

930621080

V111,9 P0176

COWLITZ COUNTY TITLE

Cowlitz County Assessor

HIGHWAY EASEMENT DEED

JUN 21 11 38 AM '93

116566

BOOK 136 PAGE 194

FILED
JUN 21 1993

THIS DEED, made this 9th day of March, 1993, by
and between the UNITED STATES OF AMERICA, acting by and through the
DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION,
hereinafter referred to as the DEPARTMENT, and the STATE OF
WASHINGTON, hereinafter referred to as the STATE:

FILED FOR RECORD
SKAMANIA CO. WASH
BY SKAMANIA CO. TITLE

JUN 25 11 49 AM '93

WITNESSETH:

GARY A. OLSON

WHEREAS, the STATE has filed application under the provisions of
the Act of Congress of August 27, 1958, as amended (23 U.S.C. Section
317), for the right-of-way of a highway over certain land owned by the
United States in the State of Washington, which is under the
jurisdiction of the Department of Agriculture - Forest Service; and

WHEREAS, this transfer is further authorized under the provisions
of the Act of Congress approved October 15, 1966 (80 Stat. 931, 937,
Section 6(a)(1)(A)); and

WHEREAS, the Federal Highway Administrator, pursuant to
delegations of authority from the Secretary of Transportation, has
determined that an easement over the land covered by the application
is reasonably necessary for right-of-way for State Route 504,
Coldwater Lake Vicinity to Johnston Ridge; and

WHEREAS, the Department of Agriculture, acting by and through the
Forest Service, has agreed to the transfer by the DEPARTMENT of an

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Indirect	<input type="checkbox"/>
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EXEMPT

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easement over the land to the STATE;

NOW THEREFORE, the DEPARTMENT, as authorized by law, does hereby grant to the STATE an easement for a right-of-way for the operation and maintenance of a highway including control of access thereto from adjoining lands, and use of the space above and below the established grade line of the highway pavement for highway purposes on, over, across, in, and upon the following described land of the United States of America within the Gifford Pinchot National Forest, Counties of Cowlitz and Skamania, State of Washington;

T. 9 N., R. 4 E., W. M.

Sec. 1, S $\frac{1}{2}$ S $\frac{1}{2}$

Sec. 2, S $\frac{1}{2}$ SE $\frac{1}{4}$

Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$

T. 9 N., R. 5 E., W. M.

Sec. 5, S $\frac{1}{2}$

Sec. 6, S $\frac{1}{2}$

Sec. 7, NE $\frac{1}{4}$

Sec. 8, N $\frac{1}{2}$

Sec. 9, NW $\frac{1}{4}$ NW $\frac{1}{4}$

being those portions of the above described land lying within the right of way limits of State Rout 504, Coldwater Lake Vicinity to Johnston Ridge, sheets 1 to 25, as shown on Exhibit A, attached hereto and made a part hereof, subject, however, to the following terms, conditions and covenants:

1. Outstanding valid claims, if any, existing on the date of this grant, and the STATE shall obtain such permission as

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- may be necessary on account of any such claims.
2. The STATE and the Regional Forester shall make determination as to the necessity for archaeological and paleontological reconnaissance and salvage within the right-of-way, and such reconnaissance and salvage to the extent determined necessary because of maintenance of the highway facility is to be undertaken by the STATE in compliance with the Act entitled "An Act for the Preservation of American Antiquities", approved June 8, 1906 (34 Stat. 225, 16 U.S.C. 432-433), and State laws where applicable.
 3. Unless the STATE and Regional Forester stipulate as to a shorter time, the easement herein granted shall terminate ten (10) years from the date of the execution of this deed by the United States of America in the event construction of a highway on the right-of-way is not started during such 10 year period.
 4. The easement herein granted is limited to use of the described right-of-way and the space above and below the established grade line of the highway pavement for the purpose of construction/reconstruction, operation and maintenance of a highway and does not include the grant of any rights for nonhighway purposes or facilities: Provided, That the right of the Forest Service to use or authorize the use of any portion of the right-of-way for nonhighway purposes shall not be exercised when such use would be inconsistent with the provisions of Title 23 of the United

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State Code of the Federal Highway Administration Regulations issued pursuant thereto or would interfere with the free flow of traffic or impair the full use and safety of the highway, and in any case the STATE and the DEPARTMENT shall be consulted prior to the exercise of such rights; and Provided further, That nothing herein shall preclude the Forest Service from locating National Forest and other Department of Agriculture information signs on the portions of the right-of-way outside of construction/reconstruction clearing limits.

5. The design and construction/reconstruction of the highway project situated on this right-of-way will be in accord with the provisions of Title 23, United State Code-Highways, and amendments; the Regulations for the Administration of Federal-aid for Highways, effective May 11, 1960, and amendments and established procedures for Federal-aid projects, including the requirements of Title 23, Code of Federal Regulations, Part 771, and the construction specifications of the State Highway Department as approved by the Federal Highway Administration for use on Federal-aid projects.

The Regional Forester will be provided an opportunity to review plans relative to effects, if any, that the project works as planned will have upon adequate protection and utilization of the land traversed by the right-of-way and adjoining land under the administration of the Forest

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Service for the purposes for which such land is being administered. Those features of design, construction/reconstruction and maintenance of the highway facility and of use of the right-of-way that would have effect on the protection and utilization of the land under the administration of the Forest Service are to be mutually agreed upon by the Regional Forester and the STATE by a conference or other communication during the preparation of the plans and specifications for each construction/reconstruction project, and the plans shall be revised, modified, or supplemented to meet the approval of the Regional Forester, or when deemed appropriate, supplemented by written stipulation between the Regional Forester and the STATE, prior to start of construction/reconstruction.

The final design and the construction specifications for any highway construction project on the right-of-way will be presented to the Regional Forester for his approval and construction/reconstruction shall not begin until such approval is given: Provided, That if it is subsequently deemed necessary that the approved plans, specifications, or stipulation be amended or supplemented, any amendment or supplement shall be approved by the Regional Forester and the STATE before being placed in effect.

6. Consistent with highway safety standards, the STATE shall:
 - a. Protect and preserve soil and vegetative cover and

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scenic and esthetic values on the right-of-way outside of construction/reconstruction limits.

- b. Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction/reconstruction, operation, or maintenance of the highway, and shall vegetate and keep vegetated with suitable species all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed where it is deemed necessary during a joint review between the Regional Forester and the STATE and the STATE shall maintain all terracing, water bars, leadoff ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction/reconstruction.
7. The STATE shall establish no borrow, sand, or gravel pits, stone quarries, permanent storage areas, sites for highway operation and maintenance facilities, camps, supply depots, or disposal areas within the right-of-way, unless shown on approved construction/reconstruction plans, without first obtaining approval of the Regional Forester.
8. The STATE shall maintain the right-of-way clearing by means of chemicals only after specific written approval has been given by the Regional Forester. Application for such approval must be in writing and specify the time, method,

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BOOK 136 PAGE 200

chemicals, and the exact portion of the right-of-way to be chemically treated.

9. The STATE, in consideration of the grant of this easement, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns that:
 - a. No person shall, on the grounds of race, color, sex, age, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed;
 - b. The STATE Shall use said easement right-of-way so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination, in federally assisted programs of the Department of Transportation, effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
10. When need for the easement herein granted shall no longer exist, the STATE shall give notice of that fact to the Secretary of Transportation and the rights herein granted shall terminate and the land shall immediately revert to the full control of the Department of Agriculture.

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BOOK 136 PAGE 201

IN WITNESS WHEREOF, I, Robert B. Rutledge, Regional Counsel, pursuant to delegations of authority from the Secretary of Transportation, the Federal Highway Administrator, the Regional Federal Highway Administrator, and Chief Counsel, Federal Highway Administration, by virtue of authority in me vested by law, have hereunto subscribed my name as of the day and year first above written.

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

By 
Robert B. Rutledge
Regional Counsel

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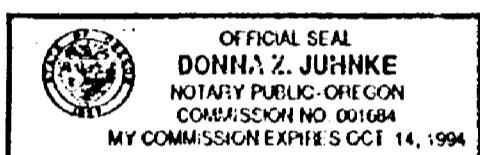
V111,9 P0184

STATE OF OREGON }
COUNTY OF MULTNOMAH }ss:

BOOK 136 PAGE 202

I, Donna Z. Juhnke, Notary Public in and for the State of Oregon, do hereby certify that on the day of March 9, 1993, before me personally appeared Robert B. Rutledge, Regional Counsel, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of March 9, 1993, was executed by him, in his official capacity and by authority in him vested by law, for the purposes and intents in said instrument described and set forth, and acknowledged the same to be his free act and deed as Regional Counsel, Federal Highway Administration.

