

ORDINANCE NO. 255

An Ordinance of the Town of Yacolt, Washington, specifying, adopting and ratifying an agreement and conveyance for the acquisition of land to construct a well site access road, and specifying, adopting and ratifying an agreement for certain water line and road easements, and for construction and installation of water lines and meters to run from the Yacolt well field to service the community of Yacolt, Washington.

BE IT ORDAINED by the Council of the Town of Yacolt, Washington, as follows:

Section 1

Incident to the improvement and extension of the water supply and distribution system of the Town of Yacolt, it is necessary to obtain and construct an ingress and egress into the Yacolt well field property by a well site access road, and it is necessary to obtain certain water line and road easements on town streets over which the Chelatchie Prairie Railroad, Inc., intersects, and it is necessary to install and construct water lines and meters running from the Yacolt well field site in order to improve the Yacolt water distribution system and service the community.

Section 2

For purposes of obtaining necessary land upon which to construct the access roadway providing ingress and egress to the Yacolt well field site and necessary to install and construct the water lines and meters to run from the Yacolt well field site, the Town Council of Yacolt hereby authorizes and ratifies action by the Town of Yacolt to enter into an agreement and conveyance for purchase and sale of real property. The subject real property sought for purchase by the Town of Yacolt consists of approximately .56 acres, more or less, legally described in

Exhibit "A" attached hereto and incorporated herein fully by reference. The consideration or price of such purchase shall be as follows:

1. Mutual Benefits;
2. Twelve Thousand and No/100 Dollars (\$12,000.00);
3. Eight (8) free water connections on the railroad property adjoining the parcel described in Exhibit "A"; and
4. Proration of outstanding taxes.

The structure of the transaction shall be a purchase of the subject land described in Exhibit "A" by Clark County, Washington, a municipal corporation, from the Chelatchie Prairie Railroad, Inc., with a subsequent conveyance from Clark County, Washington, to the Town of Yacolt, Washington, with both transactions and conveyances having the same terms and conditions and considerations. The Mayor of Yacolt is hereby authorized to enter into an agreement and conveyance for the purchase and sale of said real property, and the Town Council of Yacolt herein authorizes and ratifies completion and closing of the transaction for the purchase of the subject real property, and authorizes and ratifies any and all actions necessary for such closing. A copy of the Statutory Warranty Deed from Chelatchie Prairie Railroad, Inc., as grantor, to Clark County, Washington, as grantee, and a copy of the Statutory Warranty Deed from Clark County, Washington, to the Town of Yacolt, Washington, are attached hereto as Exhibits "B" and "C", respectively, and those same Warranty Deeds have been reviewed by the Town Council of the Town of Yacolt, and the terms and conditions within such documents are hereby approved and ratified.

### Section 3

For purposes of obtaining a necessary Waterline and Road Easement to construct, install, reconstruct, repair, operate and maintain waterlines and all necessary related facilities, over,

under, upon, and across certain land where town streets intersect with railroad crossings of the Chelatchie Prairie Railroad, Inc., and for purposes of obtaining the necessary right of certain streets in the Town of Yacolt to cross over the Chelatchie Prairie Railroad line, the Town Council of the Town of Yacolt hereby authorizes the Town of Yacolt to enter into an agreement and conveyance for purchase and sale of a Waterline and Road Easement. Such Waterline and Road Easement shall cover the intersections of the Chelatchie Prairie Railroad, Inc., with Humphreys Avenue, Cushman Avenue, and Yacolt Avenue. The consideration paid by the Town of Yacolt for such Waterline and Road Easement shall be Three Thousand and No/100 Dollars (\$3,000.00), payable by the Town of Yacolt to the grantor, Chelatchie Prairie Railroad, Inc. The Mayor of Yacolt is hereby authorized to enter into an agreement and conveyance for the purchase of such Waterline and Road Easement, and the Town Council of the Town of Yacolt herein authorizes completion and closing of the transaction, and authorizes any and all actions necessary for such closing. In addition, the Town of Yacolt has reviewed the Waterline and Road Easement attached hereto as Exhibit "D", incorporated herein fully by reference, and the terms and conditions within such document are hereby approved and ratified.

