



CHELAN COUNTY PROSECUTING ATTORNEY
GARY A. RIESEN

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March 3, 2008

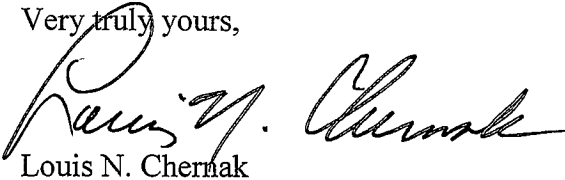
Carole J. Washburn
Executive Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Re: TR-061442
Prefiled Testimony of Gregory Pezoldt

Dear Ms. Washburne:

Please accept as timely filed the enclosed original Prefiled Testimony of Gregory Pezoldt. I am also enclosing five copies along with the original.

Very truly yours,


Louis N. Chernak

cc: Mr. Bradley Scarp w/encl.

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BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION

CHELAN COUNTY,)	DOCKET NO. TR-061442
)	
Petitioner,)	PREFILED TESTIMONY OF
)	GREGORY PEZOLDT
vs.)	
)	
BNSF RAILWAY COMPANY,)	WUTC CROSSING NO. <u>2A1673.50U</u>
)	
Respondent.)	USDOT CROSSING NO. <u>084493W</u>
)	

1. State your full name, job title, and business address.

Gregory J. Pezoldt, Chelan County Public Works Director, 316 Washington Street, Suite 402, Wenatchee, Washington 98801.

2. How long have you been Chelan County Public Works Director?

I have been Chelan County Public Works Director from July 2000 to the present.

3. Explain your background and qualifications related to that position, and specifically to highway design and safety.

I graduated from Montana State University in 1980 with a Bachelor of Science degree in Civil Engineering (BSCE) and hold a professional civil engineering license since 1981. From 1991 to 1997, I was the Ferry County Engineer. Then from 1998 to 2000, I was the Assistant Chelan County Engineer, and then I served as both Chelan County Engineer and Public Works Director from 2000 to 2007. In 2007, Chelan County determined that it needed a full-time Public Works Director and a full-time County Engineer. I now serve Chelan County Public Works Director.

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4. Briefly describe your duties as public works director.

I am responsible for the ongoing and the day-to-day operation of the entire Chelan County Public Works Department. I supervise department employees, develop and approve the department budget, oversee department projects, and deal with public works-related citizen concerns or problems.

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5. Are you familiar with the Chumstick Highway Project, and if so, how much of the project has been completed?

Yes. I was Chelan County Engineer during the design and construction of the completed parts of the Chumstick Highway.

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My testimony incorporates by reference the factual allegations and the exhibits contained in the County's petition under WUTC No. TR-061442.

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Approximately 1.72 miles of the Chumstick Highway has been improved by Chelan County to the north of the BNSF trestle and 1.47 miles of the highway were improved from the trestle to the junction of the Chumstick Highway and US Highway 2 on the south. The completed sections of the Chumstick Highway are improved to current road standards and are a modern county road.

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The 0.14-mile portion of the Chumstick Highway running north, under, and to the south of the BNSF trestle has not been completed, pending the outcome of this WUTC proceeding. Once the WUTC makes its decision, Chelan County can develop a final design for this section of road and the underpass and complete the last piece of the Chumstick Highway project.

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6. What is the classification of the Chumstick Highway?

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The Chumstick Highway is classified as Rural Major Collector, "07", under the Federal Functional Classification system. This is the highest classification for a rural county road within Chelan County. The road serves as a main route between US Highway 2 and Leavenworth, Washington and the Plain/Lake Wenatchee area. The Chumstick Highway is the alternate route for US Highway 2 around the Tumwater Canyon at least once or twice each year.

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7. Are you familiar with the roadway where the Chumstick Highway crosses under the BNSF railroad bridge, and if so, explain and describe the configuration of the highway, the undercrossing and the railroad bridge and any deficiencies in design and safety for this current underpass.

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Yes.

1 Some background is helpful to understand how this underpass came to be in its
2 present configuration. The stretch of Chumstick Highway passing under the
3 BNSF trestle is of early 1930's vintage and the underpass design is as dated as the
4 low-traffic-volume, post-horse-and-buggy, early automotive era during which the
5 highway was built. The existing highway and trestle configuration was devised in
6 1932 by Chelan County and Great Northern Railway, BNSF's predecessor in
7 interest. The railroad and the county worked together to accommodate the
8 railroad's decision to reroute its line up the Chumstick drainage instead of through
9 the Tumwater Canyon, and those two parties devised routes for the rail line and
10 the highway that are tied together. See Exhibits 1, 2, and 3. The collaboration
11 between the railroad and the county culminated in the execution of the Burkey
12 deeds, filed on April 23, 1932, which established the current locations of the
13 railroad and the highway in the Chumstick and evidence the intertwined
14 relationship between the railroad right-of-way and the county highway. See
15 Exhibits 4 and 5.

16 Chelan County has updated the Chumstick Highway on north and south of the
17 trestle vicinity to current standards.

18 Now the only impediment to the complete modernization of this stretch of the
19 Chumstick Highway is the section of road near and under the BNSF trestle.

20 The Chumstick Highway, a major county road, passes under the BNSF trestle. At
21 this location under the BNSF trestle, the county roadway and shoulder are only
22 twenty-four feet wide between the two supporting columns of the railroad bridge.
23 Therefore, the Chumstick Highway beneath the BNSF trestle has a substandard
24 curve and roadway width. The modern design standards of the AASHTO "Green
25 Book" and WSDOT Highway Design Manual call for a minimum of thirty-two
26 feet for roadway and shoulder for a county road of the Chumstick Highway
27 classification.

