

When Recorded Return To:
State of Washington, Department of Transportation
Real Estate Services Office
P.O. Box 47338
Olympia, WA 98504-7338

SKAMANIA COUNTY
REAL ESTATE EXCISE TAX
31268
JUN - 2 2015

Document Title: Highway Easement Deed
Reference Number of Related Documents: None
Grantor: United States of America, acting by and through the
Department of Transportation, Federal Highway Administration
Grantee: State of Washington, Department of Transportation
Legal Description: Ptn of Gvt Lot 4, Section 32 and Gvt Lot 1, Section 33, Township 3 N,
Range, 9 E, W.M., Skamania County, Washington
Additional Legal Description is on Page 7 of Document.
Assessor's Tax Parcel Number: None

PAID Exempt
Christy Manni-Sperry
SKAMANIA COUNTY TREASURER

Skamania County Assessor
Date 6-2-15 Parcel# 03-09-00-0-0-0400-00
Jm

HIGHWAY EASEMENT DEED

THIS DEED, made this 13 day of January 2010 by and between the UNITED STATES OF AMERICA, acting by and through the DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, hereinafter referred to as the DEPARTMENT, and the STATE OF WASHINGTON, DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the STATE:

WITNESSETH:

WHEREAS, the STATE has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. Section 317) for the right-of-way of a highway over certain land owned by the United States in the State of Washington, which is under the jurisdiction of the Department of Agriculture - Forest Service; and

WHEREAS, the Federal Highway Administrator, pursuant to delegations of authority from the Secretary of Transportation, has determined that an easement over the land covered by the application is reasonably necessary for right-of-way for State Route 14, Collins to Cooks; and

WHEREAS, the Department of Agriculture, acting by and through the Forest Service, has agreed to the transfer by the DEPARTMENT of an easement over the land to the STATE;

NOW THEREFORE, the DEPARTMENT, as authorized by law, does hereby grant to the STATE an easement for a right-of-way for the operation and maintenance of a highway, and use of the space above and below the established grade line of the highway pavement for highway purposes on, above, across, in and upon the land of the United States of America within the Columbia River Gorge National Scenic Area, County of Skamania, State of Washington, as described in Exhibit A and shown hachured on Exhibit B, attached hereto and made a part hereof, subject, however, to the following terms, conditions and covenants:

1. Outstanding valid claims, if any, existing on the date of this grant, and the STATE shall obtain such permission as may be necessary on account of any such claims.
2. The STATE and the Area Manager shall make determination as to the necessity for archaeological and paleontological reconnaissance and salvage within the right-of-way, and such reconnaissance and salvage to the extent determined necessary because of maintenance of the highway facility is to be undertaken by the STATE in compliance with the Acts entitled "An Act for the Preservation of American Antiquities", approved June 8, 1906 (34 Stat. 225, 16 U.S.C. 432-433), the "Archaeological Resources Protection Act of 1979" (93 Stat. 721, 16 U.S.C. 470aa-47011), and State laws where applicable.
3. The easement herein granted is limited to use of the described right-of-way and the space above and below the established grade line of the highway pavement for the purpose of construction/reconstruction, operation and maintenance of a highway and does not include the grant of any rights for non-highway purposes or facilities. Provided, that the right of the Forest Service to use or authorize the use of any portion of the right-of-way for non-highway purposes shall not be exercised when such use would be inconsistent with the provisions of Title 23 of the United State Code and the Federal Highway Administration Regulations issued pursuant thereto or would interfere with the free flow of traffic or impair the full use and safety of the highway, and in any case the STATE and the DEPARTMENT shall be consulted prior to the exercise of such rights; and Provided further, that nothing herein shall preclude the Forest Service from locating National Forest and other Department of Agriculture information signs on the portions of the right-of-way outside of construction/ reconstruction clearing limits.
4. The design and construction/ reconstruction of the highway project situated on this right-of-way will be in accordance with the provisions of Title 23, United State Code-Highways, and amendments; the Regulations for the Administration for Federal-aid for Highways, effective May 11, 1960; and amendments and established procedures for Federal-aid projects, including the requirement of Title 23, Code of Federal Regulations, part 771, and the construction specifications of the State as approved by the FHWA for use on Federal-aid projects.

