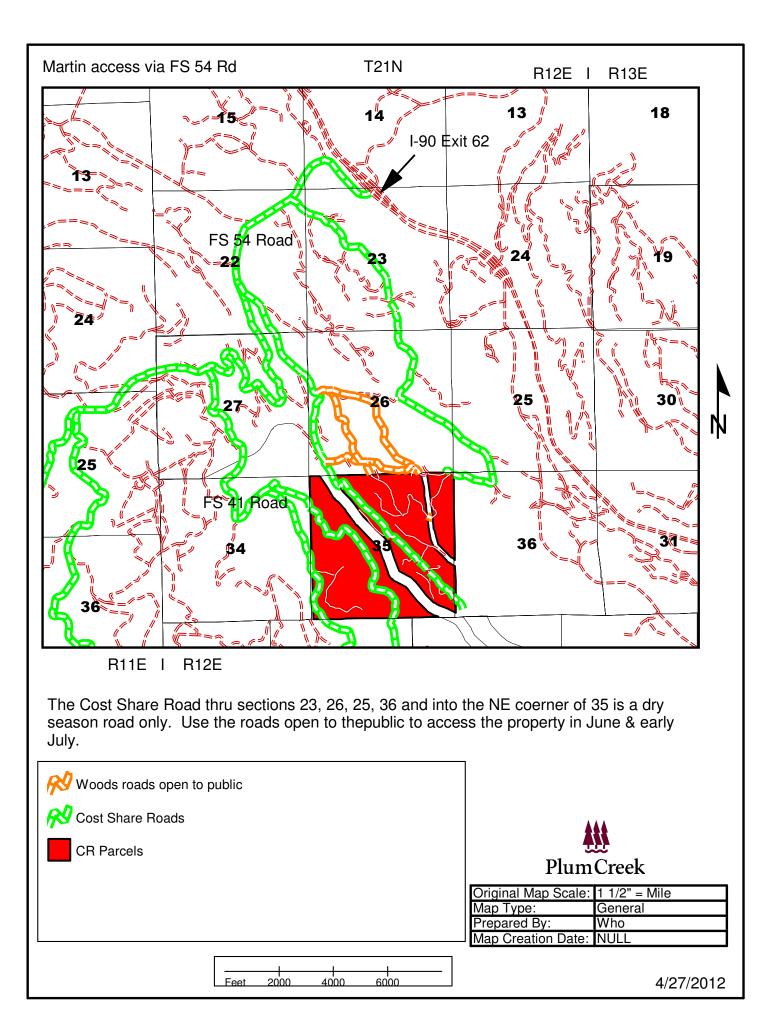


Map Date: March 12, 2013 GIS Services/JWW



545261



ASSIGNMENT

AGREEMENT made this 31st day of October, 1991, between BURLINGTON NORTHERN RAILROAD COMPANY, a Delaware corporation, hereinafter called "Assignor", and PLUM CREEK TIMBER COMPANY, L. P., hereinafter called "Assignee",

WHEREAS, by Quitclaim Deed dated December 4, 1989 Burlington Northern Railroad Company, conveyed certain lands located in Kittitas County, Washington to Washington State Parks & Recreation Commission,

WHEREAS, in said deed dated December 4, 1989 Assignor reserved an easement for ingress and egress upon, over and across that certain property described on the attached Exibit "A" and by this reference made a part hereof,

WHEREAS, Assignor now desires to assign, transfer and set over its rights, title and interest under and by virtue of said Easement reserved in said deed dated December 4, 1989 to Assignee,

NOW THEREFORE, in consideration of the mutual covenants herein contained it is agreed between the parties hereto as follows:

- For a valuable consideration, the receipt whereof is hereby acknowledged, Assignor hereby assigns and sets over to the Assignees, all of Assignor's rights, title and interest in and to said Easement reserved in deed dated December 4, 1989, recorded December 15, 1989 in Volume 299, Page 615, as Auditors File Number52581 in the Office of the Register of Deeds in and for Kittitas County, Washington, by this reference hereto is made a part hereof.
- 2. In consideration of said assignment, the Assignees agree to perform and be bound by all terms, conditions and obligations imposed upon Assignor by said Easement reserved in said deed dated December 4, 1989.

