

81553

FILED IN THE
UNITED STATES DISTRICT COURT
Western District of Washington

JUN 19 1975

By _____

I hereby certify that the
annexed instrument is a true
and correct copy of the original
on file in my office.
ATTEST: _____ Court
Clerk, U.S. District Court
Western District of Washington
By _____ Deputy Clerk

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

52.54 ACRES OF LAND, MORE OR LESS,
SITUATE IN SKAMANIA COUNTY, STATE
OF WASHINGTON, AND STATE OF
WASHINGTON, DEPARTMENT OF GAME,
AND UNKNOWN OWNERS,

Defendants.

CIVIL NO. C75-165T

AMENDED LIS PENDENS

TRACT NOS. 2805 & 2811

NUNC PRO TUNC

NOTICE IS HEREBY GIVEN:

1. That the above-entitled action is pending in the above-entitled Court.
2. That the plaintiff in such action is the United States of America; that the names of the defendants in such action, and of each and every owner, encumbrancer, or other person or party interested in the land described in Schedule "B" attached hereto, or any part thereof, so far as can be ascertained from the public records, are set forth in said Schedule "B".


Page 1 - AMENDED LIS PENDENS

STAN PITKIN
UNITED STATES ATTORNEY
P.O. Box 1227
SEATTLE, WASHINGTON 98111
(206) 442-7970

3. That the object of such action is set forth in
Schedule "A" attached hereto.

DATED this 26 day of March, 1975.

STAN PITKIN
United States Attorney


WILLIAM H. RUBIDGE
Assistant U.S. Attorney

Page 2 - AMENDED LIS PENDENS

STAN PITKIN
UNITED STATES ATTORNEY
P.O. BOX 1227
SEATTLE, WASHINGTON 98111
(206) 442-7970

SCHEDULE "A"

AUTHORITY FOR THE TAKING:

The authority for the taking of the land is under and in accordance with the Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. 258a), and acts supplementary thereto and amendatory thereof, and under the further authority of the Acts of Congress approved April 24, 1888 (25 Stat. 94, 33 U.S.C. 591), and March 1, 1917 (39 Stat. 948, 33 U.S.C. 701), which authorize the acquisition of land for flood control projects; the Act of Congress approved August 30, 1935 (49 Stat. 1028), which act authorizes the construction of the Bonneville Dam (Oregon and Washington); the Act of Congress, approved August 20, 1937 (50 Stat. 731), which act authorized completion, maintenance and operation of the project and the Act of Congress approved August 28, 1974 (Public Law 93-393), which act appropriated funds for such purpose.

PUBLIC USES:

The public uses for which said land is taken are as follows: The said land is necessary to provide for the construction of a river improvement for the purposes of flood control, navigation and for other uses incident thereto. The said land has been selected by the United States for use in connection with the construction and maintenance of the Second Powerhouse which must be provided at the Bonneville Dam, and for such other uses as may be authorized by Congress or by Executive Order.

SCHEDULE "B"

Tract 2811

A tract of land situated in the B. B. Bishop Donation Land Claim No. 39 being also a portion of Section 20, Township 2 North, Range 7 East of the Willamette Meridian, Skamania County, Washington, being more particularly described as follows:

Beginning at the intersection of the Southerly line of the Evergreen Highway (State Highway No. 14) with the West line of the said Bishop D.L.C., said point being North 162.70 feet from a United States Government monument marking the angle corner between said Bishop D.L.C. and the George W. Johnson Donation Land Claim No. 38; thence South 24°27'30" East 320.33 feet to intersection with the Northerly right-of-way line of the Spokane, Portland and Seattle Railway Company; thence following said railway right-of-way line North 61°10'00" East 41.35 feet; thence North 24°27'30" West 325.38 feet to intersection with the Southerly right-of-way line of the Evergreen Highway; thence South 65°32'30" West 41.47 feet to the point of beginning.

The tract of land herein described contains 0.31 of an acre, more or less.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 2811,
BONNEVILLE LOCK AND DAM
(LAKE BONNEVILLE)

State of Washington
Department of Game
600 N. Capitol Way
Olympia, WA 98501

ESTIMATED COMPENSATION:

\$750.00

The gross sum estimated by the acquiring authority to be just compensation for the estate hereby taken, inclusive of all rights set forth in the Declaration of Taking, is ONE HUNDRED ELEVEN THOUSAND ONE HUNDRED FIFTY and NO/100 DOLLARS (\$111,150.00). The estate taken for said public uses is the fee simple title, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

SCHEDULE "B"

Tract 2805

A tract of land situated in the B. B. Bishop Donation Land Claim No. 39 and the George W. Johnson Donation Land Claim No. 38, being also a portion of Sections 20 and 21, Township 2 North, Range 7 East of the Willamette Meridian, Skamania County, Washington, being more particularly described as follows:

