

129689

BOOK 170 PAGE 446

Return Address:

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GARY M. OLSON

Please Print or Type Information.

Document Title(s) or transactions contained therein:	
1. Correction Highway Easement Deed	
2.	
3.	
4.	
GRANTOR(S) (Last name, first, then first name and initials)	
1. USA, Dept of Transportation	
2.	
3.	
4.	
<input type="checkbox"/> Additional Names on page ____ of document.	
GRANTEE(S) (Last name, first, then first name and initials)	
1. Skamania County	
2.	
3.	
4.	
<input type="checkbox"/> Additional Names on page ____ of document.	
LEGAL DESCRIPTION (Abbreviated: I.E., Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)	
SW4 SE4 Section 2, T6N R7E	
<input checked="" type="checkbox"/> Complete legal on page 1 & 2 of document.	
REFERENCE NUMBER(S) Of Documents assigned or released:	
Vol 144 Pg 941 AF 120180 8/3/94	
<input type="checkbox"/> Additional numbers on page ____ of document.	
ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER	INDEXED <input checked="" type="checkbox"/>
<input type="checkbox"/> Property Tax Parcel ID is not yet assigned.	INDEXED <input checked="" type="checkbox"/>
<input type="checkbox"/> Additional parcel #'s on page ____ of document.	INDEXED <input checked="" type="checkbox"/>
The Auditor/Recorder will rely on the information provided on the form. The Staff will not read the document to verify the accuracy or completeness of the indexing information.	

18323J.JWB

CORRECTION HIGHWAY EASEMENT DEED

THIS DEED, made this 21st day of May, 1977, 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 SKAMANIA COUNTY, of the STATE OF WASHINGTON, hereinafter referred to as the GRANTEE:

WITNESSETH:

WHEREAS, the GRANTEE has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 USC 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 delegation of authority from the Secretary of Transportation, has determined that an easement over the land covered by the application is reasonably necessary for a right-of-way for the Curly Creek Road; and

WHEREAS, the United States Department of Agriculture, acting by and through the Forest Service, has agreed to the transfer by the DEPARTMENT of an easement over the land to the GRANTEE;

NOW THEREFORE, the DEPARTMENT as authorized by law, does hereby grant to the GRANTEE an easement for a right-of-way for the operation and maintenance of a highway 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 within the Gifford Pinchot National Forest :

Township 6 North, Range 7 East, Willamette Meridian.

- Section 2: SW1/4 SE1/4, SE1/4 SW1/4, NE1/4 SW1/4, NW1/4 SW1/4, SW1/4 NW1/4, NW1/4 NW1/4.
- Section 3: NE1/4 NE1/4.
- Section 11: NE1/4 SE1/4, SE1/4 NE1/4, SW1/4 NE1/4, NW1/4 NE1/4.
- Section 12: NW1/4 SW1/4.

Township 7 North, Range 7 East, Willamette Meridian.

Section 29: SE1/4 SE1/4, SW1/4 SE1/4.

Section 32: NE1/4 NE1/4.

Section 33: SE1/4 SE1/4, NE1/4 SE1/4, NW1/4 SE1/4, SW1/4 NE1/4, SE1/4 NW1/4, SW1/4 NW1/4, NW1/4 NW1/4.

Section 34: SE1/4 SE1/4, SW1/4 SE1/4, SE1/4 SW1/4, SW1/4 SW1/4, NW1/4 SW1/4.

And 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 Grantee shall obtain such permission as may be necessary on account of any such claims.
2. The Grantee and the Forest Supervisor 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 reconstruction of the highway facility, is to be undertaken by the Grantee in compliance with the acts entitled, An Act for the Preservation of American Antiquities, approved June 8, 1906 (34 Stat. 225, 16 USC 432-433), the Archaeological Resources Protection Act of 1979 (93 Stat. 721, 16 USC 470aa-470ll), and State laws where applicable.
3. 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 reconstruction, operation, and maintenance of a highway in accordance with the approved plans described in the following condition No. 4 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 States Code and 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 Grantee and the Federal Highway Administration 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 signs on the portions of the right-of-way outside of construction clearing limits.

4. The design and reconstruction of highway project(s) situated on this right-of-way will be in accordance with the provisions of Title 23, United States 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 Forest Supervisor 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 Service for the purposes for which such land is being administered. Those features of design, 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 Forest Supervisor and the Grantee by conference or other communication during the preparation of the plans and specifications for each reconstruction project, and the plans shall be revised, modified, or supplemented to meet the approval of the Forest Supervisor or when deemed appropriate, supplemented by written stipulation between the Forest Supervisor and the Grantee prior to start of reconstruction.

The final design and the construction specifications for any highway reconstruction project on the right-of-way will be presented to the Forest Supervisor for approval; 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 Forest Supervisor and the Grantee before being placed in effect.

5. Consistent with highway safety standards, the Grantee shall:
- a. Protect and preserve soil and vegetative cover and scenic and aesthetic values on the right-of-way outside of construction 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 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 Forest Supervisor and the Grantee prior to completion of

the highway and the Grantee 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 reconstruction.

6. The Grantee shall establish no borrow, sand, or gravel pits; stone quarries; permanent storage areas; or sites for highway operation and maintenance facilities, camps, supply depots, or disposal areas within the right-of-way unless shown on approved reconstruction plans without first obtaining approval of the Forest Supervisor.
7. The Grantee shall maintain the right-of-way clearing by means of chemicals only after consultation with the Forest Supervisor. Consultation must address the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.
8. The Forest Service shall retain the right to any merchantable timber and all other resource materials not specifically appropriated, within the boundaries of the appropriation. The Grantee shall notify the Forest Service which timber or other resource materials within the appropriation are scheduled to be removed and the Forest Service shall determine whether a timber sale or other authorization is appropriate.
9. The Grantee, 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, 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. That the Grantee shall use said easement and 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 said regulations as may be amended.
10. When need for the easement herein granted no longer exists, the Grantee shall give notice of that fact to the Secretary of Transportation and the rights herein granted shall terminate and the land shall revert immediately to the full control of the Department of Agriculture.

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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.

NA
REAL ESTATE EXCISE TAX

NOV - 5 1997
PAID NA
SW
SKAMANIA COUNTY TREASURER

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

By Robert B. Rutledge
Robert B. Rutledge
Regional Counsel

STATE OF OREGON)
COUNTY OF MULTNOMAH) ss:

Gary H. Martin, Skamania County Assessor
Date 11/5/97 Parcel # N/A

I, Melody F. Berkheiser, a Notary Public in and for the State of OREGON, do hereby certify that on this the 21 day of May, 19 97, before me personally appeared Robert B. Rutledge, Regional Counsel, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of May 21, 1997, 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 21 day of May, 1997.

(SEAL)

Melody F. Berkheiser Notary Public

My commission expires: Aug 02, 1999.

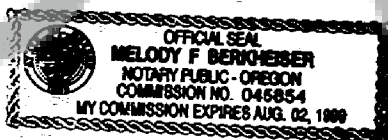


EXHIBIT "A"

RIGHT-OF-WAY GRANT TO
SKAMANIA COUNTY, WASHINGTON
WASHINGTON FOREST HIGHWAY PROJECT PFH 86-1(I)
CURLY CREEK ROAD

RIGHT-OF-WAY PLATS
U.S.D.A.

FOREST SERVICE
PACIFIC NORTHWEST REGION
GIFFORD PINCHOT NATIONAL FOREST

DESCRIPTION OF LANDS:

TOWNSHIP 6 NORTH, RANGE 7 EAST, WILLAMETTE MERIDIAN

NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 12	NW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11	NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 2
NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 11	SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 2	SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 2
SE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11	SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 2	NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 2
SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 11	NE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 2	NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 3

TOWNSHIP 7 NORTH, RANGE 7 EAST, WILLAMETTE MERIDIAN

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 34	SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 33	SW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 33
SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 34	NE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 33	NW $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 33
SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34	NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 33	NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 32
SW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34	SW $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 33	SE $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 29
NW $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 34	SE $\frac{1}{4}$ NW $\frac{1}{4}$, SECTION 33	SW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 29

TOTAL RIGHT-OF-WAY = 99.43 ACRES
RIGHT-OF-WAY WIDTHS ARE VARIABLE

RECORDS OF SURVEY ARE LOCATED AT:

FEDERAL HIGHWAY ADMINISTRATION
610 EAST FIFTH STREET
VANCOUVER, WASHINGTON 98661

BEARINGS AND COORDINATES
ARE ASSUMED.