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

ACCEPTED:

PLUM CREEK TIMBER COMPANY, J

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By: David D. Leland, President and Chief Executive Officer of Plum Creek Management Company, the Managing General Partner of Plum Creek Timber Company, L.P. BURLINGTON NORTHERN RAILROAD COMPANY

By: D.P. Schneider Director, Title Services & Field Support

OFFICIAL RECORDS Page 1 of 3

ACKNOWLEDGMENT

STATE OF WASHINGTON))ss COUNTY OF KING)

On this 1st day of November, 1991, before me personally appeared David D. Leland, to me known to be the President and Chief Executive Officer of Plum Creek Management Company, general partner of Plum Creek Timber Company, L.P., the limited partnership that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited partnership for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument on behalf of the limited partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public in and for the State of Washington Residing at Seattle My Commission Expires 3/22/92

STATE OF WASHINGTON)) ss.

COUNTY OF KING

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On this 31st day of October, 1991, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared D. P. Schneider, to me known to be the Director, Title Services & Field Support of Burlington Northern Railroad Company, 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 heis authorized to execute the said instrument.

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

OFFICIAL RECORDSPage 2 of 3

Notary Public in and for the State of Washington

Residing at: SEATTLE WA

My appointment expires: January 9, 1993

401.327 PAGE 1094

EXHIBIT "A"

N¹/₂SW¹/₁NW¹/₁, SW¹/₁NW¹/₁, Section 9, T20N, R13E; S¹/₂SW¹/₃SW¹/₄, Section 5, T20N, R13E; NE¹/₂SE¹/₄, E¹/₂NE¹/₄, Section 35, T21N, R12E; NE¹/₁NE¹/₄, Section 27, T21N, R12E; SW¹/₃SW¹/₄, Section 15, T21N, R12E; NE¹/₄, NE¹/₄NW¹/₄, Section 13, T21N, R11E; Government Lots 1 and 2, NW¹/₄NE¹/₄, Section 11, T21N, R11E; Government Lots 2, 5 and 6, Section 35, T22N, R11E; Government Lots 2, 3 and 4, NE¹/₄NE¹/₅SW¹/₄, Section 27, T22N, R11E; S¹/₂E¹/₅SE¹/₄NE¹/₄, Section 17, T22N, R11E, all East of the W.M., Kittitas County, Washington.

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QUIT CLAIM DEED

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BURLINGTON NORTHERN RAILROAD COMPANY (formerly named Burlington Northern Inc.), a Delaware corporation, Grantor, for Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, conveys and quit claims, without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, to WASHINGTON STATE PARKS & RECREATION COMMISSION, a body politic, of 7150 Clearwater Lane KY - 11, Olympia, WA 98504-5711, Grantee, all its right, title and interest, if any, in real estate described on Exhibit "A" attached hereto and made a part hereof, situated in Kittitas County, State of Washington, together with all after acquired title of Grantor therein.

SUBJECT, however, to all existing interests, including but not limited to all reservation, rights-of-way and easements of record or otherwise.

EXCEPTING AND RESERVING, however, unto said Grantor, its successors and assigns, all of the coal, oil, gas, casinghead gas and all ores, timber and minerals of every kind and nature underlying the surface of the premises conveyed to Grantor by that certain deed from Richard B. Ogilvie, Trustee of the property of Chicago, Milwaukee,St. Paul and Pacific Railroad Company to Burlington Northern Inc. dated October 24, 1980, filed for record in the Department of Record and Elections in said Kittitas County on April 15, 1981 in Volume 147 at pages 193 - 208,Document No. 451260, together with the full right, privilege and license at any and all times to remove timber, explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the premises herein conveyed, together with the right of access at all times to exercise said rights.

ALSO RESERVING, however, unto said Grantor, its successors and assigns, and any designees an easement upon, over, and across the premises described on the attached Exhibit "B" and by this reference made a part hereof for ingress and egress purposes.

If the premises are locally assessed, the Grantee, and for its successors and assigns, by acceptance of this deed, agrees to assume all locally assessed real estate taxes, outstanding and otherwise, and any and all past, present, pending and future assessments of every nature whatsoever, which have been or may be levied against the premises.

