

AFTER RECORDING RETURN TO:

ATTN: REAL ESTATE SERVICES
DEPARTMENT OF TRANSPORTATION
P.O. BOX 47338
OLYMPIA, WA 98504-7338

REAL ESTATE EXCISE TAX

29409
FEB - 7 2012
PAID \$ 10.00
Vickie Bellard Deputy
SKAMANIA COUNTY TREASURER

Document Title: Easement
Reference Number of Related Document: N/A
Grantor(s): State of Washington
Grantee(s): Home Valley Water District
Legal Description: Ptn of the NW4 of Sec 35, G.L. 5, T3N, R8E, W.M
Additional Legal Description is on Page 2 of document
Assessor's Tax Parcel Number: None; former highway right of way. *JM 2-6-12*

EASEMENT

SR 14, Wind River to Wind Mountain

The STATE OF WASHINGTON acting by and through its DEPARTMENT OF TRANSPORTATION, Grantor, for and in consideration of ONE HUNDRED AND NO/100 DOLLARS (\$100.00), hereby grants and conveys unto HOME VALLEY WATER DISTRICT, a municipal corporation, Grantee(s), a non-exclusive easement for the installation, repair, and maintenance of the existing waterline over, under, across, and upon the following described real property situated in Skamania County, State of Washington:

Parcel I

A 10 foot wide easement for the installation, repair and maintenance of the existing waterline that runs over, under and across the hereinafter described Parcel "A", the centerline of which is described as follows:

BEGINNING at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 369+92.46 on the SR 14 line survey of SR 14, Wind River to Wind Mountain and 185.39 feet Northeasterly therefrom, said point also being on the Northerly line of said Parcel A; thence Southeasterly to a point opposite HES 371+15.8 on said line survey and 145.3 feet Northeasterly therefrom; thence Southeasterly to a point opposite HES 371+59 on said line survey and 124 feet Northeasterly therefrom, said point also being described as Easement "T"; thence Southeasterly to a point opposite HES 372+49.9 on said line survey and 79.1 feet Northeasterly therefrom; thence Southeasterly to a point opposite Highway Engineer's Station 374+54.1 on said line survey and 70.2 feet Northeasterly therefrom and the end of said centerline description being on the Easterly line of line of said Parcel A.

Parcel II

A 10 foot wide easement for the installation, repair and maintenance of the existing waterline that runs over, under and across the hereinafter described Parcel "A", the centerline of which is described as follows:

BEGINNING at the above described Easement "T"; thence Northeasterly a point opposite Highway Engineer's Station 371+65.4 on said line survey and 136.6 feet Northeasterly therefrom and the end of said centerline description.

PARCEL "A"

A parcel of land in Jos. Robbins D.L.C. No. 38, Government Lot 5 and the Northwest quarter of Section 35, all in Township 3 North, Range 8 East, of the Willamette Meridian, Skamania County, Washington, described as follows:

BEGINNING at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 369+55.57 on the SR 14 line survey of SR 14, Wind River to Wind Mountain and 50 feet Northeasterly therefrom; thence Northeasterly to a point opposite HES 369+65.68 on said line survey and 170.72 feet Northeasterly therefrom; thence Easterly to a point opposite HES 370+10 on said line survey and 195 feet Northeasterly therefrom; thence Southeasterly parallel with said line survey to a point opposite HES 371+10; thence Southeasterly to a point opposite HES 372+65 on said line survey and 105 feet Northeasterly therefrom; thence Southeasterly parallel with said line survey to a point opposite HES 374+22.83; thence Southwesterly to a point opposite HES 374+20.87 on said line survey and 50 feet Northeasterly therefrom; thence Southwesterly to a point opposite HES 374+20.47 on said line survey and 45 feet Northeasterly therefrom; thence Westerly to the POINT OF BEGINNING.

The specific details concerning all of which are to be found on Sheet 3 of 3 of that certain plan entitled SR 14, Wind River to Wind Mountain and bearing a date of June 29, 1954 and revised February 17, 2011 and Sheet 2 of 2 of that certain plan entitled SR 14, Wind River to Wind Mountain Plan Showing Access and bearing a date of December 15, 1953, both now of record and on file in the Office of Secretary of Transportation at Olympia, Washington.

Subject to an easement infavor of Public Utility District #1 of Skamania County by instrument recorded August 31, 2011, under Auditor's File No. 2011178956, records of Skamania County Washington and all other existing encumbrances, including easements, restrictions and reservations, if any.

Grantee(s) will maintain the property in good repair and Grantee(s) shall repair damages to the access caused by or arising out of its use thereof. The Grantor reserves the right to use the access for ingress and egress insofar as the same is located on the land of the Grantor and Grantee hereby agrees not to interfere with Grantor's ability to use the property.

Should this easement cease to be used for the above described purposes the easement shall automatically terminate and all rights shall revert to Grantor or their successor's in interest as they may appear of record. Upon such termination, Grantee(s) agrees to execute a Release of Easement releasing all rights granted herein.

The Grantee(s), its successors or 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(s), its agents, contractors, licensees, invitees, employees, or any person whomsoever arising out of or in connection with any acts or activities related to this deed. The Grantee(s) further agrees to defend the Grantor, its agents or employees in any litigation, including payment of any costs or attorney's fees, for any claims or action commenced arising out of or in connection with acts or activities related to this deed. This obligation shall not include such claims, cost, damages, or expenses which may be caused by the sole 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(s), its agents or

employees, or 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 Grantee's(s') agents or employees.


Grantee(s) shall also indemnify, defend and hold Grantor harmless from any and all loss or damage to persons or properties incident to, arising from or resulting from Grantee's(s') use of the property under this easement in or around the right-of-way to the extent provided by the Federal Tort Claims Act, 62 Stat. 982, as amended.

The Grantee(s) as part consideration herein does hereby agree to comply with all civil rights and anti-discrimination requirements of Chapter 49.60 RCW as to the lands herein described.

The lands herein described are not required for State highway purposes and are conveyed pursuant to the provisions of RCW 47.12.063.

Dated at Olympia, Washington, this 31 day of January, 2012.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION



Paula J. Hammond, P.E.
Secretary of Transportation

APPROVED AS TO FORM:

By: 
Assistant Attorney General

REVIEWED AS TO FORM:

Home Valley Water District,
a municipal corporation

By: 

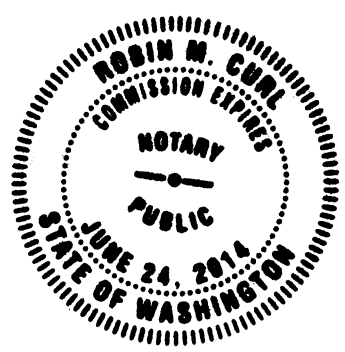
Name: ROBERT J. HAMLIN

Title: COMMISSIONER

STATE OF WASHINGTON)
) : ss
County of Thurston)

On this 31st day of January, 2012, before me personally appeared Paula J. Hammond, P.E., known to me as the Secretary of Transportation, Washington State Department of Transportation, and executed the foregoing instrument, acknowledging said instrument to be the free and voluntary act and deed of the State of Washington, for the uses and purposes therein mentioned, and on oath stated that she was authorized to execute said instrument.

Given under my hand and official seal the day and year last above written.



Robin M. Curl
Notary (print name) Robin M. Curl
Notary Public in and for the State of Washington, residing
at Olympia McCleary
My Appointment Expires 6/24/14