Witness my hand and seal this 9th day of March, 1993.



Donna Z. Juhnke
Notary Public

My commission expires October 14, 1994.

In compliance with the conditions set forth in the foregoing deed, STATE certifies, and by the acceptance of this deed, accepts the right-of-way over certain land herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said deed.

By Robert B. Rutledge
Director, Real Estate Services

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VIII,9 P0185

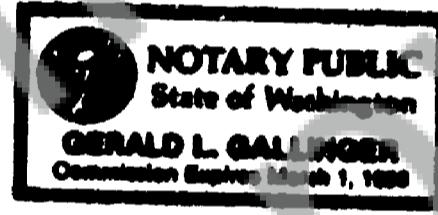
STATE OF WASHINGTON }
COUNTY OF THURSTON }

BOOK 136 PAGE 203

I, GERALD L. GALLINGER, A Notary Public in and for said County and State, hereby certify that Joachim Pestinger, whose name as Director, Real Estate Services is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he in his capacity as Director, Real Estate Services executed the same voluntarily on this day.

Given under my hand and seal of office this 15th day of June,
1993.

Gerald L. Gallinger
Notary Public - State of Washington
Residing at Olympia
My commission expires March 1, 1995.



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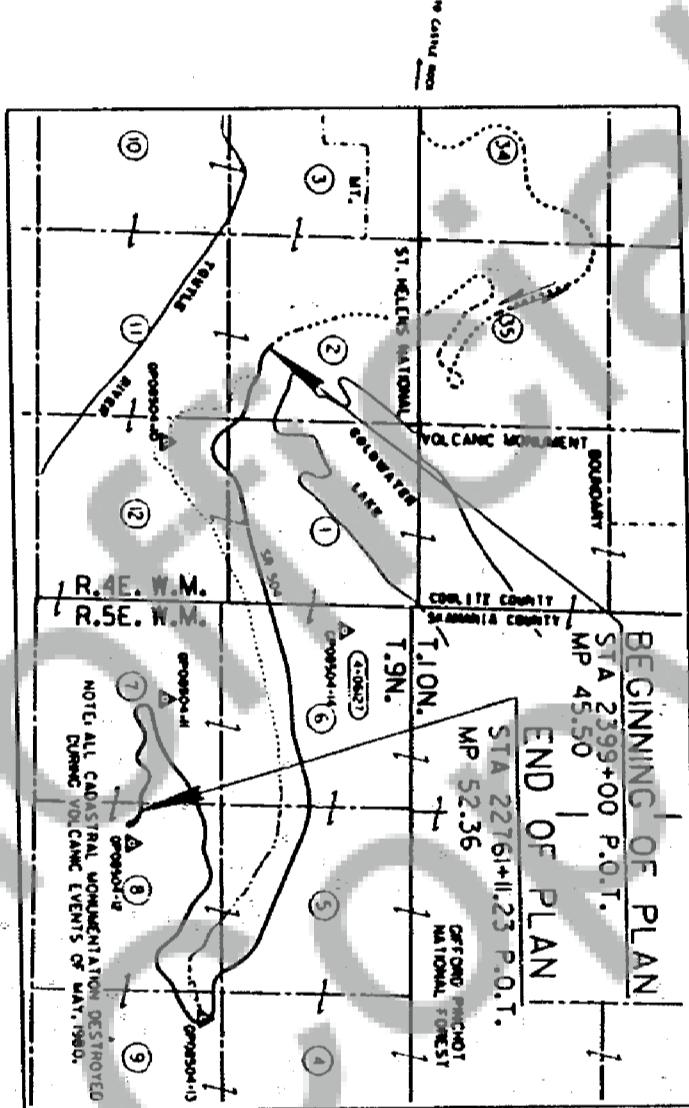
ALL CONTROL POINTS ARE MASS CAPS SET IN CONCRETE.

EXHIBIT "A"

SURVEY CONTROL DATA - NAD 27 ORIGINAL COORDINATES			
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CP00040	7504.1700	103425.790	42174.03
CP00041	7502.262	103427.00	42174.79
CP00042	4905.375	103425.93	42174.23
CP00043	3504.327	103425.23	42174.72
CP00044	2611.007	103425.37	42174.00

VICINITY MAP AND PARCEL DETAIL

TOTAL LENGTH OF PROJECT = 6.86 MILES

GIFFORD PINCHOT NATIONAL FOREST
M.S.H.N.V.M.

SR 504 MP 45.50 TO MP 52.36

COLDWATER LAKE VICINITY
TO
JOHNSTON RIDGE
COOSA AND SEAHAMMA COUNTIES

WEIGHT MAP AND PARCEL DETAIL

REVIEWED: *Forest Land Surveyor*
11-16-92REVIEWED: *Forest Land Surveyor*
11-16-92

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SERIALIZED	FILED	MAILED

"EXHIBIT A"

VII-19 P0187

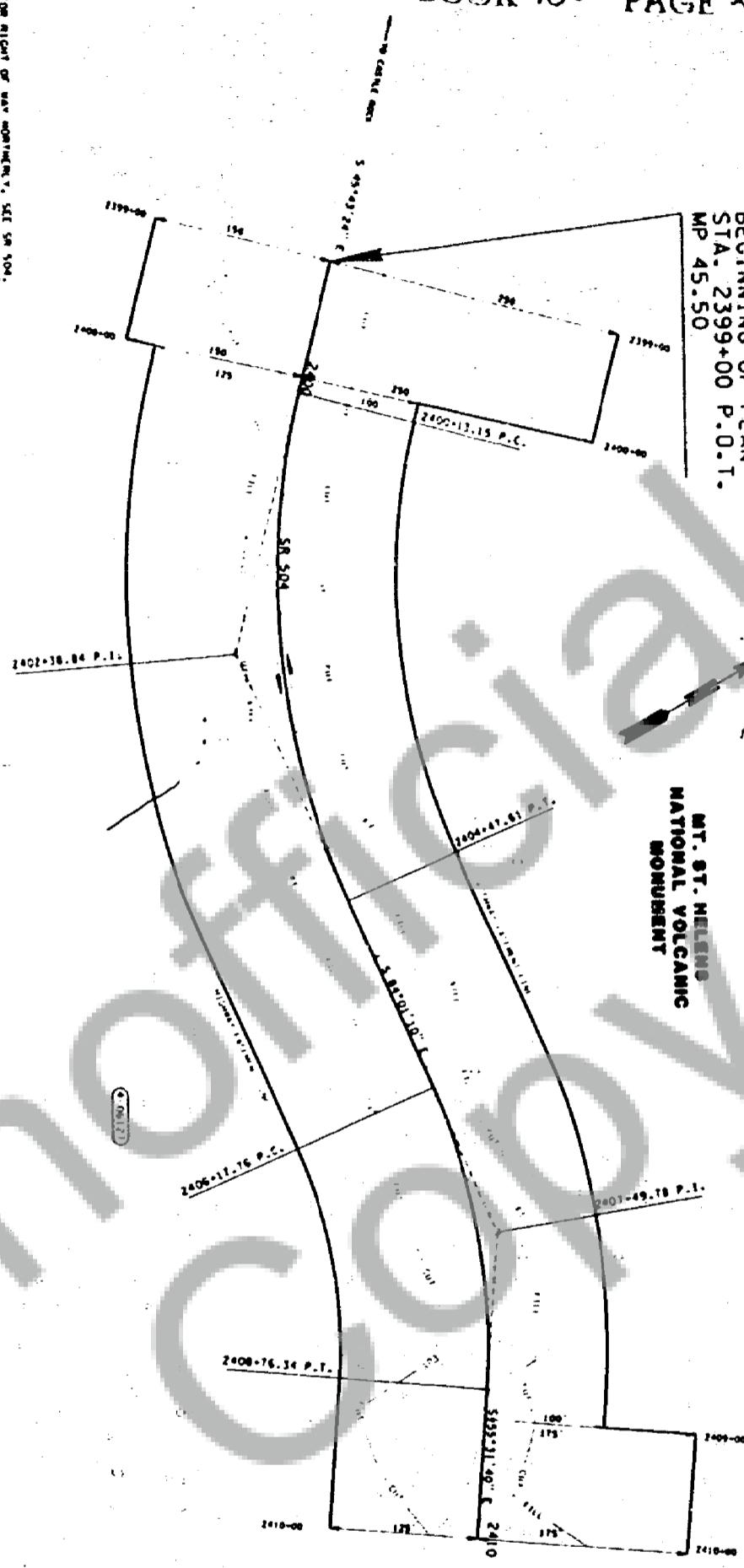
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**SIFFORD PINCHOT
NATIONAL FOREST**

BEGINNING OF PLAN
STA. 2399+00 P.O.T.
MP 45.50

**MT. ST. HELENS
NATIONAL VOLCANIC
MONUMENT**

BOOK 136 PAGE 205



SR 504 MP 45.50 TO MP 52.36
COLDWATER LAKE VICINITY
TO



VILLAGE P0188

T.9N. R.4E. W.M.

