

#25120

Portland Trust &amp; Savings Bank to United States of America

( OFFICE CHIEF OF ENGINEERS SEP 20 1937 6500(Bonneville Dam) 814/2

FLOWAGE EASEMENT

THIS INDENTURE, made this 1st day of September, 1937, between Portland Trust and Savings Bank, an Oregon corporation, hereinafter called the Grantor, and the United States of America, hereinafter called the Government, witnesseth:

THAT WHEREAS, the Government is constructing a dam across the Columbia River between the States of Oregon and Washington at Bonneville, Oregon, and upon the completion of said dam will operate and maintain a spillway, power house and ship lock; and

WHEREAS, under operating conditions, all lands abutting on either bank of said river from Bonneville to the Celilo Canal which are below the elevation of the backwater curve which begins at the dam at 72.0 feet above mean sea level (as determined by reference to the U. S. C. & G. S. bench mark, B. 24, situate about one mile east along the Oregon-Washington Railroad & Navigation Company's track from Warrendale, Multnomah County, Oregon, in the north end of a concrete culvert, at elevation 72.533 feet) will be permanently flooded; and

WHEREAS, the Government in operating said structures, will increase periodically the depth and duration of the overflow on a portion of said lands, later described, lying above elevation 72.0 feet; and

WHEREAS, the Government desires to purchase a perpetual flowage easement from the said Grantor, and said Grantor desires to sell said perpetual flowage easement to the Government;

NOW THEREFORE, the said Grantor, for and in consideration of the sum of Seventy-five and 00/100 Dollars (\$75.00), cash in hand paid by the Government, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey to the Government or its assigns, forever, the full and perpetual right, power, privilege and easement to overflow, as hereinbefore stated, all that portion of the following described lands lying below the 94-foot contour line above mean sea level, as determined by reference to the U. S. C. & G. S. datum, containing 1.6 acres, more or less, situate in the County of Skamania and State of Washington:

All that portion of Government Lot 2, Section 35, Township 3 North, Range 8 East of the Willamette Meridian, lying northerly of the Evergree Highway; excepting therefrom

1. A parcel of land conveyed to the Spokane, Portland and Seattle Railway Company, described as follows: Beginning at a point on the center line of the gravel pit spur below described, said point being 1730 feet south from the quarter corner to Sections 26 and 35, Township 3 North, Range 8 East of the Willamette Meridian; thence along the north and south center line of said Section 35 to a point 50 feet northwesterly of and at right angles to said center line of gravel pit spur; thence in a northwesterly direction 50 feet distant from and parallel with said center line of gravel pit spur 1000 feet; thence southwesterly 20 feet to a point 30 feet distant from and at right angle to said center line of said gravel pit spur; thence parallel with and 30 feet distant from said center line of said gravel pit spur to the north line of said Section 35, said point being 1680 feet east of the northwest corner of said Section 35; thence along said north line of said Section 35 to a point which is 1680 feet east of the northwest corner of said Section 35; thence in a southeasterly direction at an angle of 33° with said section line to a point which is 50 feet southwesterly from and at right angles to said center line of gravel pit spur; thence in a southeasterly direction 50 feet distant from and parallel with said center line of gravel pit spur to said north and south center line of Section 35 and thence north 132 feet, more or less, to the place of beginning, containing 20 acres, more or less, the center line of gravel pit spur above mentioned, is more particularly described as follows: Beginning on the north and south center line of Section 35 above mentioned, 1730 feet, more or less, south of the quarter corner to Sections 26 and 35, above mentioned, thence in a northwesterly direction on a curve to the right having a radius of 1146 feet tangent to said curve making an angle of 18° 35' with said north and south center line of Section 35 a distance of 100 feet; thence tangent to said curve a distance of 80 feet; thence on a curve to the left having a radius of 1146 feet a distance of 691 feet; thence tangent to said curve a distance of 11.9 feet; thence on a curve to the right having a radius of 2292 feet, a distance of 477.9 feet, thence tangent to said curve a distance of 189.2 feet; thence on a curve to the right having a radius of 955 feet a distance of 150 feet; thence on a curve to the right having a radius of 574 feet a distance of 300 feet; thence tangent to said curve a distance of 39.3 feet to the north line of said Section 35, said point being 1850 feet east of the northwest corner of said Section 35. (Book "L" of Deeds, page 460, Records of Skamania County, Washington.)