



## Department of Energy

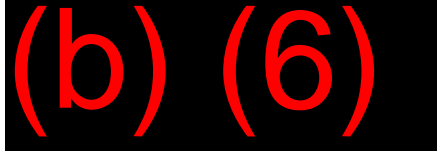
Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

FREEDOM OF INFORMATION ACT/PRIVACY PROGRAM

March 29, 2022

In reply refer to: FOIA #BPA-2022-00597-F

Jeff Whittaker



Dear Mr. Whittaker,

The Bonneville Power Administration (BPA) received your request for agency records made under the Freedom of Information Act, 5 U.S.C. § 552 (FOIA). BPA received your records request on March 15, 2022 and assigned tracking number BPA-2022-00597-F. Please use that tracking number in any correspondence with the agency regarding your FOIA request.

### Request

“I am looking for a court document. Info below: United States District Court Western District of Washington, Northern Division Plaintiff: United States of America Defendant: LeRoy Smith Civil No. 2553 Recorded in 1960. I have the document entitled ‘Declaration of Taking No.2.’ I am requesting the associated document that would be ‘Declaration of Taking No. 1.’”

### Acknowledgement

BPA reviewed your request and determined that it fulfills all of the criteria of a proper request under the FOIA and the Department of Energy’s (DOE) FOIA regulations at Title 10, Code of Federal Regulations, Part 1004.

### Response

The agency’s Land Title Records Officer located the responsive record, and we are releasing it to you in full.

### Fees

There are no fees associated with the processing of your FOIA request.

### Certification

Pursuant to 10 C.F.R. § 1004.7(b)(2), I am the individual responsible for the records search and information release described above. Your FOIA request BPA-2022-00597-F is now closed with the responsive agency information provided.

**Appeal**

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to:

Director, Office of Hearings and Appeals  
HG-1, L'Enfant Plaza  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, D.C. 20585-1615

The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to [OHA.filings@hq.doe.gov](mailto:OHA.filings@hq.doe.gov), including the phrase "Freedom of Information Appeal" in the subject line. (The Office of Hearings and Appeals prefers to receive appeals by email.) The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

Questions about this communication may be directed to BPA FOIA Public Liaison Jason E. Taylor at 503-230-3537 or [jetaylor@bpa.gov](mailto:jetaylor@bpa.gov). Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Phone: 202-741-5770  
Toll-free: 1-877-684-6448  
Fax: 202-741-5769

Thank you for your interest in the Bonneville Power Administration.

Sincerely,



Candice D. Palen, Freedom of Information/Privacy Act Officer

[Responsive agency information accompanies this communication.](#)

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SOUTHERN DIVISION

1  
2  
3 UNITED STATES OF AMERICA,

4 Petitioner,

5 vs.

6 LEROY SMITH, et al.,

7 Respondents.

Civil No. 2553

DECLARATION OF TAKING

Filed 6-9-60

8  
9 TO THE HONORABLE UNITED STATES DISTRICT COURT:

10 I, WM. A. PEAK, Bonneville Power Administrator, under and by  
11 virtue of the provisions of an Act of Congress approved February 26,  
12 1931 (46 Stat. 1481; 40 U.S.C., 1958 ed., sec. 258a), do hereby make  
13 and file this Declaration of Taking and do hereby state and declare:

14 1. The Act of Congress approved August 20, 1957 (50 Stat. 731;  
15 16 U.S.C., 1958 ed., ch. 123), as amended, together with Public Works  
16 Appropriation Act, 1960, enacted September 10, 1959, the Act of Con-  
17 gress approved June 20, 1949 (63 Stat. 203; 5 U.S.C., 1958 ed., sec.  
18 133a), Reorganization Plan No. 3 of 1950 (15 F.R. 3174), Order No. 2563  
19 of the Secretary of the Interior (15 F.R. 3193), and Order No. 2753 of  
20 the Secretary of the Interior, as amended (23 F.R. 9709), authorizes me,  
21 in the name of the United States of America, to acquire the land, the  
22 perpetual easements and the right to fell, limb or top danger trees  
23 described in the condemnation complaint in the above entitled proceeding  
24 and described and set forth hereinbelow. The said Act of August 20,  
25 1957, as amended, and the Act of Congress approved August 1, 1888  
26 (25 Stat. 357; 40 U.S.C., 1958 ed., sec. 257), as amended, authorize  
27 the United States to acquire the land, the perpetual easements and right  
28 to fell, limb or top danger trees by condemnation. The public use for  
29 which said land, perpetual easements and right to fell, limb or top  
30 danger trees are acquired and taken is the construction, operation and  
31 maintenance by the Bonneville Power Administration of electric power  
32 transmission facilities.

1           2. A description of the land and a statement of the interests  
2 therein taken by the United States are set forth in Exhibit A hereto  
3 attached and by reference made a part hereof.

4           3. A plan, in four sheets, hereto attached as Exhibit B and by  
5 reference made a part hereof shows, colored in purple, the land  
6 described in said Exhibit A and hereby taken and, colored in red, the  
7 land over which the rights-of-way described in said Exhibit A are taken  
8 and, colored in brown, the land over which the perpetual easements for  
9 access roads described in said Exhibit A are taken and, colored in green,  
10 the land upon which the danger tree rights set forth in said Exhibit A  
11 are taken.

