AFN #2012180145 Recorded 02/29/2012 at 05:17 PM DocType: MISC Filed by: FIDELITY NATIONAL TITLE Page: 1 of 5 Auditor Timothy O. Todd Skamania County, wa

RETURN ADDRESS

<u>First Independent Real Estate LLC</u>

<u>1220 Main Street, Suite 500</u>

<u>Vancouver, WA 98660</u>

Document Title(s):
Right of Way Use Permit

Order Number: V612815839mm

Reference Number(s) of related documents:

Grantor(s): (Last name, First name and Middle Initial)
City of Stevenson, Public Works Department

Grantee(s): (Last name, First name and Middle Initial)

First Independent Real Estate LLC

Trustee:

<u>n/a</u>

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

Ptn of Blk 9 Town of Stevenson and a ptn of Block 8 Riverview Addn to the

Town of Stevenson

Assessor's Property Tax Parcel/Account Number: 03073644300000

Melinie angiller



RIGHT OF WAY USE PERMIT

Subject to all the terms, conditions, and provisions written or printed below or on any part of this form.

Tax Parcel: 03-07-36-4-4-3000-00

Address: 167 NW 2nd Street, Stevenson, WA 98648

Findings:

- An ALTA/ACSM Land Title Survey of the Property, prepared by Millman Surveying Inc. for Sterling Savings Bank for the property which is currently owned by First Independent Real Estate LLC, and is located at 167 NW Second Street identified a building encroachment (1.5' x 95.5') over the City of Stevenson Right of Way line (Attachment A).
- Neither First Independent Real Estate LLC, Sterling Savings Bank nor the City of Stevenson were aware of the encroachment until the survey was completed.
- The above described encroachment is not interfering with the public's use of the right of way—
 a public sidewalk with buried and above ground utilities.
- The structure was originally constructed in 1956 before the City established a building department with the authority to review and inspect new construction.
- The building has been occupied by First Independent Bank or its predecessor (Columbia Gorge Bank) on this site for fifty-five years.
- The business provides essential banking services to the community including community reinvestment services.
- First Independent Real Estate LLC and its successors will commit to removing the
 encroachment if the building or any portion of the building that is in the encroachment were to
 be replaced. Normal repairs and alterations may be made, but the building may not be
 enlarged or extended in to the encroachment.
- The City has determined that the present lease value for the area described (143.25 square feet) for bare commercial land is approximately \$1.50 per square foot for a total lease value of \$18.00 per month. The City finds that the benefits derived from banking services and community reinvestment exceeds that lease value and does not intend presently to assess a lease charge for the space beyond the ROW permit fee.

TYPE D RIGHT OF WAY PERMIT IS HEREBY GRANTED TO (Permittee): <u>First Independent Real Estate LLC its successors and assigns</u>

AFN #2012180145 Page: 3 of 5

To: Continue the building encroachment of a 1.5' x 95' portion of the City of Stevenson right of way with the understanding that the permittee will be responsible for the maintenance of all portions of the structure located within the encroachment. First Independent Bank Real Estate LLC (permittee) and its successors or assigns do commit to removing the encroachment if the building were ever replaced or if the portion of the building that is in the encroachment were replaced.

No work relating to the removal of the encroachment if the building were ever replaced or if the portion of the building that is in the encroachment were replaced shall be done under this permit until the party or parties to whom it is granted shall have communicated with the City of Stevenson forty-eight (48) hours prior to start of construction.

Responsible parties shall notify the City of Stevenson twenty-four (24) hours prior to completion of such work for final inspection by the Public Works Department. All work shall be in accord with standards and terms set forth in WAC 136-40 and City of Stevenson Ordinance No. 1027, summarized on the reverse side.

The undersigned Permittee hereby accept this permit subject to the terms and conditions as herein set forth.

I HAVE READ ORDINANCE 1027 ON THE REVERSE AND AGREE WITH ITS TERMS.