28 The abrupt change from a long, straight roadway to the sharp curve under the
trestle is a hazard to public safety. The county set the speed limit at 50 miles per
hour for traffic approaching the underpass from both directions. However, the
cautionary warning sign advises 30 miles per hour on the curve under the trestle.
The Chumstick Highway is subject to accumulations of snow and ice. Despite the
lowered speed limit and diligent highway maintenance, this location has been the
scene of a number of automobile accidents. Accident reports filed with the
county's petition are incorporated by reference. Additional accident reports for
recent vehicle accidents at or near the underpass are attached as Exhibits 6 and 7.
Chelan County considers this a dangerous location on its highway that can be
made much safer by constructing a modern grade-separated crossing with a wider
opening below the trestle and an improved road design.

1 **8. How does Chelan County propose to improve highway design and public**
2 **safety at the Chumstick Highway/BNSF undercrossing?**

3 Chelan County proposes widening the existing roadway and increasing the radius
4 of the curve under the BNSF trestle to comply with current AASHTO and
5 WSDOT design standards.

6 In order to accomplish this highway improvement, the railroad bridge opening
7 must be widened to fit the improved roadway. The Chumstick Highway is a two
8 lane road.

9 The trestle opening would need to accommodate two highway lanes without
10 separation beneath the trestle. This would include twenty-four feet of travelled
11 way and two four-foot shoulders.

12 If the two lanes were to be separated beneath the trestle, the width of the opening
13 would be increased to accommodate two twelve-foot-wide lanes, each having a
14 four-foot outside shoulder and a two-foot inside shoulder.

15 **9. What highway and railroad bridge configurations does the county propose**
16 **that the WUTC consider adopting?**

17 The county has proposed several concepts which have been shared with BNSF
18 and some of which have been attached to the county's petition in this matter and
19 are incorporated by this reference.

20 The county is not promoting one plan, but is seeking BNSF's participation in
21 developing a workable, mutually-agreed design. Unlike BNSF, Chelan County
22 does not have railroad bridge design experience. Chelan County needs BNSF's
23 expert assistance and input in designing a highway and railroad underpass that
24 allows for modern, safe highway design.

25 **10. What information has the county relied upon as an estimate of cost for the**
26 **reconstruction of the BNSF underpass?**

27 Chelan County and BNSF communicated through its engineers, and in 2002,
28 BNSF gave the county an estimate of \$1,750,000 for a shoo-fly and an altered and
relocated railroad bridge over the Chumstick Highway.

11. What are the complicating factors in altering and relocating the BNSF
railroad bridge over the Chumstick Highway?

The length of the bridge span will require either large beams underlying the trestle
or a supporting column(s) mid-span.

1 Chumstick Creek is located under the railroad bridge. The county is concerned
2 about environmental and wetland issues which may require additional work and
3 expense.

4 The track is the main rail line from Chicago to Seattle and has heavy rail traffic
5 that will be interrupted or rerouted by construction. A shoo-fly may need to be
6 built to minimize disruption of rail service during construction, and construction
7 of a shoo-fly would add to the expense of the project and environmental concerns.

8 **12. Has Chelan County explored other configurations and other options to
9 resolve the engineering, design and safety concerns at the undercrossing, and
10 if so, why has does Chelan County propose relocating and reconstructing the
11 railroad bridge as its best plan?**

12 No. Chelan County just did not see any alternative to the trestle alteration and
13 relocation plan. The location and elevation of the railroad facility does not offer a
14 reasonable alternative to this current highway and trestle location. If the county
15 acquired right-of-way at a different location, a new trestle would need to be
16 constructed at a much higher cost. The local terrain and the existing highway and
17 railroad right-of-way limit the options and make the current location the best
18 place for the highway to cross under the railroad tracks.

19 **13. How does Chelan County want the WUTC to apportion the costs of this
20 project between Chelan County and BNSF?**

21 Chelan County proposed that the county will be 100 percent responsible for
22 roadway design and roadway construction. The county further proposes that
23 BNSF should be responsible for all but \$1,000,000 of the trestle alteration and
24 relocation costs, including design, construction, and the shoo-fly..

25 The railroad will be replacing an approximately 75- year-old structure and will
26 have a new and modern trestle with a new term of useful life. Chelan County has
27 funds available to contribute \$1,000,000 for alteration and relocation of the trestle
28 and proposes that BNSF be responsible for the remainder of the trestle costs.

**14. What kind and amount of funding does the county currently have available
for the BNSF railroad bridge part of its Chumstick Highway project, what is
the funding source, and when does this funding expire?**

Chelan County has secured a state Rural Arterial Trust Account grant of
\$1,440,000 for this project. This is a state gasoline tax grant. The grant will
expire in April of 2011.

1 **15. Is any of the subject funding allocated or dedicated specifically for relocating**
2 **the railroad bridge? If not, explain**

3 Chelan County has allocated \$440,000 for the design and construction of the
4 roadway at the Chumstick Highway/BNSF underpass. The remaining \$1,000,000
5 has been allocated for relocating and reconstructing the BNSF trestle. No set
6 amount has been set forth in the grant specifically for the trestle.

7 **16. Will the county be seeking additional funding for the railroad bridge portion**
8 **of the Chumstick Highway project, and if so, from what sources can the**
9 **county appropriately apply for funding?**

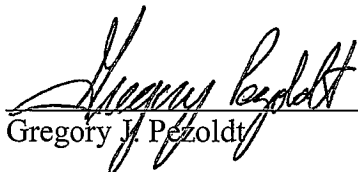
10 Chelan County is unaware of any source for additional funding for this project. If
11 the WUTC or BNSF have suggestions for additional and realistic sources of
12 funding, the county would make application to those sources.