ADOPTED by the Town Council of the Town of Yacolt, Washington, on the \_\_\_\_\_ day of \_\_\_\_\_, 1985, by the following vote:

AYES: \_\_\_\_\_

Council Members:

NAYES: \_\_\_\_\_

Council Members:

Absent: \_\_\_\_\_

\_\_\_\_\_  
Mayor of Yacolt

Attest:

\_\_\_\_\_  
IRENE CHRISTIANSEN, Town Clerk

Approved as to form:

M. J. Hansen  
Town Attorney

STATUTORY WARRANTY DEED  
H.J. Falander & D.J. Falander  
Page 2

EXHIBIT "A"

That portion of the West half of the Southwest quarter of Section 35,  
Township 5 North, Range 3 East, Willamette Meridian described as follows:

BEGINNING at a point on the South line of the Northwest quarter, of the  
Southwest quarter, 737.50 feet South 88° 34' 00" East of the Southwest  
corner of the said Northwest quarter, of the Southwest quarter;

Thence South 01° 26' 00" West 150.00 feet to the Southeast corner  
of that tract conveyed to the Town of Yacolt by deed recorded under  
Auditor's File No. D 73204;

Thence South 88° 34' 00" East parallel with the North line of the  
Southwest quarter, of the Southwest quarter, of said Section 586.62  
feet to the East line of the West half, of the Southwest quarter of  
said Section;

Thence North 00° 49' 40" East along said East line 350.02 feet to a  
point;

Thence North 88° 34' 00" West parallel with the North line of the  
Southwest quarter of the Southwest quarter, of said Section 582.92  
feet to the Northeast corner of said Town of Yacolt tract;

Thence South 01° 26' 00" West along the East line of said Town of  
Yacolt tract 200.00 feet to the POINT OF BEGINNING.

Containing 4.70 acres more or less.

LEGAL DESCRIPTION

WELL SITE ACCESS ROAD:

That portion of the Southwest quarter, of the Southwest quarter of Section 35, Township 5 North, Range 3 East, Willanette Meridian, described as follows:

Beginning at the Southwest corner of said Section 35;

Thence North  $00^{\circ}51'28''$  East along the West line of said Section 35, a distance of 1183.24 feet;

Thence North  $89^{\circ}52'47''$  East 30.00 feet to the East right-of-way line of County Road No. 16, said point being the True Point of Beginning of the tract herein described;

Thence North  $89^{\circ}52'47''$  East 421.01 feet to the Easterly line of a 400 foot railroad right-of-way as conveyed to the Longview, Portland and Northern Railway Company by deed recorded under Auditors File No. 6288416, records of Clark County, Washington;

Thence North  $23^{\circ}05'07''$  West along said Easterly right-of-way line 65.17 feet;

Thence South  $89^{\circ}52'47''$  West 394.56 feet to the Easterly right-of-way line of County Road No. 16;

Thence South  $00^{\circ}51'28''$  West 60.01 feet to the True Point of Beginning.

Containing 0.56 acres more or less.

Together with and subject to easements and restrictions of record.

EXHIBIT

A

PAGE

1 of 1

# STATUTORY WARRANTY DEED

THE GRANTOR(S), CHELATCHIE PRAIRIE RAILROAD, INC., for and in consideration of valuable considerations as set out in part below, conveys and warrants to CLARK COUNTY, WASHINGTON, a Municipal Corporation, its heirs and assigns, the following described real estate situated in the County of Clark, State of Washington, to wit:

SEE ATTACHED EXHIBIT "A"

NOTE: IT IS UNDERSTOOD AND AGREED THAT THE DELIVERY OF THIS DEED IS HEREBY TENDERED AND THE TERMS AND OBLIGATIONS HEREOF SHALL NOT BECOME BINDING UPON CLARK COUNTY, WASHINGTON, UNTIL THIS DOCUMENT IS ACCEPTED AND APPROVED BY THE CLARK COUNTY BOARD OF COUNTY COMMISSIONERS.

CLARK COUNTY BY ACCEPTING AND RECORDING THIS DEED HEREBY AGREES TO THE BELOW WRITTEN CONDITIONS AND CONSIDERATIONS. NO CONDITION OR CONSIDERATION NOT WRITTEN BELOW WILL BE HONORED BY CLARK COUNTY. IF THERE ARE NO CONDITIONS OR CONSIDERATIONS, SO STATE.

CONSIDERATIONS:

- Twelve Thousand and No/100 Dollars (\$12,000.00).
- Free simple purchase legally described in Exhibit "A".
- Eight free water connections on the railroad property adjoining the parcel described in Exhibit "A".
- All closing costs will be the responsibility of the County.
- Taxes will be pro-rated.

DATED this                      day of                      , 19                      .

