) A perpetual easement in the following described parcel of land for logging road purposes:

A parcel of land lying in Government Lot 2 in Section 27, Township 3 North, Range 8 East, Willamette Meridian, in Skamania County, Washington, said parcel being a strip of land 30 feet in width, being 15 feet on each side of a line described as follows:

Beginning at a point which is Engineer's station WR 28+42.36, said point being south 570.67 feet and east 31.71 feet from the section corner common to Sections 21, 22, 27 and 28, in said township and range; thence N. 83° 45' 30" E. 257.45 feet; thence S. 73° 23' E. 429.40 feet; thence S. 59° 50' E. 431.58 feet to Station 29+60.79.

There is excepted therefrom a parcel of land being all that portion of Government Lot 2, in Section 27, Township 3 North, Range 8 East, W.M., Skamania County,

Washington, which lies within a strip of land 300 feet in width, of which 212.50 feet lie on the northerly side of and 87.50 feet lie on the southerly side of the Bonneville-Coulee transmission line survey:

Said survey line being located as follows: Beginning at a point which is the intersection of said survey line with the west line of the NW $\frac{1}{4}$ of said Section 27, said point being S. 1° 25' 56" E. along said west line a distance of 571.08 feet from the section corner common to Sections 21, 22, 27 and 28, Township 3 North, Range 8 East, W.M.; thence running N. 61° 30' 30" E. a distance of 353.26 feet to an angle point; thence S. 89° 19' 40" E. a distance of 4977.23 feet to a point which is the intersection of said survey line with the east line of the NE $\frac{1}{4}$ of said Section 27, said point being S. 1° 00' 18" E. along said east line a distance of 485.00 feet from the section corner common to Sections 22, 23, 26 and 27, Township 3 North, Range 8 East, W.M.

(2) A perpetual easement for logging and log dumping purposes upon, over and across the land described as follows:

A parcel of land lying in Government Lot 2 in Section 27, Township 3 North, Range 8 East, Willamette Meridian, in Skamania County, Washington, said parcel being all that part of the following described premises lying in said Government Lot 2, to-wit:

Beginning at a point that is south 964.65 feet and east 1,057.88 feet from the section corner common to Sections 21, 22, 27 and 28 in said township and range; thence N. 29° 05' 30" E. 200.0 feet; thence S. 60° 54' 30" E. 287.70 feet; thence S. 0° 13' E. 229.39 feet; thence N. 60° 54' 30" W. 400.0 feet to the point of beginning.

(3) A perpetual easement in the shore lands and submerged lands for log boosing and rafting purposes in connection with the transportation of logs, provided, however, that the waters over said submerged lands shall not be used for the storage of logs.

(b) A perpetual nonexclusive easement and right of way to construct, use and maintain a road in, upon, under, over and across those certain parcels of land in Skamania County, State of Washington, designated in Schedule A as Tract WS-144E, together with and including the right to trim, cut, fell and remove therefrom all trees and underbrush and obstructions and any other vegetation, structures and obstacles within the limits of the right of way; said easement and right of way to be for the purpose of providing the United States of America, its agents, servants, permittees, licensees and assigns ingress and egress to and from the land described in Schedule A as Tract WS-144E;

1 subject, however, to existing easements for public roads and highways,
2 public utilities, railroads and pipelines; subject, also, to a perpetual
3 flowage easement granted to the United States of America by instrument
4 dated February 4, 1937, recorded March 9, 1937 in Volume Z, page 216,
5 Deed Records of Skamania County, Washington.

6 2. That possession of the property described herein is granted
7 to plaintiff as of Nov. 12th, 1952.

8 DONE IN OPEN COURT this 12th day of NOVEMBER, 1952.

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11 EDWARD P. MURPHY
United States District Judge

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13
14 Presented by:

15 ~~ALLEN HOOSHURE~~ GEORGE E. HEIDLEBAUGH
16 ~~Special Attorney~~ SPECIAL ASSISTANT TO U.S. ATTORNEY
Department of Justice

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21 I hereby certify that the
22 annexed instrument is a true
23 and correct original

24
25 By Lucy V. Stearns
26 Deputy Clerk

1 The lands which are the subject matter of this proceeding aggregate
2 19.46 acres, more or less, situate and being in the County of Skamania,
3 State of Washington. A description of the lands taken is as follows:

4 TRACT NO. WS-1144

5 All that portion of Government Lot 2 in Section 27,
6 Township 3 North, Range 8 East of the Willamette Meridian,
7 lying south of the southerly right-of-way line of the
8 Bonneville-Coulee transmission line as now located over
and across said Lot 2, containing 19.06 acres, more or
less, in Skamania County, Washington.

9 Subject to a perpetual easement dated February 4, 1937
10 and recorded March 9, 1937 in volume 2, page 216, deed
11 records of Skamania County, Washington, in favor of the
12 United States of America to overflow all that portion of
the above described land lying below the 94-foot contour
line above mean sea level.

13 TRACT NO. WS-1144E

14 Parcel No. 1

15 A parcel of land lying in Sections 22 and 27 in
16 Township 3 North, Range 8 East, Willamette Meridian, in
17 Skamania County, Washington, said parcel being all that
18 part of the southwest quarter of the southwest quarter of
19 Section 22 and all that part of Government Lot 2 in
20 Section 27 included within a strip of land 30 feet in width,
21 being 15 feet on each side of a line described as follows:

22 Beginning at a point in the southwest quarter of the
23 southwest quarter of said Section 22, said point being
24 Engineer's Station WR20+21.34 which is north 187.13 feet
25 and east 180.72 feet from the section corner common to
26 Sections 21, 22, 27 and 28 in said township and range;
27 thence S. 14° 43' W. 365.53 feet; thence S. 27° 20' W. 298.52
28 feet to Station WR26+85.39.

29 There is excepted therefrom the portion thereof lying
30 within the strip of land acquired by the United States for
31 the Bonneville-Coulee transmission line.

32 The parcel of land above described contains a net area
of 0.31 of an acre.

Parcel No. 2

A parcel of land lying in the southwest quarter of the
southwest quarter of Section 22 in Township 3 North, Range 8
East, Willamette Meridian, in Skamania County, Washington,
said parcel being more particularly described as follows:

Beginning at a point which is Engineer's Station WR 20+00,
said point being north 165.85 feet and east 189.69 feet from
the section corner common to Sections 21, 22, 27 and 28 in
said township and range; thence N. 87° 24' 30" E. 60.0 feet;
thence S. 5° 00' W. 75.66 feet; thence S. 87° 24' 30" W. 50.0
feet to Station WR19+25; thence N. 2° 35' 30" W. 75.0 feet
to the point of beginning.

There is excepted therefrom the portion thereof lying within the boundaries of Parcel 1 hereinbefore described.

The parcel of land above described contains a net area of 0.09 of an acre.

Parcels 1 and 2 above described contain a total of 0.40 of an acre.

Subject to the county road as now located on the above described parcels of land.

Subject to a perpetual easement dated February 4, 1937 and recorded March 9, 1937 in volume Z, page 216, deed records of Skamania County, Washington, in favor of the United States of America to overflow all that portion of the above described land lying below the 94-foot contour line above mean sea level.