12           4. The amounts estimated by me to be just compensation for the  
13 taking of said interests in land in each of the following tracts are  
14 as follows:

<u>Tracts</u>	<u>Compensation</u>
15           Lexington Substation Site, 16           Parcels 1 and 3; 17           Lexington SS-North Corridor, 18           Parcels 2, 3, 4 and 5.	\$ 14,670.00
19           Lexington Substation Site, 20           Parcel 5; 21           Lexington Substation Site 22           Entrance Area and Road, 23           Parcel 7; 24           Lexington SS-South Corridor, 25           Parcels 1 and 3; 26           Lexington Substation Site- 27           North Corridor Access Road 28           AR-1, Parcel 1.	4,140.00
29           Lexington Substation Site, 30           Parcels 2, 4 and 6; 31           Lexington SS-North Corridor, 32           Parcel 1; 33           Lexington SS-South Corridor, 34           Parcel 2; 35           Lexington Substation Site- 36           North Corridor Access Road 37           AR-1, Parcel 2.	20,135.00
	<hr/>
	Total           \$ 38,945.00

38 and I hereby deposit said sum of thirty-eight thousand nine hundred  
39 forty-five Dollars (\$38,945.00) into the registry of this Honorable

1 Court to the use of the persons entitled thereto. I am of the opinion  
2 that the ultimate award of damages for the taking of said land, perpetual  
3 easements and the right to fell, limb or top danger trees probably will  
4 be within the limits prescribed by Congress on the price to be paid  
5 therefor.

6 NOW, THEREFORE, I, the said Wm. A. Pearl, Somerville Power Adminis-  
7 trator, do hereby state and declare that the said land, perpetual ease-  
8 ments and right to fell, limb or top danger trees are hereby taken in  
9 the name and for the use of the United States of America under the  
10 authority and for the public uses and purposes aforesaid.

11 IN WITNESS WHEREOF, I, Wm. A. PEARL, Somerville Power Adminis-  
12 trator, being thereto duly authorized, have signed this Declaration  
13 of Taking on this 31 day of May, 1960.

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16 /s/ Wm. A. Pearl  
17 Somerville Power Administrator  
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LEXINGTON SUBSTATION SITE

Fee simple title to the following described parcels of land in the Thomas Roe Donation Land Claim No. 62 in Township 8 North, Range 2 West of the Willamette Meridian, Cowlitz County, Washington:

(Parcel 1)

Commencing at the northwest corner of said Claim No. 62; thence S. 89° 41' 10" E. along the north line of said Claim No. 62 a distance of 2437.8 feet to a point on the west line of the former Longview, Portland and Northern Railroad right-of-way; thence southerly along said right-of-way on a curve to the right, having a radius of 3744.83 feet, a distance of 115.0 feet (the long chord of which bears S. 8° 42' 00" W. a distance of 115.0 feet) to the true point of beginning; thence continuing southerly along said curve a distance of 252.2 feet (the long chord of which bears S. 11° 32' 00" W. a distance of 252.1 feet); thence continuing along said right-of-way S. 13° 27' 20" W. a distance of 240.3 feet; thence N. 89° 42' 10" W. a distance of 401.2 feet; thence N. 46° 40' 30" E. a distance of 697.6 feet, more or less, to the true point of beginning, containing 2.21 acres more or less.

(Parcel 3)

Commencing at the northwest corner of said Claim No. 62; thence S. 89° 41' 10" E. along the north line of said Claim No. 62 a distance of 2741.4 feet to the true point of beginning; thence S. 43° 19' 30" E. a distance of 821.9 feet; thence N. 89° 42' 10" W. a distance of 837.2 feet to a point on the east line of the former Longview, Portland and Northern Railroad right-of-way; thence N. 13° 27' 20" E. along said right-of-way a distance of 205.2 feet; thence northerly along said right-of-way on a curve to the left, having a radius of 3894.83 feet, a distance of 401.8 feet (the long chord of which bears N. 10° 29' 20" E. a distance of 401.5 feet) to a point on the north line of said Claim No. 62; thence S. 89° 41' 10" E. along said north line a distance of 152.4 feet, more or less, to the true point of beginning, containing 6.85 acres more or less.

LEXINGTON SS-NORTH CORRIDOR

A perpetual easement to construct, maintain, repair, rebuild, operate and patrol four lines of electric power transmission structures on the hereinafter described Parcel 2, seven lines of electric power transmission structures on the hereinafter described Parcel 3, two lines of electric power transmission structures on the hereinafter described Parcel 4, and four lines of electric power transmission structures on the hereinafter described Parcel 5, together with conductor and necessary appurtenances, and the further

1 right to clear the said parcels and to keep the same clear of brush,  
2 timber, inflammable structures and fire hazards (provided, however,  
3 that the words "fire hazards" shall not include growing crops), and  
4 to dispose of such brush, timber and inflammable structures by sale  
5 or other means in such a manner as shall not create a fire hazard;  
6 subject, however, to the rights of the public in and to all public  
7 roads; subject further to the continued use and maintenance of exist-  
8 ing private roads, pipes and conduits, irrigation and drainage lines,  
9 ditches and canals, and public utility lines, to the exercise of  
10 existing easements and licenses therefor, and to the exercise of  
11 existing mineral rights; and subject also to the condition that  
12 the grave of L. P. Smith, the fence enclosing said grave and the  
13 monument erected thereon, located near the southwest corner of Par-  
14 cel 4, shall not be disturbed in the exercise of the easement rights  
15 being acquired in this action; over and across the following de-  
16 scribed land, to-wit:

17 (Parcel 2)

18 That portion of the Thomas Roe Donation Land Claim No. 62 in  
19 Township 8 North, Range 2 West of the Willamette Meridian, Cowlitz  
20 County, Washington, described as: Commencing at the northwest  
21 corner of said Claim No. 62; thence S. 89° 41' 10" E. along the  
22 north line of said Claim No. 62 a distance of 875.2 feet to the  
23 true point of beginning; thence continuing S. 89° 41' 10" E. along  
24 said north line a distance of 172.4 feet to a point on the south-  
25 westerly line of the existing right-of-way for the Bonneville Power  
Administration Vancouver-Kelso and Kelso-Raymond transmission lines;  
thence S. 46° 01' 37" E. along said southwesterly line a distance  
of 862.3 feet; thence N. 89° 42' 10" W. a distance of 172.3 feet;  
thence N. 46° 01' 37" W. a distance of 862.4 feet, more or less,  
to the true point of beginning.

25 (Parcel 3)

26 That portion of the Thomas Roe Donation Land Claim No. 62 in  
27 Township 8 North, Range 2 West of the Willamette Meridian, Cowlitz  
28 County, Washington, described as: Commencing at the northwest  
29 corner of said Claim No. 62; thence S. 89° 41' 10" E. along the  
30 north line of said Claim No. 62 a distance of 2437.8 feet to the  
true point of beginning, said point being on the west line of the  
former Longview, Portland and Northern Railroad right-of-way;  
thence southerly along said west line on a curve to the right,  
having a radius of 3744.83 feet, a distance of 115.0 feet (the

1 long chord of which bears S. 8° 42' 00" W. a distance of 115.0 feet);  
2 thence S. 46° 40' 30" W. a distance of 477.3 feet to a point on the  
3 northeasterly line of the existing right-of-way for the Bonneville  
4 Power Administration Vancouver-Kelso and Kelso-Raymond transmission  
5 lines; thence N. 46° 01' 37" W. along said northeasterly line a dis-  
6 tance of 642.0 feet to a point on the north line of said Claim No.  
7 62; thence S. 89° 41' 10" E. along said north line a distance of  
8 826.7 feet, more or less, to the true point of beginning.

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(Parcel 4)

7 That portion of the Lorenzo P. Smith Donation Land Claim No. 63  
8 and the John Black Donation Land Claim No. 66 in Township 8 North,  
9 Range 2 West of the Willamette Meridian, Cowlitz County, Washington,  
10 described as beginning at a point 20 chains south of the northwest  
11 corner of said Claim No. 66; thence east a distance of 63.17 chains;  
12 thence south a distance of 20.50 chains; thence west a distance of  
13 36.49 chains; thence south a distance of 9 chains; thence west a  
14 distance of 26.68 chains; thence north a distance of 29.26 chains  
15 to the point of beginning, which lies within a parcel of land de-  
16 scribed as follows:

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13 Beginning at the point where the easterly boundary line of the  
14 above mentioned existing right-of-way for the Bonneville Power  
15 Administration Kelso-Raymond transmission line intersects the south  
16 line of said Claim No. 63, said point being S. 89° 41' 10" E. a dis-  
17 tance of 1611.2 feet from the re-entrant corner of said Claim No. 66;  
18 thence N. 46° 01' 37" W. along said easterly line a distance of  
19 1248.6 feet; thence N. 28° 09' 56" W. along said easterly line a dis-  
20 tance of 554.9 feet to a point on the north line of the above de-  
21 scribed tract of land; thence S. 89° 53' 37" E. along said north  
22 line a distance of 503.8 feet; thence S. 46° 01' 37" E. a distance  
23 of 1957.8 feet to a point on said south line of said Claim No. 63;  
24 thence N. 89° 41' 10" W. along said south line a distance of 752.2  
25 feet to the point of beginning.

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(Parcel 5)

21 That portion of the Lorenzo P. Smith Donation Land Claim No. 63  
22 and the John Black Donation Land Claim No. 66 in Township 8 North,  
23 Range 2 West of the Willamette Meridian, Cowlitz County, Washington,  
24 described as beginning at a point 20 chains south of the northwest  
25 corner of said Claim No. 66; thence east a distance of 63.17 chains;  
26 thence south a distance of 20.50 chains; thence west a distance of  
27 36.49 chains; thence south a distance of 9 chains; thence west a  
28 distance of 26.68 chains; thence north a distance of 29.26 chains  
29 to the point of beginning, which lies within a parcel of land de-  
30 scribed as follows:

26

27 Beginning at the point where the westerly boundary line of the  
28 existing right-of-way for the Bonneville Power Administration Kelso-  
29 Raymond transmission line intersects the south line of said Claim  
30 No. 63, said point being S. 89° 41' 10" E. a distance of 1047.8 feet  
from the re-entrant corner of said Claim No. 66; thence N. 89° 41'  
10" W. along said south line of said Claim No. 63 a distance of  
172.4 feet; thence N. 46° 01' 37" W. parallel with and 119 feet  
westerly, when measured at right angles, from said westerly line a



1 distance of 484.7 feet; thence N. 28° 09' 56" W. parallel with and  
2 112.5 feet westerly, when measured at right angles, from said west-  
3 erly line a distance of 1152.9 feet to a point on the north line of  
4 the above described tract of land; thence S. 89° 53' 37" E. along  
5 said north line a distance of 127.7 feet to a point on said west-  
6 erly line; thence S. 28° 09' 56" E. along said westerly line a dis-  
7 tance of 1053.6 feet; thence S. 46° 01' 37" E. along said westerly  
8 line a distance of 611.9 feet to the point of beginning.

