

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES

In re: Application No. 2428
by UNITED STATES OF AMERICA,
Gifford Pinchot National Forest
for Right of Way for Roads in
Skamania County



ORDER

September 10, 1959

It appearing to the Commissioner of Public Lands at this time that Application No. 2428 was filed in this office by the United States of America, Gifford Pinchot National Forest, for a right of way for roads over the $N\frac{1}{2}$ $W\frac{1}{2}$, Section 34, Township 4 North, Range 9 East, W.M., in Skamania County; and said application was filed in accordance with the provisions of Chapter 145, Session Laws of 1945, providing for the granting of rights of ways to the United States Government over state lands; and

It further appearing that a right of way 45 feet in width is desired; that there are no improvements or merchantable timber on the right of way; and that no good reason exists why this right of way should not be granted; and the Commissioner being fully advised, it is therefore

ORDERED and DETERMINED that the plat showing the survey of said right of way as filed with said Application No. 2428 be and the same is hereby approved as the official plat of said road; that an easement be and the same is hereby granted to the United States of America for a road over the following described lands:

Those portions of the $N\frac{1}{2}$ $W\frac{1}{2}$, Section 34, Township 4 North, Range 9 East, W.M., included within the limits of a strip of land 45 feet in width and having 22.5 feet of such width on each side of the following described centerlines:

Beginning on a point on the north-south centerline of said Section 34, which is S $0^{\circ} 02'$ E 926.0 feet from the north quarter corner thereof and running thence N $81^{\circ} 00'$ W 394.2 feet, thence on a $7^{\circ} 10'$ curve to the left 138.6 feet, thence S $69^{\circ} 04'$ W 697.3 feet, thence on a $7^{\circ} 10'$ curve to the right 185.8 feet, thence N $77^{\circ} 37'$ W 328.5 feet, thence on a $7^{\circ} 10'$ curve to the left 112.3 feet, thence N $85^{\circ} 40'$ W 269.1 feet, to a point designated as point "A", thence on a $19^{\circ} 06'$ curve to the right 375.3 feet, thence N $13^{\circ} 59'$ W 104.3 feet, thence on a $9^{\circ} 33'$ curve to the left 171.4 feet and thence N $30^{\circ} 21'$ W 290.0 feet to a point on the north line of said Section 34 which is N $89^{\circ} 54'$ E 36.0 feet from the northwest section corner of said Section 34, and having an area of 3.17 acres, also:

Beginning at designated point "A" in the above described centerline and running thence Π $85^{\circ} 40'$ Π 232.8 feet, thence on a $7^{\circ} 10'$ curve to the right 229.1 feet, and thence Π $69^{\circ} 15'$ Π 94.2 feet to a point on the west section line which is S $0^{\circ} 03'$ E 629.4 feet from the northwest corner of said section 34, and having an area of 0.45 acre.

The above described rights of way have a total area of 3.74 acres as shown on the plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

Subject, however, to the following provisions:

1. TERMINATION:

The rights, privileges and authorities herein granted shall continue for as long as used for the purposes granted, but if the grantee shall cease for a period of two years to use the rights, privileges and authorities for the purposes granted or shall abandon the use of the easement herein granted, then the State may terminate this easement and all rights hereunder shall revert to the State of Washington.

2. DAMAGE:

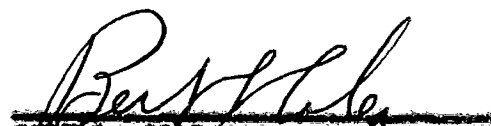
The grantee shall require, as a condition of each agreement with any of its contractors involved in clearing of said right of way or the use of said road, that said contractors take all reasonable precautions to protect adjacent state land, timber and reproduction. Damage to trees and/or reproduction, not included in the original grant, shall be appraised by the state. Said contractor or contractors shall be billed for these damages at the appraised rate, except double or triple damages may be charged in the event damage results from negligible acts of said contractors.

3. RESERVATIONS:

The State of Washington reserves to itself the right to use without cost except for its share of road maintenance all portions of this road system controlled by the grantee to remove state timber, and to maintain, patrol, reconstruct and repair said roadway for any and all purposes deemed necessary or desirable in connection with the control, management, harvest and administration of state owned lands or the resources thereof, in such manner as will not unreasonably interfere with the use of said road by the grantee or its authorized users or cause substantial injury thereto; Provided, that during periods when the State of Washington or its assigns uses said road, it will perform its share of road maintenance on the portion so used or shall contribute to the cost of said maintenance, so that its proportionate share of the cost of maintaining the road to the extent necessary to restore the road to the condition existing at the start of the use will be paid or performed.

The rights, privileges and authorities herein granted are for full use and enjoyment of the grantee for any and all purposes deemed necessary or desirable in connection with the control, management and administration of the national forests or the resources thereof and, insofar as compatible therewith, the grantee may extend such rights and privileges to others, provided such use by others shall be controlled so it will not, in the opinion of the Regional Forester, interfere unduly with use of the road by the State of Washington.

Dated this 10th day of September, A. D., 1959.


BERT L. COLE
Commissioner of Public Lands

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