

FILED FOR RECORD
SKAMANIA CO. WASH
BY *Skamania County*

DEC 27 3 24 PM '95

P. Lawry
AUDITOR
GARY M. OLSON

SKAMANIA COUNTY AUDITORS OFFICE
SKAMANIA COUNTY COURTHOUSE
240 NW VANCOUVER
STEVENSON WA 98648

124123

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAMANIA

THE STATE OF WASHINGTON,

Petitioner,

No.

vs.

PETITION

BURLINGTON NORTHERN RAILROAD
COMPANY, a Delaware corporation;
and SKAMANIA COUNTY,

Respondents.

Comes now the State of Washington, petitioner, by Christine O. Gregoire, Attorney General, and Stephen Klasinski, Assistant Attorney General, and respectfully petitions and shows to this court:

I.

That the Secretary of Transportation of the State of Washington, as authorized by resolution of the Washington State Transportation Commission, has surveyed, located, selected and adopted part of the route of SR 14 as established by the legislature of the State of Washington, over, across, and/or adjacent to certain lands, real estate, premises, and property described in Exhibit "A" hereto attached and by this reference made a part hereof.

Reviewed	✓
Advised, Dir	✓
Index	✓
Filed	✓
Dec 27	✓

PETITION - 1

COPY

ATTORNEY GENERAL OF WASHINGTON
Transportation & Public Construction Division
905 Plum Street, Building 3
PO BOX 40113
Olympia, WA 98504-0113
(360) 753-6126

1 II.

2 That the property which the State seeks as described in
3 Exhibit "A" is necessary for a public use of the State of
4 Washington, to wit: the construction, maintenance, and operation
5 of SR 14.

6 III.

7 That the names of each and every encumbrancer, owner, or
8 other persons interested in said lands or other property or any
9 part thereof, so far as can be ascertained from the public
10 records, are as follows:

11 Burlington Northern Railroad Company, a Delaware corporation;
12 and

13 Skamania County.

14 WHEREFORE, petitioner prays for an order adjudicating that
15 the lands, real estate, premises, and other property herein
16 designated in Exhibit "A" hereto attached are necessary for the
17 public use of the State of Washington; and that at the time said
18 order is entered, a date be set for trial of this action before a
19 court or jury, if a jury be demanded, at which trial the total
20 amount to be awarded all parties interested in the lands herein
21 sought to be appropriated be determined, and that upon payment
22 into the registry of this court of the amount so determined, the
23 title to said lands, premises, and property be vested in fee
24 simple in the petitioner, the State of Washington, for public
25 highway purposes.
26

1 DATED this 20th day of December, 1995.

2 CHRISTINE O. GREGOIRE
3 Attorney General

4 Stephen Klasinski
5 STEPHEN KLASINSKI
6 Assistant Attorney General
7 WSBA No. 11419
8 Attorneys for Petitioner
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PETITION - 3

ATTORNEY GENERAL OF WASHINGTON
Transportation & Public Construction Division
905 Plum Street, Building 3
PO BOX 40113
Olympia, WA 98504-0113
(360) 753-6126

SINGLE

Parcel No. 4-06260

INTERESTED PARTIES: BURLINGTON NORTHERN RAILROAD COMPANY, a Delaware corporation.

DESCRIPTION:

THE PERPETUAL RIGHT AND EASEMENT to use and occupy the following-described lands, to be designated Parcel "A", for the purpose of construction and maintenance of highway right of way.

Parcel "A":

That part of the Burlington Northern Railroad Company right of way in Section 36, Township 3 North, Range 7 1/2 East, W. M., described as:

BEGINNING AT A POINT opposite Highway Engineer's Station (hereinafter referred to as HES) FS 35+50.98 on the FS Line Survey of SR14, Stevenson Two Way Couplet, and 53.59 feet Southeasterly therefrom (said point equals RR 1666+94 and 56.67 feet Right);

Thence Southeasterly to a point opposite HES FS 35+51.27 on said FS Line Survey and 70.27 feet Southeasterly therefrom (said point equals RR 1666+94 and 40 feet Right);

