

94949

BOOK 81 PAGE 690

SK-12922

PACIFIC CREST TRAIL EASEMENT

THIS EASEMENT, dated this 21ST day of SEPTEMBER, 1982, from EMMY G. BIRKENFELD as Trustee of the WILHELM BIRKENFELD TRUST, a testamentary trust established under the Last Will and Testament of Wilhelm Birkenfeld, Deceased, as administered in Probate Cause No. 2730-P in Superior Court of the State of Washington for Skamania County, hereinafter called "Grantor," to the United States of America, hereinafter called "Grantee,":

WITNESSETH:

Grantor, for and in consideration of two thousand three hundred and ten dollars (\$2,310), the receipt of which is hereby acknowledged, does hereby grant and convey to Grantee and its assigns an easement for the Pacific Crest Trail, along and across a strip of land hereinafter defined as the "easement," over and across the following described real property:

SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 31, T. 3 N., R. 7 E., W.M.
E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 25, T. 3 N., R. 6 E., W.M.

Said easement shall be 20 feet in width, being 10 feet in width on each side of the centerline of the Pacific Crest Trail as it now exists or as now located and marked on the ground, with such additional widths as required for accommodation and protection of cuts and fills, said existing trail and marked location being approximately located and described as shown on Exhibits A and B which are attached hereto and made a part hereof. The tread width of the trail may vary within the right-of-way limits of said easement.

If the trail where not yet constructed is located substantially as described herein, the centerline of said trail as constructed is hereby deemed accepted by the Grantor and Grantee as the true centerline of the easement granted.

The acquiring agency is the Forest Service, Department of Agriculture.

Grantor and Grantee do hereby covenant and agree for themselves, their successors and assigns that they shall use and restrict the use of the easement as set forth below:

1. Use by Grantee

Grantee shall have the right to

- (a) Construct, reconstruct, improve, control, and maintain the Pacific Crest Trail within the easement area for use by Grantee and its assigns, including contractors, licensees, permittees, and easement grantees.
- (b) Reconstruct, operate, use and maintain any segment of said trail that may be destroyed through logging operations or otherwise.



Amount \$ Exempt

By Skamania County Treasurer

By William J. Cornwall, Esq.

- (c) Cut and clear timber and other vegetation in construction and development of the trail and related facilities.

2. Use by Grantor

- (a) No building, structure or improvement of any kind shall be constructed, erected or moved onto the easement area.
- (b) No signs, billboards, outdoor advertising structures or advertising of any kind will be erected or displayed on the easement area.
- (c) No trash, ashes, garbage, sewage, sawdust or any unsightly or offensive material shall be placed on the easement area.
- (d) Grantor's use of the trail on the easement for access to its lands shall be pursuant to the Regulations of the Secretary of Agriculture as provided for in the Act.

3. Reservations by Grantor

- (a) Grantor reserves for itself, successors, and assigns:
 - (1) The right to grow and harvest timber crops on the easement area and to move logging equipment and skid logs across the trail and easement.
 - (2) The right to cross and recross the easement at any point and for any purpose in such manner as will not materially interfere with the use of the trail.

It at any time the Regional Forester determines that the trail, or any segment thereof, is no longer needed, the easement traversed thereby shall terminate. In the event of such determination, the Regional Forester shall furnish to the Grantor, its successors or assigns, a statement in recordable form evidencing termination.

BOOK 81 PAGE 692

IN WITNESS WHEREOF, Grantor has hereunto executed this easement on the day and year hereinabove written.

Emmy G. Birkenfeld
EMMY G. BIRKENFELD, Trustee of the
WILHELM BIRKENFELD TRUST

State of WASHINGTON

County of SKAMANIA

ss.

This is to certify that on this 21st day of SEPTEMBER, 1982, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally came EMMY G. BIRKENFELD, Trustee of the WILHELM BIRKENFELD TRUST, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to me that she signed and sealed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal,

Rahel K. Salonen

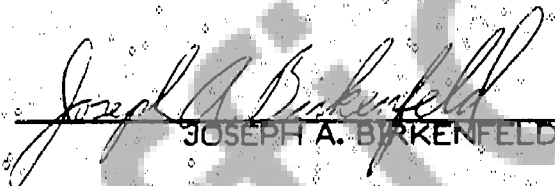
Notary Public in and for said County and State.

My commission expires 9/21/1985



BOOK 81 PAGE 693

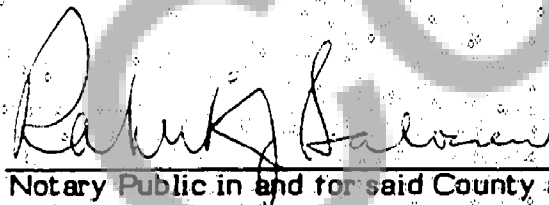
IN WITNESS WHEREOF, Grantor has hereunto executed this easement on the day and year hereinabove written.


JOSEPH A. BIRKENFELD

State of WASHINGTON)
County of SKAMANIA) ss.

This is to certify that on this 21st day of SEPTEMBER, 19 82, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally came JOSEPH A. BIRKENFELD, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.


Notary Public in and for said County and State.

My commission expires 9/21/1985



BOOK 81 PAGE 694

IN WITNESS WHEREOF, Grantor has hereunto executed this easement on the day and year hereinabove written.

William J. Birkenfeld
WILLIAM J. BIRKENFELD

State of WASHINGTON)
County of SKAMANIA) ss.

