DATE

Department of the Army
Seattle District, Corps of Engineers
ATTN: Real Estate Division
Post Office Box 3755
Seattle, Washington 98124-3755

RE: Certification of Lands and Authorization for Entry for the Jensen Levee Rehabilitation Project located on the right bank of the Yakima River between River Mile 152.4 and River Mile 153.1, near the city of Ellensburg in Kittitas County, Washington, ***Job No. YAK-6-09.***

Dear Ladies and Gentlemen:

Kittitas County, Washington (hereinafter referred to as the "Public Sponsor") has assumed full responsibility to fulfill the requirements of non-federal cooperation specified in a Cooperation Agreement dated the 21st day of June 2011, with the United States of America for Public Law 84-99 levee rehabilitation effort along the right bank of the Yakima River between River Mile 152.4 and River Mile 153.1, near the city of Ellensburg in Kittitas County, Washington, **Job No. YAK-6-09.**

Article II. B. of the Cooperation Agreement requires Public Sponsor to provide all lands required for operation and maintenance of the entire 5,300 Lineal Feet (LF) of the Jensen Levee.

This is to certify that the Public Sponsor has sufficient title and interest in the lands hereinafter shown on Exhibit A, attached, in order to enable the Public Sponsor to comply with the aforesaid requirements of non-federal cooperation.

Said lands and/or interest therein are owned or have been acquired by the Public Sponsor, and are to be used for the construction, operation and maintenance of the above referenced project and include but are not limited to the following specifically enumerated rights and uses, except as hereinafter noted:

Perpetual Road Easement -- A perpetual and assignable easement and right-of-way in, on, over and across the land described in Exhibit A for the location, construction, operation, maintenance, alteration and replacement of (a) road(s) and appurtenances thereto; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures, or obstacles within the limits of the right-of-way; (reserving, however, to the grantors, their heirs and assigns, the right to cross over or under the right-of-way as access to their adjoining land.

Temporary Work Area Easement -- A temporary easement and right-of-way in, on, over, and across the project area as delineated on Exhibit A, for a period not to exceed **one (1) year**, beginning with date possession of the land is granted to the Grantee for use by the United States, its representatives, agents, and contractors as a work area, including the right to deposit fill material thereon, move, store, and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the Rehabilitation of Flood Control Works Jensen Levee Job No. YAK-6-09, together with the right to trim, cut, fell, and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject however, to existing easements for public roads

The Public Sponsor does hereby grant to the United States of America, its representatives, agents and contractors, an irrevocable right, privilege and permission to enter upon the lands hereinbefore mentioned for the purpose of prosecuting the project.

The Public Sponsor certifies to the United States of America that any lands acquired subsequent to the execution of the Cooperation Agreement that are necessary for this project have been accomplished in compliance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (Public Law 91-646) as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17), and the Uniform Regulations contained in 49 CFR, Part 24.

KITTITAS COUNTY, WASHINGTON

DATE: 6/21/11

PAUL JEWELL
County Commissioner – District 1

ALAN A. CRANKOVICH
County Commissioner – District 2

OBIE O'BRIEN
County Commissioner – District 3

ATTORNEY'S CERTIFICATE

RE: Certification of Lands and Authorization for Entry for the Jensen Levee Rehabilitation Project located on the right bank of the Yakima River between River Mile 152.4 and River Mile 153.1, near the city of Ellensburg in Kittitas County, Washington, ***Job No. YAK-6-09.***

I, Neil A. Caulkins, an attorney admitted to practice law in the State of Washington, certify that:

I am the attorney for Kittitas County (hereinafter referred to as the "Public Sponsor").

I have examined the title to 17-18-1420-0003, 17-18-1510-0001, 17-18-10040-0025, 17-18-11030-0005, 17-18-03040-0004(12364), 17-18-10010-0005(448533), 17-18-10010-0024(525136), and 17-18-10010-0026(13144) [Parcel # (s)] of land identified by the U.S. Army Corps of Engineers as needed for the Jensen Levee Rehabilitation Project, located on the right bank of the Yakima River between River Mile 152.4 and River Mile 153.1, near the city of Ellensburg in Kittitas County, Washington, **Job No. YAK-6-09**, and included in the Certification of Lands and Authorization for Entry document to which this Certificate is appended.

The Public Sponsor is vested with sufficient title and interest in the described lands required by the United States of America to support the construction, operation, and maintenance of the Jensen Levee Rehabilitation Project.

There [**X**] are (see attached risk analysis) [ ] are no outstanding third party interests of record that could defeat or impair the title and interests of the Public Sponsor in and to the lands described, or interfere with construction, operation, and maintenance of the Project. Such interests include, but are not limited to, public roads and highways, public utilities, railroads, pipelines, other public and private rights of way, liens and judgments. To the extent such interests existed prior to acquisition of the described lands by the Public Sponsor such interests have either been cleared or subordinated to the title and interests so acquired except as provided in the attached risk analysis.

The Public Sponsor has authority to grant the Certification of Lands and Authorization for Entry to which this Certificate is appended; that said Certification of Lands and authorization for entry is executed by the proper duly authorized authority; and that the authorization for entry is in sufficient form to grant the authorization therein stated.

DATED AND SIGNED at Ellensburg, Wash, this 15th day of June 2011.