Thence Northeasterly parallel with the Burlington Northern Railroad Company main line to a point opposite HES FS 37+59.26 on said FS Line Survey and 79.39 feet Southeasterly therefrom (said point equals RR 1664+74 and 40 feet Right);

Thence Northwesterly to a point opposite said HES and 69.34 feet Southeasterly therefrom (said point equals RR 1664+74 and 50 feet Right);

Thence Northeasterly parallel with the Burlington Northern Railroad Company main line to a point opposite HES 176+47.72 on the SR14 Line Survey of said Highway and 91.76 feet Southeasterly therefrom (said point equals RR 1656+20 and 50 feet Right);

Thence Northwesterly to a point opposite HES 176+37.90 on said SR14 Line Survey and 42.74 feet Southeasterly therefrom (said point equals RR 1656+20 and 100 feet Right);

Thence Southwesterly parallel with the Burlington Northern Railroad Company main line to a point opposite HES FS 37+29.66 on said FS Line Survey and 16.43 feet Southwesterly therefrom (said point equals RR 1665+10 and 100 feet Right);

Thence Southeasterly to a point opposite HES FS 37+14.80 on said FS Line Survey and 65.40 feet Southeasterly therefrom (said point equals RR 1665+22 and 50 feet Right);

Thence Southwesterly parallel with the Burlington Northern Railroad Company main line to a point opposite HES FS 35+83.89 on said FS Line Survey and 60.25 feet Southwesterly therefrom (said point equals RR 1666+61 and 50 feet Right);

Thence Southwesterly to the POINT OF BEGINNING.

SR14, Stevenson
Two Way Couplet

10/12/95

Exhibit

A

TOGETHER WITH THE PERPETUAL RIGHT AND EASEMENT to use and occupy the following-described lands, to be designated Parcels "B", "C" and "D", for the purpose of construction and maintenance of highway slopes. It is understood and agreed, in the event Respondent, its successors or assigns, shall excavate and/or place an embankment upon the area covered by these slope easements to the level of the grade of the above-mentioned Highway abutting thereon, all rights of Petitioner herein shall cease and terminate.

Parcel "B":

Lots 1 through 16 of Block 4 of Riverview Addition to the Town of Stevenson, according to the plat thereof recorded in Book A of Plats, Page 21, records of Skamania County, Washington, TOGETHER WITH that portion of vacated Leavens Street adjoining said Lot 1 on the West which would attach by operation of law; AND, Lot 32 of Block 5 of the Town of Stevenson, according to the plat thereof recorded in Book A of Plats, Page 11, records of Skamania County, Washington, TOGETHER WITH that portion of vacated Leavens Street adjoining on the East which would attach by operation of law.

Parcel "C":

Lots 1 and 2 of Block 3 of said Riverview Addition to the Town of Stevenson, and that portion of Section 36, Township 3 North, Range 7 1/2 East, W. M., lying within a tract of land described as:

BEGINNING AT A POINT opposite HES FS 35+51.10 on said FS Line Survey and 60.27 feet Southeasterly therefrom (said point equals RR 1666+94 and 50 feet Right);

Thence Northwesterly to a point opposite HES FS 35+50.98 on said FS Line Survey and 53.59 feet Southeasterly therefrom (said point equals RR 1666+94 and 56.67 feet Right);

Thence Southwesterly to a point opposite HES FS 33+27.24 on said FS Line Survey and 30.30 feet Southeasterly therefrom (said point equals RR 1669+25 and 97 feet Right);

Thence Southeasterly to a point opposite HES FS 33+26.30 on said FS Line Survey and 78.15 feet Southeasterly therefrom (said point equals RR 1669+33 and 50 feet Right);

Thence Northeasterly parallel with the Burlington Northern Railroad Company main line to the POINT OF BEGINNING.

