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M-66

12721

EASEMENT

THIS EASEMENT, dated this 29th day of November 1966,
from the UNITED STATES OF AMERICA, acting by and through the Forest
Service, Department of Agriculture, hereinafter called "Grantor" to
Klamath County, State of Oregon hereinafter called "Grantee."

WITNESSETH:

WHEREAS, the Grantee has applied for a grant of easement under the
Act of October 13, 1964 (78 Stat. 1089, 16 U.S.C. 532-538), for a
road over certain lands or assignable easements owned by the United
States in the County of Klamath, State of Oregon, and administered
by the Forest Service, Department of Agriculture.

NOW THEREFORE, Grantor does hereby grant to Grantee an easement for
a public road and highway along and across a strip of land, hereinafter
defined as the "right-of-way" over and across the following described
lands in the County of Klamath, State of Oregon: a 60-foot strip across
SE 1/4 SW 1/4 Section 23, T. 34 S., R. 6 E., W.M.

The word "right-of-way" when used herein means said strip of land whether
or not there is an existing road or highway located thereon. Except
where it is defined more specifically the word "highway" shall mean
roads or highways now existing or hereafter constructed on the right-of-
way or any segment of such roads or highways.

The right-of-way is shown and specifically described on the plat attached
hereto and made a part hereof.

This grant is made subject to the following terms, provisions and
conditions:

1. Outstanding valid claims, if any, existing on the date of
this grant.
2. The easement herein granted is limited to use of the
described right-of-way for the purpose of construction,
operation and maintenance of a highway and does not include
the grant of any rights for non-highway purposes or
facilities: Provided, That the right of the Forest Service
to use or authorize the use of any portion of the right-of-way
for non-highway purposes shall not be exercised when such use
would interfere with the free flow of traffic or impair the
full use and safety of the highway; and Provided Further, That
nothing herein shall preclude the Forest Service from locating
National Forest and other Department of Agriculture information
signs on the portions of the right-of-way outside of construction
limits.

12722

3. Any reconstruction of the highway situated on this right-of-way will be in accordance with plans, specifications, and written stipulations approved by the Regional Forester prior to beginning such reconstruction.
4. Consistent with highway safety standards, the Grantee shall:
 - (a) Protect and preserve soil and vegetative cover and scenic and esthetic values of the right-of-way outside of construction limits.
 - (b) Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction, operation, or maintenance of the highway, and shall vegetate and keep vegetated with suitable species all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed where it is deemed necessary during a joint review between the Regional Forester and Grantee prior to completion of the highway and the Grantee shall maintain all terracing, water bars, lead-off ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction.
5. The Grantee shall:

Establish no borrow, sand, or gravel pits, stone quarry, or permanent storage areas, sites for highway operation and maintenance facilities, camps, supply depot or disposal areas within the right-of-way unless shown on approved construction plans, without first obtaining approval of the Regional Forester.
6. The Grantee shall maintain the right-of-way and highway facilities to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the Regional Forester.
7. The Grantee shall maintain the right-of-way clearing by means of chemicals only after a specific written approval has been given by the Regional Forester. Application for such approval must be in writing and specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.

18

12723

8. By accepting this permit, the permittee hereby agrees to comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the Regulation of the U.S. Department of Agriculture (7 CFR, Part 15) issued pursuant to that Act, and hereby assures that in the operation and performance of this permit to take immediately any measures necessary to effectuate this requirement. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the permittee by the U.S. Department of Agriculture, this assurance shall obligate the permittee, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the permittee for the period during which he retains ownership or possession of the property. In all other cases, this assurance shall obligate the permittee for the period during which the Federal financial assistance is extended to him by this permit. This assurance is given in consideration of the Federal financial assistance extended in this permit to the permittee by the U. S. Department of Agriculture. The permittee recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance. The permittee further agrees that the United States in addition to any other rights and remedies provided by this assurance, the Civil Rights Act of 1964, or the Regulations issued thereunder, shall have the right to enforce this agreement by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the breach or violation occurs.