PERMITEE

FIRST INDEPENDENT REAL ESTATE LLC

By: Vinil & Briston, man ager Signature

PAND BRISTOL
Name (Printed)

an more

City of Stevenson, Public Works Director

(Tront on

Planning Approval (if Applicable):

N/A

City of Stevenson Planning Director

Date <u>1/12/12</u>

AFN #2012180145 Page: 4 of 5

ORDINANCE NO. 1027

AN ORDINANCE ADDRESSING CITY OF STEVENSON, WASHINGTON REGULATIONS AND PROCEDURES FOR UTILITY INSTALLATIONS, EXCAVATIONS, REPAIRS AND OTHER USES OF CITY RIGHTS OF WAY AND REPEALING PORTIONS OF TITLE 12 STREETS, SIDEWALKS AND PUBLIC PLACES, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Stevenson is legally vested in rights of ways, and it would benefit the City to have an ordinance setting forth the laws relating to the use of the City's rights of way to protect and preserve the public health, safety and welfare and develop processes to implement these goals.

GENERAL PROVISIONS APPLICABLE TO ALL PERMITS

During the progress of the work such barriers shall be erected and maintained as may be necessary or as may be directed for the protection of the traveling public: the barriers shall be properly lighted at night.

In accepting this permit the petitioner, his successors and assigns, agrees to protect the City of Stevenson and save it harmless from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person or persons, corporation or property by reason of the performance of any such work, character of materials used or manner of installation, maintenance and operation or by the improper occupancy of rights of way or public place or public structure, and in case any suit or action is brought against said City of Stevenson for damages arising out of or by reason of any of the above causes, the petitioner, his successors or assigns will upon notice to him or them of commencement of such action, defend the same at his or their own sole cost and expense and will satisfy any judgments after the said suit or action shall have finally been determined if adverse to the City of Stevenson.

Except as herein authorized, no excavation shall be made or obstacle placed within the limits of a City street in such a manner as to interfere with the travel over said road.

if the work done under this permit interferes in any way with the drainage of the city streets, the grantee shall wholly and at his own expense make such provision as the Director may direct to take care of said drainage.

On completion of said work herein contemplated all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable and satisfactory to the Director.

All of the work herein contemplated shall be done under the supervision of and to the satisfaction of the Director and the entire expense of said supervision shall be borne by the party or parties to whom this permit is issued.

This permit or privilege shall not be deemed or held to be an exclusive one and shall not prohibit the City from granting other permits of like or other nature to other public or private utilities, nor shall it prevent the City from using any of its roads, streets, or public places, or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered.

The Director may revoke, annul, change, amend, amplify, or terminate this permit or any of the conditions herein enumerated if grantee fails to comply with any or all of its provisions, requirements or regulations as herein set forth or thru willful or unreasonable neglect, fails to heed or comply with notice given or if the utility herein granted is not installed or operated and maintained in conformity herewith or at all or for any cause or reason whatsoever.

The party or parties to whom this permit is issued shall maintain at his or their sole expense the structure or object for which this permit is granted to a condition satisfactory to the City's Director.

In accepting this permit the grantee, his successors and assigns, agree that any damage or injury done to the property of the grantee or any expense incurred by him through the operation of a contractor, working for the City or of any City employee shall be the sole expense of the grantee, his successors or assigns.