ALSO, the Grantee, and for its successors and assigns, by acceptance of this deed, hereby releases and forever discharges the Grantor, its successors and assigns, from any and all present or future obligations of the Grantor, its successors and assigns, including but not limited to the construction of or continued maintenance thereto of any railroad fences, snow fences, road crossings, cattle guards, gates, farm crossings, bridges, drainage or irrigation pipes, if any, located and situate on the premises herein conveyed.

Recorded Dec. 15, 1989 NoI 299 Proge 615 as# 52581

TO HAVE AND TO HOLD the same unto the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be signed by its Director - Title Services, attested by its Assistant Secretary, and its corporate seal to be affixed on the <u>44h</u> day of <u>DECEMBER</u>, 19<u>89</u>.

BURLINGTON NORTHERN RAILROAD COMPANY

ACCEPTED:

WASHINGTON STATE PARKS & RECREATION COMMISSION

By_____ Title

BY T. H. Ilkka Director - Title Services

ATTEST:

CIDiclo BY Anita D. Wells

Assistant Secretary

"EXHIBIT A"

Attached hereto and made a part of that certain Quit Claim Deed dated the <u>446</u> day of <u>DECEMBER</u>, 1989, wherein Burlington Northern Railroad Company, a Delaware corporation (Grantor) conveys the following described lands lying and situate in Kittitas County, Washington to the Washington State Parks & Recreation Commission (Grantee).

The right of way and extra width property of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company ("Milwaukee Road") as located and situate in Sections 9, 8, 5 and 6, Township 20 North, Range 13 East, Willamette Meridian; Sections 35, 26, 27, 22 and 15, Township 21 North, Range 12 East, Willamette Meridian; Sections 13 and 11, Township 21 North, Range 11 East, Willamette Meridian, and Sections 35, 27, 15 and 17, Township 22 North, Range 11 East, Willamette Meridian, Kittitas County, Washington being more particularly described as follows:

A strip of land 150 feet in width, being 100 feet wide on the Northeasterly side and 50 feet wide on the Southwesterly side of the main track centerline of Milwaukee Road in said Section 9, Township 20 North, Range 13 East, lying between the East and West lines of the $W_2^1NW_3^1$ of said Section 9; also

irregular shaped strip of land in said Sections 8 and 5, An Township 20 North, Range 13 East, described as follows: Beginning at a point in the East line of said Section 8 distant 50 feet Southwesterly, measured at right angles, from said main track centerline; thence Northerly along said East line of said Section to a point distant 50 feet Northeasterly, measured at right 8 angles, from said main track centerline; thence Northwesterly, parallel with said main track centerline, to a point in a line at right angles to said main track centerline at a point therein distant 110 feet Southeasterly measured along said main track centerline, from the West line of said Section 5; thence Southwesterly, at right angles to said main track centerline, а distance of 100 feet; thence Southeasterly, parallel with said main track centerline, to the Northerly right of way line of the Northern Pacific Railway Company, predecessor in interest to Burlington Northern Inc. (now Burlington Northern Railroad Company); thence Northeasterly along said Northerly right of way line to a point distant 30 feet Southwesterly, measured at right angles, from said main track centerline; thence Southeasterly, parallel with said main track centerline, to a point distant 200 feet Northeasterly, measured at right angles, from the centerline said Northern Pacific right of way; thence Southeasterly along of the integrated right of way lines of said Milwaukee Road and Northern Pacific Railway Company, to the point of beginning; LESS AND EXCEPT all that part of the above described strip of land lying in situate in the SEANER of Section 8; and LESS AND EXCEPT any and all of the above described strip of land as lies within the operating right of way of the Burlington Northern Railroad Company; the Northern boundary line thereof being 200 feet Northerly and parallel to the original main track centerline; also

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A strip of land 125 feet in width, being 50 feet wide on the Northeasterly side and 75 feet wide on the Southwesterly side of said main track centerline in said Section 5, lying between the West line of said Section 5 and a line at right angles to said main track centerline at a point therein distant 110 feet Southeasterly, measured along said main track centerline, from said West line of said Section 5; also

