

3449

9003 File 47861

ORIGINAL

HIGHWAY EASEMENT DEED

THIS DEED, made this 2nd day of July, 1975,
by and between the UNITED STATES OF AMERICA, acting by and through the DEPARTMENT
OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, hereinafter referred to as the
DEPARTMENT, and the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION,
HIGHWAY DIVISION, hereinafter referred to as the GRANTEE:

WITNESSETH:

WHEREAS, the GRANTEE has filed application under the provisions of the
Act of Congress of August 27, 1958 as amended (23 U.S.C. 317), for the right-
of-way of a highway over certain land owned by the United States in the State of
Oregon which is under the jurisdiction of the Department of Agriculture, Forest
Service; and,

WHEREAS, this transfer is further authorized under the provisions of
the Act of Congress approved October 15, 1966 /80 Stat. 931, 937, Section 6(a)
(1) (A) /; and,

WHEREAS, the Regional Federal Highway Administrator, pursuant to
delegations of authority from the Secretary of Transportation, has determined that
an easement over the land covered by the application is reasonably necessary for a
right-of-way for The Dalles-California Highway (U. S. Highway 97, FAP Route 4); and,

WHEREAS, the Department of Agriculture, acting by and through the Forest
Service, has agreed to the transfer by the DEPARTMENT of an easement over the land
to the GRANTEE:

NOW THEREFORE, the DEPARTMENT, as authorized by law, does hereby grant
to the GRANTEE an easement for a right-of-way for the construction, operation, and
maintenance of a highway, and use of the space above and below the established grade
line of the highway pavement for highway purposes on, over, across, in, and upon
the following described land of the United States within the Deschutes National
Forest, County of Klamath, State of Oregon:

T. 23 S., R. 9 E., W.M.

Section 24

SE $\frac{1}{4}$ NE $\frac{1}{4}$ T. 24 S., R. 9 E., W.M.

Section 3

Lots 3 and 4

8

E $\frac{1}{2}$ SE $\frac{1}{4}$

17

N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$

30

N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ T. 25 S., R. 8 E., W.M.

Section 1

Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

12

SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$

13

NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

14

SE $\frac{1}{4}$ SE $\frac{1}{4}$

26

W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

35

E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ T. 26 S., R. 8 E., W.M.

Section 2

NW $\frac{1}{4}$ NW $\frac{1}{4}$ (unsurveyed)

3

E $\frac{1}{2}$ E $\frac{1}{2}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ (unsurveyed)

10

W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

15

NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

16

E $\frac{1}{2}$ SE $\frac{1}{4}$

21

E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$

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T. 26 S., R. 8 E., W.M. (Cont.)

Section 22	W $\frac{1}{2}$ SW $\frac{1}{4}$
27	W $\frac{1}{2}$ NW $\frac{1}{4}$
28	E $\frac{1}{2}$ E $\frac{1}{2}$
33	NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

including control of access thereto from adjoining lands, but reserving to the United States such accesses as are reasonably necessary at the following places and for the widths and purposes indicated:

Station	Side of Highway	Width	Purpose
487+00	East	35'	Unrestricted
486+50	West	35'	Unrestricted
323+00	West	35'	Unrestricted
199+00	East	35'	Unrestricted
164+00	West	35'	Unrestricted
235+37	West	35'	Unrestricted
158+81	West	35'	Unrestricted
126+00	East and West	35'	Unrestricted
73+00	East	35'	Unrestricted
1623+25	East	35'	Unrestricted
1623+00	West	35'	Unrestricted
1621+00	West	35'	Unrestricted
1619+30	East	35'	Unrestricted
1462+34	West	35'	Unrestricted
1437+00	West	35'	Unrestricted
1324+25	East	35'	Unrestricted
1325+30	West	35'	Unrestricted
1118+50	West	35'	Unrestricted

and as shown on the following described plat:

Drawing No.	Date	Number of Sheets
9B-11-15	June 1974	Roll Map

marked Exhibit "A" attached hereto and made part hereof, subject, however, to the following terms, conditions and covenants:

- (1) Outstanding valid claims, if any, existing on the date of this grant, and the GRANTEE shall obtain such permission as may be necessary on account of any such claims.
- (2) The GRANTEE and the Regional Forester shall make determination as to the necessity for archeological and paleontological reconnaissance and salvage within the right-of-way, and such reconnaissance and salvage to the extent determined necessary because of maintenance of the highway facility which is to be undertaken by the GRANTEE in compliance with the Act entitled "An Act for the preservation of American antiquities" approved June 8, 1906 (34 Stat. 225, 16 U.S.C. 432-433), and State laws where applicable.
- (3) The easement herein granted is limited to use of the described right-of-way and the space above and below the established grade line of the highway pavement for the purposes of 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 be inconsistent with the provisions of Title 23 of the United States Code and of the Federal Highway Administration Regulations issued pursuant thereto or would interfere with the free flow of traffic or impair the full use and safety of the highway, and in any case the GRANTEE and the Federal Highway Administration shall be consulted prior to the exercise of such rights: 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 clearing limits.