MT. ST. HELENS
NATIONAL VOLCANIC
MONUMENT

GIFFORD PINCHOT
NATIONAL FOREST

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BOOK 136 PAGE 208

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EXHIBIT "A"

**GIFFORD PINCHOT
NATIONAL FOREST**

SR 504 MP 45.50 TO MP 52.36
COLDWATER LAKE VICINITY

JOHNSTON RIDGE
COMMITTEE FOR HUMAN RIGHTS

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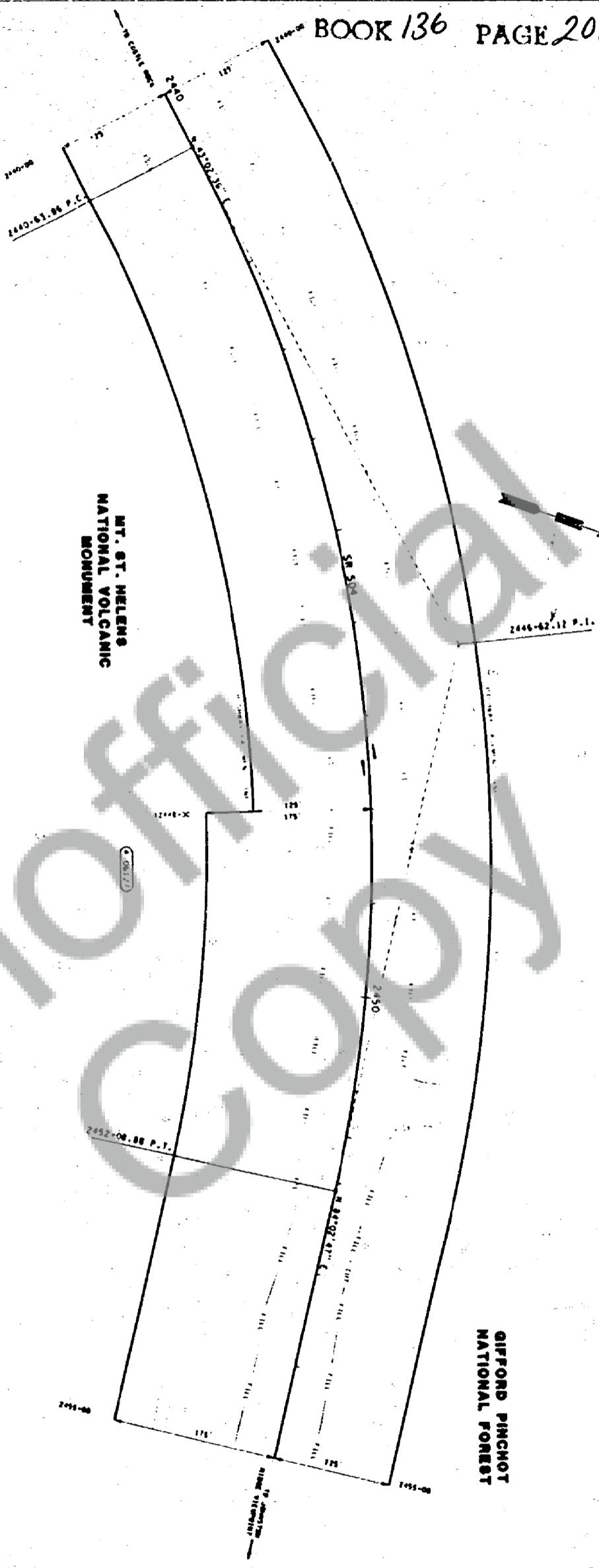


OWNERSHIPS

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LEADER CARD

AVERAGE GRID AND ELEVATION FACTOR:
 STA. 22761-00 TO STA. 12610-00-0.999184
 STA. 12610-00 TO STA. 22761-11-23-0.94



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GIFFORD PINCHOT
NATIONAL FOREST

T. 9N. R. 4E. W. M.

MT. ST. HELENS
NATIONAL VOLCANIC
MONUMENT

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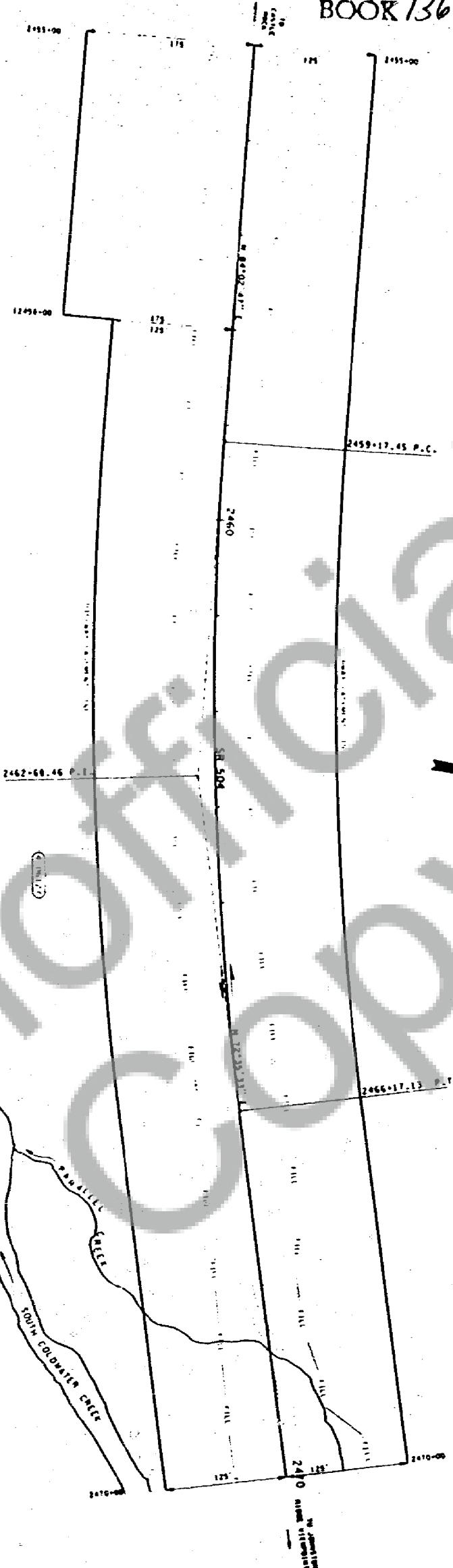


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OWNERSHIPS

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SR 504 MP 45.50 TO MP 52.35
COLDWATER LAKE VICINITY
TO
JOHNSTON RIDGE
COWLITZ AND WAHKIAKUM COUNTIES