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15 Danger Tree Rights

16 Also, within a strip of land 50 feet in width on the south-  
17 westerly side of and contiguous to said North Corridor, Parcel 2,  
18 and within a strip of land 50 feet in width on the easterly side  
19 of and contiguous to the northerly 300 feet of said North Corridor,  
20 Parcel 4, and within a strip of land 50 feet in width on the westerly  
21 side of and contiguous to said North Corridor, Parcel 5, the right  
22 to fell, limb or top all trees, brush and snags which are located  
23 on lands of the same ownership as said Parcels 2, 4 and 5 and are,  
24 at the date of filing the declaration of taking in the above entitled  
25 proceeding, of such height and location that they could fall within  
26 the limits of said Parcels 2, 4 and 5 and damage the transmission  
27 line facilities to be erected thereon, together with the right to  
28 sell, burn, or otherwise destroy said trees, brush and snags; pro-  
29 vided, however, that said rights shall only be exercised in such  
30 manner that no fire hazard shall be created.

1 LEXINGTON SUBSTATION SITE

2 Fee simple title to a tract of land in the Thomas Roe Donation  
3 Land Claim No. 62 in Township 8 North, Range 2 West of the Wil-  
4 lamette Meridian, Cowlitz County, Washington, described as follows:

5 (Parcel 5)

6 Commencing at the northwest corner of said Claim No. 62; thence  
7 S. 89° 41' 10" E. along the north line of said Claim No. 62 a dis-  
8 tance of 2589.0 feet to a point on the east line of the former Long-  
9 view, Portland and Northern Railroad right-of-way; thence S. 10° 29'  
10 20" W. a distance of 401.5 feet to a point on said east line; thence  
11 S. 13° 27' 20" W. along said east line a distance of 205.2 feet to  
12 the true point of beginning, said point being the northeast corner  
13 of a strip of land 150 feet in width conveyed by Cowlitz County to  
14 Dorothy M. Pankratz according to the deed recorded in Volume 376  
15 of Deeds, page 460, Records of said County; thence S. 13° 27' 20" W.  
16 along the east line of said strip a distance of 954.0 feet; thence  
17 N. 89° 50' 30" W. a distance of 154.2 feet to a point on the west  
18 line of said strip; thence N. 13° 27' 20" E. along said west line  
19 a distance of 954.4 feet to the northwest corner of said strip;  
20 thence S. 89° 42' 10" E. along the north line of said strip a dis-  
21 tance of 154.1 feet to the true point of beginning, containing 3.28  
22 acres, more or less.

1 EASEMENT FOR LEXINGTON SUBSTATION SITE ENTRANCE AREA AND ROAD

2 Subject to existing rights of use by others, a perpetual ease-  
 3 ment to construct, use, maintain and improve a road, together with  
 4 the right to clear where necessary trees, stumps, logs and brush,  
 5 and to pile and burn or otherwise dispose of the same in such manner  
 6 as not to create a fire hazard; to make all cuts and fills necessary  
 7 to the construction, improvement or reconstruction of a roadbed; to  
 8 construct and install all necessary culverts, bridges, retaining  
 9 walls, and other appurtenant structures; subject, however, to the  
 10 continued use and maintenance of existing private roads, pipes and  
 11 conduits, irrigation and drainage lines, ditches and canals, and  
 12 public utility lines, to the exercise of existing easements and  
 13 licenses therefor, and to the exercise of existing mineral rights;  
 14 over and across the following described land, to-wit:

15 (Parcel 7)

16 A parcel of land in the Thomas Roe Donation Land Claim No. 62  
 17 in Township 8 North, Range 2 West of the Willamette Meridian, Cowlitz  
 18 County, Washington, described as: Commencing at the northwest corner  
 19 of said Claim No. 62; thence S. 89° 41' 10" E. along the north line  
 20 of said Claim No. 62 a distance of 2589.0 feet to a point on the east  
 21 line of the former Longview, Portland and Northern Railroad right-of-  
 22 way; thence S. 10° 29' 20" W. a distance of 401.5 feet to a point on  
 23 said east line; thence S. 13° 27' 20" W. along said east line a dis-  
 24 tance of 1159.2 feet to the true point of beginning, said point be-  
 25 ing on the east line of a strip of land 150 feet in width conveyed  
 26 by Cowlitz County to Dorothy M. Pankratz according to the deed re-  
 27 corded in Volume 376 of Deeds, page 460, Records of said County;  
 28 thence S. 13° 27' 20" W. along said east line a distance of 258.4  
 29 feet; thence southerly along said east line on a curve to the left,  
 30 having a radius of 2789.93 feet, a distance of 654.1 feet (the long  
 chord of which bears S. 6° 44' 20" W. a distance of 652.6 feet);  
 thence S. 0° 01' 20" W. along said east line a distance of 170.0  
 feet; thence S. 45° 00' 20" E. a distance of 365.9 feet to a point  
 on the northwesterly line of the Cowlitz County Road right-of-way,  
 said road being known as the West Side Road, the River Road, and  
 also as Permanent Highway No. 17; thence southwesterly along said  
 northwesterly line on a curve to the left, having a radius of 843.51  
 feet, a distance of 103.5 feet (the long chord of which bears S.  
 48° 01' 00" W. a distance of 103.5 feet) to a point on the south  
 line of said Claim No. 62; thence N. 88° 48' 50" W. along said south  
 line a distance of 332.1 feet to a point on the west line of said  
 strip; thence N. 0° 01' 20" E. along said west line a distance of  
 491.0 feet; thence northerly along said west line on a curve to the  
 right, having a radius of 2939.93 feet, a distance of 689.3 feet

1 (the long chord of which bears N. 6° 44' 20" E. a distance of 687.7  
2 feet); thence N. 13° 27' 20" E. along said west line a distance of  
3 222.9 feet; thence S. 89° 50' 30" E. a distance of 154.2 feet to the  
4 true point of beginning.