Neil A. Caulkins

NEIL A. CAULKINS
Attorney at Law

RISK ANALYSIS FOR OUTSTANDING THIRD PARTY INTERESTS

RE: Certification of Lands and Authorization for Entry for the Jensen Levee Rehabilitation Project located on the right bank of the Yakima River between River Mile 152.4 and River Mile 153.1, near the city of Ellensburg in Kittitas County, Washington, ***Job No. YAK-6-09.***

There are outstanding third party interests of record in and to the lands required for the Project. An evaluation of those interests is as follows:

1. **IDENTIFICATION OF THIRD PARTY INTERESTS**:

Puget Sound Energy, Kittitas County Public Utility District and Fairpoint Communication have utilities in the County's right of way.

2. **ASSESSMENT:** (Discuss whether the exercise of that interest is likely to physically impair the Project. Discuss the legal implications if the interest is not cleared or subordinated. Discuss the practical impediments to the exercise of the interest such as any required permits, land use restrictions, or compensation.)

The presence of these utilities should not impair the project.

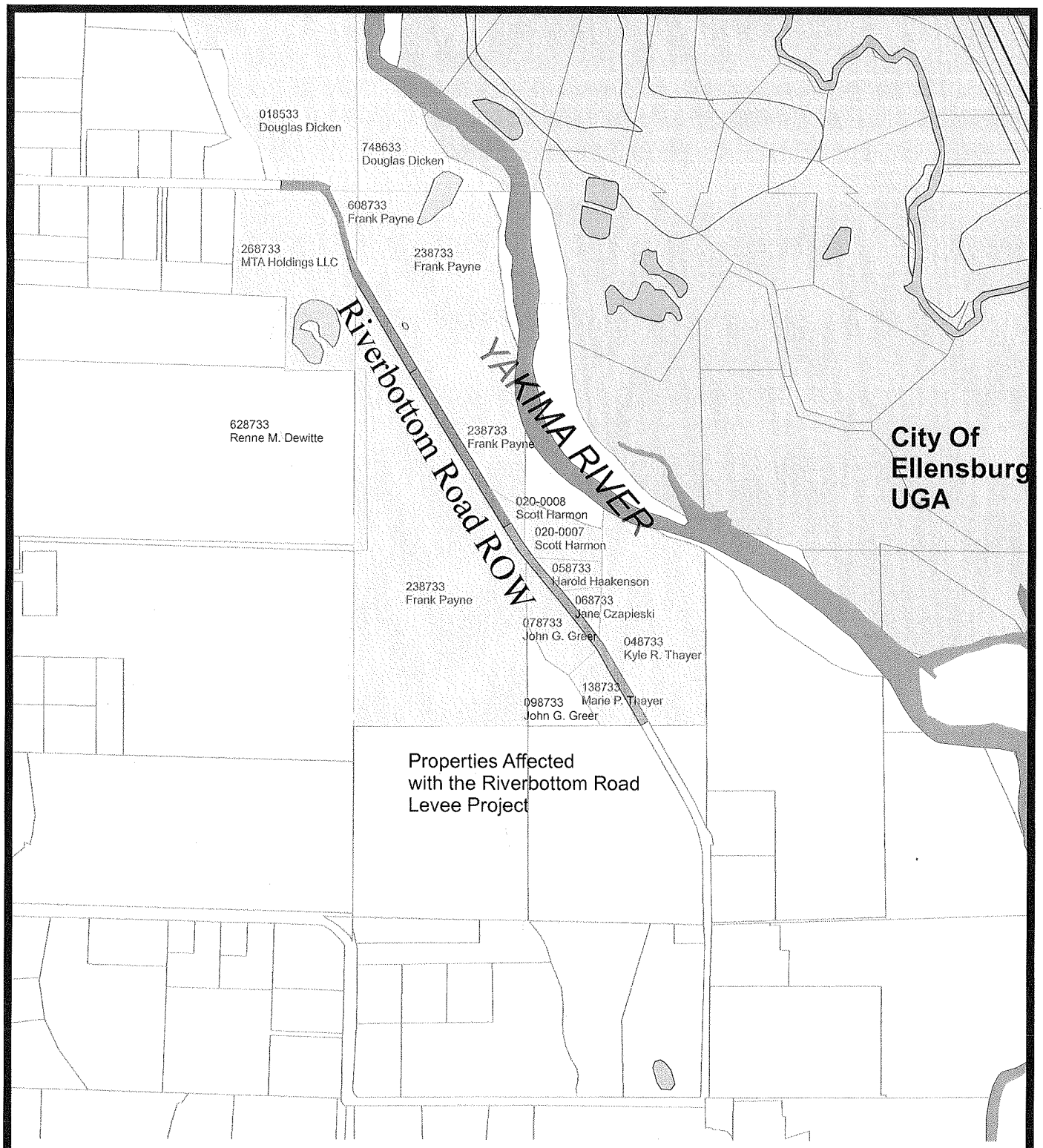
3. **PLAN TO RESOLVE:** (Discuss recourse available to protect the Project in the event the outstanding interest is exercised).

N/A

Signed:

NEIL A. CAULKINS
Attorney for County of Kittitas, Washington

DATE 6/15/11



FROM THE CASCADES . . . TO THE COLUMBIA

KITTITAS COUNTY

KITTITAS COUNTY

DEPARTMENT OF PUBLIC WORKS

Exhibit A, Riverbottom Road Levee Site