#2012180145 Page: 5 of 5 The Property surveyed and strom hereon is the some property described in Schedule A of Clark County Hills, Ayent for Old Republic National Hills hearons Appent (Closeing Ayent Floidity National Tible) Table Your Ma. 00136692 with an effective date of Jamany S. 2012. 4.53 TOGTIERS Will of right, title and interest in and to that certin's 20 feet perphise seament contained in Statistics Williams with roles detect September 7, 1978, incordul near Auditor's Fie No. Book 75, Page 345, records of Sumania County, Washington, described as follows: hence South 34'30'00' East, along the southwest line of lands now or formerly of Morthyn Balks as scorded in Book 203, Page 348, a distance of 116.00 feet to the POINT OF BECHNARG. hence, North 34'30'00" Neet, clong the northeast line and its northwesterly extension of lands now or armen'y of Big River Investments, LLC as recorded in Book 142, Page 700, a distance of 118.00 feet; That partian of Leavens Street shown on the Plat of the Town of Stevenson, recorded in Book "A" of Plats, page 11, records of Stamonia County, Washington, more particularly described as follows: Lats 8 1/2, 9, 10 and 11, Block 8, of RNERVEW ADDITION TO THE TOWN OF STEVENSOW, according to the afficial Pack thereof, recorded in Block "A" of Path, page 21, records of Stammaria County, Techniquian. TOETHER WITH that partien of the alley adjacent on the Morth as vacted under Ordinance No. 956 and recorded under Auditor's File No. Book 189, page 995, which attaches by Operation of Law. ots 1, 2 and 3, the Eart 14 feet of Lot 4, Block 9 of the TOWN OF STEVENSON, according to the official Plot thereal, recorded in Block "A" of Plots, page 11, records of Skamonio County, Weshington. CLARK COUNTY TITLE, AGENT FOR OLD REPUBLIC NATIONAL TITLE INSURANCE AGENT (CLOSING AGENT: FIDELITY NATIONAL TITLE) TITLE ORDER NO. 00136892 - SCHEDULE A: ing the same property as surveyed and described by Metes and Bounds as follows: AMADICING at the Northwesterly corner of the above described tract of land; thence North 55730' East 9 feet to the former boundary fine of the Town of Stremson; thence North 34730' West 20 feet, ence South 55730' West 119 feet, thence South 34730' East 20 feet to the Place of Beginning. proc. North 5530'00" Eart, along the north line of that properly conveyed under KF 8 book 189 Page 3, the north line of that properly conveyed under KF 8 book 190 Page 372, dato being the southwest of lead now or formerly Gammaio County, a distince of 1913 00 left to 1 yi "har pin with minum cap stronged Sed Design Ca. LS 11833" found at the northwest corner of soid vacatied men Shreet: mos, continuing along said northwest line, South 55"30"00" West, a distance of 299.00 feet; rick, South 55:30'00" West, along the northwest line of NW Second Street, a distance of 99.00 feet the POWT OF BECHNANC; state of the Copy of Sements, Country of Samonia, educe of the heights, port of Section 38, which is leaved to the Copy of Sements and send of the Copy of Sements and send of Sements are recorded in Part (Seed, 1-Page 11 of sends of Sements are recorded in Part (Seed, 1-Page 11 of sends of sements are recorded in Seed, 1-Page 12 of Sements (Country Sements and selection to the Times are Sement as recorded in Seed, 1-Page 12 of Sements (Country Sements, scholaries person of countries are Series of avoidable by ATM (Seed, 1-Page 22 of Sements (Country Sements are portion of countries are schooling for a vocation by ATM (Seed, 1-Page 22 of Sements). ming at the Southeasterly Corner of Lot 1 of Block 9 of the TOMN OF STEPINSON, according to Nat oferseads Thance North 5530' East 30 Fest; thence North 3430' Next 118 feet to the locaterly corner of said Plet; thence South 5530' Next 30 feet; thence South 3430' East 118 feet e Point of Beginning. A North 55'30'00" East, along the acuth line of sold Stemania County land and the north line of a Rhemies Addition to the form of Stemanon, a distance of 180.00 feet to the northeast corner is in it. South 3-73000° Earl, doing an interior line of lead Soumania County lands and the east line of Juanema Street, o distance of 2.000 feet to a 1" from phi with adminism cop attempted "Bell Co. LS 11873" found at the northwest corner of Block & Riverview Addition to the Town of and the County of the County of the County of Block & Riverview Addition to the Town of the County of the County of the County of Block & Riverview Addition to the Town of the County modes at a 5/0° for pin with cap "RAWTOM 15673" found at the anatherest corner of Lot 13, a difference Addition to the form of Stevenson, according to the official first thereof on Se Record in the folling of the Addition of Samonia County, Westhington at Page 21 of Book 'A' of Records of Samonia County, Westhington; Of traped formal (Now or Formerly Skemonia County APN: 030736442900000 TWISN CLARK COUNTY TITLE, AGENT FOR OLD REPUBLIC NATIONAL TITLE INSURANCE AGENT (CLOSING AGENT: FIDELITY NATIONAL TITLE) TITLE ORDER NO. 00136692 - SCHEDULE B, SECTION II: EXSERT and the terms and control Purpose: Communication system Area Affected: Sold premises Rucerded: January 13, 2003 Auditor's File No. Book 235, page 4 AFECTS INE SUBJECT PROPERTY — LOSADET and the terms and conditions the most fraction from the first pages and collisions. Another the first pages and collisions from the first pages (1997) and the first pages (19 unibers correspond with Schedule B exception items contained in the above referenced. Title contributions. NUTTOR SET (PRINT OF AN IMPROCESSOR) SHAPE, Charles, Charles, A. (2).