Parcel "D":

That part of the Burlington Northern Railroad Company right of way in Section 36, Township 3 North, Range 7 1/2 East, W. M., described as:

BEGINNING AT A POINT opposite HES 176+41.82 on said SR14 Line Survey and 62.35 feet Southeasterly therefrom (said point equals RR 1656+20 and 80 feet Right);

Thence Southeasterly to a point opposite HES 176+43.79 on said SR14 Line Survey and 72.15 feet Southeasterly therefrom (said point equals RR 1656+20 and 70 feet Right);

Thence Northeasterly to a point opposite HES 178+00 on said SR14 Line Survey and 41.14 feet Southeasterly therefrom (said point equals RR 1654+61 and 70 feet Right);

SR14, Stevenson
Two Way Couplet

10/12/95

Thence Northeasterly to a point opposite HES 180+15.33 on said SR14 Line Survey and 32.57 feet Southeasterly therefrom (said point equals RR 1652+50 and 40 feet Right);

Thence Northeasterly to a point opposite HES 181+66.99 on said SR14 Line Survey and 15.67 feet Southeasterly therefrom (said point equals RR 1651+00 and 40 feet Right);

Thence Southwesterly to a point opposite HES 181+45.84 on said SR14 Line Survey and 7.39 feet Southeasterly therefrom (said point equals RR 1651+20 and 50 feet Right);

Thence Southwesterly to a point opposite HES 180+13.90 on said SR14 Line Survey and 22.67 feet Southeasterly therefrom (said point equals RR 1652+50 and 50 feet Right);

Thence Northwesterly to a point opposite HES 180+12.47 on said SR14 Line Survey and 12.77 feet Southeasterly therefrom (said point equals RR 1652+50 and 60 feet Right);

Thence Southwesterly to a point opposite HES 179+51.74 on said SR14 Line Survey and 22.35 feet Southeasterly therefrom (said point equals RR 1653+10 and 60 feet Right);

Thence Northwesterly to a point opposite HES 179+50.06 on said SR14 Line Survey and 12.50 feet Southeasterly therefrom (said point equals RR 1653+10 and 70 feet Right);

Thence Southwesterly to a point opposite HES 178+89.81 on said SR14 Line Survey and 23.32 feet Southeasterly therefrom (said point equals RR 1653+70 and 70 feet Right);

Thence Northwesterly to a point opposite HES 178+87.96 on said SR14 Line Survey and 13.49 feet Southeasterly therefrom (said point equals RR 1653+70 and 80 feet Right);

Thence Southwesterly to the POINT OF BEGINNING.

ALSO TOGETHER WITH the temporary right, permit, license and easement to use and occupy the following-described lands, to be designated Parcel "E", for the purpose of constructing highway facilities and operating all necessary machinery and equipment thereon, at any and all times from the date hereof until completion of construction; after completion of construction, all rights of easement shall be extinguished.

Parcel "E":

That part of the Burlington Northern Railroad Company right of way in Section 36, Township 3 North, Range 7 1/2 East, W. M., described as:

BEGINNING AT A POINT opposite HES KCR 14+67.93 on the KCR Line Survey of said Highway and 20 feet Southwesterly therefrom (said point equals RR 1662+20.65 and 50 feet Right);

Thence Southeasterly parallel with said KCR Line Survey to a point opposite HES KCR 15+10.52 thereon (said point equals RR 1662+27.25 and 1.05 feet Right);

Thence Northeasterly to a point opposite HES KCR 15+10.52 on said KCR Line Survey and 20 feet Northeasterly therefrom (said point equals RR 1661+88.69 and 11.89 feet Right);

Thence Northwesterly parallel with said KCR Line Survey to a point opposite HES KCR 14+45.88 thereon (said point equals RR 1661+99.23 and 50 feet Right);

Thence Southwesterly to the POINT OF BEGINNING.

The lands being herein condemned for perpetual easement for highway right of way contain an area of 1.07 acre, more or less, the lands being herein condemned for perpetual easement for highway slopes contain an area of 1.21 acre, more or less, and the lands being herein condemned for temporary construction easement contain an area of 0.06 acre, more or less, the specific details concerning all of which may be found within that certain map of definite location now of record and on file in the Office of the Secretary of Transportation at Olympia, Washington, bearing date of approval March 24, 1995 and revised May 17, 1995.

TOGETHER WITH the right to enter upon Respondent's remaining lands, where necessary, to:

- (1) construct, reconstruct, remove and replace driveways and road approaches;

AND/OR

- (2) remove improvements, if any, located wholly or partially upon the right of way.