A strip of land 100 feet in width, being 50 feet wide on each side of said main track centerline in said Section 6, Township 20 North, Range 13 East, lying between the East line of said Section 6 and a line at right angles to said main track centerline at a point therein distant 1,755.7 feet Southeasterly, measured along said main track centerline, from the West line of said Section 6; also

A strip of land 150 feet in width, being 75 feet wide on each side of said main track centerline in said Section 6, lying between two lines at right angles to said main track centerline at points therein distant, respectively, 955.7 feet and 1,755.7 feet Southeasterly, measured along said main track centerline, from the West line of said Section 6; EXCEPTING, therefrom, that portion of the herein described premises in the NW\SW\ of said Section 6; also

A strip of land 100 feet in width, being 50 feet wide on each side of said main track centerline in said Section 6 lying between a line at right angles to said main track centerline at a point therein distant 955.7 feet Southeasterly, measured along said main track centerline, from the West line of said Section 6.

In addition and to the extent not already encompassed in the above descriptions, all of the Grantors interest, title and estate in any manner derived in, by through, under or by virtue of the following conveyances in which Grantor's predecessor in title more specifically the Chicago, Milwaukee & St. Paul Railway Company of Washington is named as the Grantee, to wit:

Warranty Deed dated November 8, 1906, from Northwestern Improvement Company, filed January 14, 1907 and recorded in Book 14 at Page 325; insofar and only insofar as said Warranty Deed covers lands in Sections 5 and 9, Township 20 North, Range 13 East, Willamette Meridian.

Warranty Deed dated August 7, 1908, from Cascade Lumber Company, filed September 19, 1908 and recorded in Book 18 at Page 93, insofar and only insofar as said Warranty Deed covers lands in Sections 6 and 8, Township 20 North, Range 13 East, Willamette Meridian.

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ALSO

A strip of land 200 feet in width, being 100 feet wide on each side of said main track centerline in said Section 35, Township 21 North, Range 12 East, lying between the East line of said Section 35 and a line at right angles to said main track centerline at a point therein distant 824.5 feet Southeasterly, measured along said main track centerline, from the North line of said Section 35; also

A strip of land 100 feet in width, being 50 feet wide on each side of said main track centerline in said Section 35, lying between said North line of said Section 35 and a line at right angles to said main track centerline at a point therein distant 824.5 feet Southeasterly, measured along said main track centerline from said North line of said Section 35; also

That portion of the $SW_4^1NE_4^1$ of said Section 26 Township 21 North, Range 12 East, lying Southwesterly of a line parallel with and distant 50 feet Northeasterly, measured at right angles, from said main track centerline; also

All that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 27, Township 21 North, Range 12 East lying Northeasterly of a line drawn parallel to and distant 50 feet Southwesterly measured at right angles from said main track centerline; also

A strip of land 100 feet in width, being 50 feet wide on each side of said main track centerline in said Section 22, Township 21 North, Range 12 East, lying between the South line of the $SW_3NE_3^1$ of said Section 22, and the West line of the $NE_3^1NW_3^1$ of said Section 22; also

A strip of land 140 feet in width, being 90 feet wide on the Northeasterly side and 50 feet wide on the Southwesterly side of said main track centerline in said Section 15, Township 21 North, Range 12 East, lying between the West and South lines of Gov't Lot 4 of said Section 15.

In addition and to the extent not already encompassed in the above descriptions, all of the Grantors interest, title and estate in any manner derived in, by through, under or by virtue of the following conveyances in which Grantor's predecessor in title, more specifically the Chicago, Milwaukee & St. Paul Railway Company of Washington was named as the Grantee, to wit:

Warranty Deed dated December 24, 1906, from Northern Pacific Railway Company, filed February 15, 1907 and recorded in Book 14 at Page 416.

Warranty Deed dated October 29, 1906, from Rosalia M. Holmes, filed November 2, 1906 and recorded in Book 14 at Page 191.

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Warranty Deed dated July 17, 1906, from Judson Conkle, etux, filed August 4, 1906 and recorded in Book 14 at Page 2.