**CHELATCHIE PRAIRIE RAILROAD, INC.**

CLARK COUNTY BOARD OF COMMISSIONERS

C. David Callahan  
President

**Chairman**

  
Vice President/General Manager

**Commissioner**

Gerald J. Brown  
Secretary/Treasurer

**Commissioner**

**APPROVED AS TO FORM:**

**Prosecuting Attorney**

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF CLARK )

On this 25<sup>th</sup> day of September, 1984, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared C. David Callahan,  
Byron Slack and Gerald V. Prew  
and V.P. Grant Minge  
to me known to be the President and Secretary, respectively of Chelatchie Prairie Railroad, Inc.  
the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

Charles A. Linnick  
Notary Public in and for the State of Washington  
residing at Vancouver

EXHIBIT "A"

LEGAL DESCRIPTION

WELL SITE ACCESS ROAD:

That portion of the Southwest quarter, of the Southwest quarter of Section 35, Township 5 North, Range 3 East, Willamette Meridian, described as follows:

Beginning at the Southwest corner of said Section 35;

Thence North  $00^{\circ}51'28''$  East along the West line of said Section 35, a distance of 1183.24 feet;

Thence North  $89^{\circ}52'47''$  East 30.00 feet to the East right-of-way line of County Road No. 16, said point being the True Point of Beginning of the tract herein described;

Thence North  $89^{\circ}52'47''$  East 421.01 feet to the Easterly line of a 400 foot railroad right-of-way as conveyed to the Longview, Portland and Northern Railway Company by deed recorded under Auditors File No. G288416, records of Clark County, Washington;

Thence North  $23^{\circ}05'07''$  West along said Easterly right-of-way line 65.17 feet;

Thence South  $85^{\circ}52'47''$  West 394.56 feet to the Easterly right-of-way line of County Road No. 16;

Thence South  $00^{\circ}51'28''$  West 60.01 feet to the True Point of Beginning.

Containing 0.56 acres more or less.

Together with and subject to easements and restrictions of record.



STATUTORY WARRANTY DEED  
Clark County, Washington

THE GRANTOR, CLARK COUNTY, a Municipal Corporation of the State of Washington, for and in consideration of valuable considerations as set out in part below, conveys and warrants to the TOWN OF YACOLT, WASHINGTON, a Municipal Corporation, GRANTEE, its heirs and assigns, the following real property situated in Clark County, State of Washington, to wit:

SEE ATTACHED EXHIBIT "A"

NOTE: IT IS UNDERSTOOD AND AGREED THAT THE DELIVERY OF THIS DEED IS HEREBY TENDERED AND THE TERMS AND OBLIGATIONS HEREOF SHALL NOT BECOME BINDING UPON THE TOWN OF YACOLT, WASHINGTON, UNTIL THIS DOCUMENT IS ACCEPTED AND APPROVED BY THE TOWN COUNCIL OF YACOLT.

THE TOWN OF YACOLT BY ACCEPTING AND RECORDING THIS DEED HEREBY AGREES TO THE BELOW WRITTEN CONDITIONS AND CONSIDERATIONS. NO CONDITION OR CONSIDERATION NOT WRITTEN BELOW WILL BE HONORED BY THE TOWN OF YACOLT. IF THERE ARE NO CONDITIONS OR CONSIDERATIONS, SO STATE.

CONSIDERATIONS:

- Mutual Benefits.
- Fee simple purchase legally described in Exhibit "A".
- Eight free water connections on the railroad property adjoining the parcel described in Exhibit "A".
- Taxes will be pro-rated.

This Deed is executed and delivered pursuant to Clark County Resolution No. \_\_\_\_\_.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, WASHINGTON

\_\_\_\_\_  
Clerk to the Board

\_\_\_\_\_  
JOHN S. MCKIBBIN, Chairman

APPROVED AS TO FORM ONLY

ARTHUR D. CURTIS  
PROSECUTING ATTORNEY

\_\_\_\_\_  
DAVID W. STURDEVANT, Commissioner

By \_\_\_\_\_  
Richard S. Lowry  
Deputy Prosecuting Attorney

\_\_\_\_\_  
VERNON V. VEYSEY, Commissioner

APPROVED AS TO FORM:

\_\_\_\_\_  
M. H. Hansen  
Town Attorney

TOWN OF YACOLT

\_\_\_\_\_  
Jim Worthington  
Mayor  
\_\_\_\_\_  
Shane Christensen  
Town Clerk

STATE OF WASHINGTON )  
  : ss  
COUNTY OF CLARK        )

I, the undersigned, a Notary Public in and for the State of Washington, hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, personally appeared before me, John S. McKibbin, David W. Sturdevant and Vernon V. Veysey, to me known to be the individuals constituting the Board of County Commissioners of Clark County, Washington, the county that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said county, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing in Vancouver.

