

WHEN RECORDED
RETURN TO:
Skamania PUD
P.O. Box 500
Carson, WA
98610

Document titles or transactions contained therein:

Utility and Drainage Easement

GRANTOR(S) (Last name, first, then first name and initials)

Joseph A. Birkenfeld and Diane M. Birkenfeld, a Washington Marital Community

GRANTEE(S) (Last name, first, then first name and initials)

PUD No. 1 of Skamania County

LEGAL DESCRIPTION (Abbreviated: Lot, Block, Plat/Section, Township, Range, Qtr/Qtr)

SE ¼, Township 3N, Range 8E, WM

Complete metes and bounds legal descriptions with exhibit map are attached.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

03081800040000

REFERENCE NUMBER(S) of Documents assigned or released

NA

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information.

**SKAMANIA COUNTY
REAL ESTATE EXCISE TAX**

DEC 21 2015

PAID

N/A
Vickie Chelland, Treasurer
SKAMANIA COUNTY TREASURER

WHEN RECORDED RETURN

TO:
 Skamania PUD
 P.O. Box 500
 Carson, WA
 98610

UTILITY AND DRAINAGE EASEMENT

KNOW ALL PEOPLE BY THESE PRESENTS, that the undersigned Joseph A. Birkenfeld and Diane M. Birkenfeld, a Washington Marital Community, as Grantor, do hereby grant unto Public Utility District #1 of Skamania County (Skamania PUD), and its successors and assigns, as Grantee, the right to enter upon the lands of the undersigned, situated in Skamania County, Washington, and more particularly described as follows:

Legal description: SE ¼, Township 3N, Range 8E, WM, over, under and across the property fully described in Exhibit "A", for the use and benefit of the appurtenant property fully described on Exhibit "B" (and the Access and Utility Easement property), as shown on the map attached hereto as Exhibit "C", with the full easement legal description attached hereto as Exhibit "D"

Tax Parcel #: 03081800040000

1. **Grant of Utility and Drainage Easement:** The undersigned grants a perpetual non-exclusive Utility and Drainage Easement over and across the property fully described in Exhibit "A", for the use and benefit of the appurtenant property fully described on Exhibit "B" and for the property subject to the Access and Utility Easement property recorded contemporaneously herewith, as shown on the map attached hereto as Exhibit "C", with the full easement legal description attached hereto as Exhibit "D"; to inspect and make such repairs, changes, alterations, improvements, removals from, substitutions and additions to its utility and drainage facilities as Skamania PUD may from time to time deem advisable, including, by way of example and not by way of limitation, the right to reconstruct the utility and drainage facilities or ditch in the easement area; to cut, trim and control the growth by machinery or other means of trees and shrubbery that may interfere with or threaten to endanger the operation and maintenance of said utility and drainage facilities (including any control of the growth of other vegetation in the right of way which may incidentally and necessarily result from the means of control employed); and the right to permit the installation and maintenance of telemetric or other equipment as deemed necessary by the Skamania PUD.
2. **Ownership of Facilities:** The undersigned agree that all pipes, culverts, catch basins, tanks and other facilities, shall be and remain the property of Skamania PUD and shall be removable at its option.
3. **Use of Easement Area:** The undersigned covenant that they will not obstruct the flow or operation of the utility and drainage facilities, or erect or maintain any structure over or under the utility and drainage facilities; that if such a structure is built or placed, they will remove the same at the request of the Grantee at no cost to the Grantee; and that they are the owners of the above-described lands, and that they have the right to execute this Right of Way Easement without the consent of any other party.

Grantor retains use and actual control of the above described lands for all purposes, except as provided herein. This Utility and Drainage Easement shall run with the land. All terms contained herein shall be binding upon and inure to the benefits of the successors and assigns of the parties.

4. **Exclusivity:** This easement shall be non-exclusive, except as set forth above and as to any use that is inconsistent with Grantee's use. Every other use in this easement is subordinate to Grantee's use and Grantee reserves the right to exclude and eject any use and user that it finds to be inconsistent to Grantee's use or in its judgment compromises the health or safety of its employees or the public.

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Rights and obligations not specifically conveyed hereby remain with the undersigned Grantor.

IN WITNESS WHEREOF, we have set our hands this 14 day of Dec, 2015.