13 **17. If the WUTC requires the county to pay the entire cost of reconfiguring the**
14 **trestle and roadway, will the county have or find the means to complete this**
15 **part of its project? Why or why not?**

16 Chelan County does not have sufficient resources, including grant money, to
17 resolve road design and public safety problems at the Chumstick Highway/BNSF
18 underpass. Without BNSF participation and contribution, it is unlikely that the
19 road and safety issues at this BNSF trestle will be resolved.

20 I, Gregory J. Pezoldt, declare under the penalty of perjury under the laws of the state of
21 Washington that the foregoing prefilled testimony of Gregory J. Pezoldt is true and correct
22 to the best of my knowledge and belief.

23 DATED this 3rd day of March 2008.

24 
25 _____
26 Gregory J. Pezoldt

CHELAN COUNTY'S EXHIBIT NO. 1
TO PREFILED TESTIMONY OF GREGORY PEZOLDT
WUTC NO. TR-061442

Chumstick - #22

Aug. 17, 1932.

Mr. C. E. Finley,
Right of Way Agent G.N. Ry. Co.,
Seattle, Wash.

Dear Sir:

Responding to your request of the 15th inst. concerning the exchange of rights of way between the Railway Company and Chelan County through the Chumstick Canyon, I have the following information to convey:

At the time the Railway Company abandoned the Tumwater Canyon route, relocated and constructed its mainline through Chumstick Canyon, Chelan County owned the right of way of the abandoned Wenatchee Valley and Northern Railroad in the Chumstick, the title to which was acquired by purchase. Parts of this property was required by the Great Northern for the relocation of its line and I believe it was agreed that, the Railway Company would provide road right of way in exchange for that of the County's which it required, although to my knowledge no conveyances of title has ever been made either way, and as the situation now stands the Railway Company occupies County property and the County occupies property purchased by the Railway Company.

In my opinion the process of vacation would not be effective as the matter of subscription was never involved, so in order to establish possession, it would seem to that an exchange of titles is necessary, and for the County to make such a conveyance, it will be necessary to advertise the property for sale, which would, obviously, invite all bidders; but if there is any other legal method by which this can be done we would be glad to know.

The only maps we have covering this matter are those of the Great Northern Railway Company which I believe you will find with the engineering department.

I will be glad to assist in any way possible to have this matter straightened out.

Very truly yours,

JD

E.B. Carter, County Engineer

CHELAN COUNTY'S EXHIBIT NO. 2
TO PREFILED TESTIMONY OF GREGORY PEZOLDT
WUTC NO. TR-061442

GREAT NORTHERN RAILWAY COMPANY

LAW DEPARTMENT
JAMES T. MAHER
RIGHT OF WAY, LAND & TAX COMMISSIONER

James
W. L. SCHOETTLER,
ASSISTANT COMMISSIONER

WM. H. HECK,
RIGHT OF WAY AGENT

JOHN GARING,
TAX AGENT

GUSTAV NYBECK,
LEASE AGENT
ST. PAUL, MINN.

FRED GARING,
TAX AGENT
SEATTLE, WASH.

C. E. FINLEY,
RIGHT OF WAY AGENT
SEATTLE, WASH.

JAMES T. MITCHELL,
RIGHT OF WAY & TAX AGENT
GREAT FALLS, MONT.

No 22

Seattle, Washington,
May 9, 1933.

Mr. B. B. Carter,
County Engineer,
Chelan County,
Wenatchee, Washington.

Dear Sir:-

A short time ago I left with you two blueprints showing sections of our right of way between Mile Post 1685 and 1688, and also one map showing right of way between Peshastin and Winton.

It has been decided that

- (1) The county should vacate the old road located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 16, township 24 north, range 18 east, shown in solid yellow.
- (2) The county should vacate the old road adjoining the Town of Peshastin, shown in yellow in section 17, township 24 north, range 18 east.
- (3) The county should vacate two crossings over our right of way along the west and south sides, respectively, of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 8, township 24, range 18 east.
- (4) The county should also vacate two crossings and another stretch of the old road shown in yellow on said print in the new Leavenworth station grounds.

On the other hand, the Railway Company, under this arrangement, will execute permit of such portions of the new highway within the station grounds and property of the Railway Company at the new station grounds in the vicinity of Leavenworth.

..... B. B. Carter

5/9/33.

As to the other four portions of the old county highway, northerly of Leavenworth station grounds, we have found that the county acquired same from the Great Northern Lumber Company by warranty deed. As to these four stretches, therefore, the county will have to vacate same and then go thru the procedure of advertising the strips for sale. Possibly the best way would be to go through the procedure of sale, and we bid the property in for a nominal consideration.

These four stretches I refer to have to do with property thru sections 31 and 30, township 25 north, range 18 east, and section 7, township 25, range 18, and section 31, township 26, range 18. All are shown in yellow on the blueprint which I left with you.

On the second blueprint in the vicinity of Mile Post 1686 there is also shown the old right of way of the County in yellow and, of course, this should be transferred to us through sections 20 and 17, township 26 north, range 17 east.

I would be pleased if you would place this matter in formal shape before the County Commissioners and let me have their views and if anything is required by you do not hesitate to call on us and we shall furnish same as promptly as consistent.

Yours very truly,

C. E. Finley

Western Right of Way Agent.

