

DEED RECORD Y

SKAMANIA COUNTY, WASHINGTON

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at right angles to the said center line of main track at railway company engineer's station 1003+86.3; thence southwesterly at right angles to the said center line of main track 20 feet; thence northwesterly parallel with said center line of main track 1300 feet to a point which is 110 feet northeasterly from when measured at right angles to said center line of main track at railway company engineer's station 1016+86.3; thence northeasterly at right angles to said center line of main track 10 feet; thence northwesterly parallel with and 120 feet from when measured at right angles to the said center line of main track to an intersection with the northwesterly line of said Lot 2; thence southwesterly along said northwesterly line of said Lot 2 to the point of beginning.

The right and easement hereby granted is and shall be subject to all the understandings and conditions set forth below, and in the event of a breach of said understandings and 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 instrument and by entering upon the property hereinbefore described for the purpose of construction and maintenance of said highway, shall thereby become bound and obligated to perform all of said understandings and conditions. The understandings and conditions above referred to are as follows:

1. The performance of all the work of construction of State Road No. 8 on that portion of the premises above described between Highway Engineer's Station 371+90, being the point where the center line of said State Road No. 8 crosses the section line common to Sections 34 and 35, township 3 North, Range 9 East of the Willamette Meridian, and Highway Engineer's Station 411+00; also that portion of State Road No. 8 between Highway Engineer's Station 349+00 and said Station 371+90 shall be carried on by the United States Bureau of Public Roads, and on that portion of said premises between Highway Engineer's Station 411+00 and 427+00 shall be carried on by the State Highway Department of Washington.

During the period of construction the United States Bureau of Roads or the State Highway Department, as the case may be, shall cause the contractor or contractors to deposit a good and sufficient bond or bonds with and acceptable to the Railway Company to indemnify and save harmless said Railway Company of and from all loss and damage of and to its tracks, roadbed, trains and other property by reason of the construction of said highway, and from all claims and demands of every nature whatsoever on account of loss, damage or injury to property or persons caused or occasioned in whole or in part by reason of said construction.

2. While the Railway Company is willing to accommodate the State by allowing it to locate the highway upon its right of way as hereinbefore described, it is not willing that the existence of the highway shall interfere in any way with the full use of said right of way for railroad purposes. It is therefore distinctly agreed that if the Railway Company shall hereafter wish to make use of the land occupied by the highway at the location above designated, for railroad purposes, that the State will, promptly on being requested so to do by the Railway Company, move said highway so as to allow of such use by the Railway Company. If, however, in constructing such highway there shall be moved material that the Railway Company would be required to move in doing its work, but for the work done in constructing the highway, then the Railway Company will pay the State the amount of money that it would cost the Railway Company to move the number of cubic yards of material which were moved in constructing the highway, applying the cost prices current at the time the Railway Company does its work. The intent and purpose of this provision being that the Railway Company shall be placed in the same financial position it would have occupied if the highway had not been constructed.

3. The State's occupancy of that part of the right of way between Highway Engineer's