

AFTER RECORDING RETURN TO:

Washington State Parks and Recreation Commission
Lands Program
PO Box 42650
Olympia, WA 98504-2650
Attn: Lynn Harmon

REAL ESTATE EXCISE TAX

N/A

FEB 18 2009

PAID

[Signature]
SKAMANIA COUNTY TREASURER

**DEED OF RIGHT TO USE LAND
FOR PUBLIC RECREATION PURPOSES**

Grantor: State of Washington, acting by and through the Washington State Parks and Recreation Commission

Grantee: State of Washington through the Recreation and Conservation Funding Board

Abbreviated

Legal Desc: Ptn. NE $\frac{1}{4}$, S35, T2N, R6E, W.M., Skamania County (see Exhibit A for full legal description)

Tax Parcel #: Ptn. 02060000120100

Reference #
of Related

Documents: 2008169220

The Grantor, Washington State Parks and Recreation Commission, for and in consideration of monies coming in whole or in part from the Outdoor Recreation Account of the General Fund of the State of Washington and in fulfillment of terms of the Project Agreement identified below, conveys and grants to the State of Washington individually and as the representative of all the people of the State, the right to use the real property described below forever for outdoor recreation purposes.

Those purposes are described in the Project Agreement entered into between the Grantor and the Grantee entitled Beacon Rock Resort Acquisition Project Number 02-1346 signed by the Grantor on the 14th day of August, 2003, and by the Grantee on the 12th day of August, 2003,

and the application and supporting materials which are on file with the Grantor and the Grantee in connection with the Project Agreement.

The Grantor will not make or permit to be made any use of the real property described in this deed, or any part of it, which is inconsistent with the right to use for public outdoor recreation herein granted unless the Grantee or its successors, consents to the inconsistent use, which consent shall be granted only upon conditions which will ensure that other outdoor recreation land of at least equal fair market value at the time of change of use and of as nearly as feasible equivalent usefulness and location for the public recreation purposes for which Grantee assistance was originally granted will be substituted in the manner provided in RCW 79A.25.100 for marine recreation land, whether or not the real property covered by this deed is marine recreation land. RCW 79A.25.100 reads as follows:

Marine recreation land with respect to which money has been expended under RCW 43.99.080 (recodified as RCW 79A.25.080) shall not, without the approval of the committee, be converted to uses other than those for which such expenditure was originally approved. The committee shall only approve any such conversion upon conditions which will assure the substitution of other marine recreation land of at least equal fair market value at the time of conversion and of as nearly as feasible equivalent usefulness and location.

The real property covered by this deed is described in the attached Exhibit A.

This deed shall in no way modify or extinguish the functions of the Grantor under the Project Agreement, including the Grantor's functions to operate and maintain the land as set out in the Project Agreement.

DATED this 4 day of February, 2009

WASHINGTON STATE PARKS AND
RECREATION COMMISSION

By 

Ken Graham, Acting Lands Program Manager

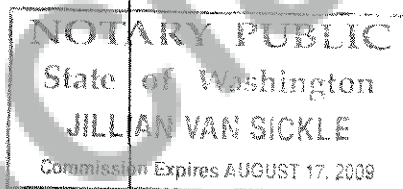
STATE OF WASHINGTON

COUNTY OF THURSTON

THIS IS TO CERTIFY that on this 4 day of February, 2008, before me the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Ken Graham to me personally known to be the Acting Lands Program Manager of the Washington State Parks and Recreation Commission that executed the foregoing deed and acknowledged to me that he signed and sealed the same as the free and voluntary act and deed of said Commission and on oath stated that he was authorized to execute said instrument.

WITNESS my hand and official seal the day and year in this certificate first above written.


Notary Public in and for the State of Washington,
residing in Thurston County.



My commission expires: August 17, 2009

EXHIBIT A
Legal Description

**ACCESS AND UTILITY EASEMENT OVER RAILROAD RIGHT OF WAY TO
BE CONVEYED FROM BNSF RAILWAY COMPANY
TO PARKS**

That portion of the Northeast Quarter of Section 35, Township 2 North, Range 6 East of the Willamette Meridian, Skamania County, Washington described as follows:

Commencing at a concrete monument with brass cap marking the Northwest corner of the Northeast quarter of said Section 35 as shown in Book 3 of Surveys at Page 451, records of the Skamania County Auditor; thence South $01^{\circ}25'24''$ West, along the West line of said Northeast quarter, 1085.33 feet to the North right of way line of the BNSF Railway Company; thence North $74^{\circ}29'24''$ East along said North right of way line, 566.42 feet to the Point of Beginning; thence South $45^{\circ}31'48''$ East, 115.49 feet to the South right of way line of said Railway Company; thence North $74^{\circ}29'24''$ East, along said South right of way line, 230.99 feet; thence North $45^{\circ}31'48''$ West, 115.49 feet to said North right of way line; thence South $74^{\circ}29'24''$ West, along said North right of way line 230.99 feet to the **Point of Beginning**.

Containing 0.607 acres