

134542

BOOK 187 PAGE 346

FILED FOR RECORD
SKAMANIA COUNTY, OREGON

Evan Hull

MAR 11 3 04 PM '93

GARY H. OLSON

RETURN ADDRESS

Dwight H. Campbell

P. O. Box 444

North Bonneville, WA 98639

REAL ESTATE EXCISE TAX

NA

MAR 11 1999

PAID NA

SW

SKAMANIA COUNTY TREASURER

Please Print neatly or Type information
DOCUMENT TITLE(S)

Easement Agreement

REFERENCE NUMBER(S) OF RELATED DOCUMENT(S)

Additional Reference #'s on page

GRANTOR(S)

HERBERT GUNN

COLLEEN GUNN

Additional Grantors on page #

GRANTEE(S)

DWIGHT CAMPBELL

SHARON CAMPBELL

Additional Grantees on page #

LEGAL DESCRIPTION (abbreviated form: i.e. lot, block, plat or section, township, range, quarter/quarter)

NE4 NE4 Sec 29 NW4 NW4 sec 28 T2N R6E

Additional Legal is on page # 2586

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

0206280 0050000

Additional Parcel #'s on page

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

EASEMENT AGREEMENT

PARTIES: The parties to this agreement are Herbert Gunn and Colleen Gunn, husband and wife, residing at 2942 Duncan Creek Road, Skamania, WA 98648, hereinafter referred to as "Gunn", and Dwight Campbell and Sharon Campbell, husband and wife, residing at 2652 Duncan Creek Road, Skamania, WA 98648, hereinafter referred to as "Campbell".

RECITALS: Gunn owns approximately 12+ acres in Skamania County, Washington, with a legal description as set forth in Exhibit "A". In July, 1994, Campbell approached Gunn regarding purchasing approximately 6.1 acres of the property. Campbell desired to purchase a portion of the property that was west of the centerline of Duncan Creek. A legal description of that property is attached as Exhibit "B".

Gunn and Campbell agreed that Campbell would pay Gunn Eight Thousand Seven Hundred Fifty Dollars (\$8,750.00) for the land, plus building materials valued at Two Thousand Six Hundred Eighty Four Dollars (\$2,684.00) for a total purchase price of Eleven Thousand Four Hundred Thirty Four Dollars (\$11,434.00). No documents were recorded with the Skamania County Auditor.

All the payments have been made by Campbell to Gunn. Campbell has demanded a warranty fulfillment deed from Gunn. Gunn is ready, willing, and able to provide a warranty fulfillment deed to Campbell. However, since the original agreement was made, the Columbia River Gorge National Scenic Area Act took affect, and Skamania County will not allow the division of the property as agreed upon by Campbell and Gunn. Gunn's application for a short plat has been denied.

Campbell has spent a considerable amount of money improving the land, and constructed a residence on the land. The Skamania County Auditor has agreed to split the property taxes into two separate tax statements, but not two separate tax parcels.

EASEMENT: Gunn, as Grantor, hereby grants to Campbell, as Grantee, an exclusive perpetual easement for the real property set forth in Exhibit "B". Campbell may use the property in any manner for all purposes whatsoever. Gunn cannot use the property and cannot remove any timber from said property.

RESIDENCE: The parties acknowledge that all buildings on the Campbell easement were constructed by Campbell after

Campbell took possession of the property so Campbell owns all the buildings on said property.

PROPERTY TAXES: The parties agree to prorate the taxes on the property and each party shall be responsible for their applicable share once this agreement is signed. The parties shall request the Skamania County Auditor to send out two separate tax statements, one to Gunn and one to Campbell. If either party fails to pay their share of the real property taxes in a timely fashion, then the other party may commence litigation and the prevailing party shall be awarded their reasonable attorney fees and costs.

SALE: In the event that either party shall desire to sell their interest in the property (Exhibit "A" or Exhibit "B"), they shall first offer to sell to the other party.

OFFER TO SELL: The land described in Exhibit "A" is within the Special Management Area as defined by the Columbia River Gorge National Scenic Area Act. Because of that, the property cannot currently be divided. Within thirty days of the execution of this agreement, Gunn shall file an offer to sell the property described in Exhibit "A" to the Forest Service for the sole purpose of triggering the provisions in the Columbia River Gorge National Scenic Area Act and the Columbia River Gorge National Scenic Area Ordinance, section 22.06.130(C) which changes the character of the property from Special Management to General Management.

FUTURE DIVISION: In the future, if the property described in Exhibit "B" can be divided from the property described in Exhibit "A", then Gunn agrees to apply for a short plat, and after the division is accomplished, Gunn agrees to provide Campbell with a statutory warranty deed to the real property described in Exhibit "B", and Campbell agrees to terminate the exclusive perpetual easement. The ownership of the residence and garage will remain with Campbell as part of the real property.

DATE: 2/11/99


Herbert Gunn

DATE: 2-11-99


Colleen Gunn

DATE: 2-24-99


Dwight Campbell


DATE: 2-24-99


Sharon Campbell

STATE OF WASHINGTON)
County of Clark) ss.

