

DEED RECORD X

SKAMANIA COUNTY, WASHINGTON

SHAW & BORDEN CO. PRINTERS, STATIONERS, BOOKBINDERS, SPOKANE 24107

4. The State, by the construction and maintenance of said highway, shall not interrupt or disturb the cross or parallel drainage upon any property of the Railway Company without the consent of the Railway Company. The State at its own sole cost and expense shall make all necessary changes in drainage conditions, including the providing and placing of any new culverts across the right of way and through the roadbed of the Railway Company, as may be made necessary by reason of changed conditions resulting from the construction of the highway.

5. Because of the great danger to the property of the Railway Company due to the close proximity of rock bluffs which must necessarily be blasted during the construction of the highway, the highest degree of skill is required in the carrying out of such work, and the State shall award the contract or contracts for the performance of the work of grading the highway only to contractors experienced in such work, and subject to the reasonable approval of the Chief Engineer of the Railway Company.

6. Inasmuch as the excavation, blasting, filling and grading proposed to be done by the State will involve the possibility of serious damage to the property of the Railway Company, all work upon or in proximity to the premises of the Railway Company shall be carried on at times and in a manner to be approved by a representative or representatives of the Chief Engineer of the Railway Company, to the end that the operations of the Railway Company shall be interfered with as little as possible, and such representative shall be the sole judge of the extent to which protective measures shall be provided during the progress of the work. The salaries and expenses of such representatives shall be paid in the first instance by the Railway Company and the State shall reimburse the Railway Company upon the rendition of proper bills for such salaries and expenses.

7. During the progress of the work of construction of said highway the Railway Company shall station such watch-men and flagmen as the Chief Engineer or Superintendent of the Railway Company may determine to be necessary to protect its property and trains from debris or rocks falling upon its tracks, or from other damage. The cost and expense of placing and maintaining such flagmen and watchmen shall be paid in the first instance by the Railway Company, and the State, upon rendition of proper bills, shall reimburse the Railway Company for such cost and expense. The State at its own expense shall immediately remove all rocks, debris and other material which may come upon the premises of the Railway Company by reason of blasting or other construction work, provided, however, that if the Railway Company by its own employees shall do the work of such removal the State shall reimburse the Railway Company for the entire expense of such removal. If the Railway Company determine that it is necessary for the safe and continuous operation of its business, the Railway Company may employ a telegraph operator and a lineman and the State shall reimburse the Railway Company for all expense of such telegraph operator and lineman, together with the cost of supplies and equipment used by them.

8. Notwithstanding anything herein contained, it is an express condition of this grant that no act of the Railway Company in supervising or approving any work hereunder shall reduce or in any way affect the liability of the State for damage which may result from the construction and/or maintenance of the said highway, as elsewhere provided in this agreement, and the liability of the State for such damage shall exist whether or not such damage may result directly from negligence or fault of employees or agents of the Railway Company.

9. In all instances in which the Railway Company is herein authorized or may determine to do work, the expense of which is to be borne by the State, or suffers damage or incurs expense which, under the terms hereof, is to be borne by the State, the State shall reimburse the Railway Company for the expense or damage so incurred promptly upon the rendition of