STATION REPORTS IN STATION NUMBER

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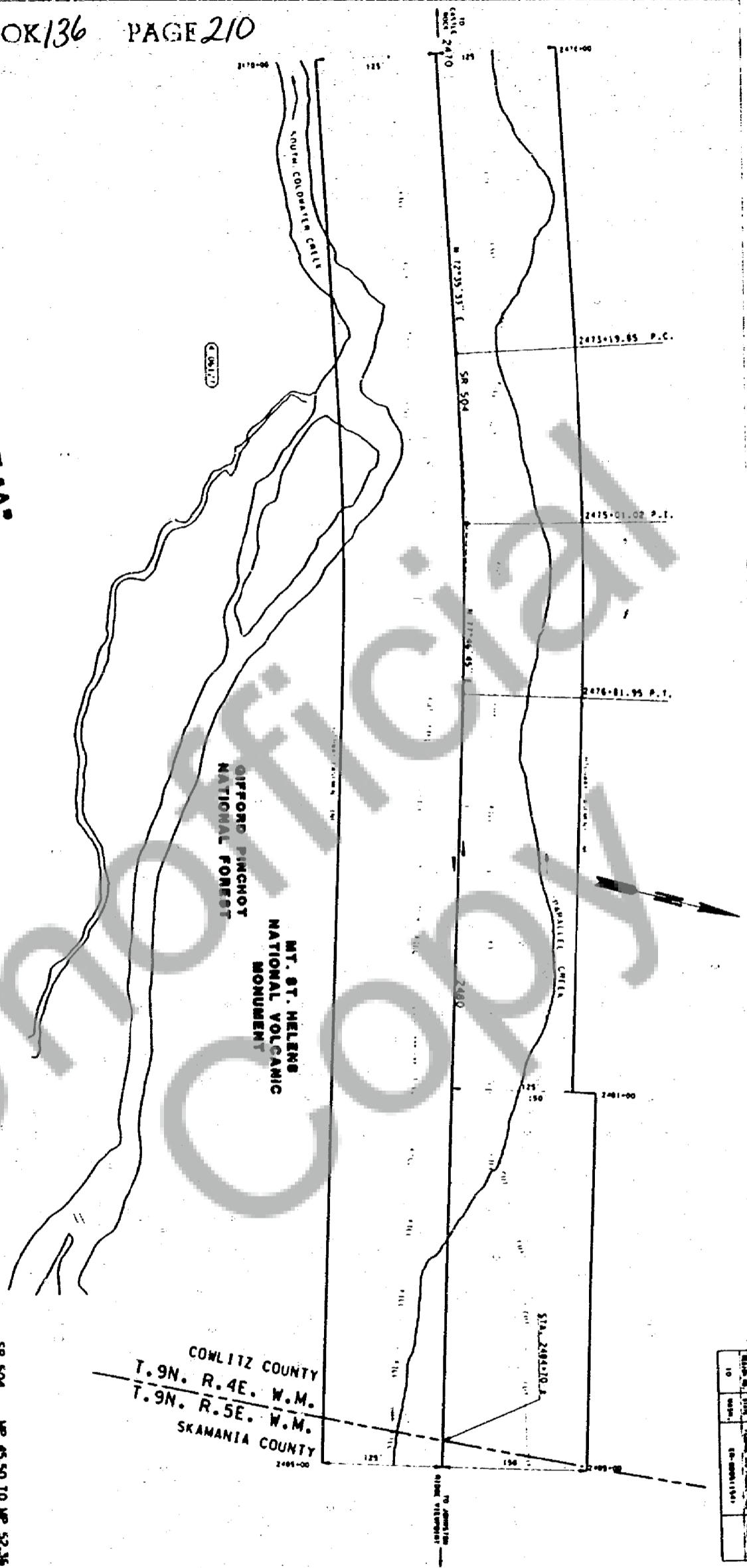
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BOOK 136 PAGE 210

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EXHIBIT "A"



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BOOK 136 PAGE 212

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EXHIBIT "A"

SR 504 MP 45.50 TO MP 52.36
COLDWATER LAKE VICINITY

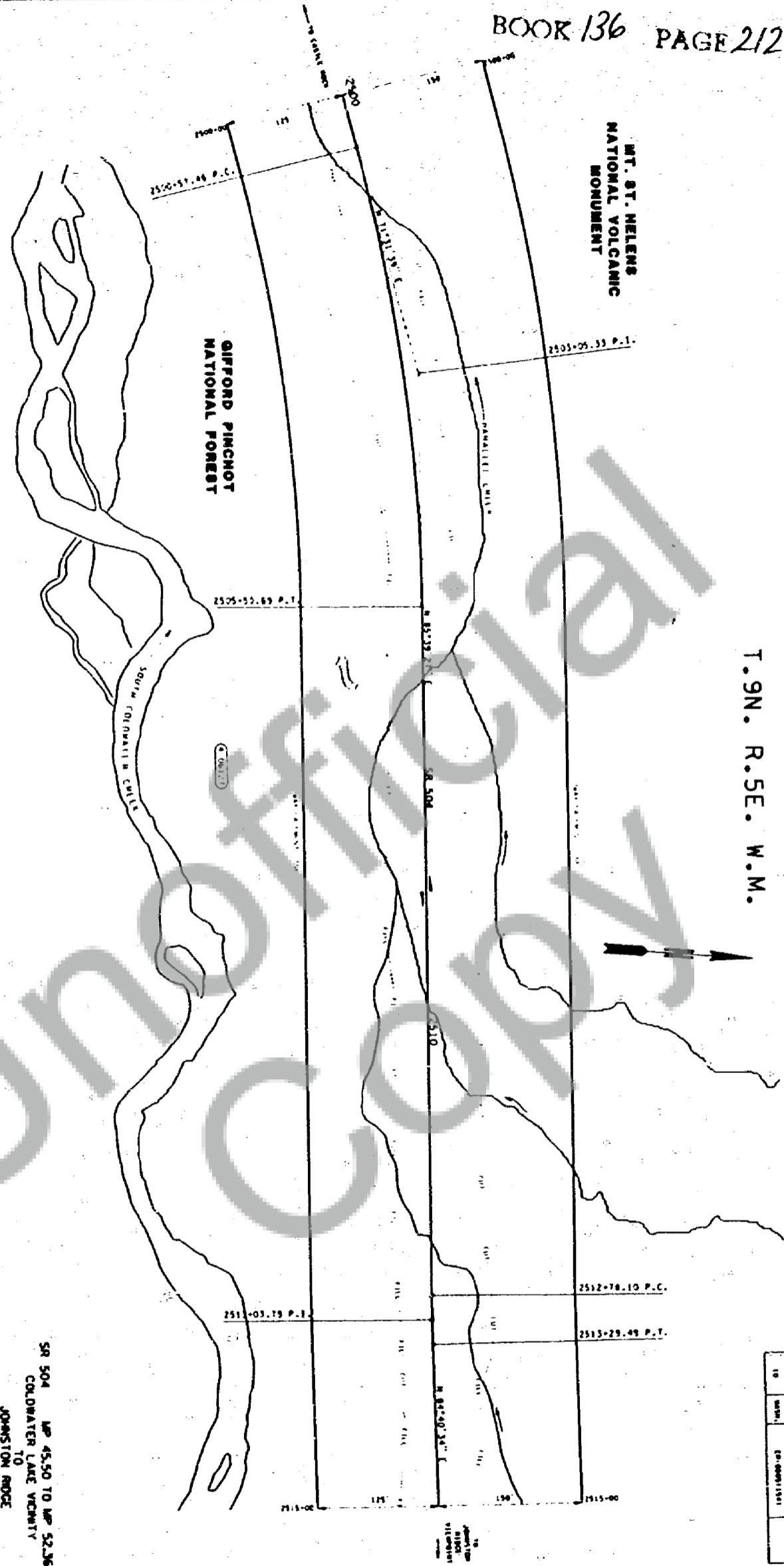
**JOHNSTON RIDGE
COUNTY AND SUMMA COUNTIES**



OWNERSHIPS

AVERAGE CROWN ELEVATION FACTOR,
1.14. 22800.00 TO STA. 12400.000. 900/Rd.
STA. 12610.00 TO STA. 22761+11.23±0. 900/Rd.

