

GEORGE F. BRESLIN ET UX ET AL TO W. R. BOWLES ET AL

3160
KNOW ALL MEN BY THESE PRESENTS, THAT IN CONSIDERATION OF THE SUM OF TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS MOVING TO THEM, GEORGE F. BRESLIN AND CATHERINE L. BRESLIN, HIS WIFE, E. B. SHONENBACH AND MAY E. SHONENBACH, HIS WIFE, BEING ALL OF THE HEIRS OF R. E. BRESLIN, DECEASED, HEREINAFTER CALLED THE GRANTORS, DO GRANT, BARGAIN, SELL, TRANSFER, CONVEY AND CONFIRM TO W. R. BOWLES AND J. R. BOWLES, HEREINAFTER CALLED THE GRANTEES, AND TO THEIR HEIRS AND ASSIGNS FOREVER, A RIGHT-OF-WAY 60 FEET IN WIDTH THROUGH THE PROPERTY OF THE GRANTORS IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 33 IN TOWNSHIP 2 NORTH OF RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, IN SKAMANIA COUNTY, WASHINGTON, THE SAID RIGHT OF WAY TO FOLLOW THE LINE OF THE OLD ROAD THROUGH THE SAID PROPERTY AS NEARLY AS THE TOPOGRAPHY WILL ADMIT OF SO DOING CONVENIENTLY FOR ROAD PURPOSES, THE SAID ROAD TO BE AT ALL PLACES NORTH OF THE WASHOUGAL RIVER. THE GRANTORS DO ALSO GRANT TO THE GRANTEES THE RIGHT TO ENTER UPON THEIR PROPERTY FOR THE PURPOSE OF LOCATING, IMPROVING AND MAINTAINING THE SAID ROAD AND DO AUTHORIZE THE GRANTEES TO DO ANY AND ALL THINGS WHICH SHALL BE CONVENIENT OR PROPER TO BE DONE FOR SUCH PURPOSES. THE GRANTORS DO PARTICULARLY AUTHORIZE THE GRANTEES TO CUT AND USE ANY TIMBER STANDING ON THE PROPERTY OF THE GRANTORS CLOSE TO THE LINE OF THE SAID ROAD FOR THE PURPOSE OF MAKING AND MAINTAINING SAID ROAD AND ANY STRUCTURES INCIDENT THERETO. THE GRANTORS DO FURTHER COVENANT WITH THE GRANTEES THAT THE GRANT MADE HEREBY SHALL BE EXCLUSIVE, THAT IT SHALL NOT BE DEEMED TO BE A GRANT FOR THE PUBLIC USE AND THAT ANY SUBSEQUENT CONVEYANCES BY THEM OF ANY EASEMENT IN OR TO THE SAID PROPERTY SHALL BE VOID AND OF NO EFFECT, AND ANY TRANSFER WHICH THE GRANTORS MAY MAKE OF THEIR ENTIRE HOLDINGS IN THE SAID 120-ACRE TRACT SHALL BE SUBJECT TO THE RIGHTS OF THE GRANTEES HEREUNDER. THE GRANTORS DO COVENANT WITH THE GRANTEES THAT THE SAID ROAD NOW LOCATED ADJACENT TO THE WASHOUGAL RIVER OVER THEIR SAID PROPERTY IS NOT A COUNTY ROAD AND THAT THE PUBLIC HAS NO RIGHTS THEREIN, THE GRANTORS DO FURTHER COVENANT AND AGREE WITH THE GRANTEES THAT ON DEMAND BY THE GRANTEES THEY WILL CONSTRUCT GATES WHERE THE SAID ROAD CROSSES THE SOUTH LINE OF THE GRANTORS AND THAT THEY WILL KEEP THE GATES LOCKED EXCEPT AS TO THE GRANTEES AND THOSE HOLDING WRITTEN LICENSES FROM THE GRANTEES. THE GRANTORS DO FURTHERMORE COVENANT THAT THEY WILL PERMIT NO ONE TO GO OVER THE SAID ROAD OR THROUGH THE SAID GATES EXCEPT THE GRANTEES, THEIR HEIRS AND ASSIGNS, AND THOSE HOLDING WRITTEN LICENSES FROM THE GRANTEES. THE GRANTORS DO FURTHER COVENANT AND AGREE WITH THE GRANTEES THAT THE GRANTEES AT THEIR OPTION MAY MAINTAIN SUCH FENCES AS THE GRANTEES SHALL DEEM IT DESIRABLE TO MAINTAIN ON THE PROPERTY OF THE GRANTORS FOR THE PURPOSES OF KEEPING THE PUBLIC OR ANY UNAUTHORIZED PERSONS FROM GOING OVER THE PROPERTY OF THE GRANTORS AT OR NEAR THE SAID ROAD. IT IS AGREED THAT ALL OF THE RIGHTS, PRIVILEGES AND REMEDIES ACCRUING HEREUNDER TO THE GRANTEES SHALL INURE IN LIKE MANNER TO THEIR HEIRS AND ASSIGNS.

THE GRANTORS DO FURTHER COVENANT THAT THEY ARE SEIZED IN FEE SIMPLE OF THE SAID REAL PROPERTY AND THAT THEY HAVE A LAWFUL RIGHT TO GRANT THE EASEMENT HEREBY CONVEYED AND THAT THEY WILL WARRANT AND DEFEND THE GRANTEES, THEIR HEIRS AND ASSIGNS, IN THE SAID EXCLUSIVE RIGHT AND POSSESSION AS AGAINST THE LAWFUL CLAIMS OF ALL PERSONS WHOMSOEVER.

THE ABOVE DESCRIBED EASEMENT IS GRANTED TO THE GRANTEES WITH THE EXPRESS