

119426

EXCHANGE AGREEMENT

BOOK 143 PAGE 134

AGREEMENT made this 10th day of May, 1994, by and between the PORT OF SKAMANIA COUNTY, a municipal corporation of the State of Washington (hereinafter referred to as "the Port"), and MANNY ENCISO and DOLORES ENCISO, husband and wife, doing business as Los Barriles of the Pacific Northwest (hereinafter referred to as "Los Barriles"), of M.P. 10.95R Cook-Underwood Road, Skamania County, Washington.

Recitals

1. Los Barriles owns certain real property located in the City of Stevenson, Skamania County, Washington, and more particularly described as follows:

Lots 7, 8, 9, 24, 25 and 26 of Block 2 of the TOWN OF STEVENSON according to the official Plat thereof, on file and of record in Book "A" of Plats on page 11, Records of Skamania County, Washington;

hereinafter referred to as "Parcel 1".

2. The Port owns real property adjacent to Parcel 1 and more particularly described as follows:

Lots 10, 11, 12, 13, 20, 21, 22 and 23 of Block 2 of the TOWN OF STEVENSON according to the official Plat thereof, on file and of record in Book "A" of Plats on page 11, Records of Skamania County, Washington;

hereinafter referred to as "Parcel 2".

3. Before Los Barriles will be allowed to build planned improvements upon Parcel 1, it is required to secure a five-foot deep easement over Parcel 2, adjacent to and parallel with the common boundary between Parcels 1 and 2, the nature, uses and purpose of which is to secure unto Los Barriles a five-foot open

space for fire wall and opening protection as required by the Uniform Building Code, 1985 Edition, Table No. 5-A at p.39.

4. The five-foot easement, and the construction plans of Los Barriles, are consistent with the Port's development plans for Parcel 2, and granting the aforementioned five-foot easement over Parcel 2 will not adversely affect the Port's use and enjoyment of said Parcel 2.

5. As part of the Port's waterfront development plans, the Port wishes to secure an easement for a shoreline pathway to be used for public access across Parcel 1 to the Columbia River and its beaches. Said pathway is to extend from the high water mark of the Columbia River extending north twenty feet, and running along the entire southern border of Parcel 1.

6. The public access easement sought by the Port is consistent with the business purposes of Los Barriles and will not adversely affect Los Barriles' use and enjoyment of Parcel 1.

IN CONSIDERATION of the representations and promises set out herein, the parties agree as follows:

1. The Port shall execute and deliver to Los Barriles an Easement Deed, granting to Los Barriles a non-exclusive easement, for ingress and egress only, across Parcel 2, five feet in width adjacent to and parallel with the common boundary between Parcels 1 and 2, which easement shall be appurtenant to Parcel 1.

2. Los Barriles shall execute and deliver to the Port an Easement Deed granting a public access easement for a shoreline pathway across the entire southern border of Parcel 1, and extending twenty feet north from the high water mark of the Columbia River and its beaches.

The above agreement is SUBJECT TO the following terms and conditions:

A. Any disputes arising between the parties shall be resolved informally, in the ordinary course of business, if possible. If no agreement can be reached between the parties in the ordinary course of business, then the parties shall have recourse to any and all other legal means available, including court action. The prevailing party in any formal dispute resolution proceedings shall be entitled to its reasonable attorneys' fee and costs from the other party.

DATED this 10th day of May, 1994.

PORT OF SKAMANIA COUNTY,
a Municipal Corporation of the
State of Washington

LOS BARRILES OF THE PACIFIC
NORTHWEST

By David Usher
Commissioner

By Manny Enciso
MANNY ENCISO

By Joe Mann
Commissioner

By Dolores Enciso
DOLORES ENCISO

By Judy Teeter
Commissioner

FILED FOR RECORD
SKAMANIA CO. WASH
BY Port of Sk. Co.