The Area Manager will be provided an opportunity to review plans relative to effects, if any, that the project work as planned will have upon adequate protection and utilization of the land traversed by the right-of-way and adjoining land under the administration of the Forest Service for the purposes for which such land is being administered. Those features of design, construction/ reconstruction and maintenance of the highway facility and of use of the right-of-way that would have effect on the protection and utilization of the land under the administration

of the Forest Service are to be mutually agreed upon by the Area Manager and the STATE by a conference or other communication during the preparation of the plans and specifications for each construction/ reconstruction project, and the plans shall be revised, modified, or supplemented to meet the approval of the Area Manager, or when deemed appropriate, supplemented by written stipulation between the Area Manager and the STATE, prior to start of construction/reconstruction.

The final design and the construction specifications for any highway construction project on the right-of-way will be presented to the Area Manager for approval; and construction/ reconstruction shall not begin until such approval is given: Provided, that if it is subsequently deemed necessary that the approved plans, specifications, or stipulation be amended or supplemented, any amendment or supplement shall be approved by the Area Manager and the STATE before being placed in effect.

5. Consistent with highway safety standards, the STATE shall:
 - a. Protect and preserve soil and vegetative cover and scenic and esthetic values on the right-of-way outside of construction/ reconstruction limits.
 - b. Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction/reconstruction, operation, or maintenance of the highway, and shall vegetate and keep vegetated with suitable species all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed where it is deemed necessary during a joint review between the Area Manager and the STATE. And the STATE shall maintain all terracing, water bars, leadoff ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction/reconstruction.
6. The STATE shall establish no borrow, sand, or gravel pits, stone quarries, permanent storage areas, sites for highway operation and maintenance facilities, camps, supply depots, or disposal areas within the right-of-way, unless shown on approved construction/ reconstruction plans, without first obtaining approval of the Area Manager.
7. The STATE shall maintain the right-of-way clearing by means of chemicals only after consultation with the Area Manager. Consultation must address the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.
8. The STATE'S authorization for immediate entry for construction/reconstruction and maintenance shall be performed according to the Stipulations included in Exhibit "C", attached hereto and herein made a part hereof.
9. The STATE, in consideration of the grant of this easement, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns that:

a. No person shall, on the grounds of race, color, sex, age, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such land hereby conveyed; and

b. The STATE shall use said easement right-of-way so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination, in federally assisted programs of the Department of Transportation, effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulation may be amended.

10. When need for the easement herein granted shall no longer exist, and the area has been reasonably rehabilitated to protect the public and the environment, the STATE shall give notice of that fact to the Secretary of Transportation and the rights herein granted shall terminate and the land immediately revert to the full control of the Department of Agriculture.

IN WITNESS WHEREOF, I, Daniel M. Mathis, Division Administrator, pursuant to delegations of authority from the Secretary of Transportation, and the Federal Highway Administrator, by virtue of authority in me vested by law, have hereunto subscribed my name as of the day and year first above written.

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

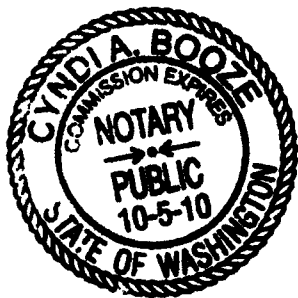
By: Daniel M. Mathis

Daniel M. Mathis
Division Administrator

STATE OF WASHINGTON)
)ss:
 COUNTY OF THURSTON)

I, Cyndi A. Booz, Notary Public in and for the State of WA do hereby certify that on the 13 day of January, 2010, before me personally appeared Daniel M. Mathis Division Administrator, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of 1-13 2010, was executed by him, in his official capacity and by authority him vested by law, for the purposes and intents in said instrument described and set forth, and acknowledged the same to be his free act and deed as Division Administrator, Federal Highway Administration.

Witness my hand and seal this 13 day of January, 2010



Cyndi A. Booz
 Notary Public

My commission expires 10-5-10

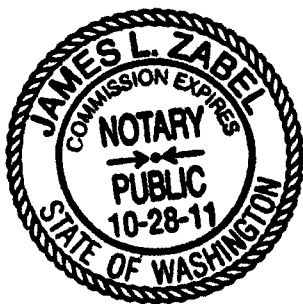
In compliance with the conditions set forth in the foregoing instrument, STATE certifies, and by the acceptance of this instrument, accepts the right-of-way over certain land herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said instrument.