**MT. ST. HELENS
NATIONAL VOLCANIC
MONUMENT**



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BOOK 136 PAGE 213

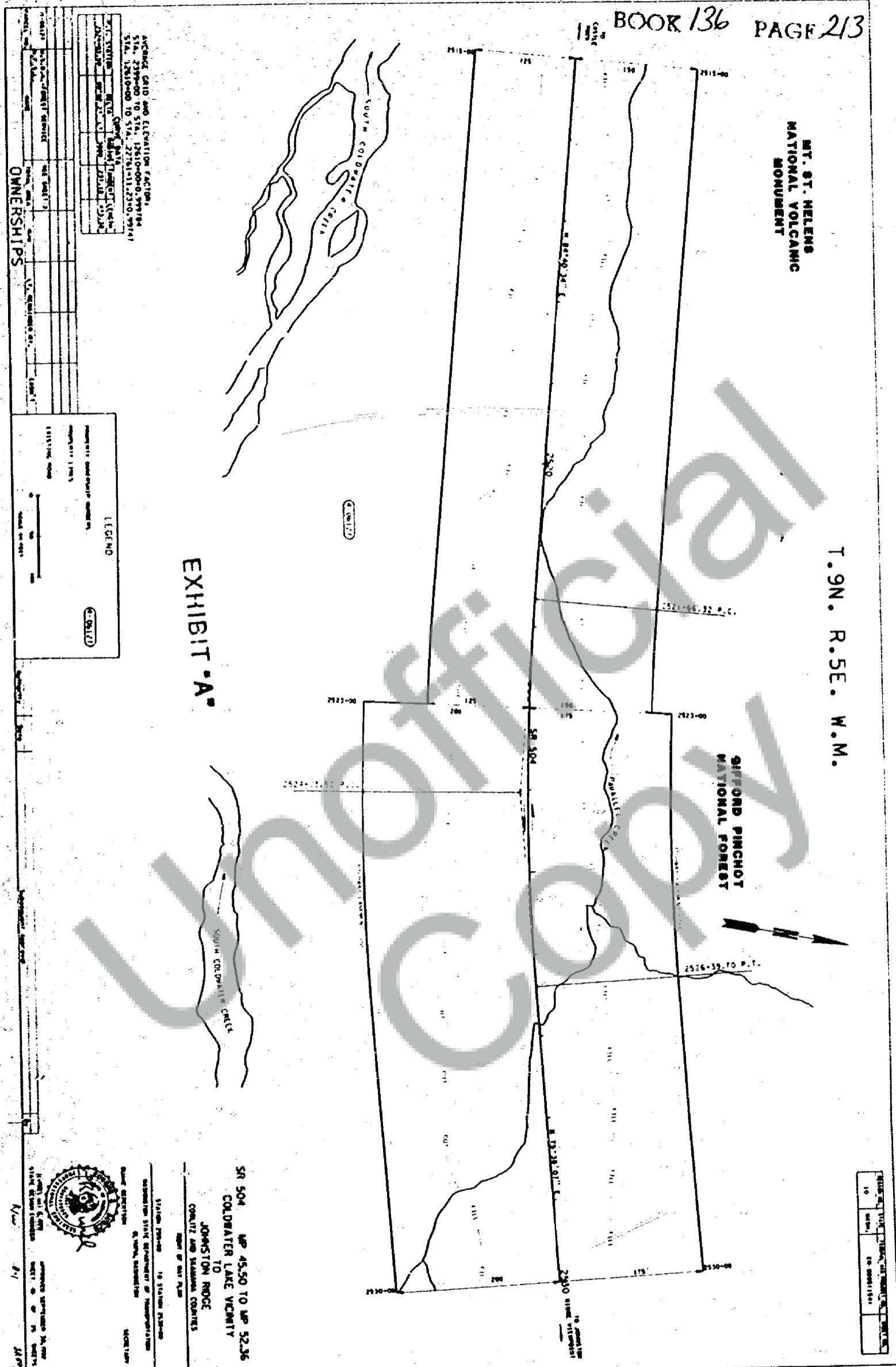
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MONUMENT**