GRANTOR
Joseph A. Birkenfeld and Diane M. Birkenfeld
A Washington Marital Community

Signature

Signature

GRANTEE
PUD No. 1 of Skamania County
a Washington Municipal Corporation

By Brent Bischoff, its General Manager
Signature

STATE OF Washington

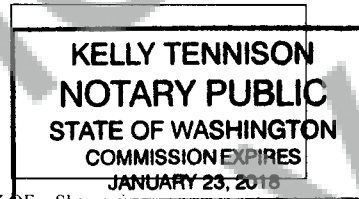
COUNTY OF Skamania

Personally appeared the above named Joseph A. Birkenfeld and Diane M. Birkenfeld, a Washington Marital Community, on this 14 day of December, 15, and acknowledged the foregoing to be their voluntary act and deed for the uses and purposes set forth herein.

Before me:

Kelly Tenson
Notary Public for Washington

1/23/18
My Commission Expires



STATE OF Washington

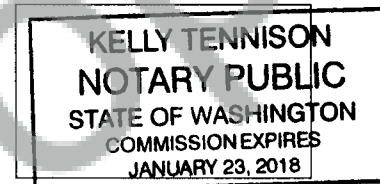
COUNTY OF Skamania

Personally appeared the above named Brent Bischoff as General Manager of PUD No. 1 of Skamania County on this 14 day of December, 15, and acknowledged the foregoing to be the voluntary act and deed of the Agency for the uses and purposes set forth herein.

Before me:

Kelly Tenson
Notary Public for Washington

1/23/18
My Commission Expires



AFN #2014000866 Recorded 05/29/2014 at 03:44 PM DocType: DEED Filed by:
COLUMBIA GORGE TITLE Page: 1 of 6 Auditor Timothy O. Todd Skamania County, WA

EXHIBIT A.

When recorded return to:

Joseph & Diane Birkenfeld
PO Box 530
Carson, WA 98610

REAL ESTATE EXCHANGE TAX

306082

MAY 29, 2014

PWD Example
Timothy O. Todd
Auditor
QUIT CLAIM DEED

THE GRANTOR JOSEPH A. BIRKENFELD, A MARRIED MAN for and in consideration of COMMUNITY PROPERTY in hand, conveys and quit claims to JOSEPH A. BIRKENFELD AND DIANE M. BIRKENFELD, HUSBAND AND WIFE the following described real estate, situated in the County of Skamania State of Washington, together with all after acquired title of the grantor(s) therein:

Sections 1 and 9, T2N, R6E, W.M.
Section 7, T2N, R7E, W.M.
Sections 1, 25, 36 and 12 T3N, R7.5E, W.M.
Sections 18, 29, 30 and 31, T3N, R8E, W.M.

See Attached EXHIBIT "A" for full legal descriptions

Tax Parcel Number(s): 02-06-00-0-0-0101-00; 02-06-00-0-0-0201-00; 02-06-00-0-0-1700-00; 02-07-00-0-0-2500-00; 03-75-01-0-0-0401-00; 03-75-25-0-0-1200-00; 03-75-36-1-0-0100-00; 03-75-00-0-0-0290-00; 03-08-18-0-0-0400-00; 03-08-29-0-0-1800-00; 03-08-30-0-0-0200-00; 03-08-31-0-0-0300-00; 03-08-31-0-0-0400-00

Dated:

5-28-14
Joseph A. Birkenfeld
JOSEPH A. BIRKENFELD

Skamania County Assessor

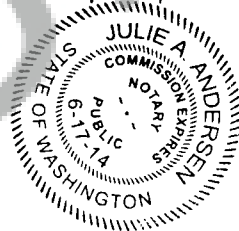
5-29-14 Parcel # See Above / Attached

STATE OF WASHINGTON }
COUNTY OF SKAMANIA } SS:

I certify that I know or have satisfactory evidence that JOSEPH A. BIRKENFELD the person(s) who appeared before me, and said person(s) acknowledged that he signed this instrument and acknowledge it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

Dated:

May 28, 2014



Julie A. Andersen
JULIE A. ANDERSEN
Notary Public in and for the State of WASHINGTON
Residing at: CARSON, WASHINGTON
My appointment expires: JUNE 17, 2014

EXHIBIT "A"

PARCEL 1: (APN: 02-06-00-0-0-0101-00)

The Northeast quarter and Government Lots 1 and 2, of Section 1, Township 2 North, Range 6 East, in the Willamette Meridian, County of Skamania and State of Washington.

