

**WHEN RECORDED RETURN TO:**

Sawtooth Technologies, LLC.

P. O. Box 857

Stevenson, WA 98648

**DOCUMENT TITLE(S)**

Utility Easement

**REFERENCE NUMBER(S)** of Documents assigned or released:

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

**GRANTOR(S):**

Sam T. & Lisa A. James

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

**GRANTEE(S):**

Sawtooth Technologies, LLC.

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

**LEGAL DESCRIPTION** (Abbreviated: i.e. Lot, Block, Plat or Section, Township, Range, Quarter):

21 Aldon Wachter Road  
0.87 acres in SE/4 Sec. 36, T 3 N, R 7 1/2 E

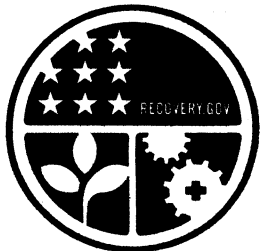
☐ Complete legal on page \_\_\_\_ of document.

**TAX PARCEL NUMBER(S):**

03753640120000

☐ 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.



When Recorded Return to:  
Sawtooth Technologies, LLC.  
P. O. Box 857  
50 SE Cascade Avenue  
Stevenson, WA 98648

### UTILITY EASEMENT

Sam T & Lisa A James, having an address at 2562 Limerick Lane, West Linn, OR 97068 (hereinafter referred to as "Grantor"), hereby grants to **Sawtooth Technologies, LLC.**, a Washington Limited Liability Company, its successors and assigns (hereinafter referred to as "Grantee"), a permanent, non-exclusive easement to construct, use, maintain, operate, alter, upgrade, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time, the lines and appurtenant facilities and equipment pertaining to Grantee's fiber optic facilities (including but not limited to broadband Internet access and appurtenant telecommunication structures and facilities, whether located above or below ground, including but not limited to the following (collectively the "Facilities")):

*fiber-optic cables with supporting strand, conduit, pull boxes, splice cases*

in, over, under, across and along that certain real property described as follows (hereinafter referred to as the "Easement Area"):

*parcel # 03753640120000 (Situs: 21 Aldon Wachter Rd)*

Grantor further conveys to Grantee the right of ingress and egress to, across and from the Easement Area during all periods of surveying, construction, maintenance, installation, reinforcement, repair and removal over and across Grantor's lands, with the right to clear and keep cleared all trees and other obstructions as may be necessary for Grantee's use and enjoyment of the Easement Area.

This Easement is granted in consideration of the mutual benefits to the parties accruing therefrom.

Grantor covenants and warrants that Grantor is the fee simple owner of the Easement Area, that it has the authority to grant this Easement, and that this Easement does not conflict with any other rights existing with respect to the Easement Area. Grantor agrees to defend these warranties against all claims.

Grantor hereby covenants that no excavation, structure or obstruction will be erected or permitted on, above or below the Easement Area and no change will be made by grading or otherwise, without the express written consent of the Grantee.

The rights, conditions and provisions of this Agreement shall run with the land and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.



**Sawtooth Technologies, LLC.**

Greetings Sam and Lisa,

Sawtooth Technologies, LLC is working on a project to provide high speed internet access across fiber optic cable throughout the Columbia River Gorge.

The fiber optic telecommunications cable being installed is part of a federally funded project managed by Northwest Open Access Network (noanet.net) and will expand broadband access to the rural un-served and under-served areas in Washington State.

We are seeking your assistance in completing this project and are requesting consent to use an easement that would allow installation of a fiber optic cable attached to existing Skamania PUD utility poles across approximately 132' of real estate you own.

Attached is drawing of the area in question and a formal agreement for your review and signatures. We can cover any legal expenses you might incur in the processing of this request.

Feel free to contact me or Brian Adams with any questions.

Thank you for your time and consideration,

Gary Daubenspeck  
Sawtooth Technologies, LLC (dba Sawnet)  
50 SE Cascade Ave, PO Box 857  
Stevenson, WA 98648  
Tel (509) 427-4865  
Fax (509) 427-4828  
Cell (360) 450-1522  
gdaub@saw.net



**Federal Interest.** Grantee will be using funds under a Federal Grant under the Broadband Technology Opportunities Program ("BTOP") to finance construction of broadband facilities and equipment to be located within the Easement Area. Pursuant to BTOP, Grantee holds its interest in the Easement and the broadband facilities and equipment located on the Easement Area as trustee for the Federal Agency administering that program, specifically, the National Telecommunications and Information Administration ("NTIA"). BTOP further requires participants in that program to file a Covenant of Purpose, Use and Ownership (the "Federal Covenant") with the County Auditor where the property is located. The Federal Covenant requires that the Grantee's interest in the Easement or in the broadband facilities or equipment located on or in the property that is subject to the Easement not be sold during the useful life of those items without the prior consent of NTIA.

In light of the foregoing, the Grantor agrees as follows:

- (a) Grantee may file a Federal Covenant with respect to its rights hereunder, as required by the BTOP program.
- (b) Any provisions of this Easement that conflict with the rules and regulations under BTOP are made subject to the provisions of those rules and regulations.
- (c) Grantee may assign its interest in the Easement to NTIA if required to do so under the rules and regulations of BTOP.

In witness hereof, Grantor has executed the foregoing Utility Easement this 5 day of March, 2012.

GRANTOR

GRANTOR

By: [Signature]

By: [Signature]

Sam T. James  
Printed Name

Lisa A. James  
Printed Name

Utility Easement