This is to certify that on this 21st day of SEPTEMBER, 1982, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally came WILLIAM J. BIRKENFELD, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in this certificate first above written.

Ralph J. Salomon
Notary Public in and for said County and State.

My commission expires 9/21/1985



BOOK 81 PAGE 695

RIGHT OF WAY PLAT
GIFFORD PINCHOT NATIONAL FOREST

SEC 31, T. 3 N., R. 7 E., W.M.
SKAMANIA COUNTY
WASHINGTON

WILHELM BIRKENFELD TRUST

Part 1 of 2

SCALE:

PROJECT NAME	FACT Table Site at N. Indian Pt
SURVEYOR'S NAME	2000-3-1 (2000)
DATE OF SURVEY	1991 Survey Summary
METHOD OF SURVEY	July 1990
MAP ACRES	Annual's map of 2. - 10/1/90
R/W WIDTH	1.5
	1.5

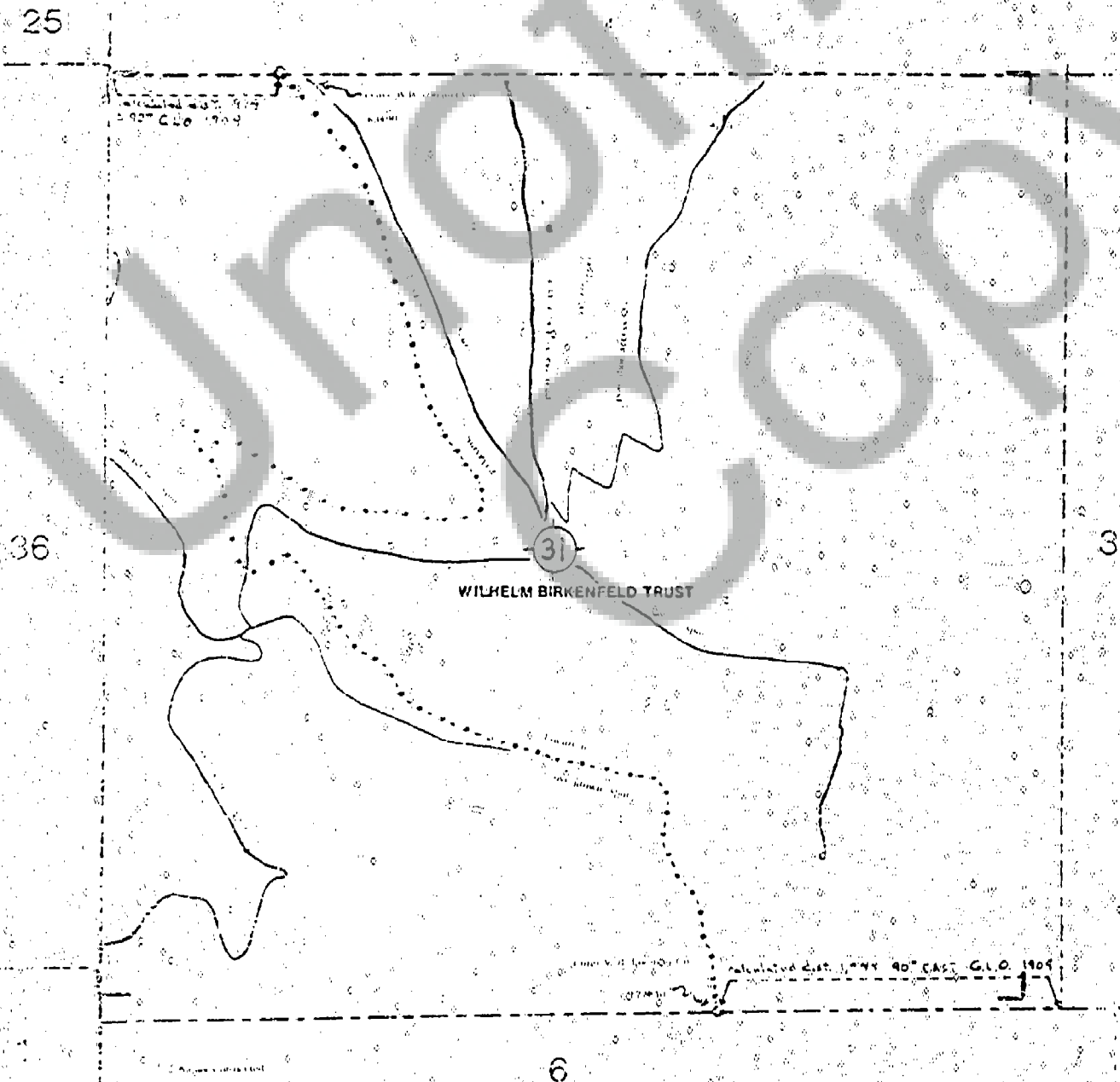


EXHIBIT A

RIGHT OF WAY PLAT
GIFFORD PINCHOT NATIONAL FOREST

SEC. 25, T. 3 N., R. 6 E., W. 1 M.
SKAMANIA COUNTY

WASHINGTON

SCALE:

6 700 400 800 "

PROJECT NAME
PROJECT NUMBER
SURVEYED BY
DATE OF SURVEY
METHOD OF SURVEY
HOW ADJUSTED
HOW MEASURED

U.S. FOREST SERVICE
JULY 1950
AZIMUTH, COMPASS, & CLOTH TAP

