

SPOKANE, PORTLAND & SEATTLE RAILWAY CO. TO STATE OF WASHINGTON

KNOW ALL MEN BY THESE PRESENTS, THAT SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY, A CORPORATION, IN CONSIDERATION OF ONE DOLLAR (\$1.00) TO IT PAID BY THE STATE OF WASHINGTON, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, DOES HEREBY PERMIT THE STATE OF WASHINGTON TO USE, FOR HIGHWAY PURPOSES, THAT CERTAIN PARCEL OF LAND IN SECTION 34, TOWNSHIP 2 NORTH, RANGE 6 EAST OF THE WILLAMETTE MERIDIAN, IN SKAMANIA COUNTY, WASHINGTON, PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT WHERE THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 34 INTERSECTS THE CENTER LINE OF MAIN TRACK OF THE SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY, AS NOW BUILT, AND RUNNING THENCE SOUTHWESTRELY, ALONG THE CENTER LINE OF SAID MAIN TRACK, 692 FEET, MORE OR LESS, TO THE SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY ENGINEER'S SURVEY STATION 1729+00; THENCE NORTHWESTERLY, AT RIGHT ANGLES TO THE SAID CENTER LINE OF SAID MAIN TRACK, 100 FEET TO THE TRUE POINT OF BEGINNING; RUNNING THENCE SOUTHWESTERLY, PARALLEL WITH AND 100 FEET NORTHWESTERLY FROM, WHEN MEASURED AT RIGHT ANGLES TO THE SAID CENTER LINE OF MAIN TRACK, A DISTANCE OF 1200 FEET; THENCE SOUTHEASTERLY, AT RIGHT ANGLES TO THE LAST ABOVE DESCRIBED COURSE, A DISTANCE OF 50 FEET, TO A POINT THAT IS 50 FEET FROM THE CENTER LINE OF SAID MAIN TRACK; RUNNING THENCE NORTHEASTERLY, PARALLEL WITH AND 50 FEET NORTHWESTERLY FROM, WHEN MEASURED AT RIGHT ANGLES TO THE SAID CENTER LINE OF MAIN TRACK, A DISTANCE OF 842.9 FEET, TO A POINT; RUNNING THENCE NORTHEASTERLY IN A STRAIGHT LINE 400 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

THE ABOVE BOUNDED AND DESCRIBED PARCEL CONTAINS 1.15 ACRES, MORE OR LESS.

PERMISSION IS ALSO GRANTED TO ENCROACH ON THE RAILWAY COMPANY'S PROPERTY BETWEEN THE ABOVE DESCRIBED PARCEL AND THE RAILWAY COMPANY'S TRACKS WITH THE SLOPES OF THE HIGHWAY CUTS AND FILLS, PROVIDED SUCH SLOPES DO NOT INTERFERE WITH THE RAILWAY COMPANY'S PRESENT OR FUTURE FREE AND UNRESTRICTED USE OF ITS PROPERTY. SHOULD IT BECOME NECESSARY TO ENABLE THE RAILWAY COMPANY TO SO FREELY USE ITS PROPERTY, THE STATE OF WASHINGTON AGREES TO CONSTRUCT PROPER RETAINING WALLS TO HOLD THE SLOPES OF ITS CUTS AND FILLS WHEN REQUESTED SO TO DO BY THE RAILWAY COMPANY.

THIS EASEMENT IS GRANTED UPON THE EXPRESS CONDITION THAT THE STATE OF WASHINGTON SHALL, AT ITS OWN EXPENSE, CONSTRUCT AND AT ALL TIMES MAINTAIN PROTECTION FENCE BETWEEN THE TRACKS OF THE RAILWAY COMPANY AND ANY HIGHWAY CONSTRUCTED ON OR OVER THE PROPERTY ABOVE DESCRIBED, WHICH PROTECTION FENCE SHALL BE CONSTRUCTED AND MAINTAINED IN A MANNER SATISFACTORY TO THE CHIEF ENGINEER OF THE RAILWAY COMPANY, AND IN THE EVENT OF A BREACH OF THIS CONDITION, THE RAILWAY COMPANY, OR ITS SUCCESSORS IN INTEREST, MAY RE-ENTER UPON AND REPOSSESS ITSELF OR THEMSELVES OF THE PREMISES ABOVE DESCRIBED AND OF THE WHOLE THEREOF.

THE RAILWAY COMPANY RESERVES TO ITSELF AND ITS SUCCESSORS THE RIGHT TO EXTEND THE SLOPE OF THE FILL SUPPORTING ITS TRACK OVER AND UPON THE PREMISES ABOVE DESCRIBED IN THE EVENT IT SHALL CONSTRUCT ANY TRACKS IN ADDITION TO ITS EXISTING TRACKS.

IN THE EVENT THE PREMISES HEREIN DESCRIBED SHALL CEASE TO BE USED FOR HIGHWAY PURPOSES BY THE STATE OF WASHINGTON, THEN THE TITLE THERETO SHALL REVEST IN THE RAILWAY COMPANY, ITS SUCCESSORS OR ASSIGNS, FREE FROM ANY EASEMENT HEREBY GRANTED.