EXCEPTING THEREFROM that portion describe in Warranty Deed to United States of America, USDA Forest Service, recorded December 22, 1997 in Book 171, page 856.

PARCEL 2: (APN: 02-06-00-0-0-0201-00)

The Northwest quarter and Government Lots 3 and 4; the Southwest quarter; all in Section 1, Township 2 North, Range 6 East, in the Willamette Meridian, County of Skamania and State of Washington.

EXCEPTING THEREFROM that portion describe in Warranty Deed to United States of America, USDA Forest Service, recorded December 22, 1997 in Book 171, page 856.

PARCEL 3: (APN: 02-06-00-0-0-1700-00)

The Southwest quarter of the Southwest quarter of Section 9, Township 2 North, Range 6 East, in the Willamette Meridian, County of Skamania and State of Washington.

PARCEL 4: (APN: 02-07-00-0-0-2500-00)

The Southwest quarter of the Southeast quarter of Section 7, Township 2 North, Range 7 East, in the Willamette Meridian, County of Skamania and State of Washington.

PARCEL 5: (APN: 03-75-01-0-0-0401-00)

Government Lots 6, 7 and 9, Section 1, all in Township 3 North, Range 7 1/2 East, in the Willamette Meridian, County of Skamania and State of Washington.

EXCEPT that portion of Lot 7 lying Easterly of the center of the channel of Wind River.

PARCEL 6: (APN: 03-75-25-0-0-1200-00)

The Southeast quarter of the Southeast quarter of Section 25, Township 3 North, Range 7 1/2 East, in the Willamette Meridian, County of Skamania and State of Washington.

AND

A tract of land in the Southwest quarter of the Southeast quarter of Section 25, Township 3 North, Range 7 1/2 East, in the Willamette Meridian, County of Skamania and State of Washington, more particularly described as follows:

Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of said Section 25; thence North 36 rods; thence West parallel with the South line of the said Section 25 to the line between the Southwest quarter and the Southeast quarter of said Section 25; thence South along said line to the Southwest corner of the Southwest quarter of the Southeast quarter of said Section 25; thence East to the point of beginning.

TOGETHER WITH an easement as described Deed recorded January 20, 1927 in Book V, page 163, Skamania County Deed Records

PARCEL 7: (APN: 03-75-36-1-0-0100-00)

All of the Northeast quarter of the Northeast quarter and the Northwest quarter of the Northeast quarter, lying North of the center line of County Road 2028 also known as Lateral Highway No. 8, Loop Road and Strawberry Road, in Section 36, Township 3 North, Range 7 1/2 East, in the Willamette Meridian, County of Skamania and State of Washington.

EXCEPTING THEREFROM in the Northeast quarter of the Northeast quarter, the following:

Beginning at a point 13 rods North of the Southwest corner of the Northeast quarter of the Northeast quarter of said Section 36; thence East 80 rods; thence South 80 rods; thence West 80 rods; thence North 80 rods to the point of beginning.

ALSO EXCEPTING THEREFROM in the Northeast quarter of the Northeast quarter, the following:

Beginning at a point 13 rods North of the Southeast corner of the Northeast quarter of the Northeast quarter of said Section 36; thence West 120 feet, more or less, to the Easterly line of the County Road known and designated as Lateral Highway No. 8; thence Northeasterly along the Easterly line of said Highway to intersection with the East line of the said Section 36; thence South to the point of beginning.

FURTHER EXCEPTING THEREFROM in the Northwest quarter of the Northeast quarter, the following:

The West 36 rods of the North 67 rods of said Section 36.

PARCEL 8: (APN: 03-75-00-0-0-0290-00)

Government Lots 1, 2, 5, and 6 in Section 12, Township 3 North, Range 7 1/2 East, in the Willamette Meridian, County of Skamania and State of Washington.

PARCEL 9: (APN: 03-08-18-0-0-0400-00)

The Southeast quarter of the Northwest quarter; the Southeast quarter; the Northeast quarter of the Southwest quarter of Section 18, Township 3 North, Range 8 East, in the Willamette Meridian, County of Skamania and State of Washington.

