

Jefferson County  
Board of Commissioners  
Agenda Request

**To:** Board of Commissioners  
Philip Morley, County Administrator

**From:** Monte Reinders, P.E., County Engineer/Public Works Director

**Agenda Date:** March 24, 2014

**Subject:** Easement Amendment with Washington State Department of Natural Resources, for Culvert Replacement Project, Upper Hoh Rd. MP 3.338, CP No. 18018960; Federal Aid Project No. PLH-A160(001).

*For*

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**Statement of Issue:** The attached Easement Amendment with the Washington State Department of Natural Resources (DNR) is needed in order to construct and provide long-term maintenance for the new culvert replacement on Upper Hoh Road MP 3.338.

**Analysis/Strategic Goals/Pro's & Con's:** Public Works plans to replace the substandard, failing culvert at Upper Hoh Road MP 3.338, with a new 48 inch diameter steel culvert. The subject easement amendment from DNR is needed in conjunction with the previously approved DNR temporary Land Use License, to construct the project and provide for the long-term access for ongoing maintenance of the newly constructed culvert project as part of the existing county right of way.

**Fiscal Impact/Cost Benefit Analysis:** The total cost for this easement is \$500.00 and is funded by County Road Fund.

**Recommendation:** The Board is requested to sign the Easement Amendment, and return to Public Works for further processing.

**Department Contact:** Monte Reinders, County Engineer, 385-9242.

**Reviewed By:**  
  
Philip Morley, County Administrator

3/18/14  
Date

When recorded return to:  
Department of Natural Resources  
Olympic Region  
Attn: Rod Larson  
411 Tillicum Lane  
Forks, WA 98331

**STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES  
PETER GOLDMARK, Commissioner of Public Lands  
1111 Washington Street SE Olympia, Washington 98504**

Grantor(s): State of Washington, Department of Natural Resources  
Grantee(s): Jefferson County  
Legal Description: SW1/4SW1/4 Section 24, T 27N, R12W, W.M.  
Assessor's Property Tax Parcel or Account Number: 712243000  
Cross Reference: Book 36 of Surveys pages 245 and 246  
DNR Easement No. 50-001396

**EASEMENT AMENDMENT**

THIS EASEMENT AMENDMENT is made by and between JEFFERSON COUNTY, ("Grantee") and STATE OF WASHINGTON, acting by and through the Department of Natural Resources ("State"), (collectively referred to as "Parties").

**RECITALS**

- A. On June 23<sup>rd</sup>, 1932, Grantee and State entered into an unrecorded easement agreement ("Easement") which was filed in the Office of the Commissioner of Public Lands in Olympia, Washington under file number 50-001396, a copy of which is attached for reference as Exhibit A.
- B. The Parties desire to amend the Easement to document the as built right-of-way width ("Amendment").

The Parties agree as follows:

## **AGREEMENT**

State, for and in consideration of FIVE HUNDRED AND 00/100 DOLLARS (\$500.00), hereby grants and conveys, to Grantee, its successors and assigns a non-exclusive easement over a parcel of land in Jefferson County legally described and shown on that Record of Survey which was recorded in the records of Jefferson County, Washington on October 16, 2013 in Book 36 of Surveys at page 245 and 246.

All exhibits referenced in the Amendment are incorporated as part of the Amendment and will only reflect changes resulting from this Amendment.

Except as amended hereby, the Easement shall remain in full force and effect as previously executed, and the Parties ratify the Easement as amended. The Amendment is limited as specified herein and shall not constitute a modification, acceptance or waiver of any other provision of the Easement. From and after the date hereof, all references to the Easement shall be deemed references to the Easement as amended.

The Amendment may be signed in counterparts, any one of which shall be deemed an original. Delivery by facsimile of an executed counterpart shall have the same effect as physical delivery of an original so long as the facsimile original is sent by overnight courier to the other party.

The Amendment requires the signature of the Parties and is effective on the date of the last signature below.

JEFFERSON COUNTY

Dated: \_\_\_\_\_, 20\_\_.

By:

COUNTY OF JEFFERSON  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
John Austin, Chair

\_\_\_\_\_  
Phil Johnson, Member

\_\_\_\_\_  
David W. Sullivan, Member

Dated: \_\_\_\_\_, 20\_\_.