UNSURVEYED LAND. ALL SECTION LINES
ARE PROJECTED FROM U.S. GEOLOGICAL
QUAD MAP - BURNT PEAK, WA. 1965

LEGEND

-----	Township/Range Line
-----	Section Line
-----	$\frac{1}{4}$ Section Line
-----	$\frac{1}{16}$ Section Line
-----	Proposed Right-of-Way Line
-----	Top of Cut Slope
-----	Toe of Fill Slope

FOUND	PROJECTED
30 29	15 14
31 32	22 23
21	10
28	15

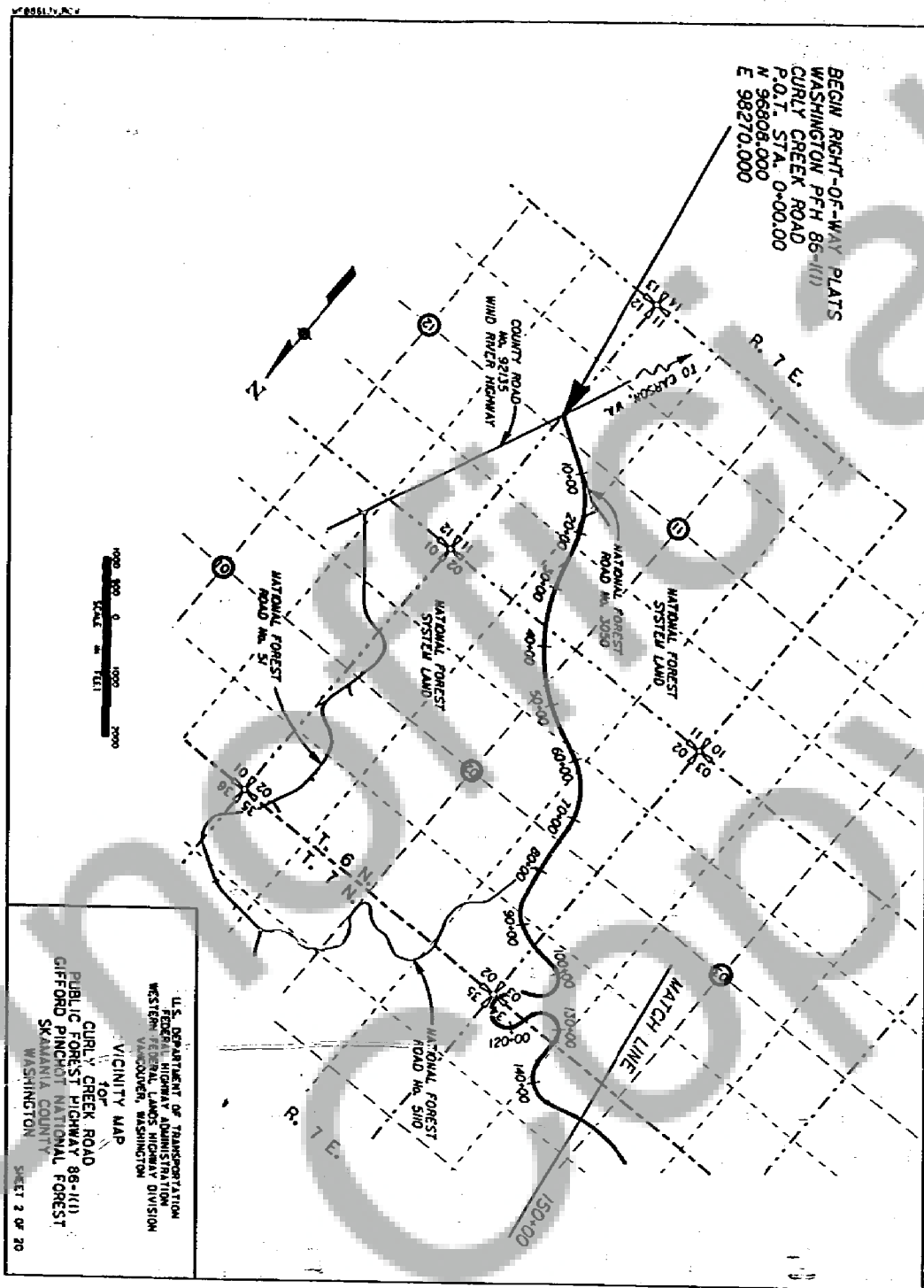
Section Corner

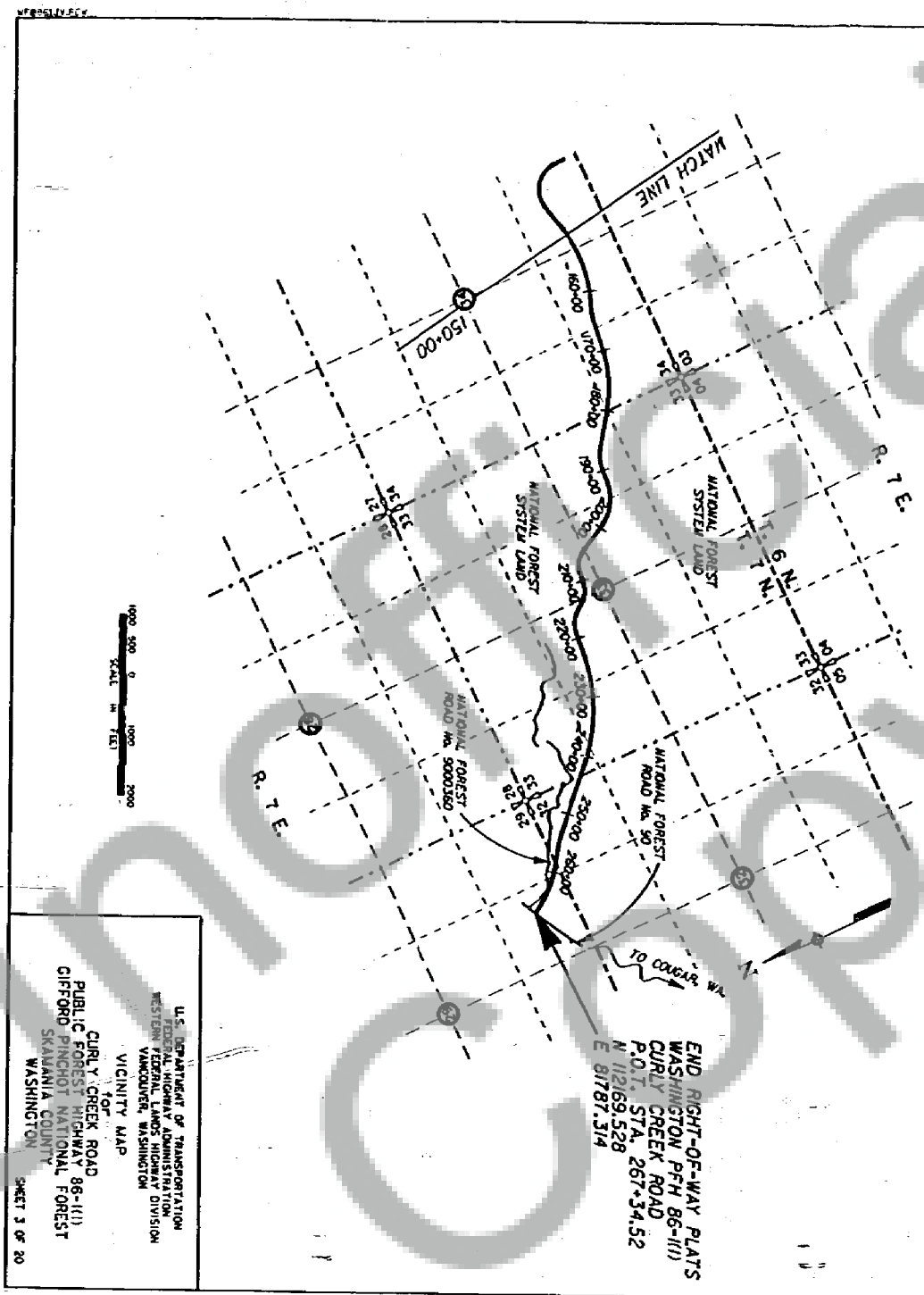
 $\frac{1}{4}$ Section Corner

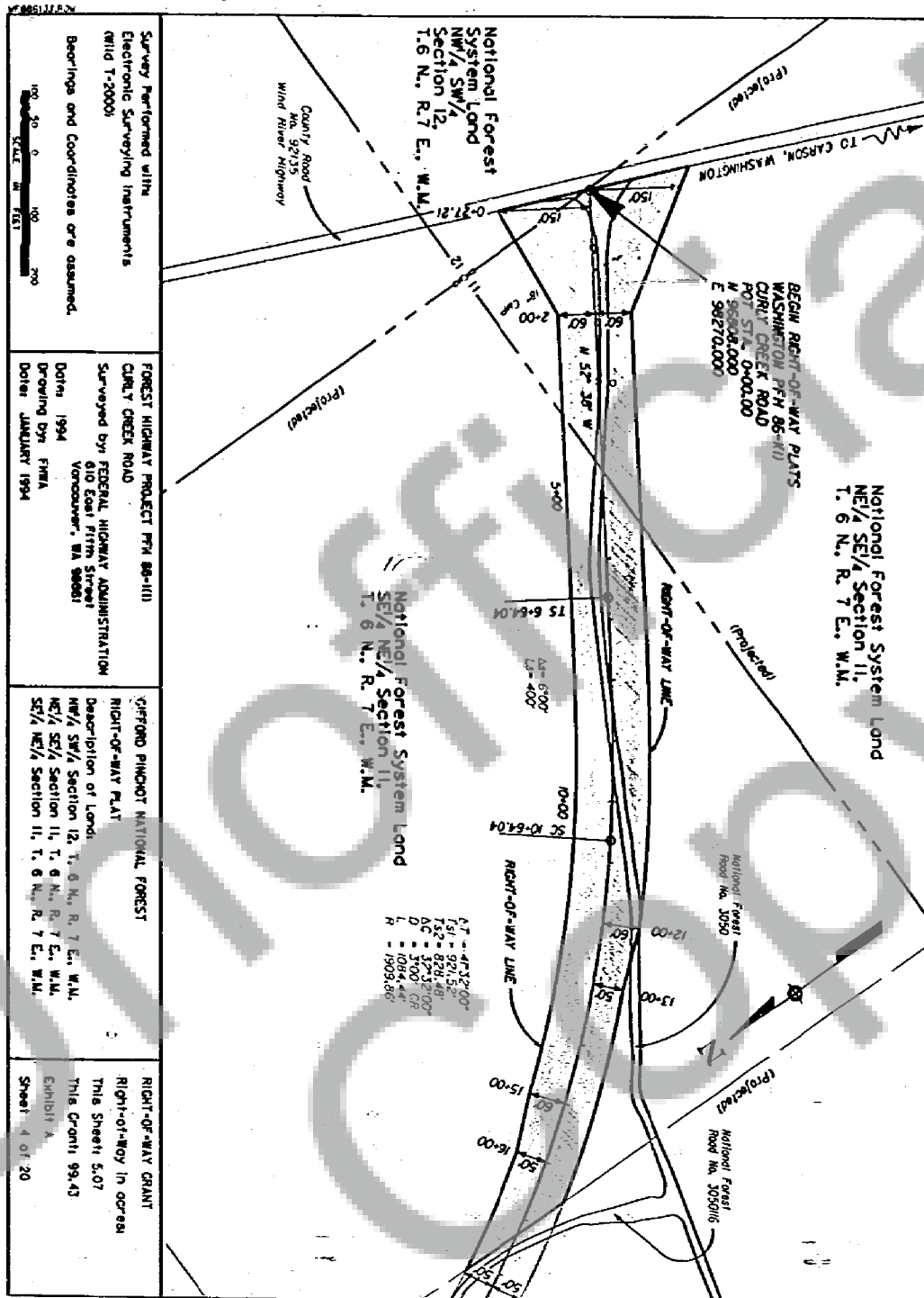
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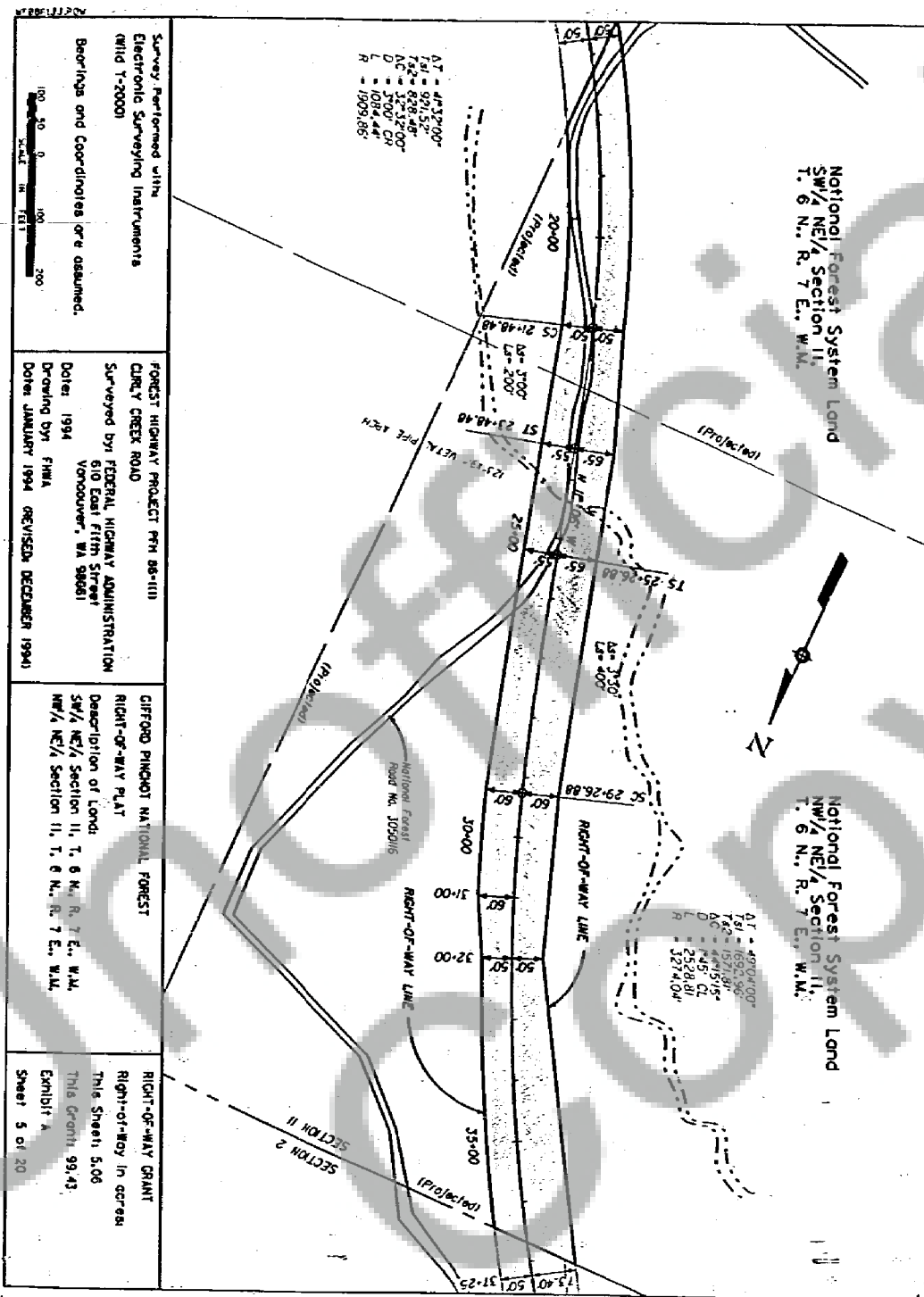
SHEET 1 OF 20

