AFN #2009174252 Recorded 11/09/09 at 02:06 PM DocType: EASE Filed by: SKAMANIA COUNTY PUBLIC WORKS DEPT Page: 1 of 5 Auditor J. Michael Garvison Skamania County, WA

	2 Kamania County Public Works PO Box 790	
	Stevenson, WA 98648	
-		
	DOCUMENT TITLE(S)	* ()
-	Drainage Maintenance Ease	
	REFERENCE NUMBER(S) of Documents assigned or release	ed:
1		DEAL ECTATE FYCISE

WHEN RECORDED RETURN TO:

] Additional numbers on page of document. NOV - 9 2009 GRANTOR(S): Takeshi & Toyoe Yoshida PAID SKAMANIA COUNTY TREASURER] Additional names on page _ of document. GRANTEE(S): Skamania County [] Additional names on page of document.

LEGAL DESCRIPTION (Abbreviated: i.e. Lot, Block, Plat or Section, Township, Range, Quarter): Complete legal on page 4 of document.

TAX PARCEL NUMBER(S): 03082700020400 Additional parcel numbers on page of document. 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.

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DRAINAGE MAINTENANCE EASEMENT

The Grantor **Takeshi & Toyoe Yoshida**hereinafter referred to as Grantor

for and in consideration of one dollar (\$1.00) and other good and valuable considerations, does hereby grant, warrant and convey unto SKAMANIA COUNTY (hereinafter referred to as the Grantee) an exclusive drainage easement to use and occupy the following described real property, for the purpose of constructing and maintaining a drainage system and operating all necessary machinery and equipment thereon, said Real Estate being situated in Skamania County, State of Washington, and described as follows:

Access Description

An exclusive stipulation for maintenance access, located within the property boundaries of Parcel Number 03082700020400, located in Home Valley off of Berge Road near Milepost 1.00 in Skamania County, Washington.

Easement Description

All that portion of the said parcel lying within the grantors real property to allow ditch maintenance in the defined channel from the County's drainage system crossing under Kelly-Henke Road, continuing down to the inlet of a culvert installed on your property.

The Grantor further grants to the Grantee, or its agents, the right to enter upon the Grantors land where necessary to maintain over and under Grantors land for said drainage at the Grantees expense. Said drainage system shall remain the property of the Grantor and the Grantee shall have the right to ingress and egress over the adjacent land of the Grantor for the purpose of cleaning out the debris ladened ditch caused by the 2009 Winter Storms run-off. This license shall be terminated when the Grantee has restored the drainage system to its pre-storm condition.

Grantee, its successors and assigns, will protect, save and hold harmless the Grantor, its authorized agents and employees, from all claims, actions, costs, damages or expenses of any nature whatsoever by reason of the acts or omission of the Grantee, its assigns, agents, contractors, licensees, invitees, employees or any person whomsoever arising out of or in connection with any acts or activities authorized by this EASEMENT. This obligation shall not include such claims, costs, damages, or expenses which may be caused by the negligence of the Grantor or its authorized agents or employees; Provided, that if the claims or damages are caused by or result from the concurrent negligence of (a) the Grantor, its agents or employees and (b) the Grantee, its agents or employees, and involves those actions covered by RCW 4.24.115, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Grantee or Grantees agents or employees.

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This agreement shall also not affect either party's responsibility for any past, present or future surface waters, excessive waters or flooding.

It is understood and agreed that the delivery of this Drainage Easement is hereby tendered and that the terms and obligations hereby shall not become binding upon Skamania County unless and until accepted and approved hereon in writing by the Skamania County Commissioners.

The Grantor hereby represents that this instrument has been duly acknowledged and certified and that this instrument was signed by a legal representative and agent of the county.

ACCEPTED and APPROVED:			U		
10/21/09	By: 2	h York		name - 17	
Date	. (.)		*		
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STATE OF <u>Ovegon</u>	$\mathbf{X} = \mathbf{I}$	-	16.		
COUNTY OF MUlmonals.					
On this 10th day	personally	appeared	before	me	
Paul Tourville 1	Notan	Public)		roummunioni/MajahAMMITTIM	
to me known to be the individual_described in and who executed the within and foregoing instrument,					
and acknowledged that Tukeshi Kosi	<i>hidG</i> signed the same	e as <u>h. S</u>	free and volu	ntary act	
and deed, for the uses and purposes therein mentioned.					
GIVEN under my hand and official seal th	is 915t day of	Oct	, 20	(A)	
	\ /)SI	22	manage.	
	Nota	ary Public in and	or the State of Was	hington,	
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MY CUMINICOLOGY LAW MANAGEMENT OF THE PROPERTY	Myc	commission expire	s MNDY	1t2010	

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DATED:	November 3	, 2009
	SKAMANIA COUNTY WASHINGTON COUNTY WASHINGTON	SKAMANIA COUNTY BOARD OF COMMISSIONERS Chairperson Commissioner
	State 22	Commissioner
ATTEST:	- Johnnow	APPROVED AS TO FORM ONLY:
Clerk of the B	oard	Skamånia County Prosecuting Attorney

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