

FILED
JUL 27 1980UNITED 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,)
Defendants.)
STIPULATION FOR
REVESTMENT AS TO
TRACT 2826

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 26, Township 3 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. 38; thence Southwesterly 34.00 feet along said Northerly right-of-way; thence North 57°36'40" West 313.50 feet to the point of beginning; thence South 47°55'00" West 277.15 feet; thence South 62° 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°18'00" East 31.00 feet; thence North 80°23'00" East 133.00 feet; thence North 84°06'00" East 177.00 feet; thence North 77°08'00" East 357.00 feet; thence North 71°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°46'08" West 248.00 feet; thence South 75°16'42" West to a post, 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
particularly described as follows:

14 Commencing at the intersection of the Northerly right-of-way line
15 of the Evergreen Highway (State Highway No. 14), with the East line of the
16 G. W. Johnson Donation Land Claim No. 38; thence Southwesterly 174.00 feet
17 along said Northerly right-of-way; thence North 57°58'40" West 533.50 feet
18 to the point of beginning; thence South 47°55'00" West 257.19 feet; thence
19 South 62°02'00" East 470.00 feet to the Northerly right-of-way of said
20 Evergreen Highway; thence Southwesterly along said right-of-way to the
West line of said G. W. Johnson D.L.C.; thence Northwesteally along said
D.L.C. line to the Northerly bank of Greenleaf Slough; thence North
21 76°18'00" East 81.00 feet; thence North 80°23'00" East 133.00 feet; thence
North 84°06'00" East 177.00 feet; thence North 77°08'00" East 357.00 feet;
thence North 71°22'00" East 339.00 feet; thence East 220.00 feet; thence
Southesterly to the point of beginning.

22 Excepting therefrom the following:

23 Beginning at the intersection of the Northerly right-of-way line
24 of said Evergreen Highway with the West line of said Johnson D.L.C.; thence
Northeasterly along said right-of-way 269.78 feet; thence North 16°46'08"
West 248.90 feet; thence South 75°16'42" 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.

26 Also excepting therefrom:

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

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

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

4 3. That there is no change in the estimated just compensation
5 of \$73,500.00 deposited in the registry of the Court resulting from the
6 re vestment of Land under paragraph 2 above.

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

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

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

15 DATED this 17 day of October, 1979.

16 UNITED STATES OF AMERICA, Plaintiff

17 By *[Signature]*
18 CHARLES PINNELL
19 Assistant U. S. Attorney

20 APPROVED:

21 ROSS R. NAKOM
22 Attorney for Defendant
23 Estate of LaRena Tol, and
24 John Tol, individually and as
25 Executor of the Estate of
LaRena Tol.

WAUSAU WASHINGTON COUNTY OF SHAWANO

I HEREBY CERTIFY THAT THIS WRITTEN

INSTRUMENT OR WRITING, FILED IN

United States Courthouse

10th Floor, Seattle, Washington

At 11:30 AM Oct 27, 1980

HAS BEEN RECEIVED IN BOOK 78

IN DEEDS AT PAGE 294

SHAWANO COUNTY, WISCONSIN

RECEIVED IN RECORDS

COURT CLERK

E. Magruder

26 Certified to be a true and
27 correct copy of the original
28 filed in my office.
Date - 10/27/80, Atty

ROSS R. NAKOM

Atty for Defendant