

WILLIAM P. HARRIS
United States Attorney

GERALD E. OLSON
Assistant United States Attorney

1012 United States Courthouse
Seattle, Washington 98104

(206) 583-4735

CHARLES A. SCHAAF, Clerk
U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Filed
3-31-71

UNITED STATES OF AMERICA,

Plaintiff,

vs.

22.67 ACRES OF LAND, MORE OR LESS
SITUATE IN SKAMANIA COUNTY, STATE
OF WASHINGTON, and BROUGHTON
LUMBER COMPANY, et al., and
UNKNOWN OWNERS,

Defendants.

CIVIL NO. 4226

ORDER CORRECTING LEGAL DESCRIPTION AND JUDGMENT FIXING JUST COMPENSATION AND ORDERING FUNDS ON DEPOSIT TO BE PAID.

(Tract WS-119B;)

THIS CAUSE coming on to be heard on the motion of the United State of America, Plaintiff herein; and the defendants SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY, a Washington corporation; and BURLINGTON NORTHERN, INC., a Delaware corporation; owners of record and parties in interest at the time of the Stipulation filed herein and on the date the Declaration Of Taking was filed herein of that property which is more particularly described in Schedule A of said Declaration Of Taking and designated as Tract WS-119B; and upon the Stipulation of the parties filed herewith, and the Court being fully advised in the premises,

FINDS that the proceedings have been conducted according to law, that this Court has jurisdiction of the parties and the subject matter, and that the SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY, a Washington corporation, and BURLINGTON NORTHERN, INC., a Delaware corporation, were owners of record and parties in interest at the

1 time of the Stipulation filed herein and on the date the Declaration
2 Of Taking was filed herein of that property which is more fully
3 described in Schedule A of said Declaration Of Taking and designated
4 as Tract WS-119E; and that said defendants are entitled to the
5 award of compensation herein; and the Court further

6 FINDS that, as stipulated, due to clerical error, the legal
7 description of Tract WS-119E in the Declaration Of Taking, Schedule A
8 page 2, incorrectly describes Engineer's Station 759 + 60 whereas
9 the correct description is Engineer's Station 759 + 50; and the
10 Court further

11 FINDS that by Stipulation of the parties filed herewith said
12 parties have agreed that the sum of \$3,000.00, inclusive of interest,
13 is the just compensation which the United States of America shall
14 pay for the taking of a perpetual and assignable easement and right-
15 of-way in, on, over and across Tract WS-119E (as corrected above)
16 for the location, construction, operation, maintenance, alteration
17 and replacement of a road and appurtenances thereto; together with
18 the right to trim, cut, fell and remove therefrom all trees, under-
19 brush, obstructions, and other vegetation, structures, or obstacles
20 within the limits of the right-of-way; reserving, however, to the
21 owner, and assigns the right to use the surface of the land as
22 access to their adjoining land; subject, however, to existing ease-
23 ments for public roads and highways, public utilities, railroads
24 and pipelines; that said parties have agreed that the said sum of
25 \$3,000.00 shall be payable jointly to SPOKANE, PORTLAND AND SEATTLE
26 RAILWAY COMPANY, and BURLINGTON NORTHERN, INC.; and it appearing
27 to the Court that \$3,000.00 was deposited in the registry of the
28 Court as estimated just compensation herein; now, therefore, it
29 is hereby

30 ORDERED that the correct legal description of Tract WS-119E
31 is as follows:

BOOK 62 PAGE 218

1 A parcel of land situated in the southeast quarter
2 of Section 21, Township 3 North, Range 10 East of the
3 Willamette Meridian, Skamania County, Washington, said
4 parcel being described as follows:

5 A portion of Government Lots 1 and 2 in said Section 21,
6 said parcel being a strip of land 150 feet in width lying
7 between two lines that are parallel with and distant 50 feet
8 and 200 feet southerly of the centerline of the Spokane,
9 Portland and Seattle Railway, said strip extends south-
10 westerly from a radial line passing through Engineer's
11 Station 759 + 50 to the east line of the highway right of
12 way and the south line of said Government Lot 1.

13 The parcel of land above described contains 5.31 acres,
14 more or less, of which 1.55 acres are included in the
15 description of Tract WS-27;

16 and it is further

17 ORDERED that the Clerk of the Court is hereby directed to
18 pay \$3000.00 jointly to SPOKANE, PORTLAND AND SEATTLE RAILWAY
19 COMPANY, and BURLINGTON NORTHERN, INC.; and that title to the
20 perpetual and assignable easement and right-of-way in, on, over and
21 across Tract WS-119E (as corrected above) for the location, con-
22 struction, operation, maintenance, alteration and replacement of a
23 road and appurtenances thereto; together with the right to trim,
24 cut, fell and remove therefrom all trees, underbrush, obstructions,
25 and other vegetation, structures, or obstacles within the limits of
26 the right-of-way; reserving, however, to the owner, and assigns
27 the right to use the surface of the land as access to their adjoining
28 land; subject, however, to existing easements for public roads and
29 highways, public utilities, railroads and pipelines, is vested in
30 the United States of America.

31 DATED this 31st day of March, 1971

32 1/s/ Geo. H. Baldt
33 United States District Judge