EXCEPTING THEREFROM the following:

Beginning at a point 40 rods North and 20 feet West of the Southeast corner of the said Section 18; thence North 250 feet; thence West 200 feet; thence South 250 feet; thence East 200 feet to the point of beginning.

PARCEL 10: (APN: 03-08-29-0-0-1800-00)

The Southwest quarter of the Southwest quarter of Section 29, Township 3 North, Range 8 East, in the Willamette Meridian, County of Skamania and State of Washington.

EXCEPTING THEREFROM that portion described in document to State of Washington, recorded December 5, 1925 in Book 'U', page 479, Skamania County Deed Records.

ALSO EXCEPTING THEREFROM that portion described in Dedication Deed to Skamania County, recorded September 3, 1992 in Book 130, page 540, Skamania County Deed Records.

TOGETHER WITH:

That portion of the Northwest quarter of the Southwest quarter of Sections 29, Township 3 North, Range 8 East, in the Willamette Meridian, County of Skamania and State of Washington, lying Southerly of the Center line of the old State Highway No 8. (now abandoned).

PARCEL 11: (APN: 03-08-30-0-0-0200-00)

The East half of the Southeast quarter of Section 30, Township 3 North, Range 8 East, in the Willamette Meridian, County of Skamania and State of Washington.

The Northeast quarter of Section 30, Township 3 North, Range 8 East, in the Willamette Meridian, County of Skamania and State of Washington.

EXCEPTING THEREFROM the following described tract;

Beginning at the Northwest corner of the Northeast quarter of the Northeast quarter of said Section 30; thence East 80 rods to the Northeast corner of the said Section 30; thence South 80 rods; thence Northwesterly, in a straight line, to the point of beginning.

FURTHER EXCEPTING THEREFROM that portion described in document to State of Washington, recorded December 5, 1925 in Book 'U', page 479, Skamania County Deed Records.

PARCEL 12: (APN: 03-08-31-0-0-0300-00)

A tract of land located in Governments Lot 4 and 5 and in the Northeast quarter of the Northwest quarter (NE 1/4 NW 1/4) and the Northwest quarter of the Northeast quarter (NW 1/4 NE 1/4) of Section 31, Township 3 North, Range 8 East, Willamette Meridian, more particularly described as follows;

Beginning at the Northwest corner of NE 1/4 of the NW 1/4 of said Section 31; thence East along the North line of said Section 31 to its intersection with the Westerly line of a tract of land reserved by the Columbia Gold and Copper Mining Company, a Washington Corporation, in a deed dated May 17, 1909, recorded at page 428 of Book L of Deeds, records of Skamania County Washington; thence Southeasterly along said Westerly line to its intersection with the Northerly right of way line of State Road 14 (formerly designated as primary State Highway 8); thence Southerly and Westerly along the Northerly right of way line of said highway to its intersection with the West line of said Government lot 4; thence North along

the West line of said Government lot 4 and continuing North along the West line of the NE 1/4 NW 1/4 of said Section 31 to the Point of Beginning;

EXCEPT the following described parcel:

Commencing at the southwest corner of the northwest quarter of Section 31, Township 3 North, Range 8 East, Willamette Meridian, said corner is monumented with a brass capped rebar set in mound of stones;

Thence North 63°43'45" East, a distance of 1201.29 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873" set on the north line of State Highway SR14 and the True Point of Beginning;

Thence North 00°34'37" East, a distance of 108.47 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873";

Thence North 30°02'23" East, a distance of 202.33 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873";

Thence North 66°41'03" East, a distance of 136.48 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873";

Thence South 74°06'49" East, a distance of 259.91 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873" set on said North line of State Highway SR14;

Thence South 60°44'00" West along said North line, a distance of 8.43 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873";

Thence South 29°16'00" East along said North line, a distance of 20.00 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873";

Thence South 60°44'00" West along said North line, a distance of 516.77 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873" and the True Point of Beginning.