ALSO

A strip of land 125 feet in width, being 75 feet wide on the Northeasterly side and 50 feet wide on the Southwesterly side of said main track centerline in said Section 13, Township 21 North, Range 11 East, lying between the East line of said Section 13 and a line at right angles to said main track centerline at a point therein distant 2,432.6 feet Northwesterly, measured along said main track centerline, from said East line of said Section 13; also

A strip of land 150 feet in width, being 50 feet wide on the Northeasterly side and 100 feet wide on the Southwesterly side of said main track centerline in said Section 13, lying between a line at right angles to said main track centerline at a point therein distant 2,432.6 feet Northwesterly, measured along said main track centerline, from said East line of said Section 13 and the North line of the NEXNWX of said Section 13; also

A strip of land 100 feet in width, being 50 feet wide on each side of said main track centerline in said Section 11, Township 21 North, Range 11 East, lying between the North and East lines of said Section 11; also

A strip of land 100 feet in width, being 50 feet wide on each side of said main track centerline in said Section 35, Township 22 North, Range 11 East, lying between the West and South lines of said Section 35; also

A strip of land 200 feet in width, being 100 feet wide on each side of said main track centerline in Section 27, Township 22 North, Range 11 East lying between the North and South lines of said Section 27; also

An irregular shaped parcel of land in said Section 15, Township 22 North, Range 11 East, described as follows: Beginning at a point the South line of said Section 15, in distant 150 feet Southwesterly, measured at right angles, from said main track centerline; thence Easterly, along said South line of said Section 15, to a point distant 100 feet Northeasterly, measured at right angles, from said main track centerline; thence Northwesterly, parallel with said main track centerline, to a point hereinafter referred to as Point "A", (said Point "A" being described as a point and located in the following described line: Commencing at the South & corner of said Section 15, Township 22 North, Range 11 East, Willamette Meridian; thence North 00°42'07" East, a distance 1,982.75 feet; thence North 89°27'32" West, a distance of of 154.09 feet to said Point "A"). Thence North 89°27'32" West, a

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distance of 71.51 feet; thence North 14°41'32" West, a distance of 185.56 feet; thence North 75°18'28" East, a distance of 10 feet; thence North 14°41'32" West, a distance of 72 feet; thence North 75°37'21" East, a distance of 106.49 feet to said Milwaukee Road's Northeasterly Right of Way line as located 150 feet Northeasterly of and parallel to said main track centerline; thence Northwesterly along said Right of Way line to the North line of the NE¹SW¹ of said Section 15; thence Westerly, along said North line of the NEASWA of Section 15, to a point distant 100 feet Northeasterly of, measured at right angles to said main track centerline; thence Northwesterly, parallel with said main track centerline, to a point distant 1,551.1 feet Easterly, measured along said main track centerline, from the West line of said Section 15, being a point in a line at right angles to said track centerline at the East Portal of the Snoqualmie tunnel; thence Southwesterly, at right angles to said main track centerline, to a point distant 150 feet Southwesterly, measured at right angles, from said main track centerline; thence Southeasterly, parallel said main track centerline, to the point of beginning, with EXCEPTING therefrom, that portion of said parcel in the NE $\frac{1}{3}SW$ of said Section 15 lying Northeasterly of a line located 41 feet Northeasterly of and parallel to said main track centerline Northwesterly of a line extending South 75°37'21" West through a point hereinafter referred to as Point "B" (said Point "B" being described as, and located as follows: Commencing at aforesaid Point "A"; thence North 14°41'32" West, a distance of 41.35 feet; thence North 75°18'28" East a distance of 50 feet; thence North 14°41'32" West a distance of 234.47 feet to said Point "B"); and Southeasterly of a line perpendicular to said main track centerline, distant 300 feet Northwesterly of said Point "B", as measured along a line located 150 feet Northeasterly of and parallel to said main track centerline; also

A strip of land 200 feet in width, being 100 feet wide on each side of said main track centerline in said Section 15, Township 22 North, Range 11 East, lying between a line at right angles to said main track centerline at a point therein distant 1551.1 feet Easterly, measured along said main track centerline, from the West line of said Section 15, Township 22 North, Range 11 East, Willamette Meridian, and the West line of said Section 15; also

A strip of land 100 feet in width, being 50 feet wide on each side of said main track centerline in said Section 17, Township 22 North, Range 11 East, lying between the East line of said Section 17 and the County Boundary Line between Kittitas and King Counties, Washington.