CEF/IMC

CHELAN COUNTY'S EXHIBIT NO. 3
TO PREFILED TESTIMONY OF GREGORY PEZOLDT
WUTC NO. TR-061442

May 23, 1933

Mr. C. E. Finley
Western R-of-W Agent
Great Northern Railway Company
Seattle, Washington

My dear Mr. Finley:

In connection with changes, transfers and conveyances of right-of-way between Chelan County and the Great Northern Railway Company between Peshastin and Leavenworth stations, and through the Chumstick along your new located main line, as suggested in your letter of May 9th, I have the following to say.

About a year ago, on one of your visits to this office, I believe it was suggested that in order to have this entire matter of right-of-way exchange cleaned up legally and satisfactorily, you agreed to furnish us with the necessary definite descriptions of the various changes and/or transfers made. This is made necessary on account of their close proximity to each other. In consideration of the fact that the Great Northern Railway Company have all the field notes and surveys, I believe it would save much time and trouble to you as well as to ourselves to have your engineering department prepare these descriptions and I believe that where vacations are necessary it can be handled in one operation as well as the sale of property through the Chumstick can also be handled in one advertisement.

I might say, in this connection, that our surveys, in a good many cases, are old and primitive and rather incomplete, and in order to get the necessary definite descriptions would involve considerable work for our field party. I might suggest, however, that to write them with relation to the center line of the track of the Great Northern Railway would be advisable.

I beg to remain

Very truly yours,

County Engineer

JTD/HR

CHELAN COUNTY'S EXHIBIT NO. 4
TO PREFILED TESTIMONY OF GREGORY PEZOLDT
WUTC NO. TR-061442

day and year in this certificate first above written.

Lehm E. Brown
COMMISSION EXPIRES
NOTARY PUBLIC
April 2, 1930
STATE OF WASHINGTON

Lehm E. Brown

Notary Public in and for the State of Washington, residing at Wenatchee.
Filed for record at the request of Great Northern Railway Company, April 28,
1928 at 9:17 A. M.

BOOK 206
Pg. 57

JOHN GODFREY
County Auditor.

BURKEY TO
G.N.R.R. 4-28-1928

No. 165587
WARRANTY DEED

THE GRANTOR, R. T. BURKEY, a Widower, and J. W. Styles a widower since June, 1927, of Chelan County, in the State of Washington, for and in consideration of Nine Thousand and no/100 (\$9,000.00) Dollars, in hand paid, convey and warrant to GREAT NORTHERN RAILWAY COMPANY, a corporation of the State of Minnesota, the following described real estate, to wit:

A strip or parcel of land one hundred fifty (150) feet wide, being seventy-five (75) feet wide on each side of the hereinafter described located center line of the Great Northern Railway Company, and extending from the southerly boundary of Section thirty-one (31), Township twenty-five (25) North, Range eighteen (18) East, Willamette Meridian, to the northerly boundary of the Southwest Quarter (SW $\frac{1}{4}$) of said Section thirty-one (31); ALSO,

A strip or parcel of land one hundred (100) feet wide, being fifty (50) feet wide on each side of the said located center line, and extending from the northerly boundary of the Southwest Quarter (SW $\frac{1}{4}$) of said Section thirty-one (31) to a line drawn at right angles to said center line through a point in the same designated as survey station 10776 plus 26.8: ALSO,

A strip or parcel of land one hundred fifty (150) feet wide, being fifty (50) feet on the easterly side and one hundred (100) feet on the westerly side of the said located center line and extending from a line drawn at right angles to said center line through a point in the same designated as survey station 10776 plus 26.8 to the northerly boundary of said Section thirty-one (31).

→ The located center line of the Great Northern Railway Company is described as follows, to-wit:

Beginning at a point in the southerly boundary of Section thirty-one (31), Township twenty-five (25) North, Range eighteen (18) East, Willamette Meridian, 1759.97 feet easterly from the southwest corner of said Section thirty-one (31); thence northwesterly on a 1 $^{\circ}$ 00' curve to the right (a tangent to said curve at the point of beginning making a northwesterly included angle of 82 $^{\circ}$ 09' with the southerly boundary of said Section thirty-one (31) for a distance of 863.7 feet; thence northerly on a tangent to said curve for a distance of 1407.3 feet, thence northeasterly on a 1 $^{\circ}$ 00' curve to the right for a distance of 566.7 feet; thence northeasterly on a tangent to said curve for a distance of 2051.6 feet to survey station 10776 plus 26.8; thence northeasterly on a Talbot Spiral curve to the left for a distance of 140.0 feet through an angle of 1 $^{\circ}$ 24'; thence on a 2 $^{\circ}$ 00' curve to the left for a distance of 350.2 feet to an intersection with the northerly boundary of said Section thirty-one (31) at a point 1839.2 feet easterly from the northwesterly corner of said Section thirty-one (31), situated in the County of Chelan, and State of Washington.

And the said grantors, for themselves and for their heirs, executors, administrators and assigns, do release said Railway Company, its successors and assigns, from all claims for any and all damages resulting to the lands through and across which the pieces or strips of land hereby conveyed are located, by reason of the location, grade construction, maintenance and operation of a railway over and upon the premises hereby conveyed.

Dated this 23rd day of April, 1928, A. D.

Signed, sealed and delivered)
in presence of ...)

R. T. Burkey
J. W. Styles

STATE OF WASHINGTON, }
County of CHELAN. } SS.

I, the undersigned, a notary public in and for the State of Washington, do hereby certify that on this 23d day of April, A. D. 1928, personally appeared before me R. T. Burkey, a Widower and J. W. Styles, a widower, to me known to be the individuals described in and who executed the within instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal the day and year in this certificate first above written.

