

4344

M-66, 1722

RIGHT-OF-WAY EASEMENT DEED - INDIVIDUAL

THIS DEED, dated this 24th day of January, 1966, by and between Ernest W. Eldridge and Kathleen Eldridge, his wife, hereinafter called the "Grantor", and the UNITED STATES OF AMERICA, hereinafter called the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of \$25.00, the receipt of which is hereby acknowledged, does hereby grant and convey unto the Grantee and its assigns an exclusive easement for a road to be reconstructed, improved, used, operated, patrolled and maintained, and known as the Ponina Road, Project Number 34046D, over, upon, along and across the following described premises situated in the County of Klamath, State of Oregon to-wit:

A strip of land 66 feet in width traversing the following described real property:

W 1/2 NW 1/4 Section 20 Township 35 South, Range 13 East, W.M.

The said strip being 33 feet in width on each side of a centerline as constructed on the ground, with as much additional width as required for adequate protection of cuts and fills, the said centerline being located and described as shown on Exhibit A which is attached hereto and made a part hereof.

The centerline of the road as constructed is hereby deemed accepted by the Grantor as the true centerline of the easement granted.

Together with such reasonable rights of temporary use of the Grantor's lands immediately adjacent to said right-of-way as may be necessary for the reconstruction, improvement and maintenance of said road.

The acquiring agency is the Forest Service, Department of Agriculture.

This conveyance is made subject to the following reservations by the Grantor, his heirs and assigns:

1. The right to cross and recross the easement at any point and for any purpose in such manner as will not materially interfere with the use of the road.
2. The right to all timber now growing or which may hereafter grow within the easement and the right to use any land therein not devoted to road use for grazing and the growing and harvesting of crops including timber crops; provided, the United States and its assigns shall have the right to cut timber upon the easement to the extent necessary for reconstruction, improvement, and maintenance of the road. Such timber shall be cut into logs of standard length with proper trim allowance and shall be decked horizontally along said right-of-way and shall be free of stumps, limbs or other debris. Grantor expressly reserves the right to enter upon such strip of land to remove said decked timber, and to remove standing timber in the usual and customary manner without cost except for his pro rata share of maintenance.

The Grantee will permit the Grantor, his heirs and assigns, to use the road to serve his property in accordance with the rules and regulations of the Secretary of Agriculture, 36 C.F.R. 212.7 - 212.11, as the same may be amended, in such manner as not unreasonably to interfere with its use by the United States, its authorized users or assigns, or cause substantial injury thereto.

Provided, however, that if for a period of five years the Grantee shall cease to use the road, or parts thereof, for the purposes granted, or shall abandon the same, then, in any such events, the premises traversed thereby shall be freed from said easement, or parts thereof, as fully and completely as if this deed had not been made. In the event of such non-use for the period stated, the Regional Forester shall furnish to the Grantor a statement in recordable form evidencing such non-use.

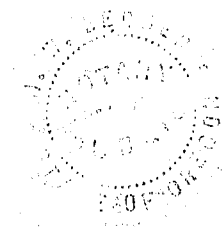
IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal on the day and year first above written.

Ernest W. Eldridge
Kathleen J. Eldridge

State of Oregon)
County of Clatsop) ss.

On this day personally appeared before me Ernest W. and Kathleen J. Eldridge to me known to be the identical individuals described in and who executed the within and foregoing instrument and acknowledged to me that they signed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal this 24 day of February, 1966.

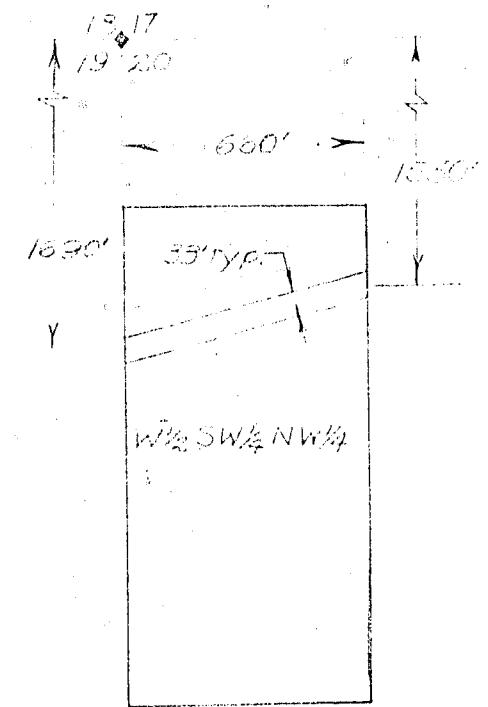


Ernest W. Eldridge
Notary Public in and for the State of
Oregon
Residing at Seaside, Ore.
My commission expires July 5, 1967

STATE OF OREGON - DEPT. OF AGRICULTURE
FOREST NATIONAL FOREST
PLAT
W. 1/4 Sec. 20, T. 35S, R. 12E, A.M.
Klamath County, Oregon
Bureau No. 9016340462
Map prepared by Parkerson 2-2-65
Scale 1 inch = 400'
Ernest H. Eldridge, Owner

Exhibit A

Notes:
This plat developed from the Silvered Bulge Quadrangle,
Oregon, 201, 202, 712, 713. All dimensions taken from that map.



STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of U. S. Dept. of Agriculture
this 2 day of March A.D. 1966 at 9:08 o'clock A.M., and
duly recorded in Vol. M-66, of Deeds on Page 1722
DOROTHY ROGERS, County Clerk
Fee \$1.50 Collect
By *[Signature]*