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES

\_\_\_\_\_  
PETER GOLDMARK  
Commissioner of Public Lands  
P.O. Box 7000  
1111 Washington Street SE  
Olympia WA 98504-7000

Approved to form only:

*David Alvarez* 3/18/14  
\_\_\_\_\_  
Date

Deputy Prosecuting Attorney

*for Monte Reinders* 3-18-14  
\_\_\_\_\_  
Date

Monte Reinders, P.E.  
Public Works Director/County Engineer

Affix the Seal of the Commissioner  
of Public Lands

STATE OF WASHINGTON)

County of Jefferson ) : ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me personally appeared Phil Johnson to me known to be Jefferson County District No. 1 Commissioner, David Sullivan to me known to be Jefferson County District No. 2 Commissioner and John Austin to me known to be Jefferson County District No. 3 Commissioner, and they executed the within and foregoing instrument, and acknowledged that the instrument was signed as their free and voluntary act for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

\_\_\_\_\_  
Notary signature

\_\_\_\_\_  
Notary Print Name

Residing at: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

**STATE ACKNOWLEDGEMENT**

State of Washington

County of Thurston

I certify that I know or have satisfactory evidence that PETER GOLDMARK is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Commissioner of Public Lands, and administrator of the Department of Natural Resources of the State of Washington to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

(Seal or stamp)

\_\_\_\_\_  
(Print Name)

Notary Public in and for the State of Washington,  
residing at \_\_\_\_\_

My appointment expires \_\_\_\_\_

EXHIBIT A

HW

DEPARTMENT OF PUBLIC LANDS  
Office of Commissioner

June 23d, 1932

.....  
In Re Applications Nos. 1393, 1394,  
1395 and 1396 for Rights of Way  
for County Roads over State Lands  
in Jefferson County.  
.....

O R D E R

It appearing to the Commissioner at this time that applications Nos. 1393, 1394, 1395 and 1396 were filed in this office by the Board of County Commissioners of Jefferson County for easements for rights of way for county roads over and across certain lands in Jefferson County; that said applications were filed in accordance with the law of 1927 which provides for the granting of rights of way over state lands; and

It further appearing that there is merchantable timber located upon said rights of way, and that the value of said timber as determined from the report of the state timber cruiser is \$489.00 under application No. 1393; \$684.00 under application No. 1394; \$252.00 under application No. 1395; and \$150.00 under application No. 1396; that a remittance covering these amounts has now been received from the proper authorities of Jefferson County and that in accordance with the statute, said rights of way can now be granted; and the Commissioner being fully advised, it is, therefore

ORDERED and DETERMINED that the plats showing the survey of the said rights of way as filed with said petitions be and the same are hereby approved as the official plats of said roads and that easements be and the same are hereby granted to Jefferson County for county roads over and across the following described lands:

290  
44  
JUN 25 1932

*Jur*

Application No. 1393

Those portions of the S $\frac{1}{2}$  of NE $\frac{1}{4}$ , the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  and the SW $\frac{1}{4}$  of section 21, township 27 north, range 12 west, W.M., included within the limits of a strip of land 60 feet in width having 30 feet of such width on each side of the following described center line:

Beginning at a point in the east part of the SW $\frac{1}{4}$  of SW $\frac{1}{4}$ , designated as Station No. 682-92.0 of the survey of State Road No. 9, and running thence N 47°50'E 256.3 feet; thence on a 20° curve to the left, turning through an angle of 49°20', a distance of 247.8 feet; thence N 1°40'W 467.6 feet; thence on a 20° curve to the left, turning through an angle of 15°, a distance of 90 feet; thence N 19°40'W 96 feet; thence on a 20° curve to the right, turning through an angle of 35°, a distance of 190 feet; thence N 18°20'E 127.92 feet; thence on a 15° curve to the right, turning through an angle of 45°51', a distance of 312.3 feet; thence N 65°11'E 2307.8 feet, intersecting the east and west center line of the section at a distance of 471.8 feet and at a point which is S 86°44'E 2041 feet distant from the quarter section corner on the west line of said section; thence on a 10° curve to the right, turning through an angle of 11°30', a distance of 115 feet; thence N 76°41'E 708.5 feet; thence on a 10° curve to the right, turning through an angle of 19°23', a distance of 193.8 feet; thence S 63°56'E 786.3 feet to a point on the east line of said section 21 which is N 1°47'E 1083.6 feet distant from the quarter section corner on said east line.

The right of way hereinabove described has an area of 8.21 acres according to the plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

Subject, however, in the SW $\frac{1}{4}$  to a right of way for railroad purposes granted to Chicago, Milwaukee and Puget Sound Railway Company through certificate No. 240, issued March 15, 1910, under application No. 6835.

