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SKAMANIA CO. WASH  
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*Garvison*  
AUDITOR

J. MICHAEL GARVISON

**AFTER RECORDING MAIL TO:**

Name Skamania County

Address \_\_\_\_\_

City/State \_\_\_\_\_

SEE 23742

Document Title(s): (or transactions contained therein)

1. FOREST ROAD EASEMENT

2.

3.

4.

Reference Number(s) of Documents assigned or released:

☐ Additional numbers on page \_\_\_\_\_ of document

Grantor(s): (Last name first, then first name and initials)

1. UNITED STATES OF AMERICA

2.

3.

4.

5. ☐ Additional names on page \_\_\_\_\_ of document

Grantee(s): (Last name first, then first name and initials)

1. SKAMANIA COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF WASHINGTON

2.

3.

4.

5. ☐ Additional names on page \_\_\_\_\_ of document

Abbreviated Legal Description as follows: (i.e. lot/block/plat or section/township/range/quarter/quarter)

T4N, R7E, S27

☐ Complete legal description is on page 1 of document

Assessor's Property Tax Parcel / Account Number(s):



By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_  
Fax \_\_\_\_\_

WA-1

NOTE: The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

*OK*

FS-2700-9i (8/99)  
OMB No. 0596-0082

U. S. DEPARTMENT OF AGRICULTURE  
Forest Service  
FOREST ROAD EASEMENT - LIMITED USE  
Act of October 21, 1976 (P. L. 94-579);  
36 CFR 251.50, et seq

THIS EASEMENT, dated this 1st day of February, 200<sup>2</sup>, from the United States of America, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to Skamania County, a municipal corporation of the State of Washington, hereinafter called Grantee.

WITNESSETH:

WHEREAS, Grantee has applied for a grant of an easement under the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1761), for a road over certain lands or assignable easements owned by the United States in the County of Skamania, State of Washington, and administered by the Forest Service, Department of Agriculture.

NOW THEREFORE, Grantor does hereby grant to Grantee, subject to existing easements and valid rights, a nonexclusive easement for use of a road, whether existing or as constructed or reconstructed, over and across the following described lands in the County of Skamania State of Washington.

Compound road  
lot 14 of sec. 27, T. 4 N., R 7 E., W.M.

The location of the road is shown approximately on Exhibits A-7 and A-8, attached hereto and made a part hereof.

This grant is made subject to the following terms, provisions, and conditions applicable to Grantee, its permittees, contractors, assignees, and successors in interest.

- A. Grantee shall comply with applicable Federal or State law and shall comply with State standards for public health and safety, environmental protection and siting, construction, operation, and maintenance of or for rights-of-ways for similar purposes, if those standards are more stringent than applicable Federal standards.



- B. Except as hereinafter limited, Grantee shall have the right to use the road for the purposes set forth in clause D, subject to such traffic control regulations and rules as Grantor reasonably may impose upon or require of other users of the road without unreasonably reducing the rights herein granted.
- C. Upon the change of ownership of the Grantee's land served by this road, the rights granted under this easement can be transferred or assigned to the new owner upon written notification to Regional Forester.
- D. This easement is for limited use of the Compound Road by Grantee upon request from the District Ranger and shall continue for as long as needed for access to the Wind River Nursery; Provided, That the Grantee shall make no use of the road for hauling forest products or other commercial use of the road until it pays or makes arrangements acceptable to the Grantor to pay its share of the road construction or reconstruction costs; and Provided further, that the Grantor shall review terms and conditions of this easement at the end of each 30-year period from the date of issuance, and may incorporate in the easement such new terms, conditions, and stipulations as existing or prospective conditions may warrant. These shall have the same force and effect as if included in the original grant.
- E. All construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations approved by the Grantor prior to beginning such construction or reconstruction.
- F. The rights herein conveyed do not include the right to use the road for access to developments for short- or long-term residential purposes, unless and until the Grantor and the Grantee agree upon traffic control regulations, rules, and other provisions to accommodate such use of the road.
- G. Grantee shall pay the Grantor for its share of maintenance cost or perform maintenance, as determined by the Grantor. The maintenance obligation of the Grantee shall be proportionate to total use and commensurate with its use. Any maintenance performed by the Grantee shall be authorized by and shall conform with an approved maintenance plan. In the event the road requires maintenance, restoration, or reconstruction work to accommodate the Grantee's needs, the Grantor shall authorize the work required in the same manner as provided herein for maintenance or in clause E for reconstruction. The Grantee shall perform such work at its own expense.
- H. This easement shall terminate in the event an easement is granted subsequently by the United States to a public road agency for operation of this road as a public highway.



- I. Grantee shall pay the United States for all injury, loss, or damage, including fire suppression costs, in accordance with existing Federal and State laws.
- J. Grantee shall indemnify the United States for any and all injury, loss, or damage, including fire suppression costs the United States may suffer as a result of claims, demands, losses, or judgments caused by the Grantee's use or occupancy under this easement.