Beginning at the intersection of the Southwesterly limit of said Bishop D.L.C. in said Section 21 with the meander line on the North bank of the Columbia River; thence along the Southwesterly limit of said Bishop D.L.C. 969.91 feet to the intersection of said limit with the Southerly line of that certain tract of land described in Parcel "A" in that certain deed from Frank W. Warren and wife, George A. Warren, Anna Grace Munro and husband, to the United States of America, recorded on June 13, 1934, in Book X at page 535 of the Deed Records of Skamania County, Washington; thence North $61^{\circ}10'00''$ East 702.79 feet following the Southerly line of said tract so conveyed to the United States of America to a point where said Southerly line of such tract is intersected by a line drawn parallel to said Southwesterly limit of said Bishop D.L.C. and 675.00 feet Northeasterly therefrom measured at right angles thereto; thence South $45^{\circ}00'00''$ East along said line which is 675.00 feet distant Northeasterly from the Southwesterly limit of said Bishop D.L.C. to the ordinary low waterline on the Northerly bank of the Columbia River; thence downstream along the ordinary low waterline on the Northerly bank of the Columbia River to a point of intersection with the Southwesterly limit of said Bishop D.L.C. as extended; thence Northwesterly along the Southwesterly limit of said Bishop D.L.C. as extended to the point of beginning; excepting therefrom all that portion of the Easterly 275.00 feet lying Northerly of the meander line on the North bank of the Columbia River.

Also excepting therefrom a tract of land 40.00 feet square, the center of which is a certain tombstone erected at the grave of Thomas McNatt, reserved by Ellen J. Wallis, formerly Ellen J. McNatt, and William Wallis, her husband, by deed dated October 1, 1886, and recorded October 18, 1886, at page 2 of Book D of Deeds, Records of Skamania County, Washington, the center of said tombstone being South $56^{\circ}47'07''$ East 1,246.56 feet from the angular corner of the Westerly line of said Bishop D.L.C. and North $09^{\circ}49'18''$ East 344.34 feet from the Southwest corner of said Bishop D.L.C.

Also a tract of land in said Bishop D.L.C. in said Sections 20 and 21, lying parallel with and adjacent to the Southerly right-of-way line of the Spokane, Portland and Seattle Railway Company, being more particularly described as follows:

Beginning at the point of intersection of the Southerly right-of-way line of the Spokane, Portland and Seattle Railway Company, and the Westerly line of said Bishop D.L.C., which point is South $45^{\circ}00'00''$ East 398.23 feet from the angular corner of the Westerly line of said Bishop D.L.C.; thence North $61^{\circ}10'00''$ East on the said Southerly

Tract 2805
(continued)

right-of-way line a distance of 972.02 feet to a point which is at right angles and distant 100.00 feet from the original centerline of the Spokane, Portland and Seattle Railway Company main line track at Engineer's Station 2012+23.4; thence South 28°50'00" East a distance of 50.00 feet; thence South 61°10'00" West a distance 957.52 feet to a point of intersection with the Westerly line of said Bishop D.L.C.; thence North 45°00'00" West along said Westerly line of said Bishop D.L.C. a distance of 52.06 feet to the point of beginning.

Also all that portion of said Johnson D.L.C. lying in said Section 21.

Also shorelands of the second class, consisting of 28.84 acres, more or less, as shown by the plat and field notes thereof filed in the office of the Commissioner of Public Lands at Olympia, Washington, on the 10th day of March, 1896, conveyed by the State of Washington by deed dated September 19, 1896, and recorded March 12, 1910, at page 204 of Book M of Deeds, Records of Skamania County, Washington, more particularly described as follows:

Beginning at the Southeast corner of said Johnson D.L.C. in said Section 21; thence South 45°46'00" East 106.20 feet; thence South 21°16'00" West 30.60 feet; thence South 05°24'00" West 292.70 feet; thence South 07°26'30" West 255.70 feet; thence South 15°41'30" West 264.90 feet; thence South 35°29'00" West 120.30 feet; thence South 31°27'00" West 351.90 feet; thence South 45°22'00" West 217.70 feet; thence South 29°32'00" West 487.10 feet; thence South 07°51'30" West 326.10 feet; thence South 28°05'00" West 161.00 feet; thence South 38°57'00" West 612.40 feet; thence South 20°09'00" West 339.25 feet; thence South 42°25'26" West 627.11 feet; thence North 17°1'00" West 249.90 feet; thence North 18°15'00" East 1,640.76 feet; thence North 63°00'00" East 145.20 feet; thence North 48°15'00" East 722.20 feet; thence North 64°56'30" East 572.09 feet; thence North 59°45'00" East 56.76 feet; thence North 26°00'00" East 243.54 feet; thence North 08°30'00" East 792.00 feet; thence North 24°30'00" East 197.10 feet to the point of beginning.

The tract of land herein described contains 52.23 acres, more or less.

NAME AND ADDRESS OF PURPORTED
OWNER(S) FOR TRACT 2805
BONNEVILLE LOCK AND DAM
(LAKE BONNEVILLE)

State of Washington
Department of Game
600 N. Capitol Way
Olympia, WA 98501

ESTIMATED COMPENSATION:

\$110,400.00

The gross sum estimated by the acquiring authority to be just compensation for the estate hereby taken, inclusive of all rights set forth in the Declaration of Taking, is ONE HUNDRED ELEVEN THOUSAND ONE HUNDRED FIFTY and NO/100 DOLLARS (\$111,150.00). The estate taken for said public uses is the fee simple title, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.