5 LEXINGTON SS-SOUTH CORRIDOR

6 A perpetual easement to construct, maintain, repair, rebuild,  
7 operate and patrol one line of electric power transmission struc-  
8 tures on the hereinafter described Parcel 1 and three lines of elec-  
9 tric power transmission structures on the hereinafter described  
10 Parcel 3, together with conductor and necessary appurtenances, and  
11 the further right to clear the said parcels and to keep the same  
12 clear of brush, timber, inflammable structures and fire hazards  
13 (provided, however, that the words "fire hazards" shall not include  
14 growing crops), and to dispose of such brush, timber and inflammable  
15 structures by sale or other means in such a manner as shall not  
16 create a fire hazard; subject, however, to the rights of the public  
17 in and to all public roads; subject further to the continued use  
18 and maintenance of existing private roads, pipes and conduits, irri-  
19 gation and drainage lines, ditches and canals, and public utility  
20 lines, to the exercise of existing easements and licenses therefor,  
21 and to the exercise of existing mineral rights; over and across the  
22 following described land, to-wit:

23 (Parcel 1)

24 That portion of the Thomas Roe Donation Land Claim No. 62 in  
25 Township 8 North, Range 2 West of the Willamette Meridian, Cowlitz  
26 County, Washington, described as: Commencing at the northwest  
27 corner of said Claim No. 62; thence S. 89° 41' 10" E. along the  
28 north line of said Claim No. 62 a distance of 2741.4 feet to a point  
29 on the boundary of the proposed Bonneville Power Administration  
30 Lexington Substation Site; thence S. 43° 19' 30" E. along said  
boundary a distance of 1096.2 feet; thence S. 45° 40' 30" W. along  
said boundary a distance of 1056.9 feet; thence N. 89° 50' 30" W.  
along said boundary a distance of 95.9 feet to a point on the south-  
westerly line of the existing right-of-way for the Bonneville Power  
Administration Vancouver-Kelso transmission line, said point being  
the true point of beginning; thence S. 45° 45' 16" E. along said  
southwesterly line a distance of 560.1 feet to an angle point on  
said southwesterly line; thence S. 33° 59' 06" E. along said

1 southwesterly line a distance of 452 feet to a point in the right  
2 bank of the Cowlitz River; thence southwesterly along said river a  
3 distance of 151 feet, more or less, to a point which bears S. 60°  
4 25' 10" W. a distance of 150.5 feet from the previously described  
5 point; thence N. 33° 59' 06" W. a distance of 425 feet; thence N.  
6 45° 45' 16" W. a distance of 699.5 feet; thence S. 89° 50' 30" E.  
7 a distance of 215.7 feet, more or less, to the true point of begin-  
8 ning.

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(Parcel 3)

That portion of the Thomas Roe Donation Land Claim No. 62 in  
Township 8 North, Range 2 West of the Willamette Meridian, Cowlitz  
County, Washington, described as: Commencing at the northwest  
corner of said Claim No. 62; thence S. 89° 41' 10" E. along the  
north line of said Claim No. 62 a distance of 2741.4 feet to a point  
on the boundary of the proposed Bonneville Power Administration  
Lexington Substation Site; thence S. 43° 19' 30" E. along said  
boundary a distance of 1096.2 feet; thence S. 46° 40' 30" W. along  
said boundary a distance of 842.5 feet, more or less, to a point on  
the northeasterly line of the existing right-of-way for the Bonne-  
ville Power Administration Vancouver-Kelso transmission line; thence  
S. 45° 45' 16" E. along said northeasterly line a distance of 212.1  
feet, more or less, to a point on the north line of a tract of land  
described in Volume 225 of Deeds, page 365, Records of said County,  
said point being the true point of beginning; thence S. 89° 50' 30" E.  
along said north line a distance of 342.9 feet; thence S. 20° W. a  
distance of 174.7 feet, more or less, to a point that is 112.5 feet  
northeasterly, when measured at right angles, from the northeasterly  
line of said existing transmission line right-of-way; thence S. 33°  
59' 06" E. parallel with said northeasterly line a distance of 560  
feet, more or less, to a point in the right bank of the Cowlitz  
River; thence southwesterly along said river a distance of 115 feet,  
more or less, to a point on the northeasterly line of said existing  
transmission line right-of-way, which said point bears S. 66° 42'  
10" W. a distance of 114.5 feet from the previously described point;  
thence W. 33° 59' 06" W. along said northeasterly line a distance of  
690 feet, more or less, to an angle point in said northeasterly line;  
thence N. 45° 45' 16" W. along said northeasterly line a distance of  
147.0 feet, more or less, to the true point of beginning.

