

SC 18440

POSSESSION AND USE AGREEMENT
124957

BOOK 156 PAGE 421

State Route 14, Stevenson Two-way Couplet

This AGREEMENT is made and entered into by and between the State of Washington, hereinafter referred to as the "State", and the undersigned, Sam G. Melonas and Rita Melonas, husband and wife, hereinafter referred to as the "Owners":

WITNESSETH

WHEREAS, the State affirms that the Owners' real estate described herein is required by the State for immediate construction of a transportation project;

AND WHEREAS, the State affirms that any delay in its construction program is contrary to the public interest;

AND WHEREAS, the State has made a firm and continuing offer to pay the amount of \$218,900.00 for the purchase of the following described real estate situated in Skamania County, in the State of Washington:

See Exhibit A attached hereto and made a part hereof.

The Owners hereby request the Assessor and Treasurer of said County to set-over to the remainder of the herein described Tract "X" the lien of all unpaid taxes, if any, affecting the property herein described, as provided by RCW 84.60.070.

AND WHEREAS, the Owners require additional time to evaluate said offer and/or to resolve any questions concerning just compensation;

NOW THEREFORE, for and in consideration of the payment of said offer, the Owners hereby grant to the State a right to possess and use the above described real estate and the parties further agree that:

1. The real estate is necessary for a public use by the State of Washington.
2. The State will issue a warrant in payment to the Owners of the amount of the offer stated above, subject only to deduction of the value of interests of others therein.
3. Execution of this agreement by the undersigned parties shall not prejudice such parties' rights to subsequent adjudication of just compensation pursuant to state law, and neither shall this agreement, nor the basis therefore, be construed as an admission of fair market value of just compensation by any of the parties named herein.

Page 1 of 9 Pages

Reviewed	✓
Accepted, Etc.	✓
Inducted	✓
Filed	
Noted	

Parcel No. 4-06251

11/5/94

W

BOOK 166 PAGE 423

STATE OF Washington)
: ss.
County of SKAMANIA)

On this 9th day of Jan, 1996, before me personally appeared Sam G. Melonas and Rita Melonas, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

Robert K. Pank
Notary Public in and for the State
of Wash
Residing at Stevenson, Wash
My Appointment expires 04-04-98

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

APR 5 9 50 AM '96
Gary H. Olson
AUDITOR
GARY H. OLSON

Please return to:
STATE OF WASHINGTON
Department of Transportation
REAL ESTATE SERVICES OFFICE
Transportation Building
P. O. Box 4 7338
Olympia, Washington 98504-7338

BOOK 156 PAGE 425

Parcel II

A Tract of land lying within the boundaries of the Daniel Baughman D.L.C. and Government Lots 6 and 9 in Section 1, Township 2 North, Range 7 East of the Willamette Meridian, in the County of Skamania, State of Washington; more particularly described as follows:

A Tract of land lying Easterly of the center of the channel of Rock Creek, and Southerly of the boundary line of State Highway No. 8 as presently located and established, and Northerly of the Spokane, Portland and Seattle Railway Company's right of way, and Westerly of the following described line: Commencing at a point on the Southerly line of the said State Highway right of way 1027.2 feet South as measured along the West line of the Henry Shepard D.L.C. and due west 385.7 feet from the intersection of the North line of Section 1, Township 2 North, Range 7 East of the Willamette Meridian with the West line of said Henry Shepard D.L.C.; thence South 58°45' East to intersection with the Northerly right of way line of the said Spokane, Portland and Seattle Railway Company's right of way.

EXCEPTING flowage easement, navigation rights on Rock Creek, Spokane, Portland and Seattle Railway Company's right of way and easement for drainage ditch and pipe line.