EXHIBIT C  
Page 1 of 2

EXHIBIT "A"

LEGAL DESCRIPTION

WELL SITE ACCESS ROAD:

That portion of the Southwest quarter, of the Southwest quarter of Section 35, Township 5 North, Range 3 East, Willamette Meridian, described as follows:

Beginning at the Southwest corner of said Section 35;

Thence North  $00^{\circ}51'28''$  East along the West line of said Section 35, a distance of 1183.24 feet;

Thence North  $89^{\circ}52'47''$  East 30.00 feet to the East right-of-way line of County Road No. 16, said point being the True Point of Beginning of the tract herein described;

Thence North  $89^{\circ}52'47''$  East 421.01 feet to the Easterly line of a 400 foot railroad right-of-way as conveyed to the Longview, Portland and Northern Railway Company by deed recorded under Auditors File No. G288416, records of Clark County, Washington;

Thence North  $23^{\circ}05'07''$  West along said Easterly right-of-way line 65.17 feet;

Thence South  $85^{\circ}52'47''$  West 394.56 feet to the Easterly right-of-way line of County Road No. 16;

Thence South  $00^{\circ}51'28''$  West 60.01 feet to the True Point of Beginning.

Containing 0.56 acres more or less.

Together with and subject to easements and restrictions of record.



EXHIBIT "A"  
LEGAL DESCRIPTIONS  
FOR  
YACOLT WATER SYSTEM

EASEMENT NO. 1

A 30 foot permanent waterline and road easement for construction, operation and maintenance, being 15 feet on either side of the following described centerline:

Beginning at the Southwest corner of Section 35, Township 5 North, Range 3 East, Willamette Meridian;

Thence South  $89^{\circ}55'55''$  East along the South line of said Section 35, a distance of 709.99 feet to the Westerly railroad right-of-way line of that tract conveyed to the Longview, Portland and Northern Railway Company according to the deed thereof recorded at Auditor's File No. G288416 records of Clark County, Washington;

Thence South  $24^{\circ}34'40''$  East along said Westerly right-of-way line 351.88 feet to the TRUE POINT OF BEGINNING of the center line of the easement herein described;

Thence South  $89^{\circ}46'15''$  East 110.14 feet to the Easterly right-of-way line of said railroad and the terminus of the centerline of said easement.

EASEMENT NO. 2

A 30 foot permanent waterline and road easement for construction, operation and maintenance, being 15 feet on either side of the following described centerline:

Beginning at the Southwest corner of Section 35, Township 5 North, Range 3 East, Willamette Meridian;

Thence South  $89^{\circ}55'55''$  East along the South line of said Section 35, a distance of 709.99 feet to the Westerly railroad right-of-way line of that tract conveyed to the Longview, Portland and Northern Railway Company according to the deed thereof recorded at Auditor's File No. G288416 records of Clark County, Washington;

Thence South  $24^{\circ}32'40''$  East along said Westerly right-of-way line 1067.23 feet to the TRUE POINT OF BEGINNING of the centerline of the easement herein described;

Thence South  $89^{\circ}41'06''$  East 110.21 feet to the Easterly right-of-way line of said railroad and the terminus of the centerline of said easement.

EASEMENT NO. 3

A 30 foot permanent waterline and road easement for construction, operation, and maintenance, being 15 feet on either side of the following described centerline:

Beginning at the Southwest corner of Section 35, Township 5 North, Range 3 East, Willamette Meridian:

Thence South  $89^{\circ}55'55''$  East along the South line of said Section 35, a distance of 709.99 feet to the Westerly railroad right-of-way line of that tract conveyed to the Longview, Portland and Northern Railway Company according to the deed thereof recorded at Auditor's File No. G288416 records of Clark County, Washington;

Thence South  $24^{\circ}32'40''$  East along said Westerly right-of-way line 1854.72 feet to the TRUE POINT OF BEGINNING of the center line of the easement herein described;

Thence South  $89^{\circ}29'04''$  East 110.39 feet to the Easterly right-of-way line of said railroad and the terminus of the centerline of said easement.

*VOID* *per*  
*franklin*  
CERTIFICATE

I, the undersigning clerk of the Town of Yacolt, Washington, herein called the "Town" DO HEREBY CERTIFY:

1. That the attached Ordinance No. 255 herein called the "Ordinance" is a true and correct copy of an ordinance that the Town has passed at a meeting of the Town Council in the Town of Yacolt on the \_\_\_\_\_ day of \_\_\_\_\_, 1985, and duly recorded in my office.
2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Town Council voted in the proper manner for the passage of the Ordinance; that all of the requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed and that I am authorized to execute this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town Council this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Town Clerk

[ Town of Yacolt ]

ORDINANCE NO. 255

An Ordinance of the Town of Yacolt, Washington, specifying, adopting and ratifying an agreement and conveyance for the acquisition of land to construct a well site access road, and specifying, adopting and ratifying an agreement for certain water line and road easements, and for construction and installation of water lines and meters to run from the Yacolt well field to service the community of Yacolt, Washington.

