



FILED
JUL 27 1980

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL NO. C77-967

v.

19.10 ACRES OF LAND, MORE OR LESS,
SITUATE IN SKAMANIA COUNTY, STATE
OF WASHINGTON, AND JOHN TOL, ET UX,
AND OTHER UNKNOWN OWNERS,

STIPULATION FOR
REVESTMENT AS TO
TRACT 2826

Defendants.

WHEREAS, the plaintiff, United States of America, commenced the
above entitled action for the purpose of acquiring by eminent domain certain
land described as follows, to wit:

A tract of land situated in Section 20, Township 2 North, Range 7
East of the Willamette Meridian, Skamania County, Washington, being more
particularly described as follows:

Commencing at the intersection of the Northerly right-of-way line
of the Evergreen Highway (State Highway No. 14), with the East line of the
G. W. Johnson Donation Land Claim No. 14; thence Southwesterly 374.00 feet
along said Northerly right-of-way; thence North $57^{\circ}36'40''$ West 511.50 feet
to the point of beginning; thence South $47^{\circ}35'00''$ West 257.15 feet; thence
South $62^{\circ}02'00''$ East 470.00 feet to the Northerly right-of-way of said
Evergreen Highway; thence Southwesterly along said right-of-way to the
West line of said G. W. Johnson D.L.C.; thence Northwesterly along said
D.L.C. line to the Northerly bank of Greenleaf Slough; thence North $76^{\circ}18'00''$
East 81.00 feet; thence North $80^{\circ}23'00''$ East 133.00 feet; thence North
 $84^{\circ}06'00''$ East 177.00 feet; thence North $77^{\circ}08'00''$ East 357.00 feet; thence
North $71^{\circ}22'00''$ East 339.00 feet; thence East 220.00 feet; thence
Southeasterly to the point of beginning.

Excepting therefrom the following:

Beginning at the intersection of the Northerly right-of-way line
of said Evergreen Highway with the West line of said Johnson D.L.C.; thence
Northeasterly along said right-of-way 209.78 feet; thence North $16^{\circ}46'08''$
West 248.90 feet; thence South $75^{\circ}19'42''$ West to a point on the West line
of said Johnson D.L.C.; thence Southeasterly along said D.L.C. line to the
point of beginning.

The tract of land herein described contains 19.10 acres, more or
less.

WHEREAS, by reason of the filing of a declaration of taking and
the depositing of \$73,500.00 as estimated just compensation for the taking
thereof, title to such land, to the extent of the estate described below,
vested in the United States of America on 23 May 1977;

The fee simple title to Tract 2826, subject, however, to existing

1 easements for public roads and highways, public utilities, railroads and
2 pipelines.

3 WHEREAS, it has been determined to be necessary to reduce the
4 total acreage acquired in the proceeding,

5 NOW, THEREFORE, it is stipulated and agreed by and between the
6 United States of America, plaintiff, and defendants John Tol and the Estate
7 of Larena Tol as follows:

8 1. That there shall be substituted for the legal description
9 of Tract 2826, as set forth in the complaint in condemnation and the
10 declaration of taking heretofore filed in the proceeding, the description
11 set forth below:

12 A tract of land situated in Section 20, Township 2 North, Range 7
13 East of the Willamette Meridian, Skamania County, Washington, being more
14 particularly described as follows:

15 Commencing at the intersection of the Northerly right-of-way line
16 of the Evergreen Highway (State Highway No. 14), with the East line of the
17 G. W. Johnson Donation Land Claim No. 38; thence Southwesterly 174.00 feet
18 along said Northerly right-of-way; thence North 57°58'40" West 533.50 feet
19 to the point of beginning; thence South 47°55'00" West 257.15 feet; thence
20 South 62°02'00" East 470.00 feet to the Northerly right-of-way of said
21 Evergreen Highway; thence Southwesterly along said right-of-way to the
22 West line of said G. W. Johnson D.L.C.; thence Northwesterly along said
23 D.L.C. line to the Northerly bank of Greenleaf Slough; thence North
24 76°18'00" East 81.00 feet; thence North 80°23'00" East 133.00 feet; thence
25 North 84°06'00" East 177.00 feet; thence North 77°08'00" East 357.00 feet;
26 thence North 71°22'00" East 339.00 feet; thence East 220.00 feet; thence
27 Southeasterly to the point of beginning.

28 Excepting therefrom the following:

29 Beginning at the intersection of the Northerly right-of-way line
30 of said Evergreen Highway with the West line of said Johnson D.L.C.; thence
31 Northeasterly along said right-of-way 209.78 feet; thence North 16°46'08"
32 West 248.90 feet; thence South 75°16'42" West to a point on the West line
33 of said Johnson D.L.C.; thence Southeasterly along said D.L.C. line to the
34 point of beginning.

35 Also excepting therefrom:

36 All that portion lying Northerly of the centerline of the channel
37 of said Greenleaf Slough.

38 The tract of land herein described contains 15.56 acres, more or
39 less.

40 2. That all right, title, and interest of the stipulating
41 defendants in and to any and all portions of the tract as set forth in the
42 complaint in condemnation and the declaration of taking heretofore filed in
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the proceeding which are not included in paragraph 1 above shall be excluded from the proceeding and title thereto shall be revested in said defendants to the extent held by them immediately prior to the taking;

3. That there is no change in the estimated just compensation of \$73,500.00 deposited in the registry of the Court resulting from the revestment of land under paragraph 2 above.

4. That except as aforesaid on said date no other person, party, or corporation was in possession of said lands and there were no unrecorded liens, leases, encumbrances, or transfers outstanding affecting said property;

It is expressly understood and agreed that upon entry of this stipulation, the defendants and counsel agree to waive any and all claims of whatsoever kind including attorneys' fees and any other costs.

WHEREFORE, the parties hereto pray for judgment as appropriate to effectuate this stipulation.

DATED this 7 day of , 1979.

UNITED STATES OF AMERICA, Plaintiff

By Charles Pinnell
CHARLES PINNELL
Assistant U. S. Attorney

APPROVED:

Ross K. Rakow
ROSS K. RAKOW
Attorney for Defendant
Estate of LaRena Tol, and
John Tol, individually and as
Executor of the Estate of
LaRena Tol.

STATE OF WASHINGTON
COUNTY OF SEASANA

I HEREBY CERTIFY THAT THE WITHIN

INSTRUMENT OR INSTRUMENTS FILED BY

United States of America

Seattle, Wa

AT 11:30 A. M. Oct 27, 1979

FILE RECORDED IN BOOK 78

IN Deeds AT PAGE 894

RECORDS OF SEASANA COUNTY, WASH.

JP Pinnell

COUNTY CLERK

E. M. M. M.

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Tract 2826

UNITED STATES ATTORNEY
10 - FLOOR, UNITED STATES COURTHOUSE
SEATTLE, WASHINGTON 98104
(206) 447-5188

certified to be a true and
correct copy of the original
filed in my office.
Noted - 11:30 AM, attested;
By JP Pinnell, Clerk

By JP Pinnell, Deputy