FOREST LAND SURVEYOR. 2/1/95

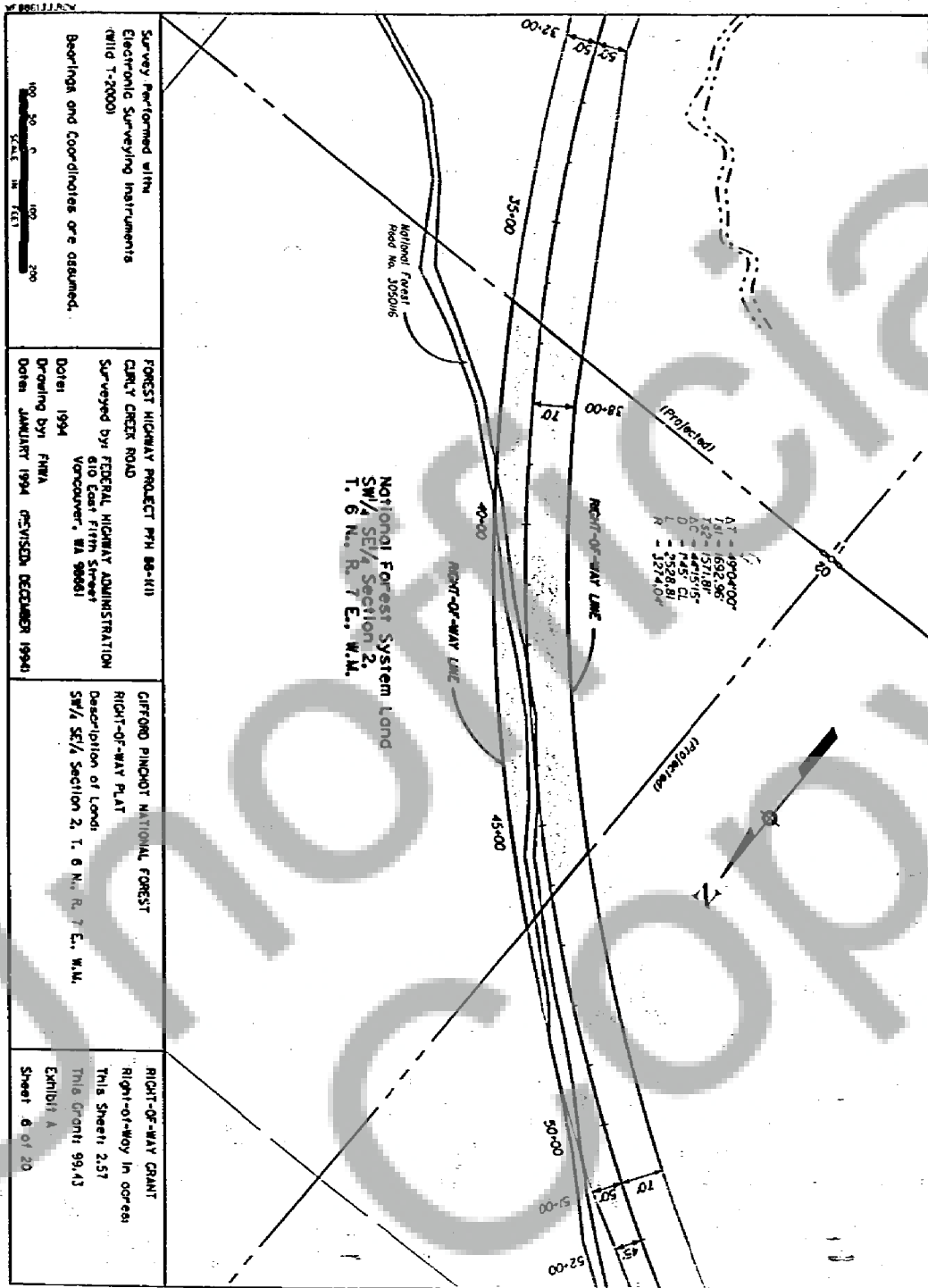


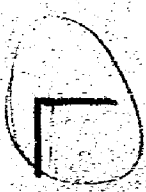


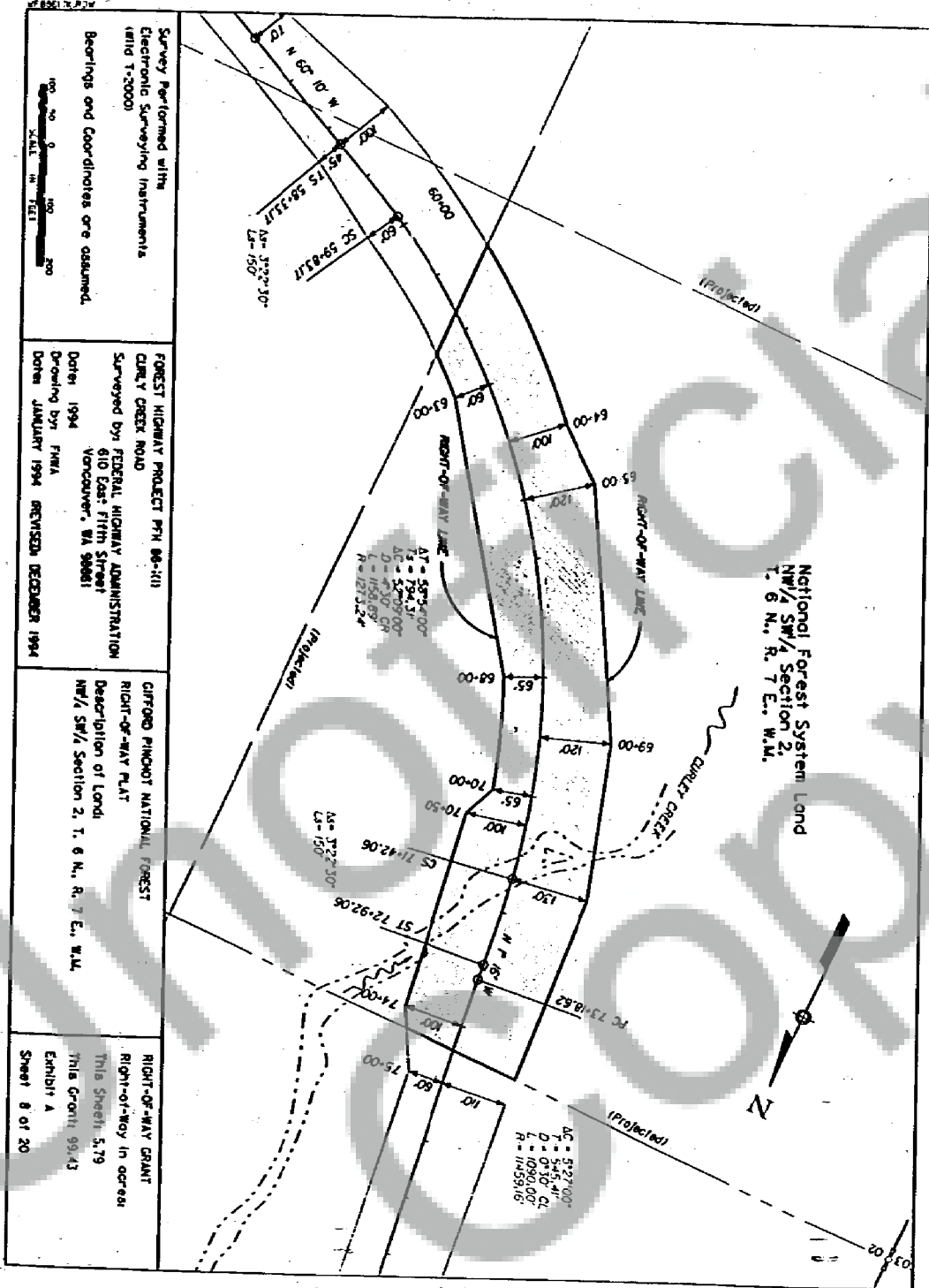


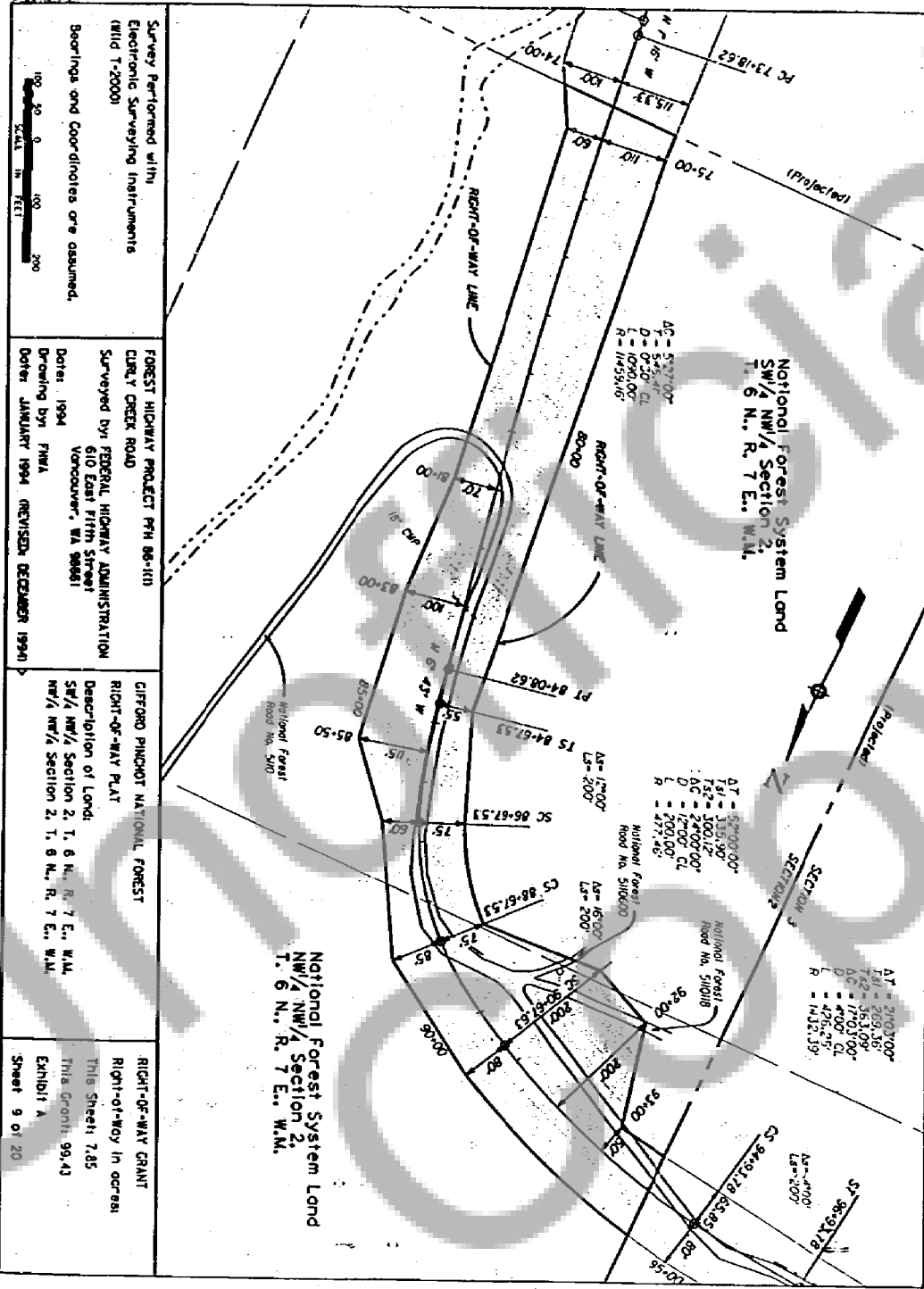


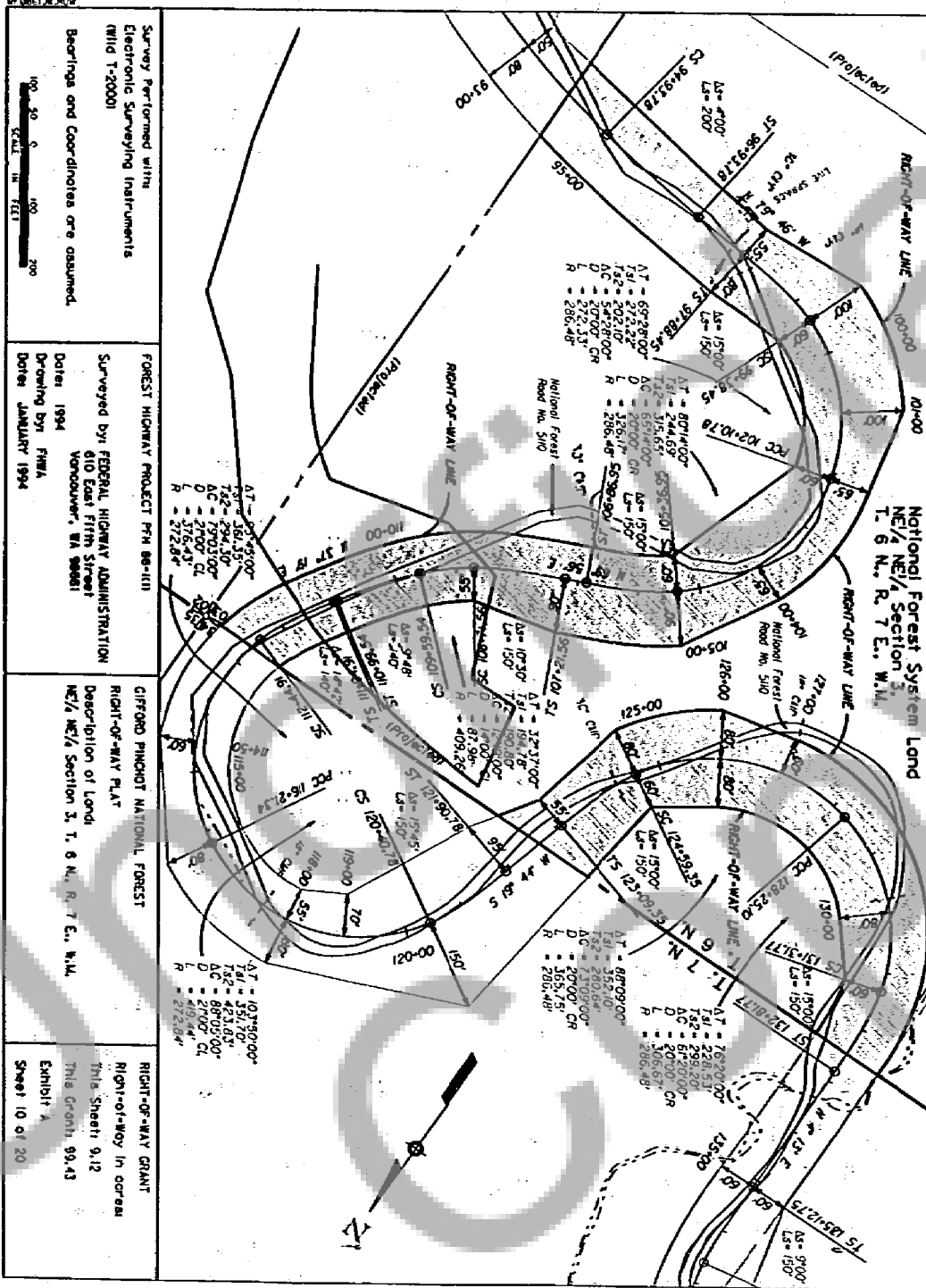
Survey performed with Electronic Surveying Instruments Wild T-20001	FOREST HIGHWAY PROJECT FTH 88-111 CLINTY CREEK ROAD Surveyed by FEDERAL HIGHWAY ADMINISTRATION 610 East Fifth Street Vancouver, WA 