I certify that I know or have satisfactory evidence that Herbert Gunn is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

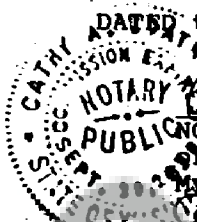
DATED this 11 day of February, 1998. ^{gce}

 Cathy A. Coatney
NOTARY PUBLIC in and for the State
of Washington, residing at Vancouver.
My commission expires 9-30-2000.

STATE OF WASHINGTON)
County of Clark) ss.

I certify that I know or have satisfactory evidence that Colleen Gunn is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.


DATED this 11 day of February, 1998. ^{gce}

 Cathy A. Coatney
NOTARY PUBLIC in and for the State
of Washington, residing at Vancouver.
My commission expires 9-30-2000.

STATE OF WASHINGTON)
County of CLARK) ss.

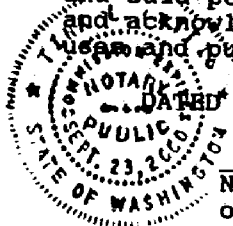
I certify that I know or have satisfactory evidence that Dwight Campbell is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 24th day of FEB., 1998. ^{grm}

 Tina L. Mathis
NOTARY PUBLIC in and for the State
of Washington, residing at Washougal.
My commission expires 9/23/00.

STATE OF WASHINGTON)
County of CLARK) SS.

I certify that I know or have satisfactory evidence that Sharon Campbell is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.



DATED this 24 day of FEB., 1998. ^{9 PM}

Tina L. Mattis

NOTARY PUBLIC in and for the State
of Washington, residing at Washougal
My commission expires 9/23/00

A parcel of land in the Northeast Quarter of the Northeast Quarter of Section 29, and in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 28, Township 2 North, Range 6 East of the Willamette Meridian, Skamania County, Washington described as follows:

Beginning at a point where the centerline of the Duncan Creek County Road intersects the South line of the Northwest Quarter of the Northwest of Section 28, which point is South 89° 27' 15" East 620.88 feet from the Southwest corner thereof; thence South 89° 27' 15" East along said South line 670.86 feet to the southeast corner of said Northwest Quarter of the Northwest Quarter; thence North 0° 18' 24" East along the East line of said Northwest Quarter of the Northwest Quarter of the Northwest Quarter of 496.04 feet; thence North 89° 27' 15" West parallel with the South line of said Northwest Quarter of the Northwest Quarter 1,464.96 feet to the centerline of the Duncan Creek County Road; thence along the arc of a 235 feet radius curve to the right (the incoming tangent of which is South 72° 44' 54" East) for an arc distance of 113.40 feet; thence along the arc of a 183 foot radius curve to the left for an arc distance of 147.24 feet; thence along the arc of a 150 feet radius curve to the right for an arc distance of 166.72 feet; thence along the arc of a 300 feet radius curve to the left for an arc distance of 209.09 feet; thence along the arc of a 810 foot radius curve to the right for an arc distance of 264.60 feet; thence along the arc of a 250 foot radius curve to the left for an arc distance of 62.24 feet to the point of beginning.

Gary H. Martin, Skamania County Assessor

Date 3-11-99 Parcel # 26-28-320

EXHIBIT "A"

That portion of the following described tract lying West of the centerline of Duncan Creek:

A parcel of land in the Northeast Quarter of the Northeast Quarter of Section 29, and in the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 28, Township 2 North, Range 6 East of the Willamette Meridian, Skamania County, Washington described as follows:

Beginning at a point where the centerline of the Duncan Creek County Road intersects the South line of the Northwest Quarter of the Northwest of Section 28, which point is South $89^{\circ} 27' 15''$ East 620.88 feet from the Southwest corner thereof; thence South $89^{\circ} 27' 15''$ East along said South line 670.86 feet to the southeast corner of said Northwest Quarter of the Northwest Quarter; thence North $0^{\circ} 18' 24''$ East along the East line of said Northwest Quarter of the Northwest Quarter of the Northwest Quarter of 496.04 feet; thence North $89^{\circ} 27' 15''$ West parallel with the South line of said Northwest Quarter of the Northwest Quarter 1,464.96 feet to the centerline of the Duncan Creek County Road; thence along the arc of a 235 feet radius curve to the right (the incoming tangent of which is South $72^{\circ} 44' 54''$ East) for an arch distance of 113.40 feet; thence along the arc of a 183 foot radius curve to the left for an arc distance of 147.24 feet; thence along the arc of a 150 feet radius curve to the right for an arc distance of 166.72 feet; thence along the arc of a 300 feet radius curve to the left for an arc distance of 209.09 feet; thence along the arc of a 810 foot radius curve to the right for an arc distance of 264.60 feet; thence along the arc of a 250 foot radius curve to the left for an arc distance of 62.24 feet to the point of beginning.

Gary H. Martin, Skamania County Assessor

Date 5-1-97 Parcel # 2-4-29-50 P# 04
00

EXHIBIT "B"