BE IT ORDAINED by the Council of the Town of Yacolt, Washington, as follows:

Section 1

Incident to the improvement and extension of the water supply and distribution system of the Town of Yacolt, it is necessary to obtain and construct an ingress and egress into the Yacolt well field property by a well site access road, and it is necessary to obtain certain water line and road easements on town streets over which the Chelatchie Prairie Railroad, Inc., intersects, and it is necessary to install and construct water lines and meters running from the Yacolt well field site in order to improve the Yacolt water distribution system and service the community.

Section 2

For purposes of obtaining necessary land upon which to construct the access roadway providing ingress and egress to the Yacolt well field site and necessary to install and construct the water lines and meters to run from the Yacolt well field site, the Town Council of Yacolt hereby authorizes and ratifies action by the Town of Yacolt to enter into an agreement and conveyance for purchase and sale of real property. The subject real property sought for purchase by the Town of Yacolt consists of approximately .56 acres, more or less, legally described in

Exhibit "A" attached hereto and incorporated herein fully by reference. The consideration or price of such purchase shall be as follows:

1. Mutual Benefits;
2. Twelve Thousand and No/100 Dollars (\$12,000.00);
3. Eight (8) free water connections on the railroad property adjoining the parcel described in Exhibit "A"; and
4. Proration of outstanding taxes.

The structure of the transaction shall be a purchase of the subject land described in Exhibit "A" by Clark County, Washington, a municipal corporation, from the Chelatchie Prairie Railroad, Inc., with a subsequent conveyance from Clark County, Washington, to the Town of Yacolt, Washington, with both transactions and conveyances having the same terms and conditions and considerations. The Mayor of Yacolt is hereby authorized to enter into an agreement and conveyance for the purchase and sale of said real property, and the Town Council of Yacolt herein authorizes and ratifies completion and closing of the transaction for the purchase of the subject real property, and authorizes and ratifies any and all actions necessary for such closing. A copy of the Statutory Warranty Deed from Chelatchie Prairie Railroad, Inc., as grantor, to Clark County, Washington, as grantee, and a copy of the Statutory Warranty Deed from Clark County, Washington, to the Town of Yacolt, Washington, are attached hereto as Exhibits "B" and "C", respectively, and those same Warranty Deeds have been reviewed by the Town Council of the Town of Yacolt, and the terms and conditions within such documents are hereby approved and ratified.

### Section 3

For purposes of obtaining a necessary Waterline and Road Easement to construct, install, reconstruct, repair, operate and maintain waterlines and all necessary related facilities, over,



under, upon, and across certain land where town streets intersect with railroad crossings of the Chelatchie Prairie Railroad, Inc., and for purposes of obtaining the necessary right of certain streets in the Town of Yacolt to cross over the Chelatchie Prairie Railroad line, the Town Council of the Town of Yacolt hereby authorizes the Town of Yacolt to enter into an agreement and conveyance for purchase and sale of a Waterline and Road Easement. Such Waterline and Road Easement shall cover the intersections of the Chelatchie Prairie Railroad, Inc., with Humphreys Avenue, Cushman Avenue, and Yacolt Avenue. The consideration paid by the Town of Yacolt for such Waterline and Road Easement shall be Three Thousand and No/100 Dollars (\$3,000.00), payable by the Town of Yacolt to the grantor, Chelatchie Prairie Railroad, Inc. The Mayor of Yacolt is hereby authorized to enter into an agreement and conveyance for the purchase of such Waterline and Road Easement, and the Town Council of the Town of Yacolt herein authorizes completion and closing of the transaction, and authorizes any and all actions necessary for such closing. In addition, the Town of Yacolt has reviewed the Waterline and Road Easement attached hereto as Exhibit "D", incorporated herein fully by reference, and the terms and conditions within such document are hereby approved and ratified.