98601 Date: 1994 Drawing by: FHWA Date: JANUARY 1994 (REVISED DECEMBER 1994)	CIFORD PINCHOT NATIONAL FOREST RIGHT-OF-WAY PLAT Description of Land: SW/4 NE/4 Section II, T. 6 N., R. 7 E., W.M. NW/4 NE/4 Section II, T. 6 N., R. 7 E., W.M.	RIGHT-OF-WAY GRANT Right-of-Way in acres: This Sheet 5.06 This Grant 99.43 Exhibit A Sheet 5 of 20
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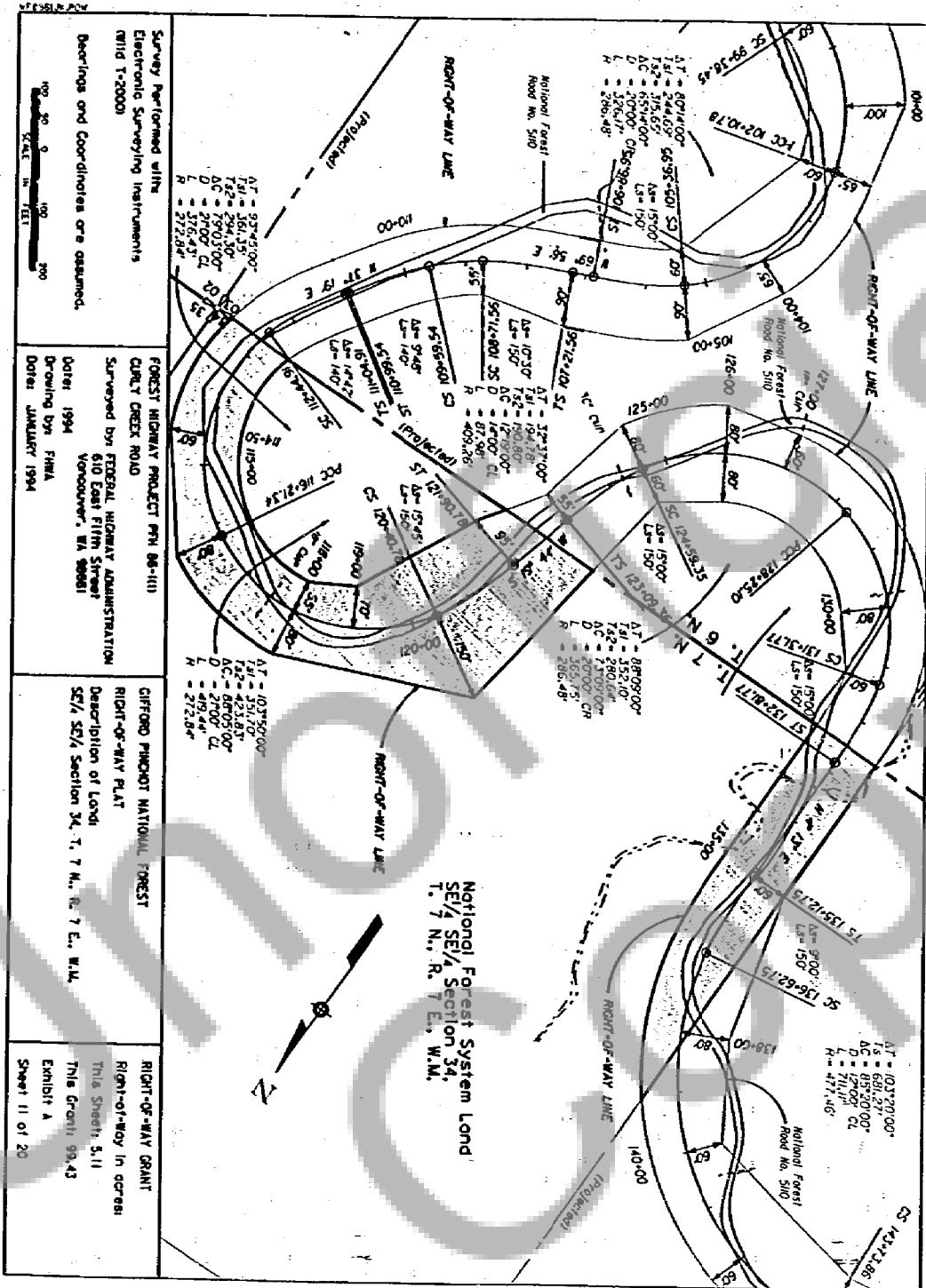


