

In the Superior Court of the State of Washington for the County of Skamania.

Portland and Seattle Railway Company, a corporation, Petitioner

vs.

Judgment and Decree
of

Columbia Valley Railroad Company, a corporation, Claimant.

Appropriation

This court having entered a decree herein adjudging that the premises hereinafter described be appropriated to the use of the petitioner above named, and directing the assessment of damages thereof, and the parties having entered into a stipulation in writing, duly filed herein, whereby it is agreed that the damages sustained by the Columbia Valley Railroad Company by reason of the appropriation of the premises amount to the sum of fifty five hundred dollars; and the court having considered said stipulation and being fully advised, the court does now find, that, by reason of the appropriation of the land, real estate and premises hereinafter described, by petitioner, for any and all of its corporate purposes, the claimant, Columbia Valley Railroad Company, will be damaged in the sum of fifty five hundred Dollars, irrespective of any benefit from any improvements proposed by said petitioner. Wherefore it is Ordered, Adjudged and Decreed that the Columbia Valley Railroad Company, a corporation, have and recover of and from the petitioner, Portland and Seattle Railway Company the sum of fifty five hundred dollars. And it further appearing to the court that said petitioner, Portland and Seattle Railway Company, has paid into court for the benefit of claimant, Columbia Valley Railroad Company, the full amount of damages, it is ordered, Adjudged and Decreed that the following described strips of land situated in Skamania County Washington, be and the same are hereby appropriated to the use of the Portland and Seattle Railway Company, the legal title thereto is hereby vested in said Corporation, Portland and Seattle Railway Company for any and all of its corporate purposes, subject however, to the right of the Columbia Valley Railroad Company to use, without cost to it, for a railway on the south side of petitioners railway, within one year after the construction of petitioners railway from Kenewick to Vancouver, such portion of said premises heretofore owned by the Columbia Valley Railroad Company as shall not be necessary for the maintenance and operation of petitioners railway, the location and extent thereof to be determined by the court in an appropriation proceeding the institution of which proceeding and its diligent prosecution within one year shall preserve the right hereby reserved.

The lands, real estate and premises hereby appropriated to the use of petitioner are described as follows:

A strip of land one hundred feet in width, being fifty feet in width on each side of the center line of petitioners railway, as the same is now located, staked out and in course of construction over and across lot one of section seventeen, township one north of range 5 east of the Willamette Meridian, which center line is more particularly described as follows:

Commencing on the section line between sections 19 and 20, said township and range, at a point one thousand five hundred and fifty three and three tenths feet south of the corner to section 17, 18, 19 and 20 of said township and range, - the west tangent of a curve making an angle with said section line of $93^{\circ}20'$; running from said point on a curve to the left, with a radius of five thousand seven hundred and thirty feet, five hundred and twenty seven feet; thence on tangent to said curve northeasterly three thousand two hundred and twenty five feet, more or less; thence on a spiral of a curve to the left two hundred and twenty eight feet; thence on a curve to the left having a radius of one thousand nine hundred and ten feet, eight hundred feet more or less, to the south line of said lot one, which is the place of beginning; thence on a spiral to said curve two hundred and twenty eight feet; thence on a tangent to said curve two hundred and seventeen and five tenths feet; thence on a spiral to a curve