Application No. 1394

Those portions of the S $\frac{1}{2}$  of NW $\frac{1}{4}$ , the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the N $\frac{1}{2}$  of SE $\frac{1}{4}$  of section 22, township 27 north, range 12 west, W.M., included within the limits of a strip of land 60 feet in width having 30 feet of such width on each side of the following described center line:

Beginning at a point on the west line of said section 22 which is N 1°47'E 1083.6 feet distant from the quarter section corner on said west line, and running thence S 63°56'E 988.1 feet; thence on an S° curve to the right, turning through an angle of 18°06', a distance of 226.8 feet; thence S 65°20'E 1618.4 feet; thence on a 10° curve to the left, turning through an angle of 12°25', a distance of 124.2 feet; thence S 78°15'E 1572.6 feet; thence on a 20° curve to the right, turning through an angle of 71°17', a distance of 366.4 feet; thence S 6°58'E 98.8 feet; thence on a 40° curve to the left, turning through an angle of 86°20', a distance of 215.8 feet; thence N 26°42'E, crossing the east line of said section 22 at a distance of 414 feet and thence into adjoining section 23, a total distance of 504.1 feet to the P. I. of a 30° curve, said P. I. being S 6°53'E 639.8 feet distant from the quarter section corner between said sections 22 and 23.



The right of way hereinabove described has an area of 7.73 acres according to the plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

Subject, however, to the rights of the holders of oil and gas leases Nos. 5569, 5683 and 5685.

Application No. 1395

Those portions of the N $\frac{1}{2}$  of SW $\frac{1}{4}$ , the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  and the W $\frac{1}{2}$  of SE $\frac{1}{4}$  of section 25, township 27 north, range 12 west, W.M., included within the limits of a strip of land 60 feet in width having 30 feet of such width on each side of the following described center line;

Beginning at a point on the west line of said section 25 which is S 86°42'W 90.1 feet distant from the P. I. of a 30° curve of said center line, said P. I. being S 6°53' E 639.8 feet distant from the quarter section corner on said west line; thence N 86°42'E 59.1 feet to the P. C. of said 30° curve; thence on said curve to the right, turning through an angle of 18°26', a distance of 61.4 feet; thence S 74°53'E 390.6 feet; thence on a 10° curve to the right, turning through an angle of 7°32', a distance of 75.3 feet; thence S 87°21'E 2400.4 feet; thence on a 30° curve to the right, turning through an angle of 25°46', a distance of 85.9 feet; thence S 41°35'E 272.2 feet; thence on an 8° curve to the left, turning through an angle of 26°08', a distance of 326.7 feet; thence S 67°43'E 1159.8 feet; thence on a 20° curve to the right, turning through an angle of 39°55', a distance of 199.8 feet; thence S 27°48'E 145.8 feet; thence on a 23° curve to the left, turning through an angle of 84°22', a distance of 366.8 feet; thence N 67°50'E 53.8 feet; thence on a 35° curve to the right, turning through an angle of 70°, a distance of 200 feet; thence S 42°10'E 55.9 feet to a point on the east line of said section 23 which is N 2°21'E 208.3 feet distant from the southeast corner of said section.

The right of way hereinabove described has an area of 5.91 acres according to the plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.

Subject, however, to the rights of the holder of oil and gas lease No. 5569.

Application No. 1396

That portion of the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of section 24, township 27 north, range 12 west, W.M., included within the limits of a strip of land 60 feet in width having 30 feet of such width on each side of the following described center line:

Beginning at a point on the west line of said section 24 which is N 2°21'E 208.3 feet distant from the southwest corner thereof, and running thence S 42°10'E 50 feet; thence on a 5° curve to the left, turning through an angle of 14°12', a distance of 284 feet to a point in adjoining section 25, and crossing the south line of said section 24 at a distance of 279.5 feet and at a point which is S 87°32'E 252.7 feet distant from said southwest corner of the section.

The right of way hereinabove described has an area of .46 acre according to the plat thereof on file in the office of the Commissioner of Public Lands at Olympia, Washington.  
Subject, however, to the rights of the holder of oil and gas lease No. 5413.