C. E. Conner

CHELAN COUNTY'S EXHIBIT NO. 5
TO PREFILED TESTIMONY OF GREGORY PEZOLDT
WUTC NO. TR-061442

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DEED RECORD—No. 206
CHELAN COUNTY, WASHINGTON

BURKEY TO
CHELAN CO.

VO
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CHELAN COUNTY
WENATCHEE, WAC

do by these presents remise, release, convey and quit claim unto said party of the second part, its successors and assigns, all interest of the said parties of the first part, in and to the following described real property, situated in Chelan County, State of Washington, to-wit:

All that part of the West three hundred thirty (330) feet of Government Lot Five (5), Section six (6), Township twenty-four (24) North, Range eighteen (18) East, Willamette Meridian, being more particularly described as follows, to-wit:

Commencing at the northwest corner of said Government Lot Five (5), thence easterly along the northerly boundary thereof three hundred thirty (330) feet; thence southerly along the easterly boundary of said West three hundred thirty (330) feet of Government Lot Five (5) a distance of one hundred thirty (130) feet to the true point of beginning of this description; thence continuing along the last described course three hundred ten (310) feet to the westerly boundary of the Leavenworth-Peshastin Highway; thence southwesterly along said westerly boundary to a point four hundred seventy (470) feet southerly from and one hundred forty-five (145) feet westerly from said true point of beginning; thence northwesterly along a direct line five hundred eighty-eight (588) feet, more or less, to the true point of beginning and the end of this description containing an area of 0.62 acres, more or less.

TO HAVE AND TO HOLD, the said premises, with all the appurtenances, unto the said party of the second part, and to its successors and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals this 8th day of December, 1928.

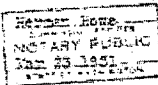
J. W. Elliott
Marie Elliott

STATE OF WASHINGTON | SS.
COUNTY OF CHELAN

I, the undersigned, a Notary Public in and for the said State, do hereby certify that on this 8th day of December, 1928, personally appeared before me J. W. Elliott and Marie Elliott, his wife, to be known to be the individuals described in and who executed the within instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

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

Herman Howe



Notary Public in and for the State of Washington, residing at Leavenworth in said State. Filed for record at the request of Chelan County, April 25, 1928 at 10:05 A. M.

JOHN OGDREY
County Auditor.

BURKEY TO
CHELAN CO.

NW, 31-25-18
4-23-1928

No. 165607
DEED

THIS INSTRUMENT WITNESSETH, That R. T. BURKEY, a Widower, and V. R. STYLES, a widow, parties of the first part, for and in consideration of the sum of Three Thousand Seven Hundred Fifty and no/100 (\$3750.00) Dollars, lawful money of the United States of America, to them in hand paid by CHELAN COUNTY, WASHINGTON, a Municipal Corporation, party of the second part, do by these presents remise, release, convey and quit claim unto said party of the second part, its successors and assigns, all interest of the said parties of the first part in and to the following described real property, situated in Chelan County, State of Washington, to-wit:

A strip or parcel of land sixty (60) feet wide, in the Northwest Quarter (NW¹/₄) of Section thirty-one (31), Township twenty-five (25) North, Range eighteen (18) East, Willamette Meridian, being thirty (30) feet on each side of the following described center line, to-wit:

Beginning at a point designated as Survey Station 10765 plus 60 of the located center line of the Great Northern Railway Company, as hereinafter described; thence northeasterly on a straight line making a northeasterly included angle of 42° 00' with said located center line for a distance of 45.34 feet; thence northeasterly on a curve to the left whose radius is 193.18 feet for a distance of 140.0 feet to a point which is distant eighty (80) feet easterly at right angles from the said located center line; thence northeasterly and northerly parallel to and distant eighty (80) feet easterly from said located center line for a distance of 1615 feet, more or less, to an intersection with the northerly boundary of said Section thirty-one (31); ALSO.

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CHELAN COUNTY
WASHINGTON

A strip or parcel of land sixty (60) feet wide on the northwest quarter (NW¹/₄) of said Section thirty-one (31), being thirty (30) feet on each side of the following described center line, to-wit:

Beginning at a point designated as Survey Station 10763 plus 60 on said located center line of the Great Northern Railway Company; thence southeasterly on a straight line making a southwesterly included angle of 42° 00' with said located center line for a distance of 674.1 feet; thence southwesterly on a 18° 00' curve to the left for a distance of two hundred twenty (220) feet, more or less, to a point in the center line of the existing highway in the Southwest Quarter of the Northwest Quarter (SW¹/₄ NW¹/₄) of said Section thirty-one (31).

The located center line of the Great Northern Railway Company is described as follows, to-wit:

Beginning at a point in the southerly boundary of section thirty-one (31), Township twenty-five (25) North, Range eighteen (18) East, Willamette Meridian, 1759.97 feet easterly from the southwest corner of said section thirty-one (31); thence northwesterly on a 1° 00' curve to the right (a tangent to said curve at the point of beginning making a northwesterly included angle of 82° 09' with the southerly boundary of said Section 31), for a distance of 363.7 feet; thence northerly on tangent 1407.3 feet; thence northeasterly on a 1° 00' curve to the right for a distance of 566.7 feet; thence northeasterly on tangent 774.3 feet to Survey Station 10763 plus 60; thence continuing northeasterly on same tangent 1276.3 feet; thence northeasterly on a Helix Spiral Curve to the left for a distance of 140.0 feet through an angle of 1° 24'; thence on a 2° 00' curve to the left for a distance of 350.2 feet to an intersection with the northerly boundary of said Section thirty-one (31) at a point 1439.2 feet easterly from the northwest corner of said Section.