The Chief, Forest Service may terminate this easement, or any segment thereof, (1) by consent of the Grantee, (2) by condemnation, or (3) after a five (5) year period of nonuse, by a determination to cancel after notification and opportunity for hearing as prescribed by law.

IN WITNESS WHEREOF, The Grantor, by its Regional Forester, Forest Service, has executed this easement (pursuant to the act above mentioned, the Delegation of Authority and Assignment of Functions by the Secretary of Agriculture dated December 24, 1953, 19 Fed. Reg. 74, the Delegation of Authority by the Chief, Forest Service, dated September 30, 1963, 28 Fed. Reg. 10828, and the Delegation of Authority by the Deputy Chief, Forest Service, dated April 16, 1965, 30 Fed. Reg. 5647, the provisions of which have been complied with), on the day and year first above-written.

12724

UNITED STATES OF AMERICA

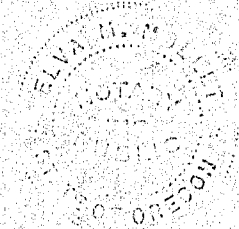
By Paul E. Neff
Regional Forester
Forest Service
Department of Agriculture

State of Oregon }
County of Multnomah } ss.

On this day personally appeared before me Paul E. Neff,

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 29 day of November,
19 66.



Elva M. Mollet
Notary Public in and for the State of
Oregon
Residing at Portland, Oregon
My commission expires October 28, 1970

*(SEAL)

Accepted

Dec. 29, 1966
Date

By Winston H. Kuehl 20
Title County Eng.
Klamath County

UNITED STATES DEPARTMENT OF AGRICULTURE—FOREST SERVICE			NAME OF APPLICANT Klamath County	12725
SPECIAL USE APPLICATION			DATE OF APPLICATION September 6, 1966	
REGION 6	STATE Oregon	FOREST Winema	RANGER DISTRICT Klamath	

(Entries above this line will be filled in by the Forest Service)

Application is hereby made for a permit to use National Forest land as indicated below:

1. Description of land:

Description: A strip of land 60 feet in width in SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 34 South, Range 6 E.W.M.

2. Purpose of use:

Road

3. Acres of National Forest land to be used:

0.05 acres

4. Miles of National Forest land to be occupied (Applicable to road rights-of-way, pipe lines, telephone lines, power lines, etc.):

0.01

5. Number of days that premises will be used each year:

365 days

6. Improvements: a. Description:

Existing road

b. Approximate cost \$1,500.00	c. Construction will begin within 1 months	d. Construction will be completed within 48 months
DATE OF APPLICATION Sept. 6, 1966	SIGNATURE OF APPLICANT Winston W. Kurth, Co. Engineer	ADDRESS Klamath County Courthouse Klamath Falls, Oregon 97601