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3
4 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
5 IN AND FOR THE COUNTY OF SKAMANIA

6 THE STATE OF WASHINGTON,)

7 Petitioner,)

No.

8 vs.)

NOTICE IN CONDEMNATION
(AND FOR TRIAL SETTING)

9 BURLINGTON NORTHERN RAILROAD)
10 COMPANY, a Delaware corporation;)
11 and SKAMANIA COUNTY,)

Respondents.)

12 TO THE ABOVE-NAMED RESPONDENTS:

13 In the name of the State of Washington, notice is hereby
14 given that the above-named petitioner, the State of Washington,
15 will on Thursday, the 25th day of January, 1996, at the hour of
16 10:30 a.m., or as soon thereafter as said petitioner can be heard,
17 in the courtroom at the courthouse in Skamania County, Washington,
18 in the City of Stevenson in said county and state, present to the
19 above-entitled court and judge thereof the petition in the
20 above-entitled proceeding which has been filed in the office of
21 the clerk of said court, and will at that time seek an order of
22 public use and a date for the trial of this cause on the issue of
23 just compensation.

24 The object of said petition is to secure an adjudication of
25 public use of, and to condemn and appropriate the lands, real
26

NOTICE IN CONDEMNATION
(AND FOR TRIAL SETTING) - 1

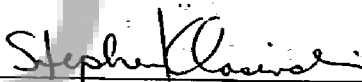
ATTORNEY GENERAL OF WASHINGTON
Transportation & Public Construction Division
905 Plum Street, Building 3
PO BOX 40113
Olympia, WA 98504-0113
(360) 753-6126

COPY

1 estate, premises and other property, together with a perpetual
2 easement for the purpose of construction and maintenance of
3 highway right of way and highway slopes and a temporary easement
4 for the purpose of constructing highway facilities and operating
5 all necessary machinery and equipment thereon at any and all times
6 from the date hereof until completion of the construction; said
7 property and property rights being more more particularly
8 described in Exhibit "A" attached hereto and by this reference
9 made a part of this Notice in Condemnation, which property is
10 situated in the County of Skamania, State of Washington, of which
11 the above-named respondents are all the owners, encumbrancers and
12 persons otherwise interested therein, so far as can be ascertained
13 from the public records; and to vest title thereto in fee simple
14 in the State of Washington, together with a perpetual easement for
15 the purpose of construction and maintenance of highway right of
16 way and highway slopes and a temporary easement for the
17 construction, operation and maintenance thereon of a state highway
18 known as SR 14, which is a highway established by the legislature
19 heretofore.

20 DATED this 22nd day of December, 1995.

21 CHRISTINE O. GREGOIRE
22 Attorney General

23 
24 STEPHEN KLASINSKI
25 Assistant Attorney General
26 WSBA No. 11419
Attorneys for Petitioner

NOTICE IN CONDEMNATION
(AND FOR TRIAL SETTING) - 2

ATTORNEY GENERAL OF WASHINGTON
Transportation & Public Construction Division
905 Plum Street, Building 3
PO BOX 40113
Olympia, WA 98504-0113
(360) 753-6126

SINGLE

Parcel No. 4-06260

INTERESTED PARTIES: BURLINGTON NORTHERN RAILROAD COMPANY, a Delaware corporation.

DESCRIPTION:

THE PERPETUAL RIGHT AND EASEMENT to use and occupy the following-described lands, to be designated Parcel "A", for the purpose of construction and maintenance of highway right of way.

Parcel "A":

That part of the Burlington Northern Railroad Company right of way in Section 36, Township 3 North, Range 7 1/2 East, W. M., described as:

BEGINNING AT A POINT opposite Highway Engineer's Station (hereinafter referred to as HES) FS 35+50.98 on the FS Line Survey of SR14, Stevenson Two Way Couplet, and 53.59 feet Southeasterly therefrom (said point equals RR 1666+94 and 56.67 feet Right);

Thence Southeasterly to a point opposite HES FS 35+51.27 on said FS Line Survey and 70.27 feet Southeasterly therefrom (said point equals RR 1666+94 and 40 feet Right);

Thence Northeasterly parallel with the Burlington Northern Railroad Company main line to a point opposite HES FS 37+59.26 on said FS Line Survey and 79.39 feet Southeasterly therefrom (said point equals RR 1664+74 and 40 feet Right);

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Thence Southwesterly to the POINT OF BEGINNING.