**Mt. St. HELENS
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MONUMENT**

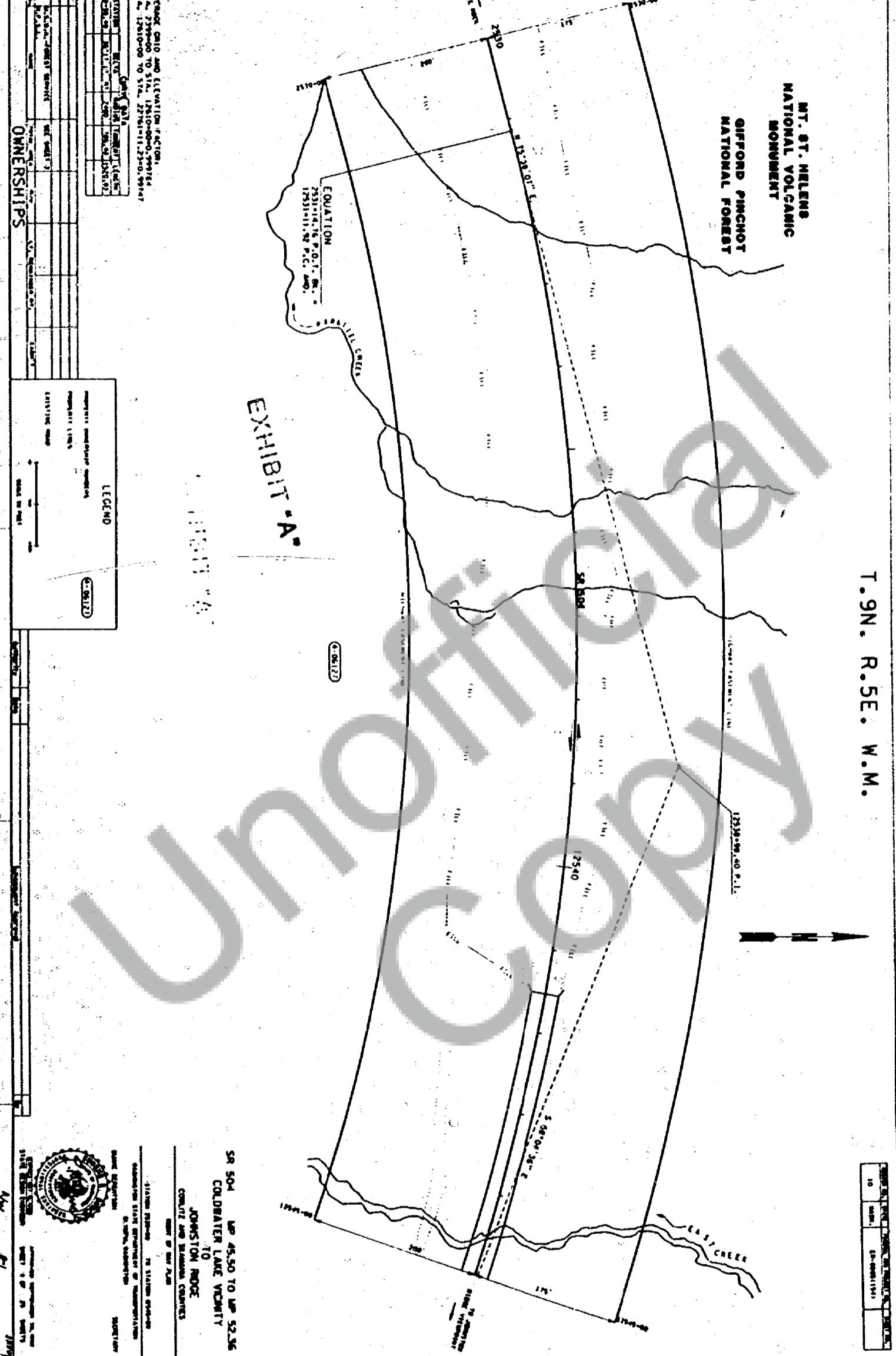
**GIFFORD PINCHOT
NATIONAL FOREST**



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BOOK 136 PAGE 214



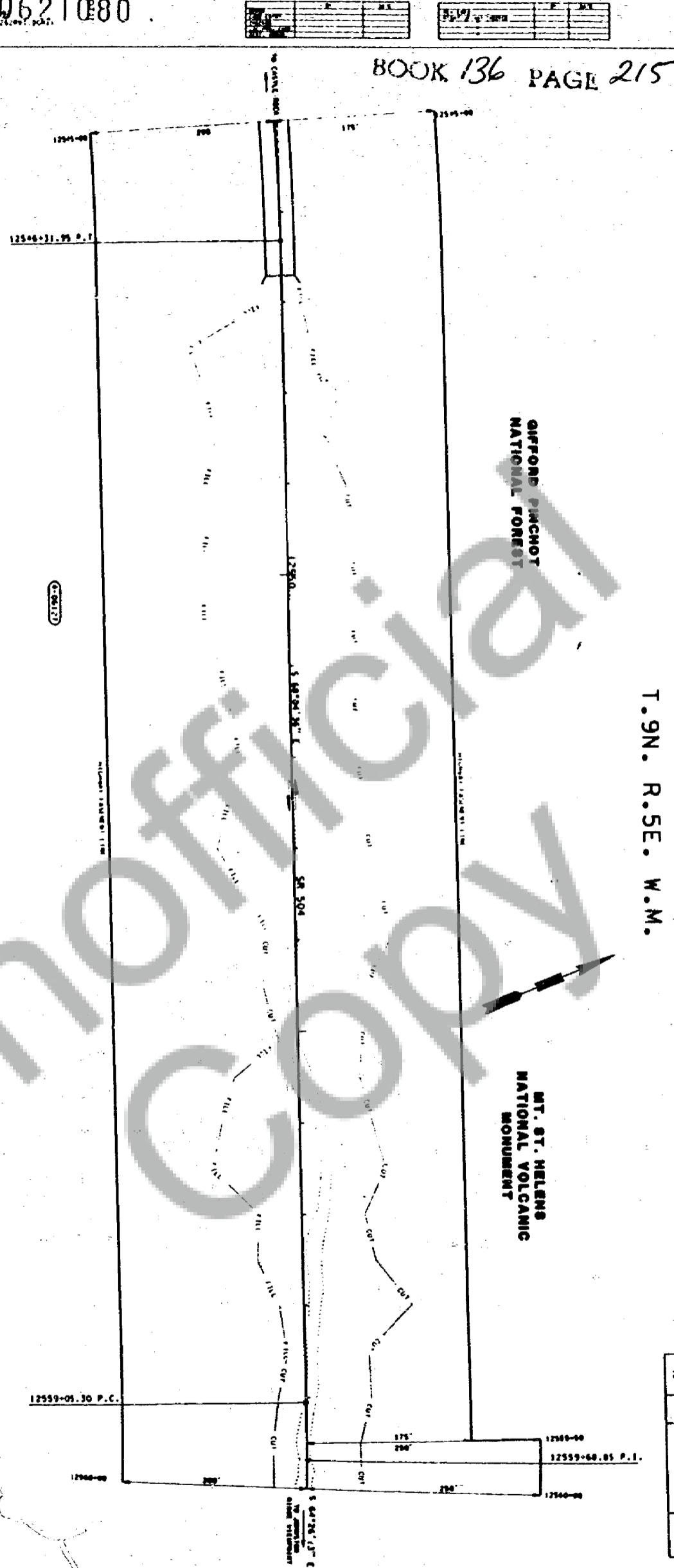
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BOOK 136 PAGE 215

**GIFFORD PINCHOT
NATIONAL FOREST**

**MT. ST. HELENS
NATIONAL VOLCANIC
MONUMENT**



**SR 50M UP 45-50 TO MP 52-36
COLDWATER LAKE VICINITY
TO**



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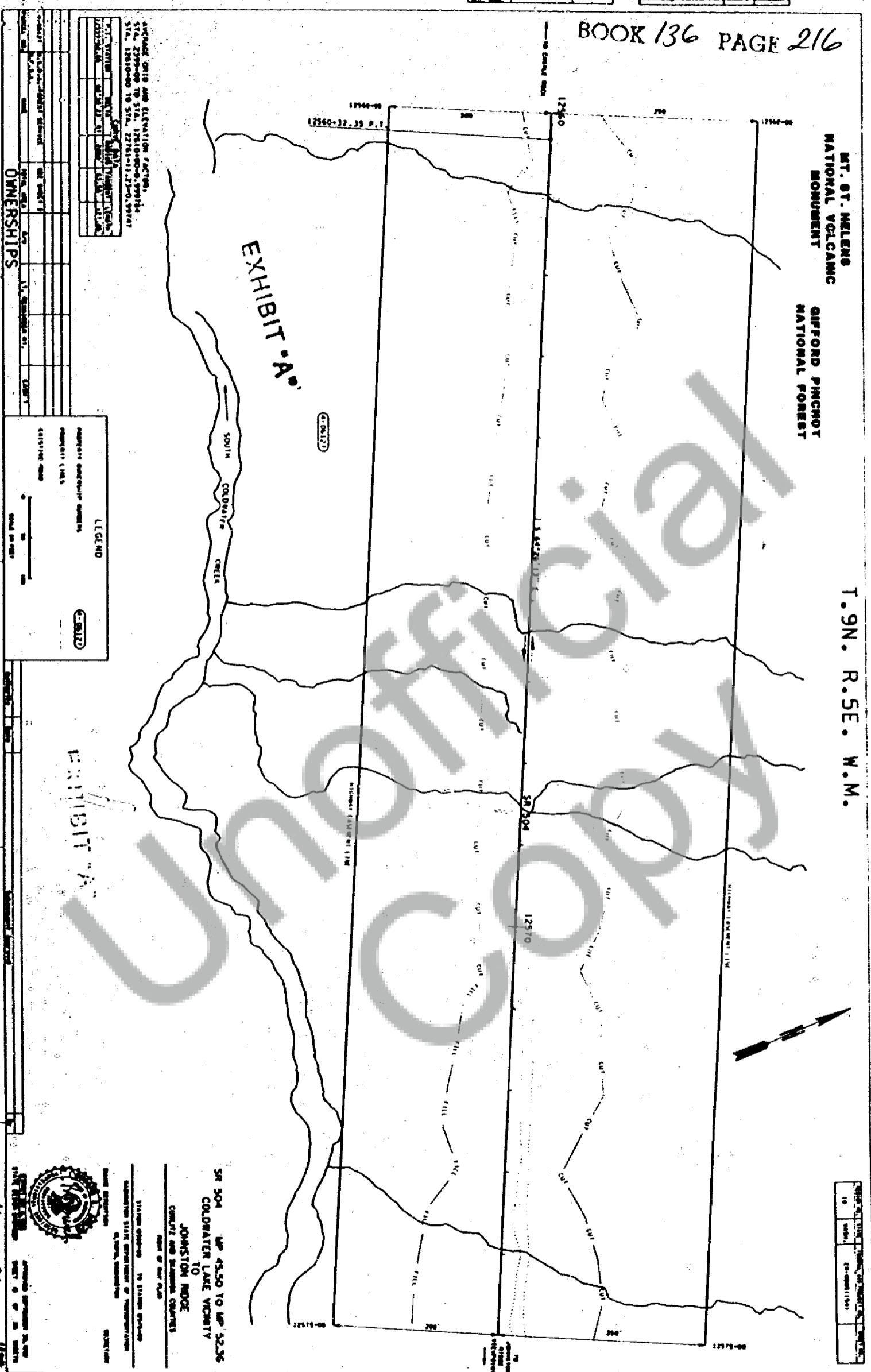
BOOK 136 PAGE 216

**Mt. St. HELENS
NATIONAL VOLCANIC
MONUMENT**

**GIFFORD PINCHOT
NATIONAL FOREST**

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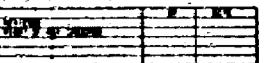
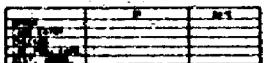


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PLOT



BOOK 136 PAGE 218

LASTING NAME

NAME IN PEG

LEGEND

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CASFORD PINCHOT
NATIONAL FOREST
MT. ST. HELENS
NATIONAL VOLCANIC
MONUMENT

T. 9N. R. 5E. W. M.

12595-51.10 P.C.

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T. 9 N. R. 5 E. W. M.

**MT. ST. HELENS
NATIONAL VOLCANIC
MONUMENT**

CIRFORD PINCHOT
NATIONAL FOREST

BOOK 136 PAGE 219

930621080

#1015

SURVEY CONTROL DATA-HAD "27" ORIGINAL COORDINATES

NAME	POINT	DESCRIPTION	1	WEIGHT	NO. OF POINTS
OPPON-11	1994-12	1994-12	1994-12	•10000000	-1,1299000000

QCMD

EXHIBIT "A"



**SR 504 MP 45.50 TO MP 52.36
COLDWATER LAKE VICINITY
TO**

JOHNSON RIDGE
MOUNTAIN AND HAMPTON COUNTY

THE JOURNAL OF CLIMATE

EXHIBIT "A".