PARCEL 13: (APN: 03-08-31-0-0-0400-00)

All of Government Lot 1 and all of that portion of Government Lots 2 and 3 lying Northerly of State Highway SR 14 in Section 31, Township 3 North, Range 8 East, Willamette Meridian;

Except that portion thereof conveyed to the State of Washington (Book Z of Deeds, page 492);

EXCEPT the following described parcel:

Commencing at the Southwest corner of the Northwest quarter of Section 31, Township 3 North, Range 8 East, Willamette Meridian, said corner is monumented with a brass capped rebar set in mound of stones;

Thence North 63°43'45" East, a distance of 1201.29 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873" set on the North line of State Highway SR14 and the True Point of Beginning;

Thence North 00°34'37" East, a distance of 108.47 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873";

Thence North 30°02'23" East, a distance of 202.33 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873";

Thence North 66°41'03" East, a distance of 136.48 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873";

Thence South 74°06'49" East, a distance of 259.91 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873" set on said North line of State Highway SR14;

Thence South 60°44'00" West along said north line, a distance of 8.43 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873";

Thence South 29°16'00" East along said north line, a distance of 20.00 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873";

Thence South 60°44'00" West along said north line, a distance of 516.77 feet to a 5/8 inch diameter rebar topped with a yellow plastic survey cap inscribed "BELL DESIGN 11873" and the True Point of Beginning.

Skamania County Assessor
Date 5-29-14 Parcel# Attached

EXHIBIT B.

LEGAL DESCRIPTION
LEASE AREA

A TRACT OF LAND BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN QUIT CLAIM DEED, RECORDED IN AUDITORS FILE NUMBER 2014000866, SKAMANIA COUNTY RECORDS, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 8 EAST, OF THE WILLAMETTE MERIDIAN, SKAMANIA COUNTY, WASHINGTON. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 18; THENCE NORTH 01°23'04" EAST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, A DISTANCE OF 349.96 FEET; THENCE SOUTH 87°34'51" WEST, PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, 249.99 FEET; THENCE SOUTH 01°23'04" WEST, PARALLEL WITH THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 18, TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, A DISTANCE OF 349.96 FEET; THENCE NORTH 87°34'51" EAST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, 249.99 FEET, BACK TO THE POINT OF BEGINNING.

CONTAINING 2.0 ACRES, MORE OR LESS



LEASE AREA EXHIBIT
LOCATED IN THE SE 1/4 SECTION 18,
T. 3 N., R. 8 E., W.M.
SKAMANIA COUNTY, STATE OF WASHINGTON



Klein & Associates, Inc.
ENGINEERING • SURVEYING • PLANNING
1411 13th Street • Hood River, OR 97031
TEL: 541-386-3322 • FAX: 541-386-2515

PROJECT:	14-06-19
FILE No:	140619-PARCELEXH
FILE PATH:	
FIGURE:	
LAYOUT:	0X11K
SURVEYED:	KA
DESIGN:	DESIGN_BY
DRAFT:	GJD
APPROVE:	JKCM
DATE:	09-01-2015
SHEET:	1 OF 2 SHEETS

