

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

Portland and Seattle Railway Company, a corporation, Petitioner

vs.

Columbia Valley Railroad Company, a corporation, Claimant

Involving Lots 1 & 2, sec. 34
T 3 N R 9 E, and Lot 3, sec
35, T 3 N R 8 E.W.M.

Judgment and Decree of Appropriation.

The 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 said premises amount to the sum of four thousand 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 Four thousand five hundred dollars, irrespective of any benefit from any improvement 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 Four thousand and 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 said claimant, Columbia Valley Railroad Company, the full amount of damages it is Ordered, Adjudged and Decreed that the following described strips of land in Skamania County, Washington, be and the same are hereby appropriated to the use of the Portland and Seattle Railway Company, and the legal title thereto is hereby vested in said company, 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 Kennewick 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 appropriate 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 two hundred feet in width, being one hundred 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 and as said center line is hereinafter particularly described, over and across lots one and two of section 34, in township 3 north of range 9 east Willamette Meridian, said center line being more particularly described as follows:

Commencing at a point on the line between sections 33 and 34, township and range aforesaid, said point being six hundred and seventy five feet south of the corner to sections 27/28, 33 and 34 said township and range; thence south easterly on a spiral curve to the right, - the forward tangent of which spiral makes an angle of 66°22' with said section line, - one hundred and ninety three and six tenths feet to the point of said tangent to said spiral; thence on said tangent to said spiral three hundred and seventy and two tenths feet to the beginning of a spiral curve to the left; thence on said spiral curve two hundred and twenty eight feet; thence on a curve to the left, having a radius of one thousand nine hundred and ten feet, one thousand three hundred and seventy two and two tenths feet; thence on a spiral