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BOOK 136 PAGE 220

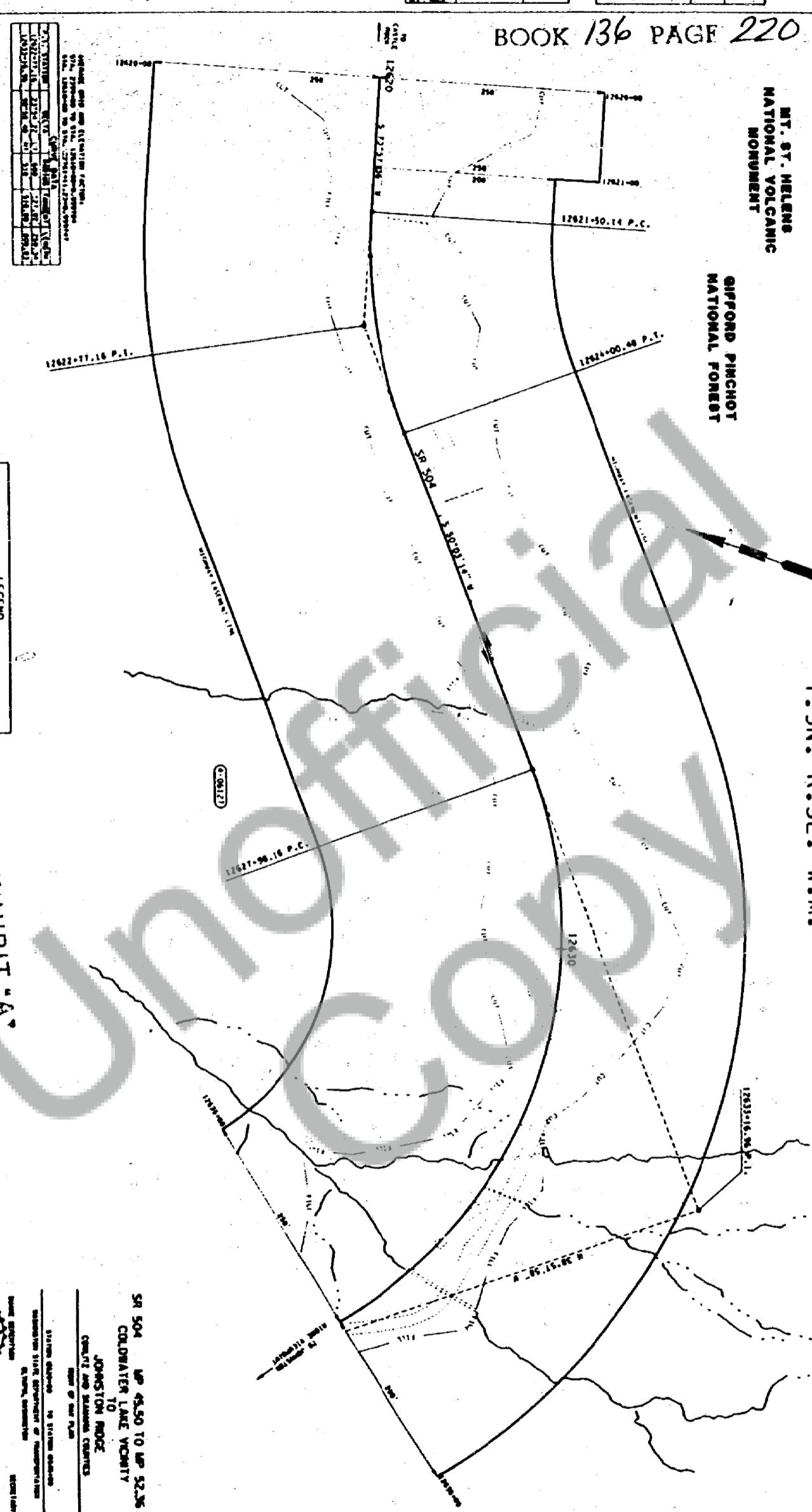
MT. ST. HELENS
NATIONAL VOLCANIC
MONUMENT

GIFFORD PINCHOT
NATIONAL FOREST

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T. 9N. R. 5E. W. M.

EXHIBIT "A"



10
MAP
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100-000011501

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FEDERAL LAND SURVEYOR DATES

BOOK 136 PAGE 221

Mt. ST. HELENS
NATIONAL VOLCANIC
MONUMENT

GIFFORD PINCHOT
NATIONAL FOREST

T. 9N. R. 5E. W. M.

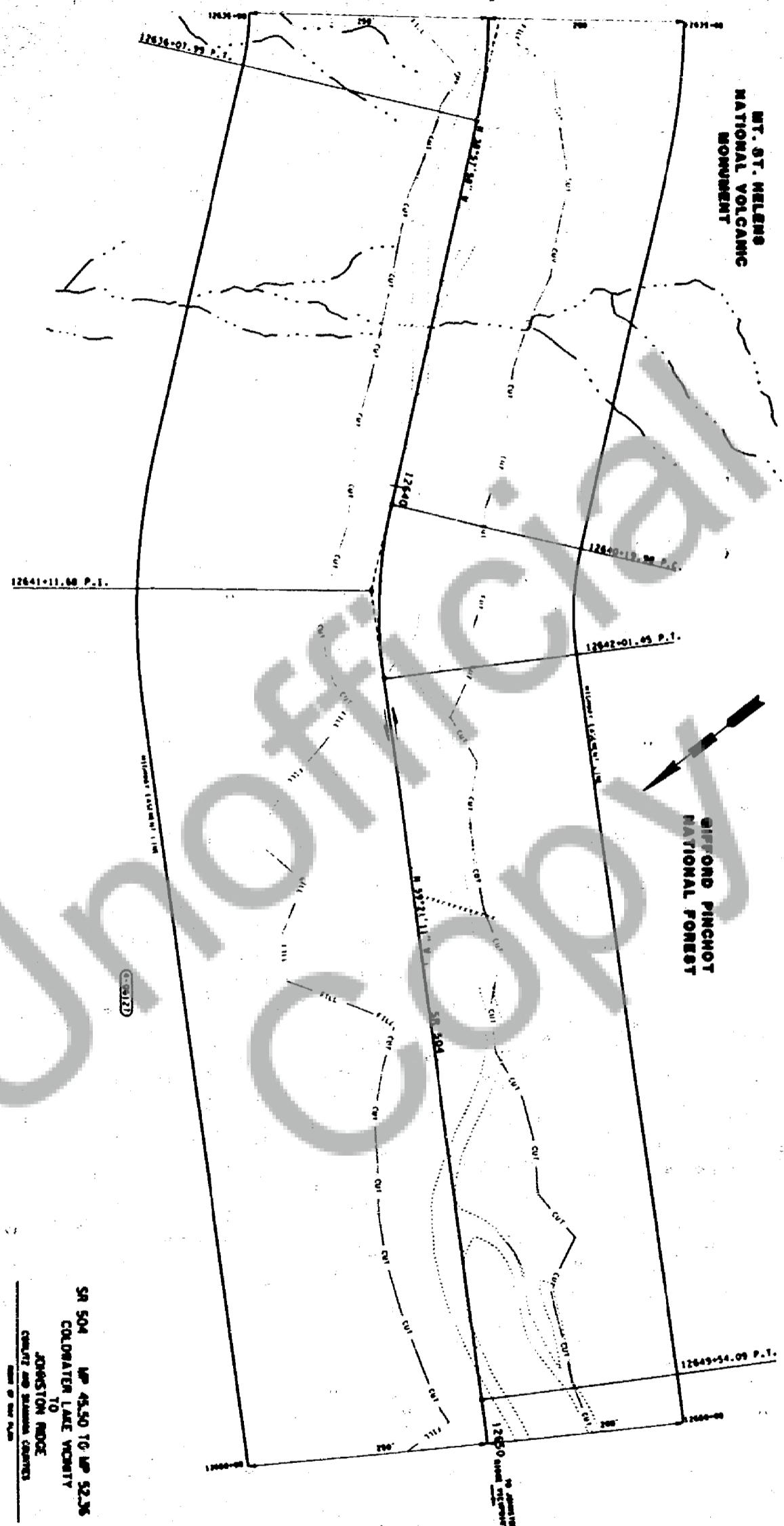


EXHIBIT "A"