ADOPTED by the Town Council of the Town of Yacolt, Washington, on the \_\_\_\_\_ day of \_\_\_\_\_, 1985, by the following vote:

AYES: \_\_\_\_\_

Council Members:

NAYES: \_\_\_\_\_

Council Members:

Absent: \_\_\_\_\_

\_\_\_\_\_  
Mayor of Yacolt

Attest:

\_\_\_\_\_  
IRENE CHRISTIANSEN, Town Clerk

Approved as to form:

M. J. Hansen  
Town Attorney

LEGAL DESCRIPTION

WELL SITE ACCESS ROAD:

That portion of the Southwest quarter, of the Southwest quarter of Section 35, Township 5 North, Range 3 East, Willamette Meridian, described as follows:

Beginning at the Southwest corner of said Section 35;

Thence North  $00^{\circ}51'28''$  East along the West line of said Section 35, a distance of 1183.24 feet;

Thence North  $89^{\circ}52'47''$  East 30.00 feet to the East right-of-way line of County Road No. 16, said point being the True Point of Beginning of the tract herein described;

Thence North  $89^{\circ}52'47''$  East 421.01 feet to the Easterly line of a 400 foot railroad right-of-way as conveyed to the Longview, Portland and Northern Railway Company by deed recorded under Auditors File No. 6288416, records of Clark County, Washington;

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Thence South  $89^{\circ}52'47''$  West 394.56 feet to the Easterly right-of-way line of County Road No. 16;

Thence South  $00^{\circ}51'28''$  West 60.01 feet to the True Point of Beginning.

Containing 0.56 acres more or less.

Together with and subject to easements and restrictions of record.

EXHIBIT

A

PAGE

1 of 1

STATUTORY WARRANTY DEED  
H.J. Falander & D.J. Falander  
Page 2

EXHIBIT "A"

That portion of the West half of the Southwest quarter of Section 35, Township 5 North, Range 3 East, Willamette Meridian described as follows:

BEGINNING at a point on the South line of the Northwest quarter, of the Southwest quarter, 737.50 feet South 88° 34' 00" East of the Southwest corner of the said Northwest quarter, of the Southwest quarter;

Thence South 01° 26' 00" West 150.00 feet to the Southeast corner of that tract conveyed to the Town of Yacolt by deed recorded under Auditor's File No. D 73204;

Thence South 88° 34' 00" East parallel with the North line of the Southwest quarter, of the Southwest quarter, of said Section 586.62 feet to the East line of the West half, of the Southwest quarter of said Section;

Thence North 00° 49' 40" East along said East line 350.02 feet to a point;

Thence North 88° 34' 00" West parallel with the North line of the Southwest quarter of the Southwest quarter, of said Section 582.92 feet to the Northeast corner of said Town of Yacolt tract;

Thence South 01° 26' 00" West along the East line of said Town of Yacolt tract 200.00 feet to the POINT OF BEGINNING.

Containing 4.70 acres more or less.

EXHIBIT "A"  
LEGAL DESCRIPTIONS  
FOR  
YACOLT WATER SYSTEM

EASEMENT NO. 1

A 30 foot permanent waterline and road easement for construction, operation and maintenance, being 15 feet on either side of the following described centerline:

Beginning at the Southwest corner of Section 35, Township 5 North, Range 3 East, Willamette Meridian;

Thence South  $89^{\circ}55'55''$  East along the South line of said Section 35, a distance of 709.99 feet to the Westerly railroad right-of-way line of that tract conveyed to the Longview, Portland and Northern Railway Company according to the deed thereof recorded at Auditor's File No. G288416 records of Clark County, Washington;

Thence South  $24^{\circ}34'40''$  East along said Westerly right-of-way line 351.88 feet to the TRUE POINT OF BEGINNING of the center line of the easement herein described;

Thence South  $89^{\circ}46'15''$  East 110.14 feet to the Easterly right-of-way line of said railroad and the terminus of the centerline of said easement.

EASEMENT NO. 2

A 30 foot permanent waterline and road easement for construction, operation and maintenance, being 15 feet on either side of the following described centerline:

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EASEMENT NO. 3

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7 1984  
STATUTORY WARRANTY DEED

THE GRANTOR(S), CHELATCHIE PRAIRIE RAILROAD, INC., for and in consideration of valuable considerations as set out in part below, conveys and warrants to CLARK COUNTY, WASHINGTON, a Municipal Corporation, its heirs and assigns, the following described real estate situated in the County of Clark, State of Washington, to wit:

SEE ATTACHED EXHIBIT "A"

NOTE: IT IS UNDERSTOOD AND AGREED THAT THE DELIVERY OF THIS DEED IS HEREBY TENDERED AND THE TERMS AND OBLIGATIONS HEREOF SHALL NOT BECOME BINDING UPON CLARK COUNTY, WASHINGTON, UNTIL THIS DOCUMENT IS ACCEPTED AND APPROVED BY THE CLARK COUNTY BOARD OF COUNTY COMMISSIONERS.