By Mike Palazzo
 Mike Palazzo
 Headquarters Real Estate
 Services Manager
 State of Washington
 Department of Transportation

STATE OF WASHINGTON)
)ss
COUNTY OF THRUSTON)

I, James L. Zabel, Notary Public in and for said County and State, hereby certify that Mike Palazzo, whose name as Headquarters Real Estate Services Manager is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he in his capacity as Headquarters Real Estate Services Manager executed the same voluntarily on this day.

Given under my hand and seal of office this 9th day of December, 2009



James L. Zabel
Notary Public in and for the
State of Washington
Residing at Olympia
My commission expires 10/28/11

APPROVED AS TO
LEGAL SUFFICIENCY

Ann E. Selacy
Assistant Attorney General

Date 5-28-09

EXHIBIT A

That portion of Government Lot 4, Section 32; and Government Lot 1, Section 33, Township 3 North, Range 9 East, W.M., shown on plat title SR 14 Rockfall being sheet 2, State Route 14, Collins to Cooks, Skamania County, Washington, as approved by the Columbia River Gorge National Scenic Area Engineer on January 25, 2006, described as follows:

Beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 255+00 on the SR 14 Line Survey of SR 14, Collins to Cooks and 19 feet northerly therefrom; thence northerly to a point opposite said HES and 100 feet northerly therefrom; thence easterly parallel with said line survey to a point opposite HES 264+61.2; thence southerly to a point opposite HES and 19 feet northerly therefrom; thence westerly parallel with said line survey to the point of beginning.

Unofficial
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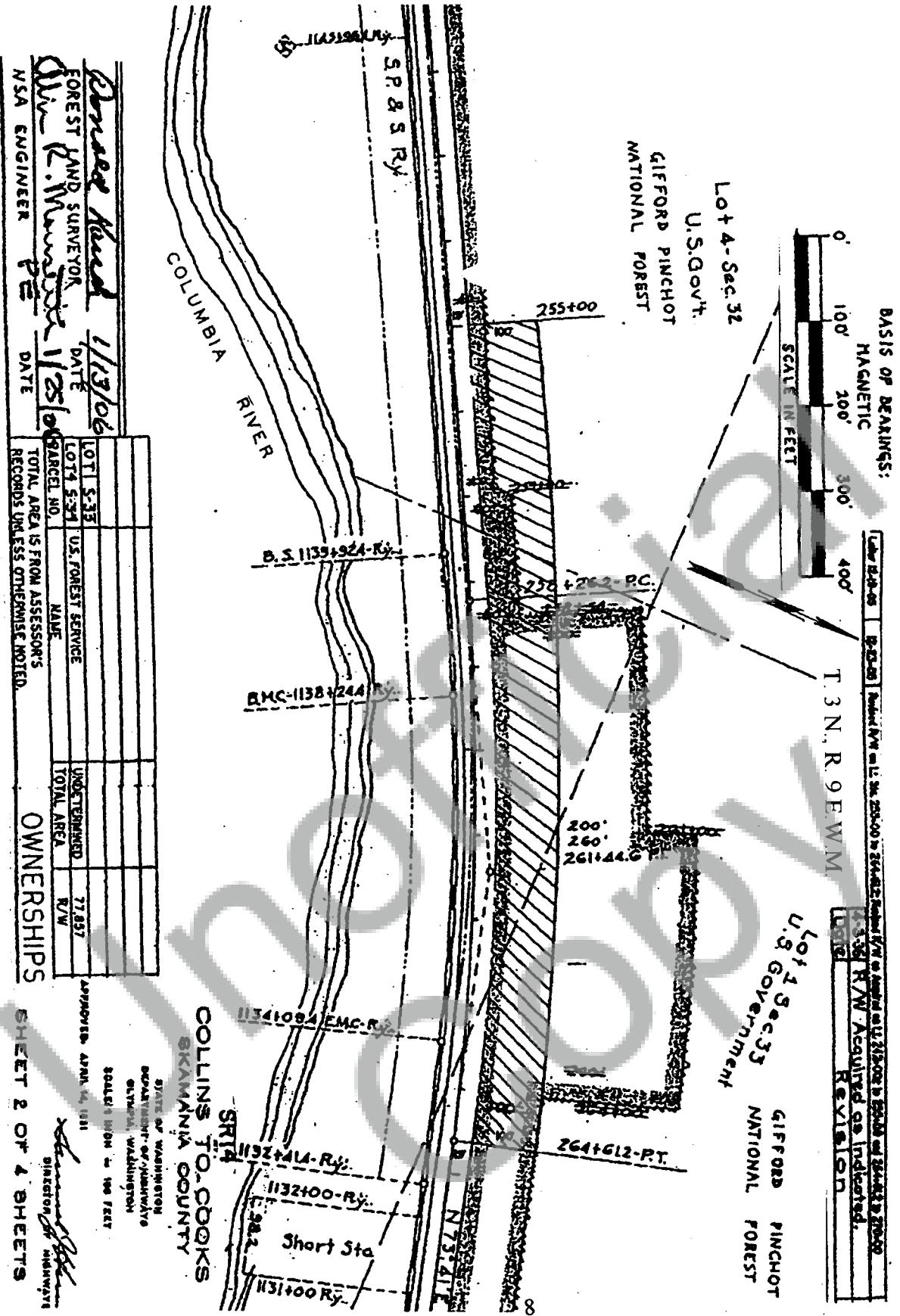