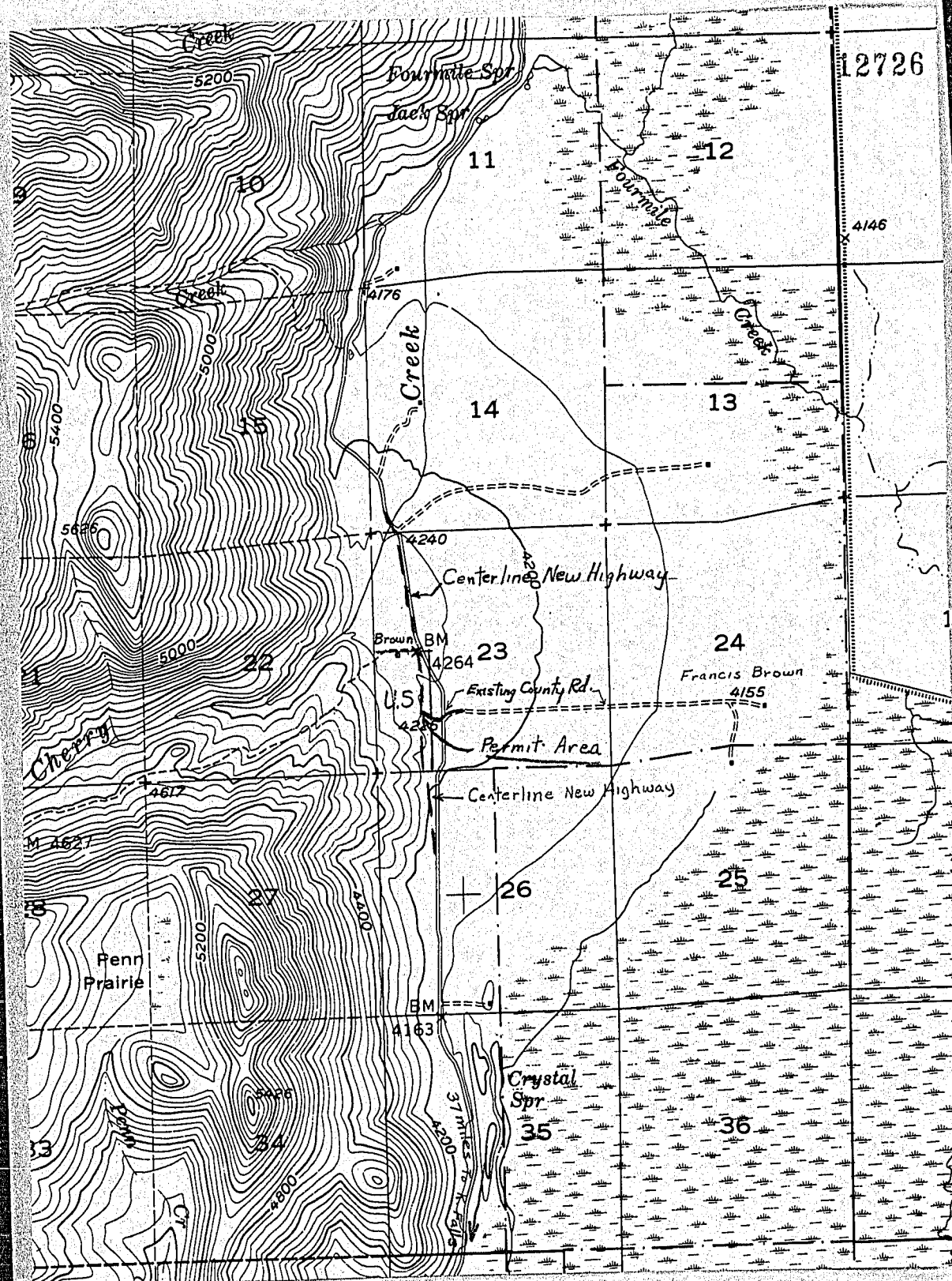
REPORT ON APPLICATION

(To be completed by Forest Officer)

- General description of the area and adaptability for the proposed use. Outline area on map on reverse side or on separate map sheet if needed to clarify proposed use. *area is existing road adaptable for use*
- Status of the land requested, including description of any improvements or claims on area. If previously under permit indicate former permit date and permittee's name. *land is NF*
- State approximate amount and kinds of timber to be cut, recommended stumpage prices, method of scaling; include recommendation on disposal of merchantable timber (a) to permittee at current damage appraisal or (b) to others than permittee under regular timber sale procedure. *none*
- Recommendations, including any factors which might affect the granting of the permit or future use of the land. *recommend permit be issued*
- List on the reverse side any additional conditions which should be made a part of the permit. *see attached rough draft*

REPORT SUBMITTED	DATE 10/17/66	SIGNATURE [Signature]	TITLE Forester
REPORT APPROVED	DATE 10/31/66	SIGNATURE [Signature]	TITLE Forest Ranger

2700-3 (2/60) (OVER)



STATE OF OREGON; COUNTY OF KLAMATH; ss:

Filed for record at request of Klamath County
 this 29 day of Dec. A.D. 1966 at 1:00 P.M., and
 duly recorded in Vol. M-66 of Deeds on Page 12721

No Fee

DOROTHY ROGERS, County Clerk

By *Jan. Miller*

22