EASEMENT FOR LEXINGTON SUBSTATION SITE-  
NORTH CORRIDOR ACCESS ROAD AR-1, PARCEL 1

Subject to existing rights of use by others, a perpetual ease-  
ment to construct, use, maintain and improve an access road, together  
with the right to clear where necessary trees, stumps, logs and brush,  
and to pile and burn or otherwise dispose of the same in such manner  
as not to create a fire hazard; to make all cuts and fills necessary  
to the construction, improvement or reconstruction of a roadbed; to  
construct and install all necessary culverts, bridges, retaining

1 walls, and other appurtenant structures; subject, however, to the con-  
2 tinued use and maintenance of existing private roads, pipes and con-  
3 duits, irrigation and drainage lines, ditches and canals, and public  
4 utility lines, to the exercise of existing easements and licenses  
5 therefor, and to the exercise of existing mineral rights; over and  
6 across the following described land, to-wit:

7 That portion of the Thomas Roe Donation Land Claim No. 62 in  
8 Township 8 North, Range 2 West of the Willamette Meridian, Cowlitz  
9 County, Washington, which lies within a tract of land described as  
10 beginning at an iron pipe marking the southwest corner of said Claim  
11 No. 62; thence N. 0° 34' E. a distance of 901.2 feet; thence S. 89°  
12 26' E. a distance of 50 feet; thence N. 0° 34' E. a distance of 454.1  
13 feet; thence N. 89° 52' E. a distance of 4750 feet to the right bank  
14 of the Cowlitz River; thence downstream along the right bank of said  
15 river to the southeast corner of said Claim No. 62; thence N. 88° 38'  
16 W. a distance of 2458.7 feet to the point of beginning, which lies  
17 westerly of the former Longview, Portland and Northern Railroad 150-  
18 foot right-of-way as described in conveyance from Cowlitz County to  
19 Dorothy M. Fankratz, according to the deed recorded in Volume 376 of  
20 Deeds, page 460, Records of said County, and which lies within a  
21 strip of land 14 feet in width, with extra width as necessary to  
22 provide for cuts, fills, ditches and turnouts and for curves at  
23 angle points as now surveyed and staked on the ground, the survey  
24 line of said strip being more particularly described as follows:

25 Beginning at access road survey station 0 + 00, a point in said  
26 Claim No. 62, said point being S. 49° 08' E. a distance of 2787.7  
27 feet from the northwest corner of said Claim No. 62; thence along  
28 an existing road as follows: N. 12° 00' E. to survey station 0 + 80;  
29 thence N. 33° 17' W. to survey station 2 + 94; thence N. 10° 44' W.  
30 to survey station 4 + 45; thence N. 1° 31' E. to survey station  
6 + 21; thence N. 9° 09' E. to survey station 7 + 37; thence N. 16°  
11' W. to survey station 9 + 03, a point in said Claim No. 62, said  
point being S. 63° 40' E. a distance of 2183.4 feet from said north-  
west corner of said Claim No. 62.

#### 22 LEXINGTON SUBSTATION SITE

23 Fee simple title to three tracts of land in the Thomas Roe Dona-  
24 tion Land Claim No. 62 in Township 8 North, Range 2 West of the Wil-  
25 lamette Meridian, Cowlitz County, Washington, particularly described  
26 as follows:

#### 27 (Parcel 2)

28 Commencing at the northwest corner of said Claim No. 62; thence  
29 S. 89° 41' 10" E. along the north line of said Claim No. 62 a dis-  
30 tance of 2589.0 feet to the true point of beginning, said point be-  
ing on the east line of the former Longview, Portland and Northern  
Railroad right-of-way, as described in conveyance from Cowlitz County

1 to H. H. Holbrook recorded in Volume 392 of Deeds, page 578, Records  
2 of said County; thence southerly along said east line on a curve to  
3 the right, having a radius of 3894.83 feet, a distance of 401.8 feet  
4 (the long chord of which bears S. 10° 29' 20" W. a distance of 401.5  
5 feet); thence S. 13° 27' 20" W. along said east line a distance of  
6 205.2 feet to a point on the south line of the tract of land de-  
7 scribed in said conveyance; thence N. 89° 42' 10" W. along said south  
8 line a distance of 154.1 feet to a point on the west line of said  
9 right-of-way; thence N. 13° 27' 20" E. along said west line a dis-  
10 tance of 240.3 feet; thence northerly along said west line on a curve  
11 to the left, having a radius of 3744.83 feet, a distance of 252.2  
12 feet (the long chord of which bears N. 11° 32' 00" E. a distance of  
13 252.1 feet); thence continuing northerly along said curve a distance  
14 of 115.0 feet (the long chord of which bears N. 8° 42' 00" E. a dis-  
15 tance of 115.0 feet) to a point on the north line of said Claim No. 62;  
16 thence S. 89° 41' 10" E. along said north line a distance of 151.2  
17 feet, more or less, to the true point of beginning, containing 2.22  
18 acres more or less.

