

# DEED RECORD X

## SKAMANIA COUNTY, WASHINGTON

SHAW & BORDEN CO. PRINTERS, STATIONERS, BOOKBINDERS, SPOKANE, WASH.

the center line of said main line track at Engineer's station 1282+00; thence southeasterly in a direct line to a point that is 45 feet northeasterly from, when measured at right angles to the center line of said main line track at Engineer's Station 1281+54; thence southeasterly in a direct line to a point that is 30 feet northeasterly from, when measured at right angles to the center line of said main line track at Engineer's Station 1281+03; thence southeasterly in a direct line to a point that is 20 feet northeasterly from when measured at right angles to the center line of said main line track at Engineer's Station 1280+53; thence southeasterly parallel with the center line of said main line track to a point that is 20 feet northeasterly from, when measured at right angles to the center line of said main line track at Engineer's Station 1279+52; thence southeasterly in a direct line to a point that is 25 feet northeasterly from, when measured at right angles to the center line of said main line track at Engineer's station 1279+03; thence northeasterly in a direct line to a point on the northerly right of way line of the Spokane, Portland and Seattle Railway Company that is 75 feet northeasterly from, when measured at right angles to the center line of said main line track at Engineer's Station 1278+64; all as shown in red color on the blueprint map marked Exhibit "A" attached hereto and made a part hereof.

The parcel of land to be conveyed as above described contains an area of 0.36 of an acre more or less.

The right and easement hereby granted is and shall be subject to the understandings and conditions set forth below and in the event of a breach of said conditions, or any thereof, the right and easement hereby granted shall, at the option of the Railway Company, cease and determine. The State, by the acceptance of this grant and by entering upon the property hereinbefore described for the purpose of construction and maintenance of said highways, shall thereby become bound and obligated to perform all of the said understandings and conditions. The understandings and conditions above referred to are as follows:

1. All of the work authorized hereunder shall be done in such manner as not to interrupt or delay unnecessarily the operations of the railroad or trains of the Railway Company or damage the property, structures or equipment of the Railway Company, or to cause injury or damage to the persons or property of employees or patrons of the Railway Company.

As one of the express conditions of this grant and as a part of the compensation to the Railway company for the taking, using and damaging of its property by the State, the State shall indemnify and save harmless the Railway Company to the full extent allowed by law against any and all loss, costs, damage and expense which the Railway Company may sustain by reason of

(1) damage to its property or to the property of others for which it may be held liable and/or (2) injury to its employees, passengers, licensees or other persons for whose injuries it may be held responsible, in any manner arising out of or attributable to the construction, maintenance or use of the highway upon the property of the Railway Company hereinabove described; it being the intent hereof that the state shall assume, to the full extent allowed by law, any and all added risk to the Railway Company of loss through damage to property and/or injury to persons by reason of the occupancy of said property for highway construction and use.

2. The State at its own sole cost and expense shall construct and maintain concrete or masonry walls at such points as may be determined by the Chief Engineer of the Railway Company in the exercise of his sole judgment and discretion, to prevent the slopes of the highway from approaching nearer than thirteen (13) feet measured at right angles from the center line of the track of the Railway Company, or otherwise property to protect the track of the Railway Company. The plans and specifications for any such walls shall be submitted to and be approved by the Chief Engineer of the Railway Company before construction thereof is commenced. The southerly face of any such wall shall not be nearer to the track of the Railway Company than thirteen (13) feet measured at right angles from the center line of the track of the Railway Company.

3. The State at its own sole cost and expense shall construct and maintain highway fences at such locations as may be determined to be necessary by the Chief Engineer of the Railway Company in the exercise of his sole judgment and discretion.