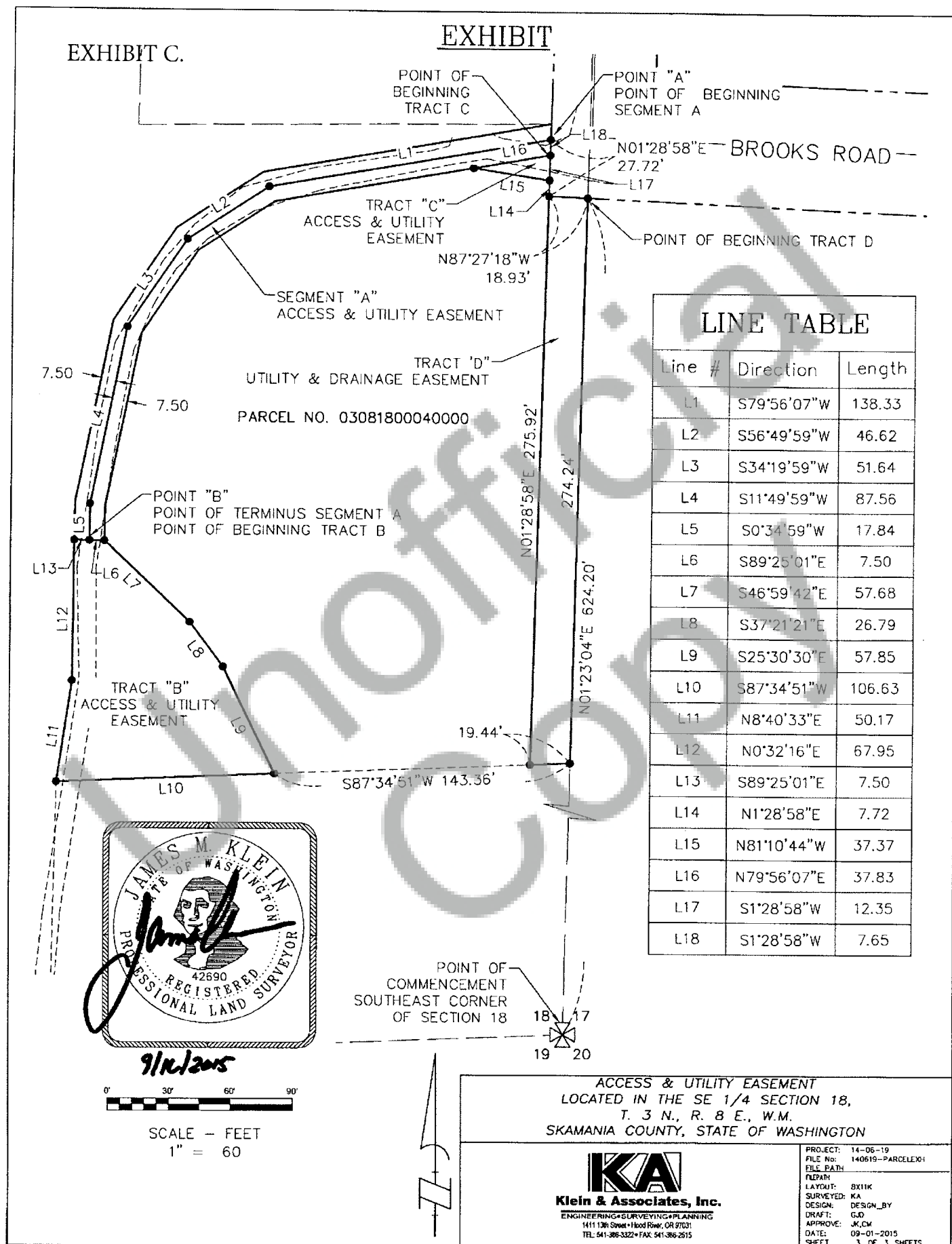


EXHIBIT D.

LEGAL DESCRIPTION UTILITY & DRAINAGE EASEMENT

TRACT "D"

A TRACT OF LAND BEING A PORTION OF THAT TRACT OF LAND, DESCRIBED IN QUIT CLAIM DEED, RECORDED IN AUDITORS FILE NUMBER 2014000866, SKAMANIA COUNTY RECORDS, LOCATED IN THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 8 EAST, OF THE WILLAMETTE MERIDIAN, SKAMANIA COUNTY, WASHINGTON. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 18; THENCE NORTH 01°23'04" EAST ALONG THE EAST LINE OF SAID SECTION 18, A DISTANCE OF 624.20 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF BROOKS ROAD, AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 87°27'18" WEST, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE OF BROOKS ROAD, 18.93 FEET, MORE OR LESS TO POINT AT WHICH BROOKS ROAD RIGHT-OF-WAY CHANGES TO A NORTHERLY DIRECTION; THENCE SOUTH 01°28'58" WEST, 275.92 FEET; THENCE NORTH 87°34'51" EAST A DISTANCE OF 19.44 FEET, TO THE EAST LINE OF SAID SECTION 18; THENCE NORTH 01°23'04" EAST, 274.24 FEET BACK TO THE POINT OF BEGINNING.



ACCESS, UTILITY & DRAINAGE EASEMENT
LOCATED IN THE SE 1/4 SECTION 18,
T. 3 N., R. 8 E., W.M.
SKAMANIA COUNTY, STATE OF WASHINGTON

KA
Klein & Associates, Inc.
ENGINEERING • SURVEYING • PLANNING
1411 13th Street • Trout River, OR 97131
TEL: 541-386-3322 • FAX: 541-386-2515

PROJECT:	14-06-19
FILE No:	140619-15 ACCESS EAS
FILE PATH:	
FILE NAME:	
LAYOUT:	8X11K
SURVEYED:	KA
DESIGN:	DESIGN_BY
DRAFT:	GJO
APPROVE:	JKM
DATE:	09-01-2015
SHEET:	2 OF 3 SHEETS