MAY 16 10:52 AM '94

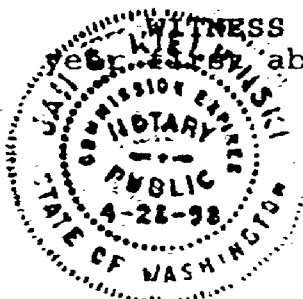
P. Olson
AUDITOR
GARY H. OLSON

NA
REAL ESTATE EXCISE TAX

MAY 16 1994
PAID NA
du
SKAMANIA COUNTY TREASURER

STATE OF WASHINGTON)
) ss
 County of Skamania)

On this day personally appeared David Meyer,
 to me known to be one of the Commissioners of The Port of Skamania
 County, the municipal corporation that executed the foregoing
 instrument, and acknowledged the said instrument to be the free and
 voluntary act and deed of said corporation, for the uses and
 purposes therein mentioned, and on oath stated that is
 authorized to execute the said instrument and that the seal affixed
 is the corporate seal of said corporation.

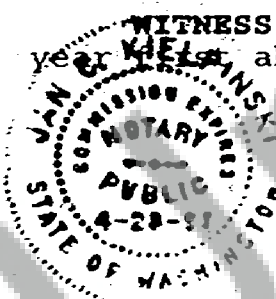


WITNESS my hand and official seal hereto affixed the day and
 year 1998 above written.

Jan C. Kieppinski
 Name Jan C. Kieppinski
 NOTARY PUBLIC in and for the
 State of Washington
 Commission expires 4-28-98

STATE OF WASHINGTON)
) ss
 County of Skamania)

On this day personally appeared Joe Marino,
 to me known to be one of the Commissioners of The Port of Skamania
 County, the municipal corporation that executed the foregoing
 instrument, and acknowledged the said instrument to be the free and
 voluntary act and deed of said corporation, for the uses and
 purposes therein mentioned, and on oath stated that is
 authorized to execute the said instrument and that the seal affixed
 is the corporate seal of said corporation.



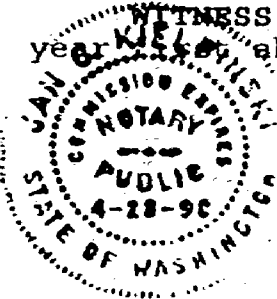
WITNESS my hand and official seal hereto affixed the day and
 year 1998 above written.

Jan C. Kieppinski
 Name Jan C. Kieppinski
 NOTARY PUBLIC in and for the
 State of Washington
 Commission expires 4-28-98

STATE OF WASHINGTON)
) ss
 County of Skamania)

On this day personally appeared Judy Teitzel,
 to me known to be one of the Commissioners of The Port of Skamania
 County, the municipal corporation that executed the foregoing
 instrument, and acknowledged the said instrument to be the free and
 voluntary act and deed of said corporation, for the uses and
 purposes therein mentioned, and on oath stated that is
 authorized to execute the said instrument and that the seal affixed
 is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and
 year 1998 above written.



Jan C. Kiełpinski
 Name Jan C. Kiełpinski
 NOTARY PUBLIC in and for the
 State of Washington
 Commission expires 4-28-98

Unofficial Copy

STATE OF CALIFORNIA)
) ss
County of IMPERIAL)

On this day personally appeared MANNY ENCISO, d/b/a/ Los Barriles of the Pacific Northwest, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the 2nd day of MAY, 1994.

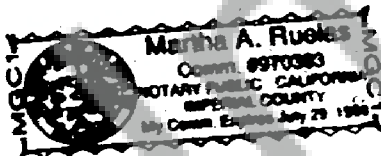


Martha A. Ruelas
Notary Public in and for the
State of California, residing
at EL CENTRO, CALIFORNIA
Commission expires: JULY 29, 1996

STATE OF CALIFORNIA)
) ss
County of IMPERIAL)

On this day personally appeared DOLORES ENCISO, d/b/a/ Los Barriles of the Pacific Northwest, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the 2nd day of MAY, 1994.



Martha A. Ruelas
Notary Public in and for the
State of California, residing
at EL CENTRO, CALIFORNIA
Commission expires: JULY 29, 1996