(4) Consistent with highway safety standards, the GRANTEE shall:

- (a) Protect and preserve soil and vegetative cover and scenic and esthetic values on 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 the GRANTEE; and the GRANTEE shall maintain all terracing, waterbars, 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 after construction.

(5) The GRANTEE shall:

Establish no borrow, sand, or gravel pits, stone quarries, 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 clearing by means of chemicals only after 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.
- (7) The GRANTEE, in consideration of the grant of this easement does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns that:
 - (a) No person shall, on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed;
 - (b) The GRANTEE shall use said easement and right-of-way so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally assisted programs of the Department of Transportation, effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- (8) When need for the easement herein granted shall no longer exist, the GRANTEE shall give notice of that fact to the Secretary of Transportation and the rights herein granted shall terminate and the land shall immediately revert to the full control of the Department of Agriculture.

9006

IN WITNESS WHEREOF, I, Robert B. Rutledge, Regional Counsel, pursuant to delegations of authority from the Secretary of Transportation, the Federal Highway Administrator and the Chief Counsel, Federal Highway Administration, by virtue of authority in me vested by law, have hereunto subscribed my name as of the day and year first above written.

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

By Robert B. Rutledge
Robert B. Rutledge
Regional Counsel

STATE OF OREGON)
COUNTY OF MULTNOMAH)

I, J. J. AMUNDSON, a Notary Public in and for the State of Oregon, do hereby certify that on this the 2nd day of July, 1975, before me personally appeared Robert B. Rutledge, Regional Counsel, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of July 2, 1975, was executed by him in his official capacity and by authority in him vested by law, for the purposes and intents in said instrument described and set forth, and acknowledged the same to be his free act and deed as Regional Counsel, Federal Highway Administration.

Witness my hand and seal this 2nd day of July, 1975.



J. J. Amundson
Notary Public

My Commission Expires August 14, 1976.

In compliance with the conditions set forth in the foregoing deed, the Grantee certifies, and by the acceptance of this deed accepts the right-of-way over certain land herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said deed.

APPROVED AS TO FORM:

Counsel

James S. Anderson

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION,
Highway Division

By E. S. Hunter for
F. B. Klaboe, Administrator and State
Highway Engineer

Approved: 7-21-75

STATE OF OREGON, County of Marion

July 25, 1975. Personally appeared E. S. Hunter, who being sworn, stated that he is the Administrator and Highway Engineer for the State of Oregon, Department of Transportation, Highway Division, and that this instrument was voluntarily signed on behalf of the State of Oregon, by authority vested in him by the Oregon Transportation Commission. Before me:

Cecil H. Head
Notary Public for Oregon

My Commission expires Nov 5, 1978

805

OREGON STATE HIGHWAY DIVISION
Forest Lands R/W

Scale 1 inch = 800 feet

Oct. 1973
Rev June. 1974

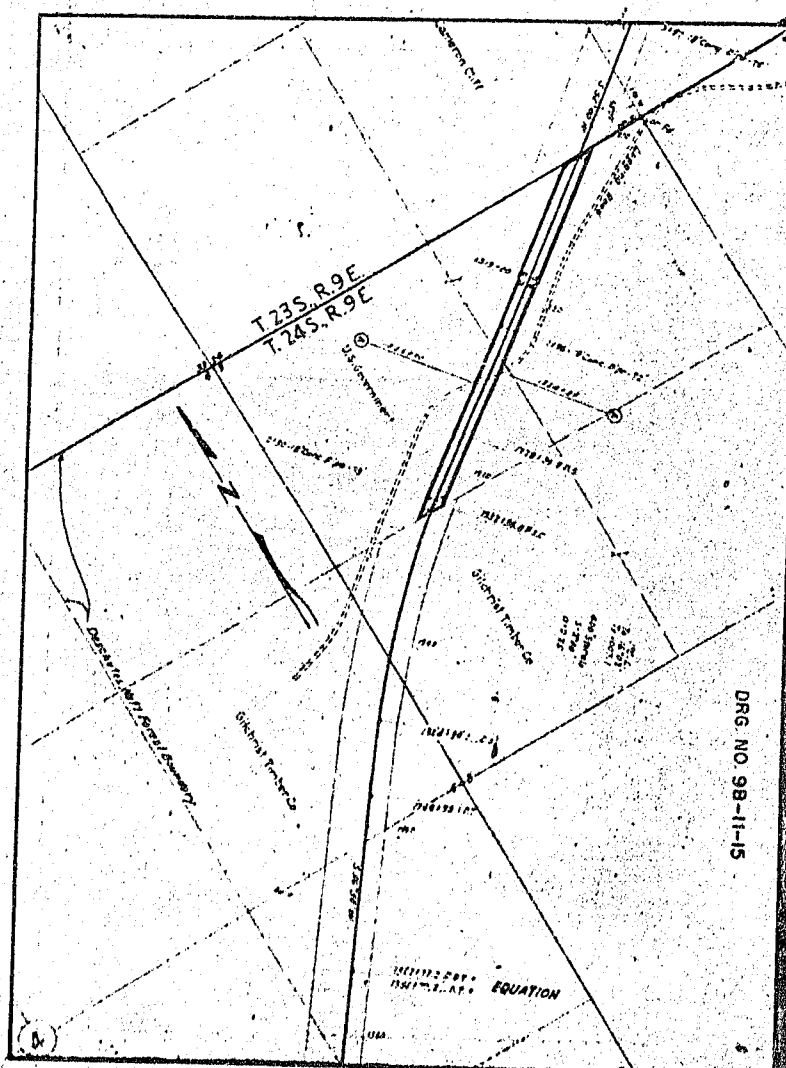