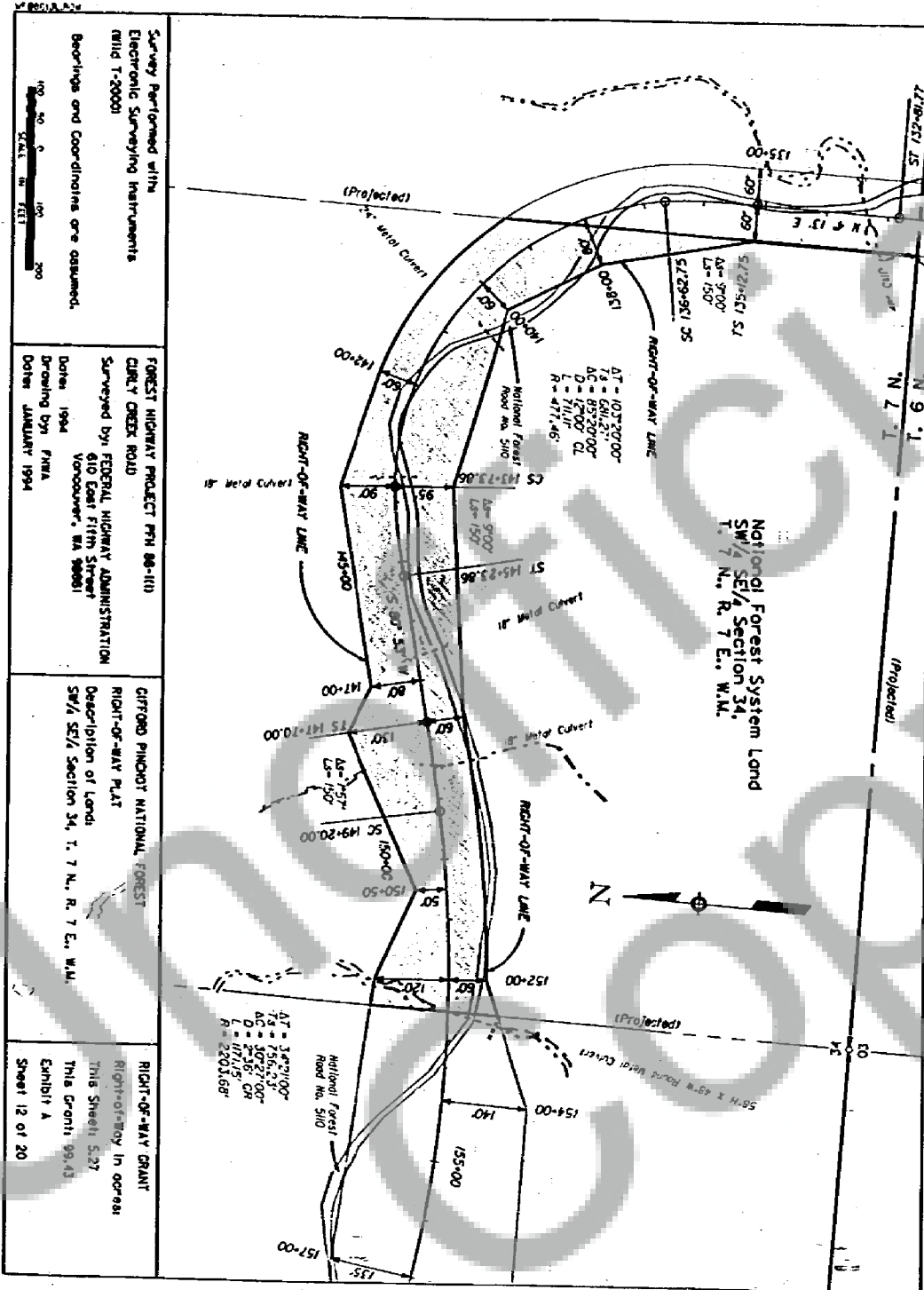




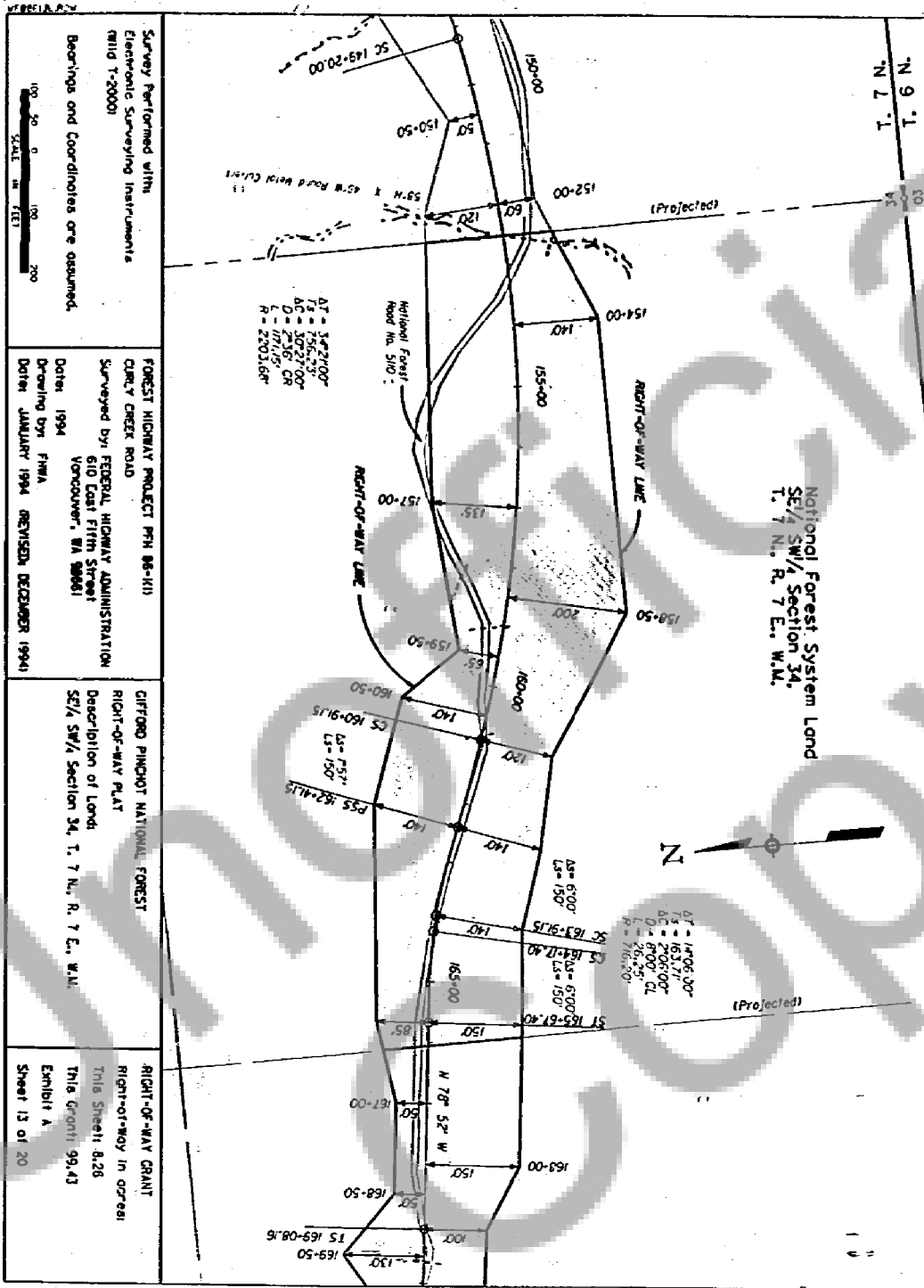


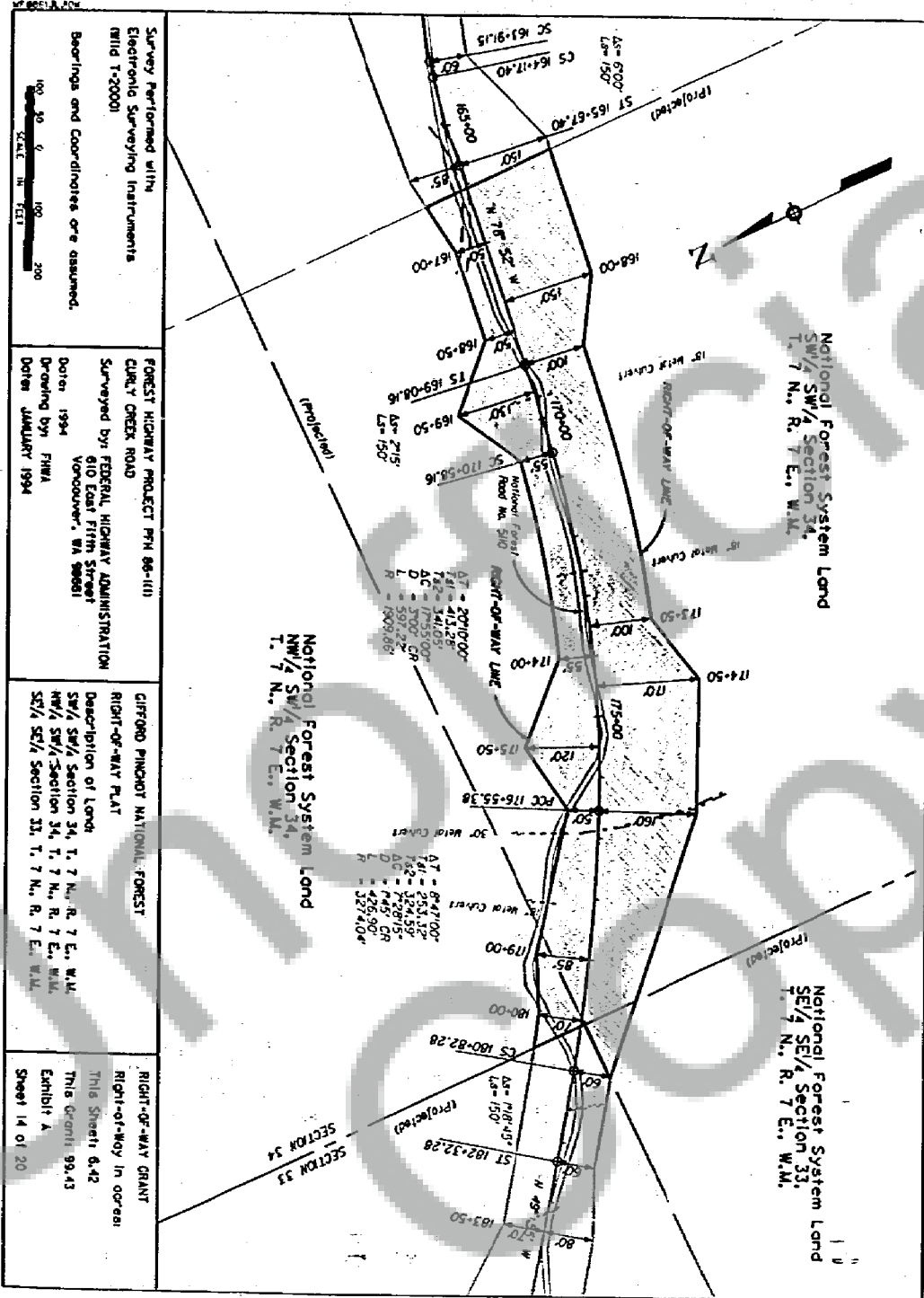


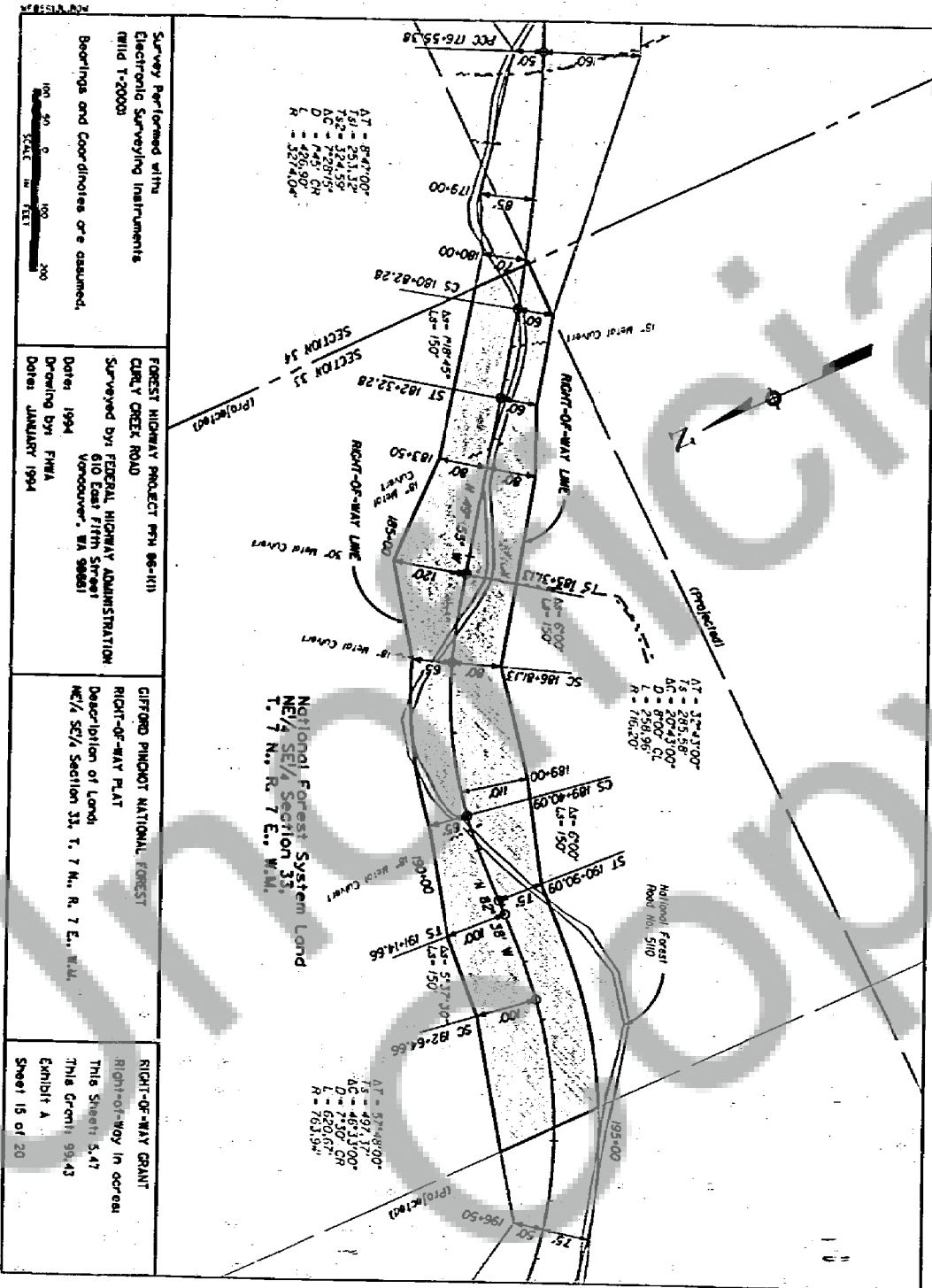


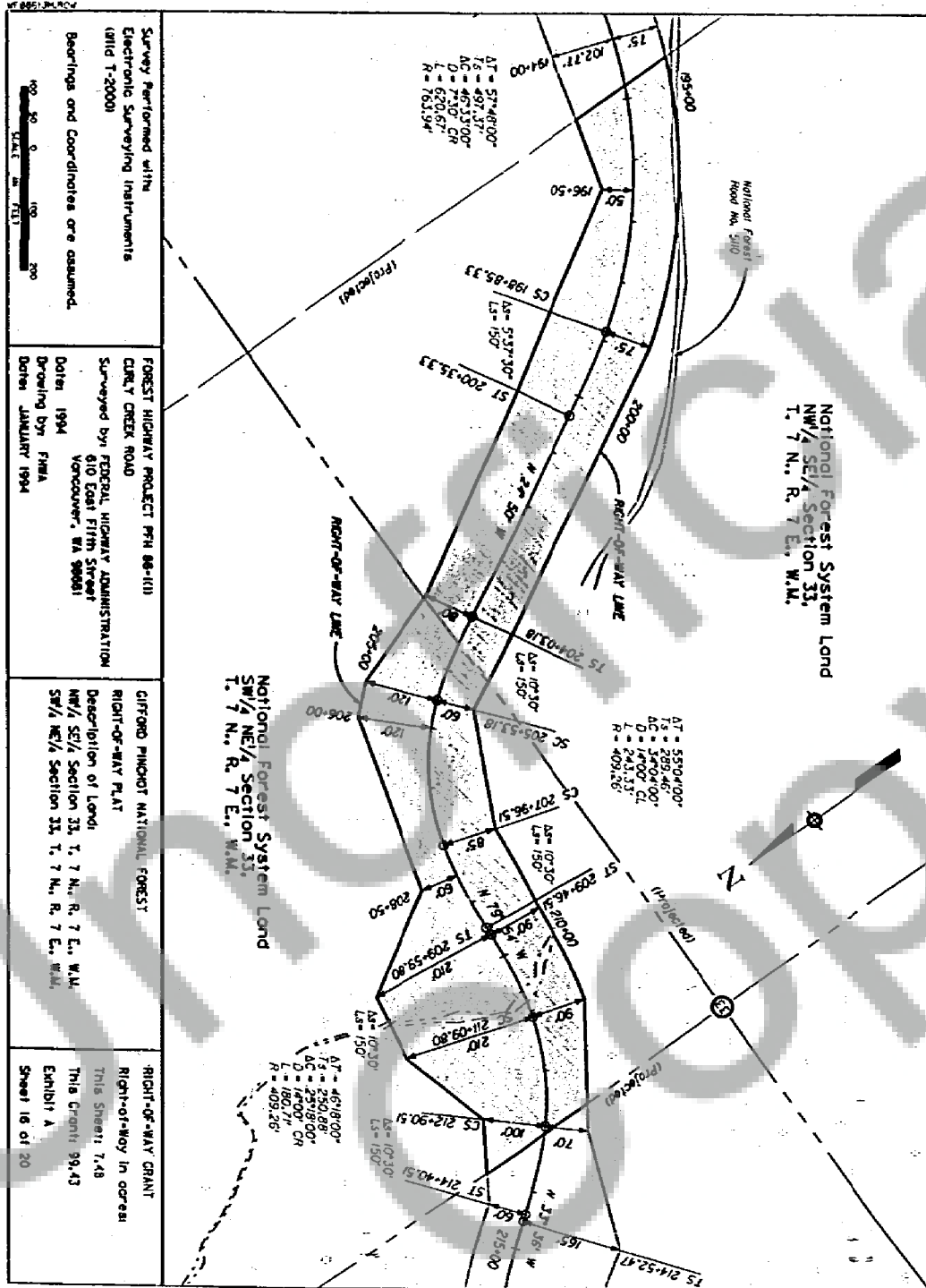


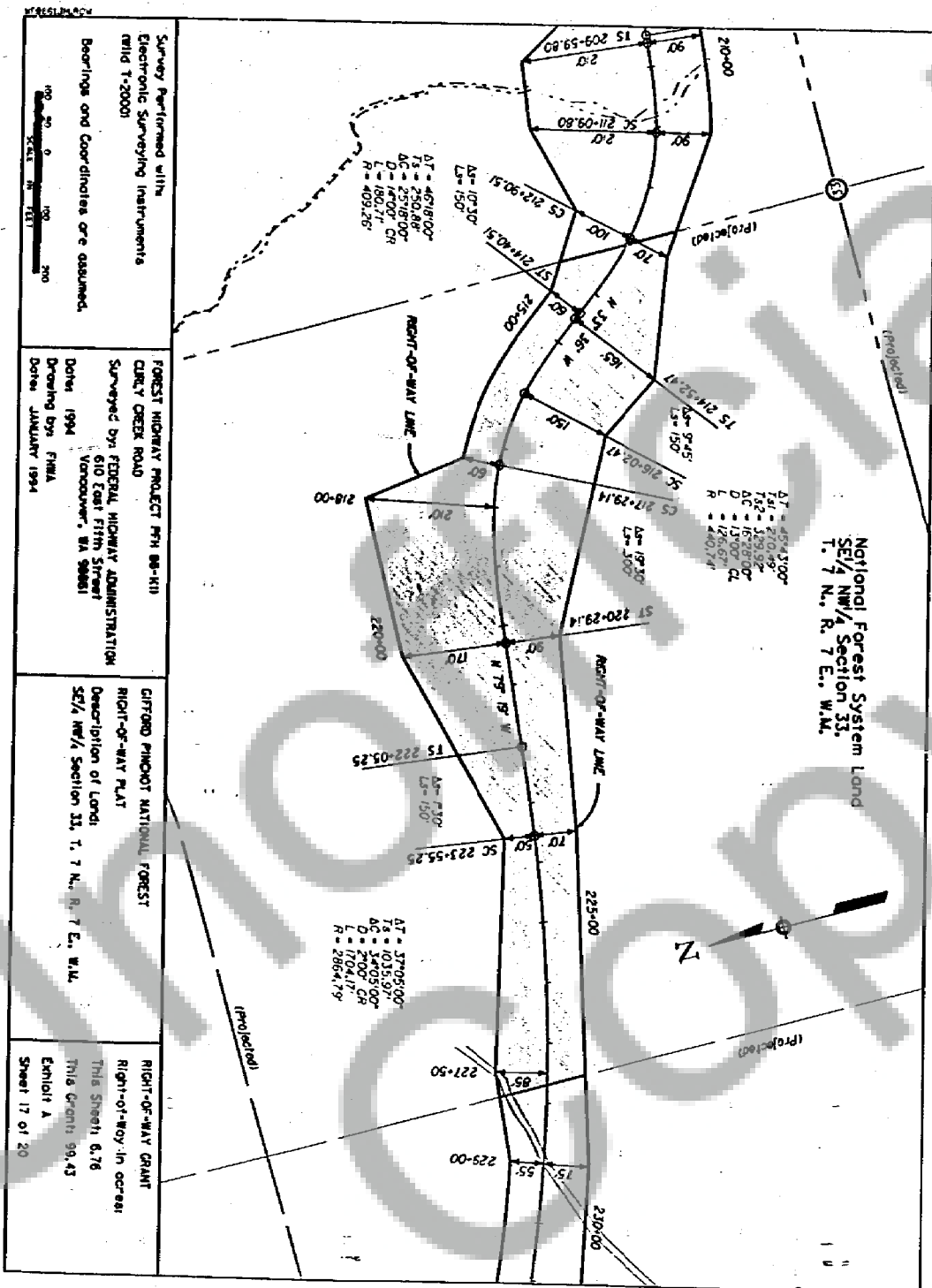
Survey performed with Electronic Surveying Instruments (MIND T-2000) Bearings and Coordinates are assumed. Scale: 1" = 200'	FOREST HIGHWAY PROJECT FHW 88-111 CURRY CREEK ROAD Surveyed by: FEDERAL HIGHWAY ADMINISTRATION 610 East Fifth Street Vancouver, WA 98661 Drawing by: FWA Date: JANUARY 1994	CLIFFORD PINCHOT NATIONAL FOREST RIGHT-OF-WAY PLAT Description of Land: SW 1/4 Section 34, T. 7 N., R. 7 E., W.M.	RIGHT-OF-WAY GRANT Right-of-Way in 00-881 This Sheet 5.27 This Grant 99.43 Exhibit A Sheet 12 of 20
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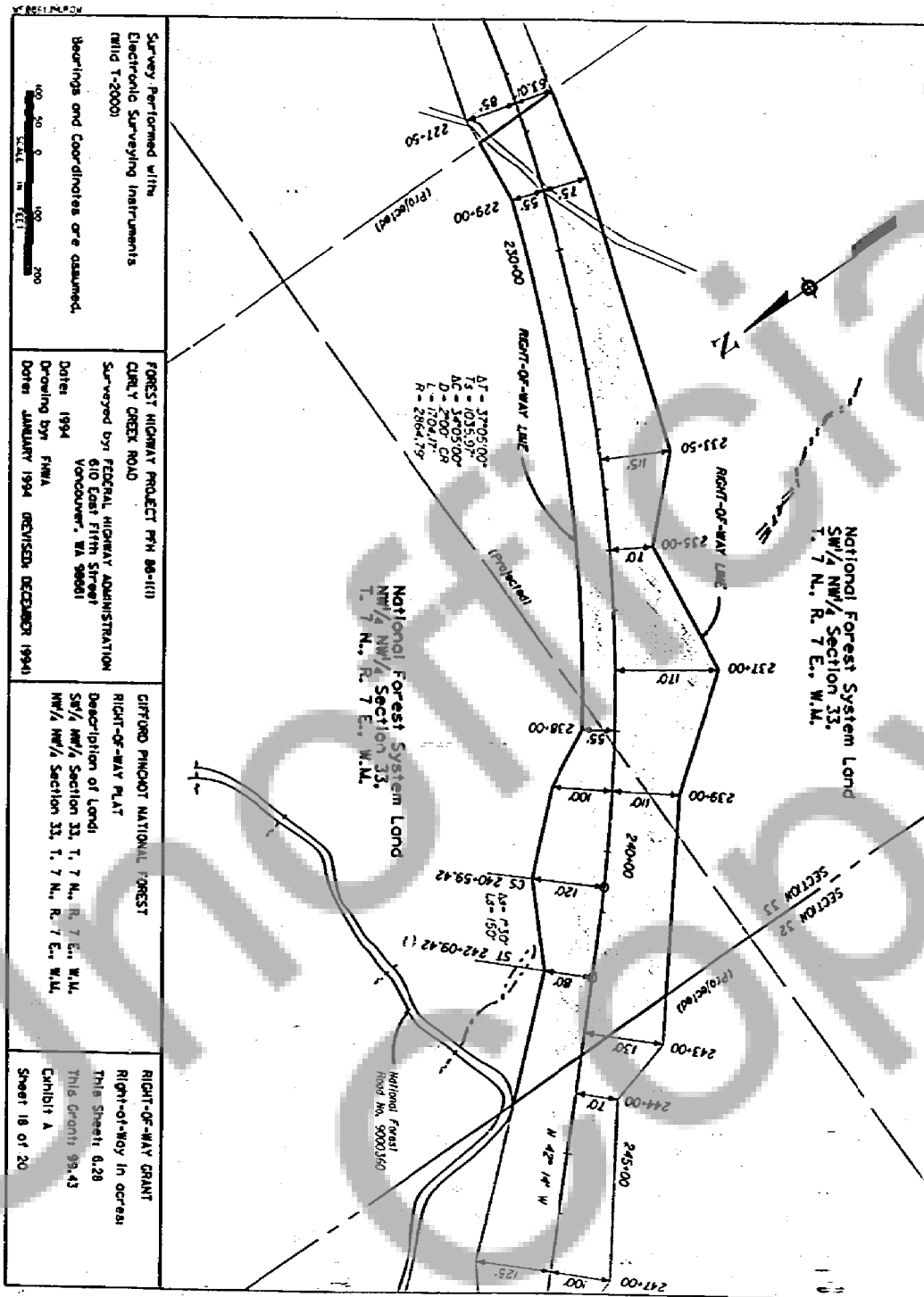
Survey performed with
Electronic Surveying Instruments
Mild 1-2000

