

DEED RECORD Y

SKAMANIA COUNTY, WASHINGTON

PIONEER PRINT, STEVENSON, WASH.

3. The State shall, at its sole cost and expense, whenever requested by the Superintendent of the Railway Company, install fences approved by said Superintendent at such points along the right of way above described as said Superintendent shall prescribe, and the State, at its sole cost and expense, shall also keep said fences so installed by it in a good state of maintenance and repair.

4. All the work authorized hereunder shall be done in a manner so 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 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 or use.

5. 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 Superintendent of the Railway Company in the exercise of his sole judgment and discretion, to prevent the slopes of the highway from approaching nearer than fifteen (15) feet measured at right angles from the center line of the track of the Railway Company, or otherwise properly to protect the track of the Railway Company. The plans and specifications for any such walls shall be submitted to and shall be approved by the Superintendent of the Railway Company before construction thereof is commenced. The near face of any such wall shall not be closer to the track of the Railway Company than fifteen (15) feet measured at right angles from the center line of the track of the Railway Company.

6. 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. It is understood and agreed that in placing its roadbed adjacent to the Railway Company's embankment there shall be no disturbance of existing slopes in providing side ditches.

7. Because of the great danger to the property of the Railway Company due to the close proximity of highway tunnel construction, high rock bluffs, talus slides and high fills, the highest degree of skill is required in carrying out the work to be performed, especially with respect to blasting. The State, therefore, shall award the contract or contracts for the performance of such work only to contractors experienced in such work and the selection of said contractor or contractors shall be subject to the reasonable approval of the Superintendent of the Railway Company.

8. Inasmuch as the blasting, tunnel work, excavation, filling and grading proposed