SR14, Stevenson
Two Way Couplet

10/12/95

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Parcel "B":

Lots 1 through 16 of Block 4 of Riverview Addition to the Town of Stevenson, according to the plat thereof recorded in Book A of Plats, Page 21, records of Skamania County, Washington, TOGETHER WITH that portion of vacated Leavens Street adjoining said Lot 1 on the West which would attach by operation of law; AND, Lot 32 of Block 5 of the Town of Stevenson, according to the plat thereof recorded in Book A of Plats, Page 11, records of Skamania County, Washington, TOGETHER WITH that portion of vacated Leavens Street adjoining on the East which would attach by operation of law.

Parcel "C":

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Two Way Couplet

10/12/95

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ALSO TOGETHER WITH the temporary right, permit, license and easement to use and occupy the following-described lands, to be designated Parcel "E", for the purpose of constructing highway facilities and operating all necessary machinery and equipment thereon, at any and all times from the date hereof until completion of construction; after completion of construction, all rights of easement shall be extinguished.

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- (1) construct, reconstruct, remove and replace driveways and road approaches;
- AND/OR
- (2) remove improvements, if any, located wholly or partially upon the right of way.

EXHIBIT "B"

STATEMENT OF OFFER

The amount of total just compensation to be paid in the event of settlement is \$34,800.00 as full payment for the interest to be acquired by the State in the property described in Exhibit "A" attached hereto and identified as Parcel No. 4-06260.

SINGLE

Parcel No. 4-06260

INTERESTED PARTIES: BURLINGTON NORTHERN RAILROAD COMPANY, a Delaware corporation.

DESCRIPTION:

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SR14, Stevenson
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Two Way Couplet

10/12/95

Thence Northeasterly to a point opposite HES 180+15.33 on said SR14 Line Survey and 32.57 feet Southeasterly therefrom (said point equals RR 1652+50 and 40 feet Right);

Thence Northeasterly to a point opposite HES 181+66.99 on said SR14 Line Survey and 15.67 feet Southeasterly therefrom (said point equals RR 1651+00 and 40 feet Right);

Thence Southwesterly to a point opposite HES 181+45.84 on said SR14 Line Survey and 7.39 feet Southeasterly therefrom (said point equals RR 1651+20 and 50 feet Right);

Thence Southwesterly to a point opposite HES 180+13.90 on said SR14 Line Survey and 22.67 feet Southeasterly therefrom (said point equals RR 1652+50 and 50 feet Right);

Thence Northwesterly to a point opposite HES 180+12.47 on said SR14 Line Survey and 12.77 feet Southeasterly therefrom (said point equals RR 1652+50 and 60 feet Right);

Thence Southwesterly to a point opposite HES 179+51.74 on said SR14 Line Survey and 22.35 feet Southeasterly therefrom (said point equals RR 1653+10 and 60 feet Right);

Thence Northwesterly to a point opposite HES 179+50.06 on said SR14 Line Survey and 12.50 feet Southeasterly therefrom (said point equals RR 1653+10 and 70 feet Right);

Thence Southwesterly to a point opposite HES 178+89.81 on said SR14 Line Survey and 23.32 feet Southeasterly therefrom (said point equals RR 1653+70 and 70 feet Right);

Thence Northwesterly to a point opposite HES 178+87.96 on said SR14 Line Survey and 13.49 feet Southeasterly therefrom (said point equals RR 1653+70 and 80 feet Right);

Thence Southwesterly to the POINT OF BEGINNING.

ALSO TOGETHER WITH the temporary right, permit, license and easement to use and occupy the following-described lands, to be designated Parcel "E", for the purpose of constructing highway facilities and operating all necessary machinery and equipment thereon, at any and all times from the date hereof until completion of construction; after completion of construction, all rights of easement shall be extinguished.