FOREST HIGHWAY PROJECT PH 88-111
CARRY CREEK ROAD
Surveyed by: FEDERAL HIGHWAY ADMINISTRATION
610 East Fifth Street
Vancouver, WA 98661
Dated: JANUARY 1994
Drawing by: FHWA

GIFTED PINCHOT NATIONAL FOREST
RIGHT-OF-WAY PLAT
Description of Land:
SE 1/4 NW 1/4 Section 33, T. 7 N., R. 7 E., W.M.

RIGHT-OF-WAY GRANT
Right-of-Way in acres:
This Sheet: 6.76
This Grant: 99.43
Exhibit A
Sheet 17 of 20

Scale: 1" = 100'



Survey performed with Electronic Surveying Instruments (Model 1-2000)

Bearings and Coordinates are assumed.

SCALE: 1" = 100'

FOREST HIGHWAY PROJECT PM 88-111

CURLY CREEK ROAD

Surveyed by: FEDERAL HIGHWAY ADMINISTRATION

610 East Fifth Street

Vancouver, WA 98661

Date: 1994

Drawn by: FHWA

Revised: JANUARY 1994, DECEMBER 1994

RIGHT-OF-WAY PLAT

Description of Land:

SW 1/4 NW 1/4 Section 33, T. 7 N., R. 7 E., W.M.

NW 1/4 NW 1/4 Section 33, T. 7 N., R. 7 E., W.M.

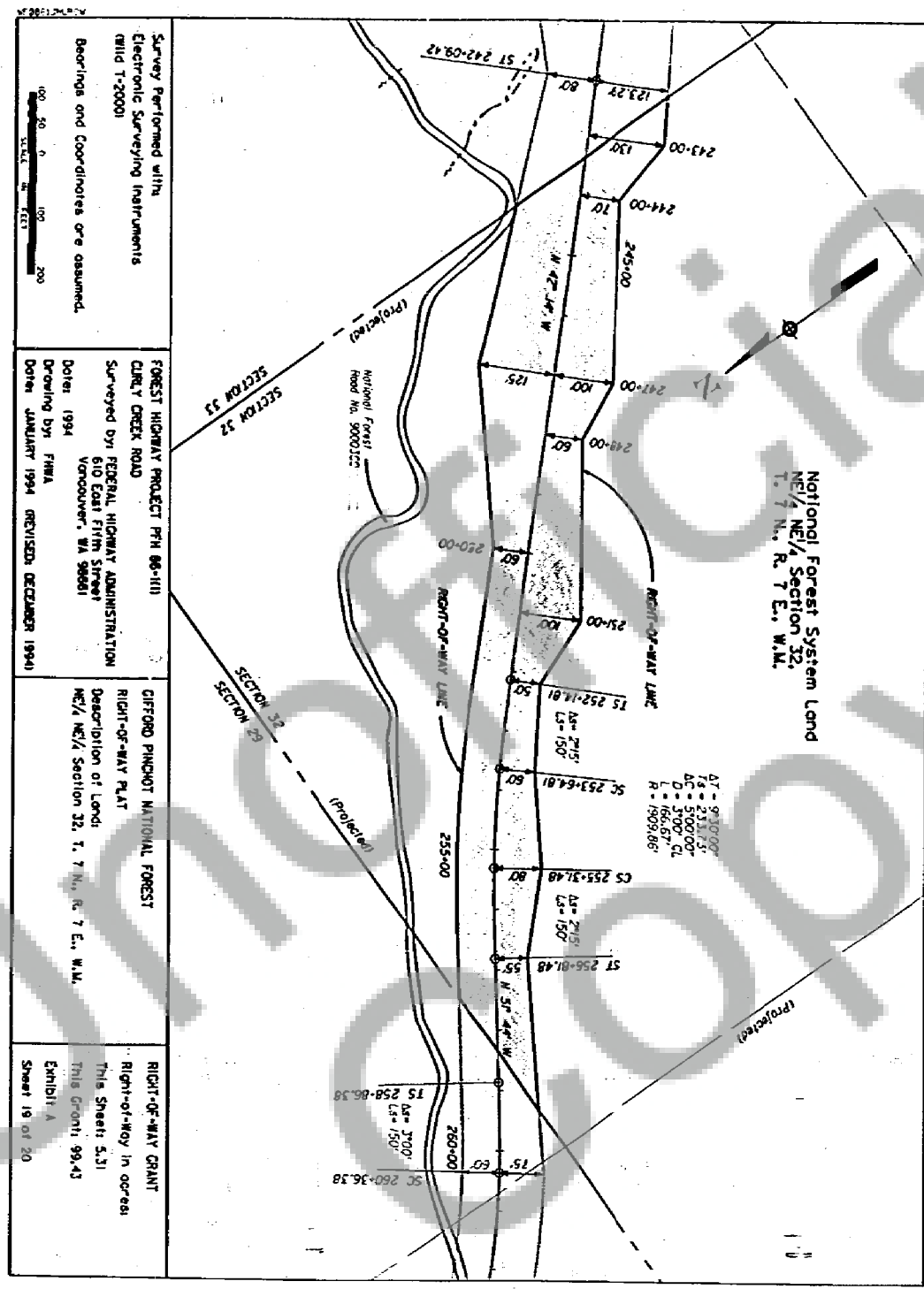
RIGHT-OF-WAY GRANT

Right-of-Way in acres:

This Grant: 99.43

Exhibit A

Sheet 18 of 20



Survey Performed with
Electronic Surveying Instruments
File T-20001
Bearings and Coordinates are assumed.

FOREST HIGHWAY PROJECT FPH 96-111
CLARK CREEK ROAD
Surveyed by FEDERAL HIGHWAY ADMINISTRATION
Date: 1994
Drawing by: FHWA
Date: JANUARY 1994 (REVISED: DECEMBER 1994)

GIFFORD PINCHOT NATIONAL FOREST
RIGHT-OF-WAY PLAT
Description of Land:
NE 1/4, NE 1/4, Section 32, T. 7 N., R. 7 E., W. 1/4.

RIGHT-OF-WAY GRANT
Right-of-Way in acres:
This Sheet: 5.31
This Grant: 99.43
Exhibit A
Sheet 19 of 20