In addition and to the extent not already encompassed in the above descriptions, all of the Grantor's interest, title and estate in any manner derived in, by through, under or by virtue of the following conveyances in which Grantor's predecessor in title, more specifically the Chicago, Milwaukee and St. Paul Railway Company; H.E. Byram, Mark W. Potter and Edward J. Brundage, as Receivers of the Chicago, Milwaukee & St. Paul Railway; Chicago, Milwaukee, St. Paul and Pacific Railroad Company; and Henry A. Scandrett, Walter J. Cummings and George I. Haight, Trustees of the property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, to wit:

Warranty Deed dated September 5, 1916 from Northern Pacific Railway Company, filed February 15, 1907 and recorded in Book 31 at Page 71, insofar and only insofar as said Warranty Deed conveyed the following:

HIGH LINE right of way	- Sections 11 and 13, T21N, R11E, WM Section 35, T22N, R11E, WM
TUNNEL LINE right of way	- Section 15, T22N, R11E, WM Section 17, T22N, R11E, WM (Kittitas County only)

Warranty Deed dated November 7, 1924 from Northern Pacific Railway Company, filed February 11, 1925 and recorded in Book 42 at Page 314, insofar and only insofar as said Warranty Deed covers a 200 foot strip of land lying and situate in Gov't Lots 2, 3, and 4, $E_{2}^{1}NW_{4}^{1}$ and the NE $_{3}^{1}SW_{4}^{1}$ of Section 27, Township 22 North, Range 11 East, Willamette Meridian.

Warranty Deed dated October 14, 1927 from Northern Pacific Railway Company, filed November 23, 1927 and recorded in Book 46 at Page 33 insofar and only insofar as said Warranty Deed covers a 50 foot strip of land adjacent on the Westerly side of the CM & StP Railway Right of Way (as described in a Warranty Deed recorded in Book 31 at Page 71) in the NEANELSWA and SWASEA of Section 15, Township 22 North, Range 11 East, Willamette Meridian.

Warranty Deed dated September 15, 1937, from Northern Pacific Railway Company, filed November 1, 1937 and recorded in Book 58 at Page 272, insofar and only insofar as said Warranty Deed covers a 50 foot strip of land adjacent on the Southerly and Westerly side of the CM & StP Railway Right of Way (as described in a Warranty Deed recorded in Book 31 at Page 71) in the $S_{2}^{1}NW_{3}^{1}$ and SW_{3}^{1} of Section 15, Township 22 North, Range 11 East, Willamette Meridian.

Warranty Deed dated November 17, 1937, from Northern Pacific Railway Company, filed December 17, 1937 and recorded in Book 58 at Page 395, insofar and only insofar as said Warranty Deed covers a 50 foot strip of land adjacent on the northerly side of the CM & StP Railway Right of Way (as described in a Warranty Deed in Book 31 at Page 71) in the $S_2^1S_2^1NW_4^1$ of Section 15, Township 22 North, Range 11 East, Willamette Meridian.

Warranty Deed dated September 6, 1947, from William A. Santee, filed September 15, 1947 and recorded in Book 76 at Page 130.

EXHIBIT "B"

N₂SW₄NW₄, SW₄NW₄NW₄, Section 9, T20N, R13E; S₂SW₄SW₄, Section 5, T20N, R13E; NE₄SE₄, E₂NE₄, Section 35, T21N, R12E; NE₄NE₄NE₄, Section 27, T21N, R12E; SW₄SW₄, Section 15, T21N, R12E; NE₄, NE₄NW₄, Section 13, T21N, R11E; Government Lots 1 and 2, NW₄NE₄, Section 11, T21N, R11E; Government Lots 2, 5 and 6, Section 35, T22N, R11E; Government Lots 2, 3 and 4, NE₄NE₄SW₄, SE₄NW₄, Section 27, T22N, R11E; S₂E₂SE₄NE₄, Section 17, T22N, R11E, all East of the W.M., Kittitas County, Washington.

and the