This easement is granted subject to the following reservations by Grantor:

1. The right to cross and recross the road at any place by any reasonable means and for any purpose in such manner as will not interfere unreasonably with Grantee's use of the road.
2. The right to relocate the road on which this use is authorized to the extent necessary to accommodate the management needs of the National Forests.
3. The right to use the road for all purposes deemed necessary or desirable by Grantor in connection with the protection, administration, management, and utilization of Grantor's lands or resources, now or hereafter owned or controlled.
4. The right alone to extend rights and privileges for use of the road and right-of-way to other Government departments and agencies, States, and local subdivisions thereof, and to other users including members of the public; Provided, That the Grantor shall control such use so as not to interfere unreasonably with use of the road by Grantee or to cause Grantee to bear a share of the cost of maintenance greater than is commensurate with the Grantee's use of the road.

The grant of a right to use the road described in this easement does not create an obligation on the Forest Service of the United States to maintain the road in a usable condition.

The Regional Forester may take action to suspend, revoke, or terminate this easement under the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes in 7 CFR 1.130-1.151. An administrative proceeding is not required when the easement terminates on the occurrence of a fixed or agreed-upon condition, event, or time.



IN WITNESS WHEREOF, Grantor, by its Director of Recreation, Lands, and Mineral Resources, Pacific Northwest Region, Forest Service, has executed this easement pursuant to the delegation of authority by the Secretary of Agriculture to the Under Secretary for Natural Resources and Environment, the delegation of authority by the Under Secretary for Natural Resources and Environment to the Chief, Forest Service, 7 CFR 2.60, the delegation of authority by the Chief, Forest Service, 47 F.R. 36465, published August 20, 1982, and the delegation of authority by the Regional Forester, Pacific Northwest Region, 52 F.R. 45980, published December 3, 1987, on the day and year first above written.

UNITED STATES OF AMERICA

*Kimberly Evert Bolen*

Kimberly Evert Bolen, Director, RLM  
Recreation, Lands, and Mineral Resources  
Pacific Northwest Region  
USDA Forest Service

ACKNOWLEDGMENT

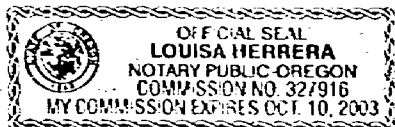
STATE OF Oregon )  
 )ss.  
County of Multnomah )

On this 1st day of February, 2007, before me, the undersigned, personally appeared Kimberly Evert Bolen, Director of Recreation, Lands, and Mineral Resources, Pacific Northwest Region, Forest Service, Department of Agriculture, the same person who executed the within and foregoing instrument, who being by me duly sworn according to law, did say that he/she executed said instrument on behalf of the United States of America by its authority duly given and by him/her delivered as and for its act and deed. And he/she did further acknowledge that he/she executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.



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IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



*Louisa Herrera*  
Name (Printed) Louisa Herrera  
Notary Public for the State of Oregon  
Residing at: Portland, OR  
My Commission Expires 10/10/2003

Certified correct as to consideration, description, conditions and form.

*Vicky Wessling* 125/02  
Vicky Wessling, Zone Leader

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0062.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Public reporting burden for this collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

EXHIBIT "A-7"  
U.S. FOREST SERVICE WIND RIVER NURSERY  
ROAD R/W GRANT

An easement 30 feet in width, 15 feet each side of centerline for the purpose of access over and across a portion of Government Lot 14, Section 27, Township 4 North, Range 7 East, Willamette Meridian, Skamania County, Washington. The road alignment is approximate as shown on U.S. Forest Service Engineering Utilities Design Map of the Wind River Nursery, 1995, and Exhibit A-8 "Road R/W GRANT", attached. The centerline alignment of this easement is more particularly described as follows:

Beginning at the C 1/4 corner of Section 27, a brass cap described by Larry Bishop, filed at the Skamania County Auditors office, Stevenson, Washington, Book 2 of Surveys, page 44;

Thence S 16°-58'W, 483 feet to the beginning of Forest Service Road #4100, of Government Lot 14, said Section 27, and the West right of way line of Forest Service Road # 4101 the TRUE POINT OF BEGINNING;

Thence N 87° 35'W, 230 feet;

Thence S 06° 58'W, 91 feet;

Thence S 84° 56'E, 59 feet;

Thence South, 13 feet, to the true property line, the North Line of Government Lot 13, said Section 27. The total right of way acreage is ± 0.27 acres.

The basis of bearing for this description is Grid bearing, NAD 1927 (theta angle of -1° - 02'). This description of the road alignment location is approximate, as portrayed on U.S. Forest Service Engineering Utilities Design Map of the Wind River Nursery, 1995, and is on file at the Gifford Pinchot National Forest Headquarters, 10600 NE 51" Circle, Vancouver, Washington.