Parcel III

A Tract of land in Section 1, Township 2 North, Range 7 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

Beginning at a point on the South line of Second Street in the Town of Stevenson 160 feet North 89°06' West of the point of intersection of the South line of said street with the West line of the Henry Shepard D.L.C.; thence South 259 feet; thence West 50 feet; thence South 18.6 feet; thence North 89°06' West 90 feet; thence North 25 feet; thence North 89°06' West 10 feet; thence North 142.6 feet; thence East 50 feet; thence North 110 feet to Second Street; thence South 89°06' East 100 feet to the Point of Beginning;

EXCEPT right of way for Primary State Highway No. 8;

AND EXCEPT that portion thereof lying Northerly of said Primary State Highway No. 8.

Parcel IV

All that portion of the following described real property lying on the Southerly side of State Highway No. 8 as the same is now located, established and constructed to-wit:

BOOK 156 PAGE 427

7. A Tract of land conveyed to Esson Smith by deed recorded at Page 69 of Book 37 of Deeds, Records of Skamania County, Washington.

Parcel VII

Beginning at the Northeast corner of a 2 1/2 acre tract of land heretofore deeded by George Udell to A. L. Douglass, said deed being of record on Page 177, Book I of Deeds, records of Skamania County, Washington, reference to which deed is hereby made for description of the deed; thence running West 100 feet; thence South 213 feet to the railroad survey of the S.P. and S. Railway Company; thence following said survey in a Northeasterly direction, to the Point of Intersection with the West line of Henry Shepard Donation Land Claim in Section 1, Township 2 North of Range 7 East of the Willamette Meridian, in the County of Skamania, State of Washington; thence North to Place of Beginning.

Parcel VIII

All those portions of lands described in the following deeds lying Northerly of a line that is parallel with and 100 feet Northerly of the Grantor's main tract (Spokane, Portland and Seattle Railway Company) centerline when measured at right angles thereto, situated in Section 1, Township 2 North, Range 7 East of the Willamette Meridian, in the City of Stevenson, Skamania County, Washington:

1. Deed dated March 23, 1906 from David Wessels and Annie Wessels, his wife to Portland and Seattle Railway Company, recorded March 27, 1906 in Book I of Deeds, at Page 529, records of said County.
2. Deed dated March 23, 1906 from A. Fleischhauer to Portland and Seattle Railway Company, recorded March 27, 1906 in Book I of Deeds, at Page 532, records of said County.
3. Deed dated August 14, 1906 from Albert L. Douglass to Portland and Seattle Railway Company, recorded August 17, 1906 in Book K of Deeds, at Page 82, records of said County.
4. Deed dated August 14, 1906 from A. C. Sly and Margaret M. Sly, his wife, to Portland and Seattle Railway Company, recorded August 17, 1906 in Book K of Deeds, at Page 83, records of said County.
5. Deed dated September 27, 1906 from George Udell to Portland and Seattle Railway Company, recorded October 6, 1906 in Book K of Deeds, at Page 145, records of said County.

Parcel IX

A tract of land in Section 1, Township 2 North, Range 7 East, Willamette Meridian, bounded and described as follows:

Parcel XII

BOOK 156 PAGE 429

Commencing at the Southwesterly angle corner of that strip of land conveyed to the State of Washington by H. Seymour Hall by deed dated October 26, 1937, and recorded at Page 494, Volume Z of Deeds, Records of Skamania County, the said angle point being situated on the West line of the Shepard D.L.C., 30 feet distance Southerly measured at right angle from the center line of State Highway No. 8 in Section 1, Township 2 North, Range 7 East of the Willamette Meridian; thence from said point South 34°30' East a distance of 50 feet; thence North 55°30' East a distance of 40 feet, thence north 34°30' West a distance of 50 feet to the Southerly line of Second Street; thence Westerly along the Southerly line of Second Street and State highway No. 8 to the point of beginning.

Z-7-1-1-1-4200

EXCEPT that portion conveyed to the State of Washington by instrument recorded in Book Z, Page 494.

The lands being herein described in fee contain an area of 1.43 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 Owners' 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.