CLARK COUNTY BY ACCEPTING AND RECORDING THIS DEED HEREBY AGREES TO THE BELOW WRITTEN CONDITIONS AND CONSIDERATIONS. NO CONDITION OR CONSIDERATION NOT WRITTEN BELOW WILL BE HONORED BY CLARK COUNTY. IF THERE ARE NO CONDITIONS OR CONSIDERATIONS, SO STATE.

CONSIDERATIONS:   • Twelve Thousand and No/100 Dollars (\$12,000.00).  
                      • Fee simple purchase legally described in Exhibit "A".  
                      • Eight free water connections on the railroad property adjoining the parcel described in Exhibit "A".  
                      • All closing costs will be the responsibility of the County.  
                      • Taxes will be pro-rated.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

CHELATCHIE PRAIRIE RAILROAD, INC.

CLARK COUNTY BOARD OF COMMISSIONERS

C. David Callahan  
President

\_\_\_\_\_  
Chairman

Byron Slack  
Vice President/General Manager

\_\_\_\_\_  
Commissioner

Gerald J. Pross  
Secretary/Treasurer

\_\_\_\_\_  
Commissioner

APPROVED AS TO FORM:

\_\_\_\_\_  
Prosecuting Attorney

STATE OF WASHINGTON   )  
                                  ) ss.  
COUNTY OF CLARK       )

On this 25<sup>th</sup> day of September, 1984, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared C. David Callahan, Byron Slack and Gerald J. Pross and V. A. Gault Mayor to me known to be the \_\_\_\_\_ President, and \_\_\_\_\_ Secretary, respectively of Chelatchie Prairie Railroad, Inc. the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

Charles A. Lemish  
Notary Public in and for the State of Washington  
residing at Vancouver

EXHIBIT "A"

LEGAL DESCRIPTION

WELL SITE ACCESS ROAD:

That portion of the Southwest quarter, of the Southwest quarter of Section 35, Township 5 North, Range 3 East, Willamette Meridian, described as follows:

Beginning at the Southwest corner of said Section 35;

Thence North  $00^{\circ}51'28''$  East along the West line of said Section 35, a distance of 1183.24 feet;

Thence North  $89^{\circ}52'47''$  East 30.00 feet to the East right-of-way line of County Road No. 16, said point being the True Point of Beginning of the tract herein described;

Thence North  $89^{\circ}52'47''$  East 421.01 feet to the Easterly line of a 400 foot railroad right-of-way as conveyed to the Longview, Portland and Northern Railway Company by deed recorded under Auditors File No. G288416, records of Clark County, Washington;

Thence North  $23^{\circ}05'07''$  West along said Easterly right-of-way line 65.17 feet;

Thence South  $85^{\circ}52'47''$  West 394.56 feet to the Easterly right-of-way line of County Road No. 16;

Thence South  $00^{\circ}51'28''$  West 60.01 feet to the True Point of Beginning.

Containing 0.56 acres more or less.

Together with and subject to easements and restrictions of record.



STATUTORY WARRANTY DEED  
Clark County, Washington

THE GRANTOR, CLARK COUNTY, a Municipal Corporation of the State of Washington, for and in consideration of valuable considerations as set out in part below, conveys and warrants to the TOWN OF YACOLT, WASHINGTON, a Municipal Corporation, GRANTEE, its heirs and assigns, the following real property situated in Clark County, State of Washington, to wit:

SEE ATTACHED EXHIBIT "A"

NOTE: IT IS UNDERSTOOD AND AGREED THAT THE DELIVERY OF THIS DEED IS HEREBY TENDERED AND THE TERMS AND OBLIGATIONS HEREOF SHALL NOT BECOME BINDING UPON THE TOWN OF YACOLT, WASHINGTON, UNTIL THIS DOCUMENT IS ACCEPTED AND APPROVED BY THE TOWN COUNCIL OF YACOLT.

THE TOWN OF YACOLT BY ACCEPTING AND RECORDING THIS DEED HEREBY AGREES TO THE BELOW WRITTEN CONDITIONS AND CONSIDERATIONS. NO CONDITION OR CONSIDERATION NOT WRITTEN BELOW WILL BE HONORED BY THE TOWN OF YACOLT. IF THERE ARE NO CONDITIONS OR CONSIDERATIONS, SO STATE.

CONSIDERATIONS:     • Mutual Benefits.  
                       • Fee simple purchase legally described in Exhibit "A".  
                       • Eight free water connections on the railroad property adjoining the parcel described in Exhibit "A".  
                       • Taxes will be pro-rated.