SR 504 MP 45.30 TO MP 52.35
CALDATER LAKE VICINITY
TO
JOHNSTON RIDGE

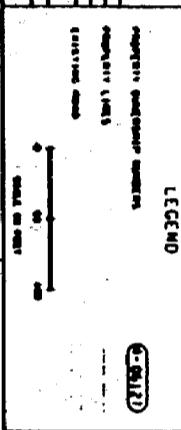
COUNTY AND SUMMIT COUNTRY

MAP MADE BY SURVEYORS
FOR THE STATE OF WASHINGTON
AND THE FEDERAL LAND SURVEYOR

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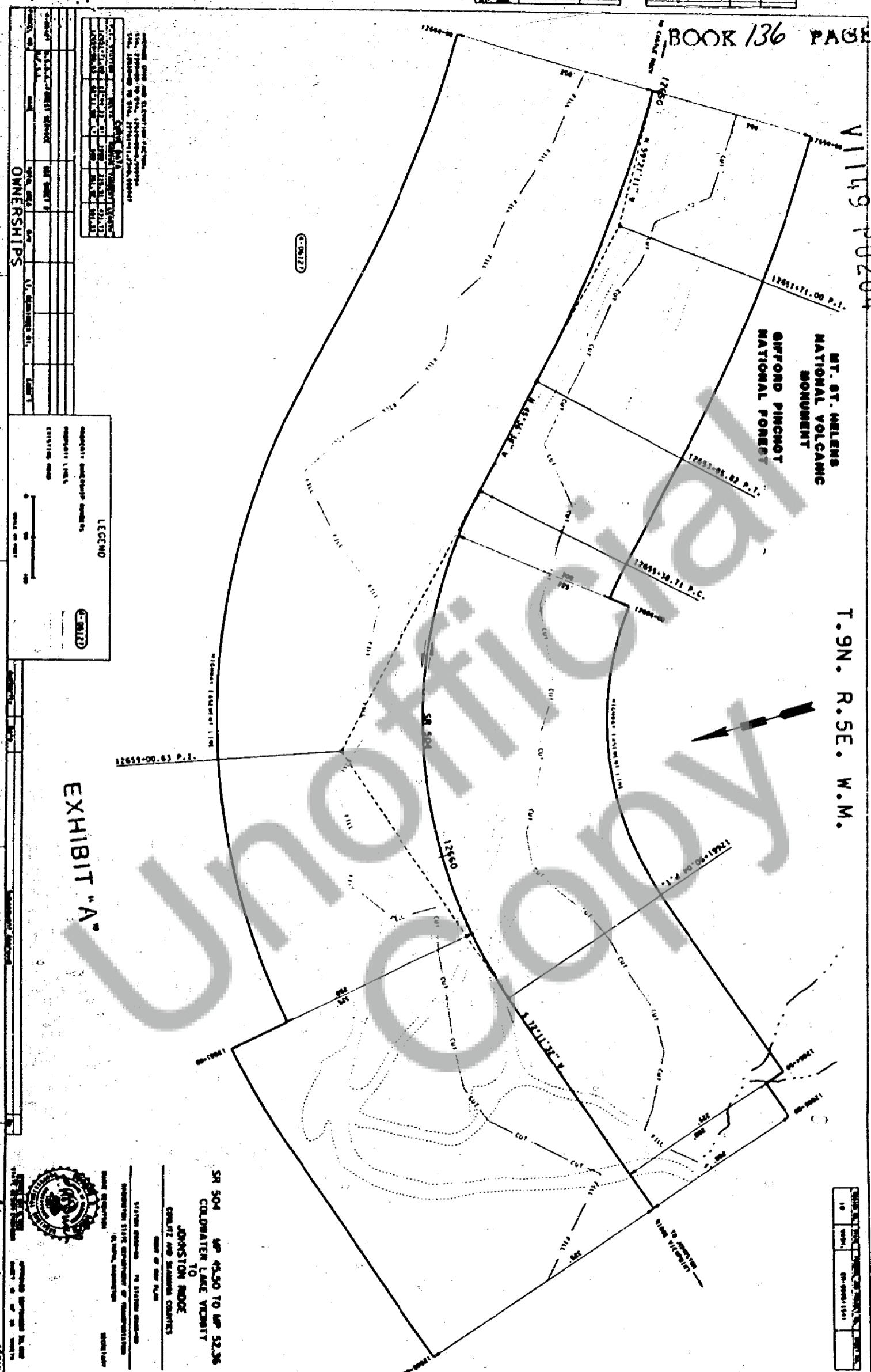
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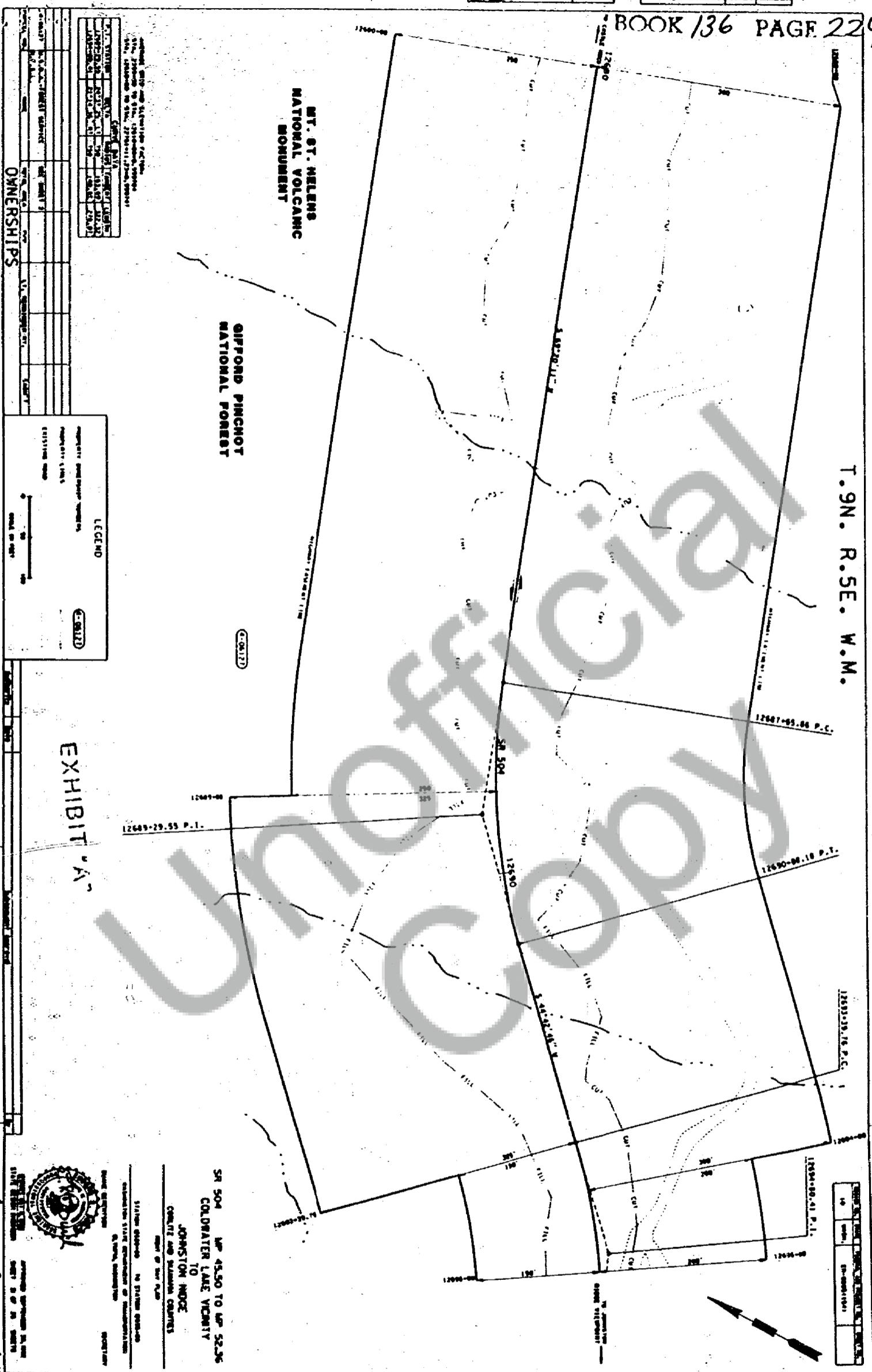


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