Exhibit C, Sheet 1 of 2
STIPULATION

This Stipulation, made this 9th day of March, 2006, by and between the Washington Department of Transportation, hereinafter referred to as the State, and the Forest Service, United States Department of Agriculture, acting herein by and through the Regional Forester, hereinafter referred to as the Regional Forester.

WHEREAS, the State is engaged in the laying out, construction/reconstruction, operation, and maintenance of a public highway designated as: SR 14, Cook to Collins, which traverses lands of the United States in the State of Washington, County of Skamania, administered by the Forest Service.

WHEREAS, the State and the Regional Forester desire to cooperate in the development and construction of a highway that will protect adequately and afford adequate utilization of the lands of the United States traversed by the highway for the purposes for which the lands are being administered.

NOW, THEREFORE, supplementary to the terms and conditions of the highway easement deed between the United States, acting through the Department of Transportation, Federal Highway Administration, and the State, the parties hereto agree to carry out the following provisions during the construction/reconstruction stage: (Construction/reconstruction stage is to begin when construction activities commence on lands administered by the Forest Service and end when the Regional Forester and the State mutually agree that any work done thereafter will be considered as maintenance, EXCEPT, that the Regional Forester reserves the right to reinstate the provisions of this stipulation if the State subsequently submits plans for reconstruction or alteration of the highway).

The State shall:

1. Construct project in accordance with the Plans and Specifications that have been reviewed and agreed to by the Forest Service.
2. Comply with the following recommendations of the Washington Department of Fish and Wildlife and Forest Service for wildlife and fish management:
 - a. Take all necessary precautions to avoid damage to fish habitat and exercise every reasonable precaution to prevent muddying or silting live streams.
 - b. Not deposit material removed from the roadway or channel changes in live streams or into the streams or stream channel where it would be washed away by high stream flows.
 - c. Not haul materials, including logs, brush, and debris by fording live streams, but shall provide temporary bridges or other structures for this purpose.

Exhibit C, Sheet 2 of 2

- d. Not operate mechanized equipment in live streams, except as may be required to construct bridges, retaining walls, or channel changes as stipulated.
 - e. Not allow oil or greasy substances originating from construction operations to enter or be placed where they may later enter a live stream.
 - f. Comply with provisions of Sections of the State Fish and Game Code and other applicable statutes relating to pollution prevention or abatement.
3. Permanently monument the right-of-way in accordance with State requirements for such right-of-way before completing construction, but in any event, the minimum requirement shall be to place permanent monuments at all PC's and PT's.
 4. Reestablish or restore public land monuments disturbed or destroyed by construction, reconstruction, or maintenance according to instructions of the Bureau of Land Management, Department of the Interior. Other land monuments and property corners or witness markers shall not be damaged, destroyed, or obliterated without the prior permission of the Regional Forester and shall be relocated or reestablished in accordance with standards satisfactory to the Regional Forester.

IN WITNESS WHEREOF, the parties hereto have caused this Stipulation to be executed on the day and year first above written.

By: *Daniel T. Harkenrider*
Daniel T. Harkenrider

Title| Area Manager
Columbia River Gorge National Scenic Area
USDA Forest Service