

FILED FOR RECORD
SKAMANIA CO. WASH
BY State of WA, Atty Gen

Dec 27 4 29 PM '95

P. Lowry
AUDITOR

124124

GARY M. OLSON

BOOK 154 PAGE 499

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.

LIS PENDENS

TO WHOM IT MAY CONCERN:

An action affecting the title to real property has been commenced in the Superior Court of Skamania County, State of Washington, and is now pending in said court. Said property is more particularly described as follows:

Received
Index
Filed
Sailed

LIS PENDENS - 1

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

ORIGINAL

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.

BOOK 154 PAGE 501

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

BOOK 154 PAGE 502

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);

BOOK 154 PAGE 503

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.

1 The object of said action is to acquire by condemnation the
2 lands, real estate, premises and other property and/or property
3 rights hereinbefore described as a right of way for that certain
4 state highway known as SR 14, said lands being situate, lying and
5 being in the County of Skamania, State of Washington.

6 The name of the petitioner and plaintiff in said action is
7 the State of Washington, and the names of the respondents and
8 defendants in said action are:

9 Burlington Northern Railroad Company, a Delaware corporation;
10 and

11 Skamania County.

12 DATED this 22nd day of December, 1995.

13 CHRISTINE O. GREGOIRE
14 Attorney General

15 Stephen Klasinski
16 STEPHEN KLASINSKI
17 WSBA No. 11419
18 Assistant Attorney General
19 Attorneys for Petitioner
20
21
22
23
24
25
26