Parcel "E":

That part of the Burlington Northern Railroad Company right of way in Section 36, Township 3 North, Range 7 1/2 East, W. M., described as:

BEGINNING AT A POINT opposite HES KCR 14+67.93 on the KCR Line Survey of said Highway and 20 feet Southwesterly therefrom (said point equals RR 1662+20.65 and 50 feet Right);

Thence Southeasterly parallel with said KCR Line Survey to a point opposite HES KCR 15+10.52 thereon (said point equals RR 1662+27.25 and 1.05 feet Right);

Thence Northeasterly to a point opposite HES KCR 15+10.52 on said KCR Line Survey and 20 feet Northeasterly therefrom (said point equals RR 1661+88.69 and 11.89 feet Right);

Thence Northwesterly parallel with said KCR Line Survey to a point opposite HES KCR 14+45.88 thereon (said point equals RR 1661+99.23 and 50 feet Right);

Thence Southwesterly to the POINT OF BEGINNING.

The lands being herein condemned for perpetual easement for highway right of way contain an area of 1.07 acre, more or less, the lands being herein condemned for perpetual easement for highway slopes contain an area of 1.21 acre, more or less, and the lands being herein condemned for temporary construction easement contain an area of 0.06 acre, more or less, the specific details concerning all of which may be found within that certain map of definite location now of record and on file in the Office of the Secretary of Transportation at Olympia, Washington, bearing date of approval March 24, 1995 and revised May 17, 1995.

TOGETHER WITH the right to enter upon Respondent's remaining lands, where necessary, to:

- (1) construct, reconstruct, remove and replace driveways and road approaches;

AND/OR

- (2) remove improvements, if any, located wholly or partially upon the right of way.



Christine O. Gregoire

ATTORNEY GENERAL OF WASHINGTON

Transportation & Public Construction Division

PO Box 40113 • Olympia WA 98504-0113 • (360) 753-6126

December 22, 1995

TO ALL RESPONDENTS:


Re: Request for Immediate Possession and Use
State v. Burlington Northern Railroad Co., et al.
Skamania County Cause No. _____
Parcel No. 4-06260

The Department of Transportation has need of the property or property rights being acquired by this lawsuit and may need to enter and perform the work planned for the property in order to meet construction schedules prior to the time we can reach an agreement concerning the value of the property being acquired. Therefore, we hereby request possession and use of the lands which are the subject of this lawsuit.

This request is being made pursuant to RCW 8.25.070 which also governs the possible state payment of attorney and expert witness fees under appropriate circumstances. The result of your failure to agree to the state's possession and use of the property under this statute will be a denial of payment for fees to which you might otherwise become entitled.

If a Stipulated Order of Immediate Use and Possession is agreed to and signed by all required parties, the state will pay into the registry of the court the amount of money it has offered for the purchase of the property and property rights. This money will then be available to you and the other respondents in the case according to your respective interests and may be drawn out upon application to the court. The state will not have the right to take possession of the property until this money is paid into court and its payment will in no way prejudice your rights in the condemnation suit.

The state will prepare and forward the necessary papers for your signature. The statute requires a timely response to this request. Your letter to this office agreeing or declining to stipulate to such an order is requested at this time.


STEPHEN KLASINSKI
Assistant Attorney General

COPY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAMANIA

THE STATE OF WASHINGTON,

Petitioner,

vs.

BURLINGTON NORTHERN RAILROAD
COMPANY, a Delaware corporation;
and SKAMANIA COUNTY,

Respondents.

No.

NOTICE OF ISSUE

TO THE ABOVE-NAMED RESPONDENTS:


TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Please take notice that the issue of fact and law in this cause will be brought on to be set and for hearing the 25th day of January, 1996, at 10:30 a.m., and the clerk is requested to note this cause on the motion docket for that day.

NATURE OF MOTION: MOTION FOR ORDER ADJUDICATING PUBLIC USE

DATED this 22nd day of December, 1995.

CHRISTINE O. GREGOIRE
Attorney General


STEPHEN KLASINSKI
Assistant Attorney General
WSBA No. 11419
Attorneys for Petitioner

NOTICE OF ISSUE

ATTORNEY GENERAL OF WASHINGTON
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