11 (Parcel 4)

12 Commencing at the northwest corner of said Claim No. 62; thence  
13 S. 89° 41' 10" E. along the north line of said Claim No. 62 a dis-  
14 tance of 2437.8 feet; thence S. 8° 42' 00" W. a distance of 115.0  
15 feet; thence S. 46° 40' 30" W. a distance of 697.6 feet to a point  
16 on the north line of a tract of land described in conveyance from  
17 Henry Ray Holbrook, Dorothy Mae Pankratz and Zoe Meier to Henry H.  
18 Holbrook recorded in Volume 223 of Deeds, page 605, Records of said  
19 County, said point being the true point of beginning; thence S. 89°  
20 42' 10" E. a distance of 401.2 feet to a point on the west line of  
21 the former Longview, Portland and Northern Railroad right-of-way as  
22 described in conveyance from Cowlitz County to Dorothy M. Pankratz  
23 recorded in Volume 376 of Deeds, page 460, Records of said County;  
24 thence S. 13° 27' 20" W. along said west line a distance of 954.4  
25 feet to a point on the south line of said tract of land described  
26 in Volume 223 at page 605; thence N. 8° 57' 00" W. a distance of  
27 665.9 feet; thence N. 43° 19' 30" W. a distance of 250.0 feet;  
28 thence N. 46° 40' 30" E. a distance of 132.0 feet to the true point  
29 of beginning, containing 4.36 acres more or less.

22 (Parcel 6)

23 Commencing at the northwest corner of said Claim No. 62; thence  
24 S. 89° 41' 10" E. along the north line of said Claim No. 62 a dis-  
25 tance of 2741.4 feet; thence S. 43° 19' 30" E. a distance of 821.9  
26 feet to a point on the north line of a tract of land described in  
27 conveyance from Henry Ray Holbrook, Dorothy Mae Pankratz and Zoe  
28 Meier to Henry H. Holbrook recorded in Volume 223 of Deeds, page 605,  
29 Records of said County, said point being the true point of beginning;  
30 thence continuing S. 43° 19' 30" E. a distance of 274.3 feet; thence  
S. 46° 40' 30" W. a distance of 1056.9 feet to a point on the south  
line of said tract of land; thence N. 89° 50' 30" W. along said south  
line a distance of 478.5 feet to a point on the east line of the  
former Longview, Portland and Northern Railroad right-of-way as de-  
scribed in conveyance from Cowlitz County to Dorothy M. Pankratz  
recorded in Volume 376 of Deeds, page 460, Records of said County;  
thence N. 13° 27' 20" E. along said east line a distance of 954.0

1 feet to a point on the said north line of the tract of land described  
2 in Volume 223 at page 605; thence S. 89° 42' 10" E. along said north  
3 line a distance of 837.2 feet, more or less, to the true point of be-  
4 ginning, containing 17.44 acres more or less.

4 LEXINGTON SS-NORTH CORRIDOR

5 A perpetual easement to construct, maintain, repair, rebuild,  
6 operate and patrol one line of electric power transmission line struc-  
7 tures on the hereinafter described Parcel 1, together with conductor  
8 and necessary appurtenances, and the further right to clear said parcel  
9 and to keep the same clear of brush, timber, inflammable structures  
10 and fire hazards (provided, however, that the words "fire hazards"  
11 shall not include growing crops), and to dispose of such brush, timber  
12 and inflammable structures by sale or other means in such a manner as  
13 shall not create a fire hazard; subject, however, to the rights of the  
14 public in and to all public roads; subject further to the continued  
15 use and maintenance of existing private roads, pipes and conduits,  
16 irrigation and drainage lines, ditches and canals, and public utility  
17 lines, to the exercise of existing easements and licenses therefor,  
18 and to the exercise of existing mineral rights; over and across the  
19 following described land, to-wit:

20 (Parcel 1)

21 That portion of the Thomas Roe Donation Land Claim No. 62 in  
22 Township 8 North, Range 2 West of the Willamette Meridian, Cowlitz  
23 County, Washington, described as: Commencing at the northwest corner  
24 of said Claim No. 62; thence S. 89° 41' 10" E. along the north line  
25 of said Claim No. 62 a distance of 1047.6 feet to a point on the  
26 southwesterly boundary line of the existing right-of-way for the  
27 Bonneville Power Administration Vancouver-Kelso and Kelso-Raymond  
28 transmission lines; thence S. 46° 01' 37" E. along said southwesterly  
29 line a distance of 862.3 feet to a point on the north line of a  
30 tract of land described in conveyance from Henry Ray Holbrook,  
31 Dorothy Mae Pankratz and Zoe Meier to Henry H. Holbrook recorded in  
Volume 223 of Deeds, page 605, Records of said County, said point  
being the true point of beginning; thence continuing S. 46° 01' 37" E.  
along said southwesterly line a distance of 454.0 feet to a point in  
the proposed Bonneville Power Administration Lexington Substation  
Site boundary; thence S. 8° 57' 00" E. along said boundary a distance  
of 197.4 feet; thence N. 46° 01' 37" W. a distance of 736.2 feet to  
a point on said north line; thence S. 89° 42' 10" E. along said north  
line a distance of 172.3 feet, more or less, to the true point of be-  
ginning.

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Danger Tree Rights

Also, within a strip of land 50 feet in width on the south-westerly side of and contiguous to said North Corridor, Parcel 1, the right to fell, limb or top all trees, brush and snags which are located on lands of the same ownership as said Parcel 1 and are, at the date of filing the declaration of taking in the above entitled proceeding, of such height and location that they could fall within the limits of said Parcel 1 and damage the transmission line facilities to be erected thereon, together with the right to sell, burn, or otherwise destroy said trees, brush and snags; provided, however, that said rights shall only be exercised in such manner that no fire hazard shall be created.