This Deed is executed and delivered pursuant to Clark County Resolution No. \_\_\_\_\_.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, WASHINGTON

\_\_\_\_\_  
Clerk to the Board

\_\_\_\_\_  
JOHN S. McKIBBIN, Chairman

APPROVED AS TO FORM ONLY

ARTHUR D. CURTIS  
PROSECUTING ATTORNEY

\_\_\_\_\_  
DAVID W. STURDEVANT, Commissioner

By \_\_\_\_\_  
Richard S. Lowry  
Deputy Prosecuting Attorney

\_\_\_\_\_  
VERNON V. VEYSEY, Commissioner

TOWN OF YACOLT

APPROVED AS TO FORM:

\_\_\_\_\_  
Mads Hansen  
Town Attorney

\_\_\_\_\_  
Jim Worthington  
Mayor  
\_\_\_\_\_  
John Christensen  
Town Clerk

STATE OF WASHINGTON )  
                              : ss  
COUNTY OF CLARK     )

I, the undersigned, a Notary Public in and for the State of Washington, hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, personally appeared before me, John S. McKibbin, David W. Sturdevant and Vernon V. Veysey, to me known to be the individuals constituting the Board of County Commissioners of Clark County, Washington, the county that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said county, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing in Vancouver.

EXHIBIT C  
Page 1 of 2

WATERLINE AND ROAD EASEMENT

THE GRANTOR(S), CHELATCHIE PRAIRIE RAILROAD, INC., for and in consideration of valuable consideration, as set out in part below does hereby bargain, sell and convey to the TOWN OF YACOLT, WASHINGTON, a Municipal Corporation, its heirs and assigns, a perpetual Waterline and Road Easement to construct, install, reconstruct, repair, operate and maintain a ~~drainage ditch and/or~~ <sup>WATER</sup> line and all necessary related facilities, over, under, upon and across the following described real property situated in Clark County, Washington, particularly described as follows:

SEE ATTACHED EXHIBIT "A"

GRANTORS agree that no building, wall, or structure with footings shall be placed upon the granted property without the written permission of the County.

The terms and conditions of this easement shall be binding upon the heirs and assigns of the Grantors and of Clark County, Washington.

CONSIDERATIONS: • Three Thousand and No/100 Dollars (\$3,000.00).  
• 30' easements for waterline and road at:  
- Humphreys Avenue  
- Cushman Avenue  
- Yacolt Avenue

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

CHELATCHIE PRAIRIE RAILROAD, INC.

C. David Callahan  
President

Byron Slack  
Vice President/General Manager

Gerald J. Pross  
Secretary/Treasurer

TOWN OF YACOLT, WASHINGTON

Jim Worthington  
Mayor

Donna Christiansen  
Town Clerk

APPROVED AS TO FORM:

M. D. Hansen  
Town Attorney

STATE OF WASHINGTON )  
                                  ) ss.  
COUNTY OF CLARK )

On this 25<sup>th</sup> day of September, 1984, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared C. David Callahan, Byron Slack and Gerald J. Pross and <sup>V.P. / Rev. / Mgr.</sup> to me known to be the \_\_\_\_\_ President, and \_\_\_\_\_ Secretary, respectively of Chelatchie Prairie Railroad, Inc. the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

Charles A. Finnile  
Notary Public in and for the State of Washington  
residing at Vancouver

EXHIBIT "A"

LEGAL DESCRIPTION

WELL SITE ACCESS ROAD:

That portion of the Southwest quarter, of the Southwest quarter of Section 35, Township 5 North, Range 3 East, Willamette Meridian, described as follows:

Beginning at the Southwest corner of said Section 35;

Thence North  $00^{\circ}51'28''$  East along the West line of said Section 35, a distance of 1183.24 feet;

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Thence North  $23^{\circ}05'07''$  West along said Easterly right-of-way line 65.17 feet;

Thence South  $85^{\circ}52'47''$  West 394.56 feet to the Easterly right-of-way line of County Road No. 16;

Thence South  $00^{\circ}51'28''$  West 60.01 feet to the True Point of Beginning.

Containing 0.56 acres more or less.

Together with and subject to easements and restrictions of record.

*VOID* *per*  
*frick*  
CERTIFICATE

I, the undersigning clerk of the Town of Yacolt, Washington, herein called the "Town" DO HEREBY CERTIFY:

1. That the attached Ordinance No. 255 herein called the "Ordinance" is a true and correct copy of an ordinance that the Town has passed at a meeting of the Town Council in the Town of Yacolt on the \_\_\_\_\_ day of \_\_\_\_\_, 1985, and duly recorded in my office.
2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Town Council voted in the proper manner for the passage of the Ordinance; that all of the requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed and that I am authorized to execute this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town Council this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
Town Clerk

[ Town of Yacolt ]