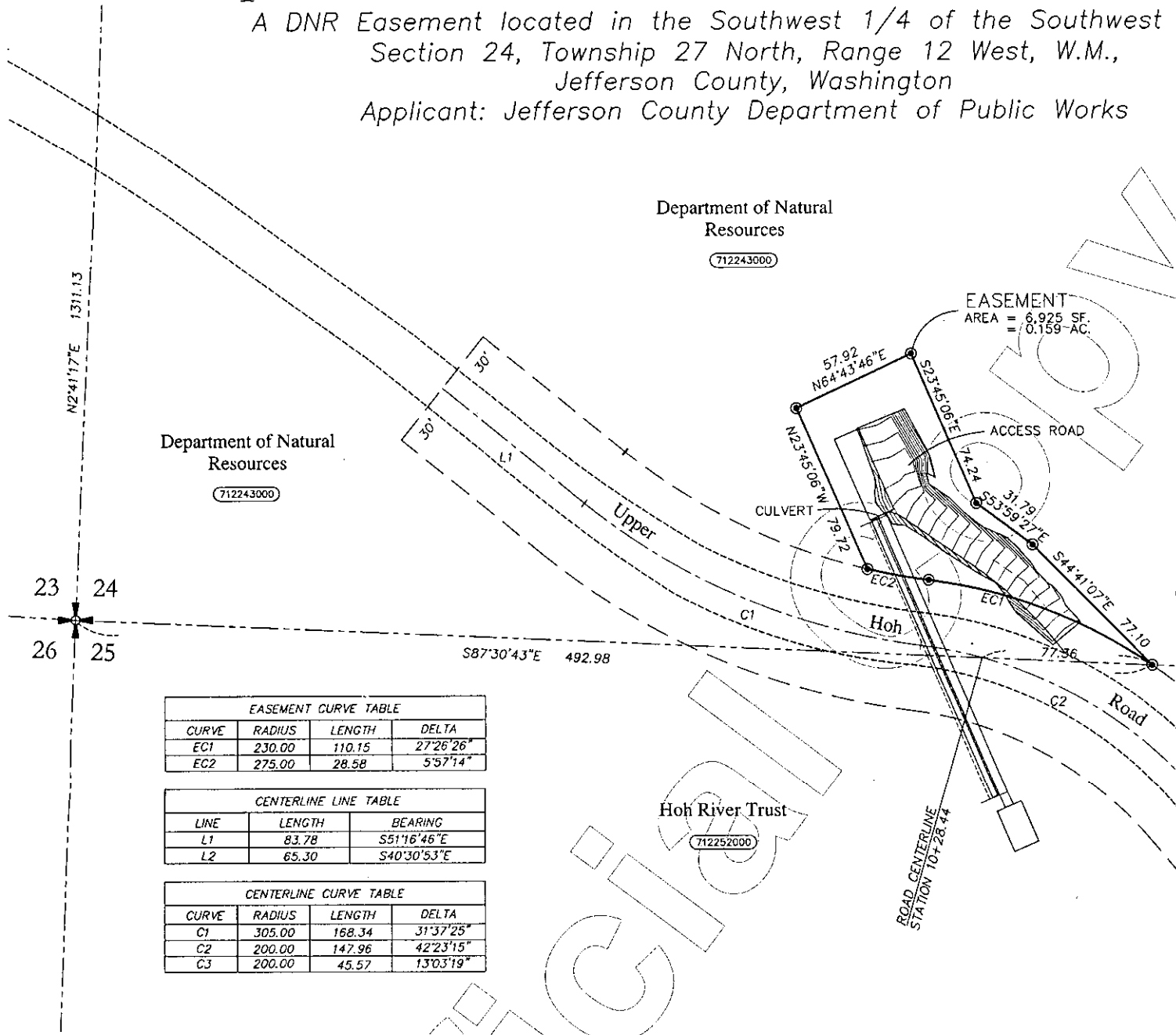
Dated this 23d day of June, A.D., 1932.

C. V. Savidge

Commissioner of Public Lands.

# Department of Natural Resources Easement

A DNR Easement located in the Southwest 1/4 of the Southwest Section 24, Township 27 North, Range 12 West, W.M., Jefferson County, Washington  
 Applicant: Jefferson County Department of Public Works



Department of Natural Resources  
 712243000

Department of Natural Resources  
 712243000

EASEMENT  
 AREA = 6,925 SF.  
 = 0.159-AC.

EASEMENT CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
EC1	230.00	110.15	27°26'26"
EC2	275.00	28.58	5°57'14"

CENTERLINE LINE TABLE		
LINE	LENGTH	BEARING
L1	83.78	S51°16'46"E
L2	65.30	S40°30'53"E

CENTERLINE CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	305.00	168.34	31°37'25"
C2	200.00	147.96	42°23'15"
C3	200.00	45.57	13°03'19"

Hoh River Trust  
 712252000

**LEGEND**

© SET 3/8-INCH REBAR WITH RED PLASTIC SURVEY CAP STAMPED "NTI-ROORDA PLS 36825" AND PLASTIC GUARD STAKE

**SURVEYOR'S NOTE**

THE PURPOSE OF THIS SURVEY IS TO LOCATE AND DESCRIBE THE EASEMENT FOR THE MAINTENANCE OF A DRAINAGE CULVERT FOR CONVEYANCE TO THE HOH RIVER UNDER THE UPPER HOH ROAD.

# Department of Natural Resources Easement

A DNR Easement located in the Southwest 1/4 of the Southwest  
 Section 24, Township 27 North, Range 12 West, W.M.,  
 Jefferson County, Washington  
 Applicant: Jefferson County Department of Public Works