TO HAVE AND TO HOLD, the said premises, with all the appurtenances, unto the said party of the second part. And to its successors and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the 23rd day of April, 1928.

R. T. Burkey
J. W. Styles

STATE OF WASHINGTON }
COUNTY OF CHELAN } SS.

I, the undersigned, a Notary Public in and for the State of Washington, do hereby certify that on this 23rd day of April, 1928, personally appeared to R. T. Burkey and J. W. Styles, each a Widower, to be known to be the individuals described in and who executed the within instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

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

C. B. Cooper

Notary Public in and for the State of Washington, residing at Spokane in said State. Filed for record at the request of Chelan County, April 26, 1928 at 10:35 A. M.

JOHN GODFREY
County Auditor.

ADAM
FITZWATER

No. 145008
QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That ADAM C. FITZWATER, a Bachelor, party of the first part, for and in consideration of the sum of two hundred sixty (\$260.00) DOLLARS, lawful money of the United States of America, to him in hand paid by CHELAN COUNTY, WASHINGTON, a Municipal Corporation, party of the second part, does by these presents remise, release, convey and quit claim unto said party of the second part its successors and assigns, all interest of the said party of the first part in and to the following described real property, situated in Chelan County, State of Washington, to-wit:

A strip or piece of land sixty (60) feet wide in the southeast quarter of the northwest quarter (SE¹/₄ NW¹/₄) of section thirty (30), Township twenty five (25) north, Range eighteen (18) East, Willamette Meridian, immediately adjoining the right of way limits of the Great Northern Railway Company, on the easterly side thereof, and extending from the south line of said southeast quarter of the northwest quarter (SE¹/₄ NW¹/₄) northerly for a distance of seven hundred seventy (770) feet.

TO HAVE AND TO HOLD, the said premises, with all the appurtenances, unto the said party of the second part, and to its successors and assigns forever.

CHELAN COUNTY'S EXHIBIT NO. 6
TO PREFILED TESTIMONY OF GREGORY PEZOLDT
WUTC NO. TR-061442



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



1591971

REPORT NO. 2568953

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INTERSTATE <input type="checkbox"/>	CITY STREET <input type="checkbox"/>	FIRE RESULTED <input type="checkbox"/>
STATE ROUTE <input type="checkbox"/>	OTHER <input type="checkbox"/>	STOLEN VEHICLE <input type="checkbox"/>
COUNTY RD <input checked="" type="checkbox"/>	PRIVATE WAY <input type="checkbox"/>	HIT & RUN INVOLVED <input type="checkbox"/>

CASE # 06C10259

LOCAL AGENCY CODING RD 6

TRIBAL RESERVATION

TOTAL # OF UNITS 01 OBJECT STRUCK Jersey Well

DATE OF COLLISION 08-19-2006 TIME (2400) 204504 COUNTY # MILES 1.90 N E IN S W OF 0680

ON (PRIMARY TRAFFIC WAY) INTERSECTION NON-INTERSECTION

CHUMSTICK HIGHWAY BLOCK NO. 19 MILE POST

DISTANCE 1.7 MILES N E S W OF (REFERENCE OR CROSS STREET) recorded as MP 1.83 NORTH ROAD

UNIT 01 MOTOR VEHICLE PEDAL CYCLE DAMAGE THRESHOLD MET YES NO PHONE 425-227-7633

LAST NAME SPURGEON FIRST NAME MICHAEL MIDDLE INITIAL D

STREET NEW ADDRESS 11617 164TH AVE SE

CITY RENTON ST WA ZIP 98059

CDL ENDORSEMENTS RESTRICTIONS

DRIVER'S LICENSE # SPURGE0370DL STATE WA SEX M D.O.B. 03-13-1963

ON DUTY STATUS AIRBAG 3 RESTR 4 EJECT HELMET USE INJURY CLASS 1 NATURE OF INJURIES none

LICENSE PLATE # A94260V STATE WA VIN# 2GCEK19R5W1128576

TRAILER PLATE # STATE TRAILER PLATE # STATE

VEH. YEAR 1998 MAKE CHEV MODEL K1 STYLE PU VEHICLE TOWED YES NO TOWED BY UPPER VALLEY TOWING GOVT. VEHICLE YES NO

REGISTERED OWNER INFO SPURGEON, MICHAEL & PATRICIA 11617 164TH AVE SE Renton WA 98059

LIABILITY INSURANCE IN EFFECT INSURANCE CO. & POLICY # PEMCO CA 1035633

VEHICLE LEGALLY REGISTERED YES NO CITATION # 4661.502 OUI

UNIT 02 MOTOR VEHICLE PEDAL CYCLE PEDESTRIAN PROPERTY OWNED DAMAGE THRESHOLD MET YES NO PHONE

LAST NAME FIRST NAME MIDDLE INITIAL

STREET NEW ADDRESS

CITY ST ZIP

CDL ENDORSEMENTS RESTRICTIONS

DRIVER'S LICENSE # STATE SEX D.O.B.

ON DUTY STATUS AIRBAG RESTR EJECT HELMET USE INJURY CLASS NATURE OF INJURIES

LICENSE PLATE # STATE VIN#

TRAILER PLATE # STATE TRAILER PLATE # STATE

VEH. YEAR MAKE MODEL STYLE VEHICLE TOWED YES NO TOWED BY GOVT. VEHICLE YES NO

REGISTERED OWNER INFO

LIABILITY INSURANCE IN EFFECT INSURANCE CO. & POLICY # CITATION #

VEHICLE LEGALLY REGISTERED YES NO CITATION #

OFFICER'S NAME (PRINT) JASON K. REINFELD BADGE DRID # 1217 AGENCY Chelan County S.O.