Charles, C. (2).

Charles, M. Audior's File No. 32451
AFFECTS THE SUBJECT PROPERTY - PLOTTER Odward Na, 955 and the terms and conditions Dereck Reporting Street occupion Recorded: Late 4, 1999 AMERICS TO NG SUBJECT PROPERTY — PLOTED AND SHOWN HEREON AFFECTS THE SUBJECT PROPERTY — PLOTED AND SHOWN HEREON EASIABIT and the terms and conditions thereof. Purpose: Ingress, agrees and utilities A on Affacted: Said premises Recorded: Aut 25, 1943. LOSEDBIT and the terms and conditions thereof-depending feedlan of Loomes Street Mapping Woodlan of Loomes Street Mapping The Not Block 190, page 372 WHECTS THE SUBJECT PROPERTY - PLOTED AND S Mesv PARKING: M. Parking Spaces I. Handicapped Spaces M. Total Parking Spaces BASIS OF BEARING:

The medion for all bentyp shown hereon is the northwesterly right-of-way of MM Second Sheet, leave as least \$5.0000° least, per Seal X of Parts, Page 11, Macrate of Summonio County, Reviewjan. ENCROACHMENTS:

Building encroaches over the south property line 1.5' x 95.5'. Source: City of Stevenson, WA, 509-427-5970 Millimon Zoning Report 10076 Datest November 10, 2011 Charles Constitution (1 - Commercial Parmintal User Yes Sulfring Strades Front-07, Sear-07, Rear-07 Souring Britist 1 spots per each 200 square feet of gross floor ones. FLOOD ZONE:

Flood may lead to ad grable plotting only, the subject property oppores to its entirely in Zone C (from or makes) leading to the Road Insurance Rote step for the County of Summiria, (from or makes) leading to consider the Road Insurance Rote step for the County of Summiria, Community Press (e.g., 2016), Discoler Date aby 17, 1985. INETOR'S NOTE: Per City of Stevenson Right of Way Use Permit No. 11-08, closes for the existence that above noted excreatment. - Cotch Bosin - Senitary Monhole - Handicop Space - Sign SYMBOL LEGEND Monumentation Found as Noted
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- Alphare Property Line
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- Book 81, Prope 222
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- Book 181, Prope 239
- Book 31 of Pots, Prope 319 By Delec Comment:

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111 N. Well Street
Speckmer, W. 92001
509-227-0961 ALTA/ACSM LAND TITLE SURVEY PREPARED FOR: FIRST INDEPENDENT BANK
STEVENSON BRANCH
167 NW Second Street
City of Stevenson
County of Skamania
County of Skamania
State of Washington
| Fig. Pro. | Project Manager: 1A |
| 10/25/11 | Scale: 1-27 |
| 2 Jan | Scale: 1-31 | REVISION NOTES NOT TO SCALE uccessors and/or assigns, Potton Boggs limited Robilty company, Clark (Caunty Title, (Cosing Agent: Fidelity National Title) and MILLMAN SURVEYING, Inc CORPORATE HEADQUARTERS: 1742 Georgetown Rood, Suita H Hudson, Ohio 44236 (P) 800-520-1010 (f