LEXINGTON SS-SOUTH CORRIDOR

A perpetual easement to construct, maintain, repair, rebuild, operate and patrol four lines of electric power transmission structures on the hereinafter described Parcel 2, together with conductor and necessary appurtenances, and the further right to clear said parcel and to keep the same clear of brush, timber, inflammable structures and fire hazards (provided, however, that the words "fire hazards" shall not include growing crops), and to dispose of such brush, timber and inflammable structures by sale or other means in such a manner as shall not create a fire hazard; subject, however, to the rights of the public in and to all public roads; subject further to the continued use and maintenance of existing private roads, pipes and conduits, irrigation and drainage lines, ditches and canals, and public utility lines, to the exercise of existing easements and licenses therefor, and to the exercise of existing mineral rights; over and across the following described land, to-wit:

(Parcel 2)

That portion of the Thomas Roe Donation Land Claim No. 62 in Township 8 North, Range 2 West of the Willamette Meridian, Cowlitz County, Washington, described as: Commencing at the northwest corner of said Claim No. 62; thence S. 89° 41' 10" E. along the north line of said Claim No. 62 a distance of 2741.4 feet to a point on the boundary of the proposed Bonneville Power Administration Lexington Substation Site; thence S. 43° 19' 30" E. along said boundary a distance of 1096.2 feet; thence S. 46° 40' 30" W. along said boundary a distance of 90 feet to the true point of beginning; thence S. 43° E. a distance of 200.0 feet; thence S. 20° W. a distance of 552.3 feet, more or less, to the south line of a tract of land described



1 in Volume 223 of Deeds, page 605, Records of said County; thence N.  
2 89° 50' 30" W. a distance of 342.9 feet, more or less, to a point  
3 on the northeasterly line of the existing right-of-way for the  
4 Bonneville Power Administration Vancouver-Kelso transmission line;  
5 thence N. 45° 45' 16" W. a distance of 212.1 feet, more or less, to  
6 the boundary of said proposed substation site; thence N. 46° 40'  
7 30" E. along said boundary a distance of 752.5 feet, more or less,  
8 to the true point of beginning.

6 EASEMENT FOR LEXINGTON SUBSTATION SITE-  
7 NORTH CORRIDOR ACCESS ROAD AR-1, PARCEL 2

8 Subject to existing rights of use by others, a perpetual ease-  
9 ment to construct, use, maintain and improve an access road, to-  
10 gether with the right to clear where necessary trees, stumps, logs  
11 and brush, and to pile and burn or otherwise dispose of the same in  
12 such manner as not to create a fire hazard; to make all cuts and  
13 fills necessary to the construction, improvement or reconstruction  
14 of a roadbed; to construct and install all necessary culverts,  
15 bridges, retaining walls, and other appurtenant structures; sub-  
16 ject, however, to the continued use and maintenance of existing  
17 private roads, pipes and conduits, irrigation and drainage lines,  
18 ditches and canals, and public utility lines, to the exercise of  
19 existing easements and licenses therefor, and to the exercise of  
20 existing mineral rights; over and across the following described  
21 land, to-wit:

22 That portion of the Thomas Roe Donation Land Claim No. 62 in  
23 Township 8 North, Range 2 West of the Willamette Meridian, Cowlitz  
24 County, Washington, which lies within a tract of land described as  
25 beginning as an iron pipe in the west line of said Claim No. 62,  
26 said pipe being N. 0° 34' E. a distance of 1355.3 feet from the  
27 southwest corner of said Claim No. 62; thence S. 0° 34' W. a dis-  
28 tance of 454.1 feet; thence S. 89° 26' E. a distance of 50 feet;  
29 thence N. 0° 34' E. a distance of 454.1 feet; thence N. 89° 52' E.  
30 a distance of 4750 feet to the right bank of the Cowlitz River;  
thence upstream along said right bank to the north line of said  
Claim No. 62; thence S. 89° 58' W. along said north line a distance  
of 646.3 feet to the west right-of-way line of the West Side Road;  
thence S. 14° 27' E. along said west line a distance of 54.6 feet;  
thence southerly along a curve to the right, with a radius of 793.6  
feet through an angle of 39° 36', a distance of 548.4 feet; thence  
S. 25° 09' W. a distance of 5.3 feet to the north line of the prop-  
erty of Henry Holbrook; thence S. 89° 58' W. a distance of 4516

1 feet to the west line of said Claim No. 62; thence S. 0° 34' W. a  
2 distance of 932.4 feet to the point of beginning, which lies southerly  
3 of the North Corridor of the proposed Bonneville Power Administration  
4 Lexington Substation Site and which lies within a strip of land 14  
5 feet in width, with extra width as necessary to provide for cuts,  
fills, ditches and turnouts and for curves at angle points as now  
surveyed and staked on the ground, the survey line of said strip be-  
ing more particularly described as follows:

6 Beginning at access road survey station 0 + 00, a point in said  
7 Claim No. 62, said point being S. 49° 08' E. a distance of 2787.7  
8 feet from the northwest corner of said Claim No. 62; thence along an  
9 existing road as follows: N. 12° 00' E. to survey station 0 + 80;  
10 thence N. 33° 17' W. to survey station 2 + 94; thence N. 10° 44' W.  
11 to survey station 4 + 45; thence N. 1° 31' E. to survey station  
12 6 + 21; thence N. 9° 09' E. to survey station 7 + 37; thence N. 16°  
13 11' W. to survey station 9 + 03, a point in said Claim No. 62, said  
14 point being S. 63° 40' E. a distance of 2183.4 feet from said north-  
15 west corner of said Claim No. 62.

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