4581072

CORRECTION

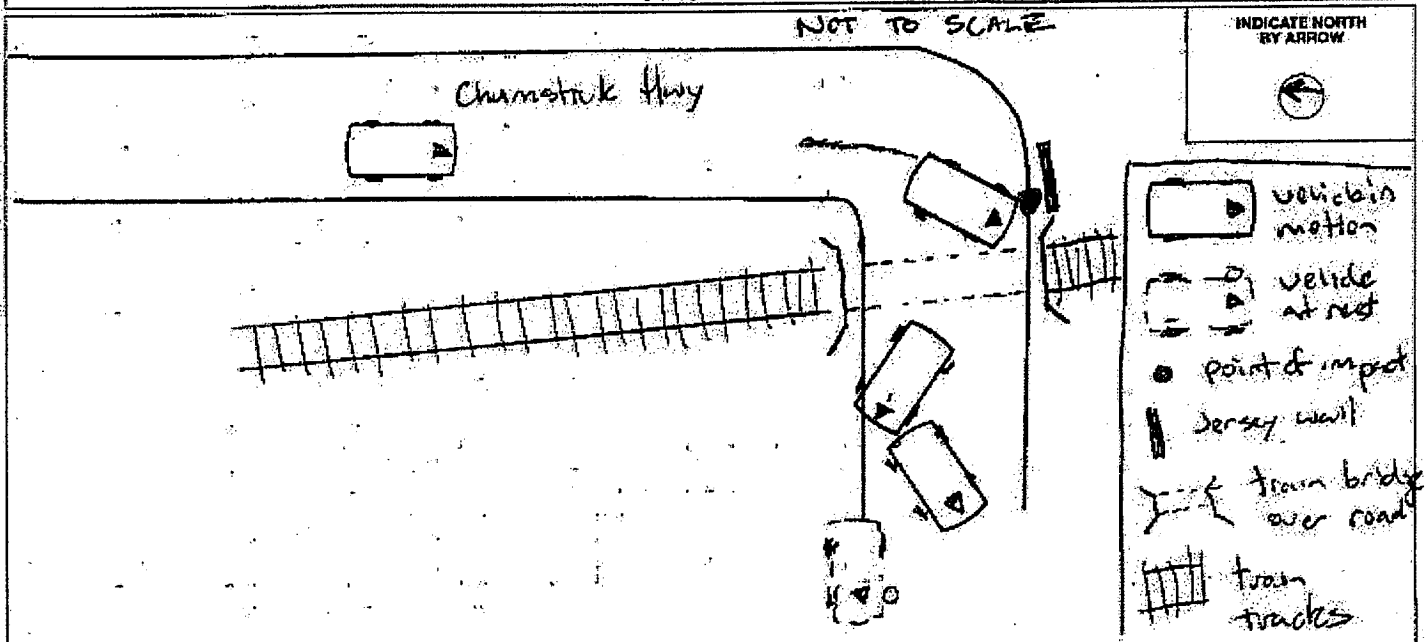
REPORT NO. 2568953

CASE # 06C10759

ADDITIONAL PERSONS INVOLVED (PASSENGERS AND/OR WITNESSES ONLY)

NAME (LAST, FIRST, MIDDLE INITIAL)										SEX		D.O.B. MMDDYYYY		- - - - -	
ADDRESS & PHONE #										SEX		D.O.B. MMDDYYYY		- - - - -	
PASSENGER <input type="checkbox"/>	WITNESS <input type="checkbox"/>	UNIT #	SEAT POS.	AIRBAG	RESTR.	EJECT	HELMET USE	INJURY CLASS		NATURE OF INJURIES					
NAME (LAST, FIRST, MIDDLE INITIAL)										SEX		D.O.B. MMDDYYYY		- - - - -	
ADDRESS & PHONE #										SEX		D.O.B. MMDDYYYY		- - - - -	
PASSENGER <input type="checkbox"/>	WITNESS <input type="checkbox"/>	UNIT #	SEAT POS.	AIRBAG	RESTR.	EJECT	HELMET USE	INJURY CLASS		NATURE OF INJURIES					
NAME (LAST, FIRST, MIDDLE INITIAL)										SEX		D.O.B. MMDDYYYY		- - - - -	
ADDRESS & PHONE #										SEX		D.O.B. MMDDYYYY		- - - - -	
PASSENGER <input type="checkbox"/>	WITNESS <input type="checkbox"/>	UNIT #	SEAT POS.	AIRBAG	RESTR.	EJECT	HELMET USE	INJURY CLASS		NATURE OF INJURIES					

DIAGRAM



NARRATIVE

Vehicle was southbound on Chamstick Hwy. Vehicle left skid marks prior to crossing oncoming lane. It crossed over the oncoming lane and struck the jersey wall next to a train overpass. The vehicle left marks on the shoulder south of the overpass before going back into the road. It came to a rest on the fog line on the southbound side. The left front wheel was broken at the axle. There were gouge marks in the concrete after the point of impact but none prior to impact.

I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. (RCW 9A.72.085)

INVESTIGATING OFFICER'S SIGNATURE <i>James H. Smith</i>		UNIT OR DIST. DET <i>Leavenworth</i>		DATED <i>08-21-06</i>		PLACE SIGNED <i>CCSO Leavenworth</i>	
APPROVED BY				DATE			
BADGE OR ID #	<i>1217</i>	ORI #	<i>WA 0040000</i>	TIME POLICE DISPATCHED	<i>2047</i>	TIME POLICE ARRIVED	<i>2057</i>

CHELAN COUNTY'S EXHIBIT NO. 7
TO PREFILED TESTIMONY OF GREGORY PEZOLDT
WUTC NO. TR-061442



STATE OF WASHINGTON
POLICE TRAFFIC
COLLISION REPORT



35B1972

CORRECTION

REPORT NO. 26 35 229

CASE # 06C15521

ADDITIONAL PERSONS INVOLVED (PASSENGERS AND/OR WITNESSES ONLY)

NAME (LAST, FIRST, MIDDLE INITIAL) Burkess Emelia Marie

ADDRESS & PHONE # 2000 Chumstick Loop Rd Leavenworth, WA 98826 SEX F D.O.B. 04-05-01978

PASSENGER WITNESS UNIT # SEAT POS. AIRBAG RESTR. EJECT HELMET USE INJURY CLASS NATURE OF INJURES

NAME (LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE # SEX D.O.B.

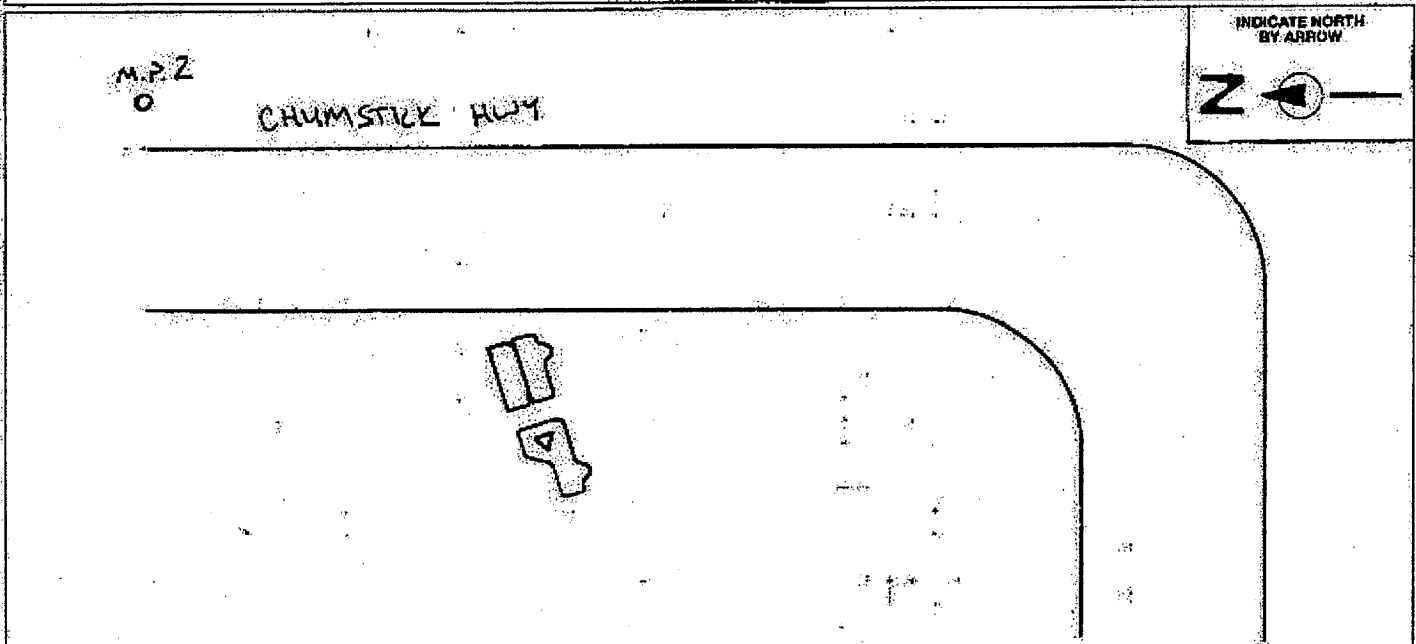
PASSENGER WITNESS UNIT # SEAT POS. AIRBAG RESTR. EJECT HELMET USE INJURY CLASS NATURE OF INJURES

NAME (LAST, FIRST, MIDDLE INITIAL)

ADDRESS & PHONE # SEX D.O.B.

PASSENGER WITNESS UNIT # SEAT POS. AIRBAG RESTR. EJECT HELMET USE INJURY CLASS NATURE OF INJURES

DIAGRAM



NARRATIVE

V-1 WAS NORTHBOUND ON CHUMSTICK HIGHWAY. DUE TO THE I.C.Y. ROAD CONDITIONS D-1 LOST CONTROL OF V-1. V-1 BEGAN TO ROTATE COUNTER CLOCKWISE AS IT CROSSED INTO THE SOUTHBOUND TRAVEL LANE. THE RIGHT SIDE OF V-1 ROLLOVERED IN CAUSING V-1 TO ROLL OVER. V-1 CAME TO REST ON THE WEST SIDE OF THE ROAD ON IT'S SIDE FACING SOUTH WEST.

I CERTIFY (DECLARE) UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT. (RCW 9A.72.085)

M. L. L.
INVESTIGATING OFFICER'S SIGNATURE

PATRICK
UNIT OR DIST. DET

12/14/06
DATE

LEAVENWORTH
PLACE SIGNED

APPROVED BY _____ DATE _____

BADEGE OR ID # 1248 ORI # WA 040000 TIME POLICE DISPATCHED 11:27 TIME POLICE ARRIVED 11:55