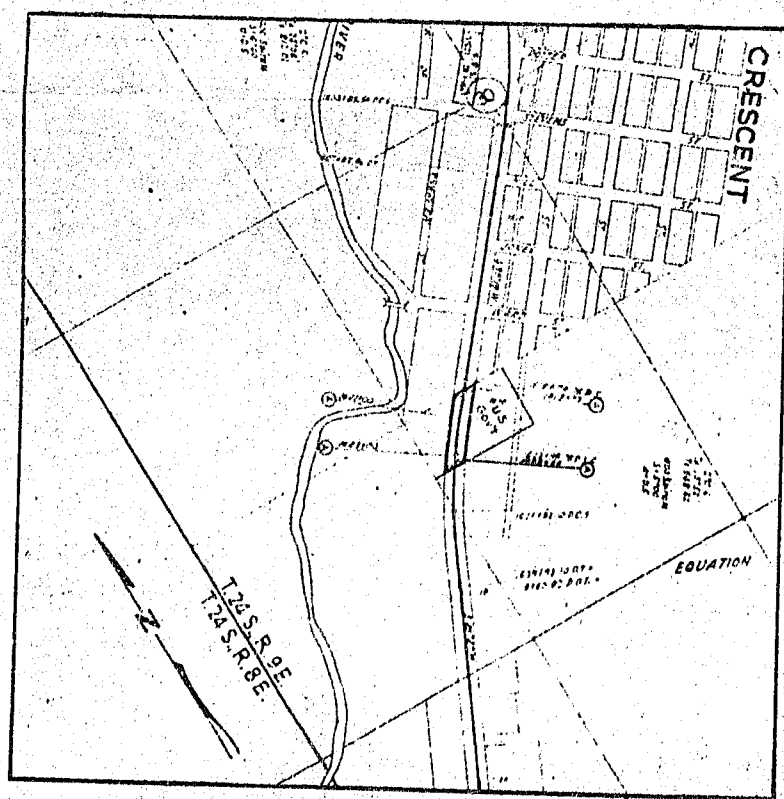
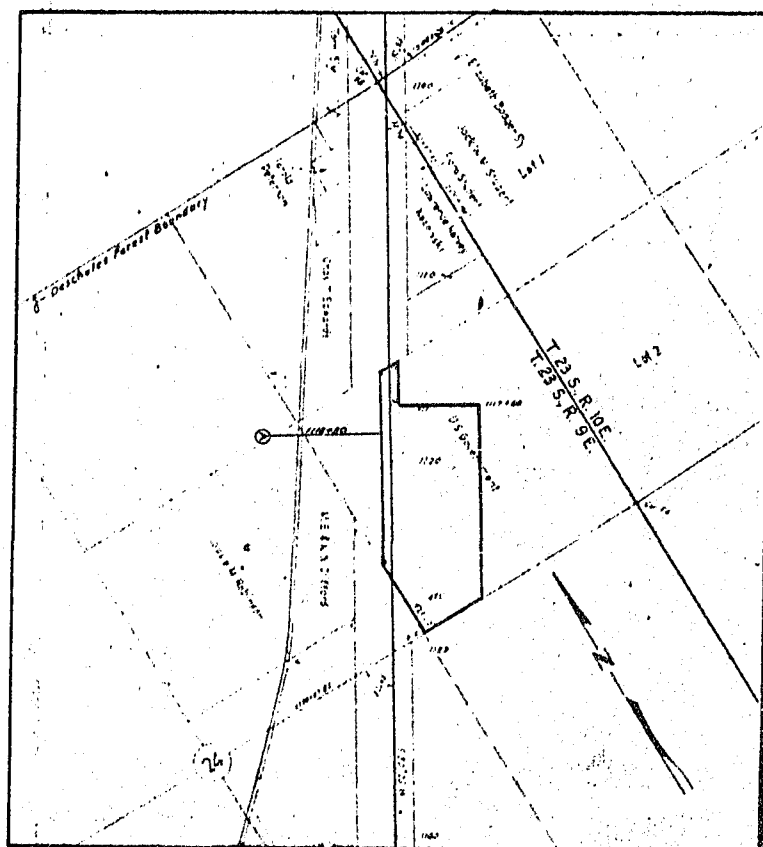
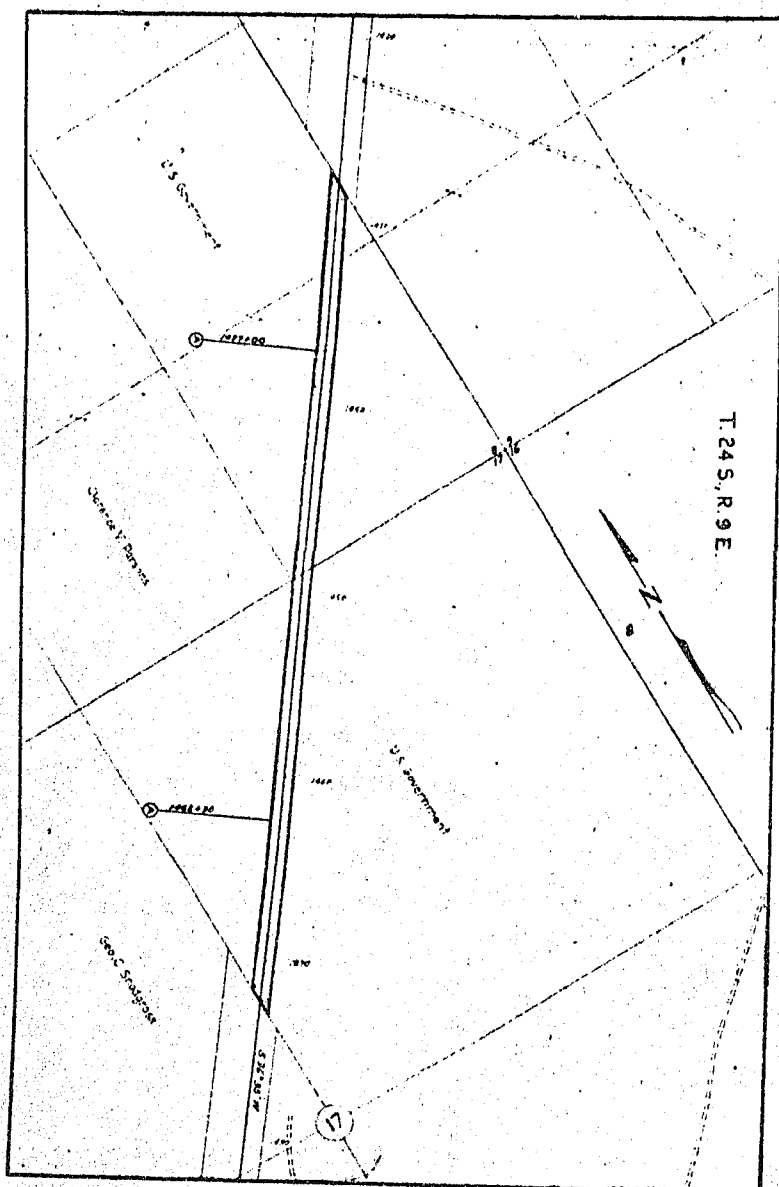
FILE NO. 47861

DRG. NO. 98-11-15

Compiled from 8B-3-30 & 8B-4-10

ACCESS CONTROL LINE

9008



DRG. NO. 98-11-15

9009

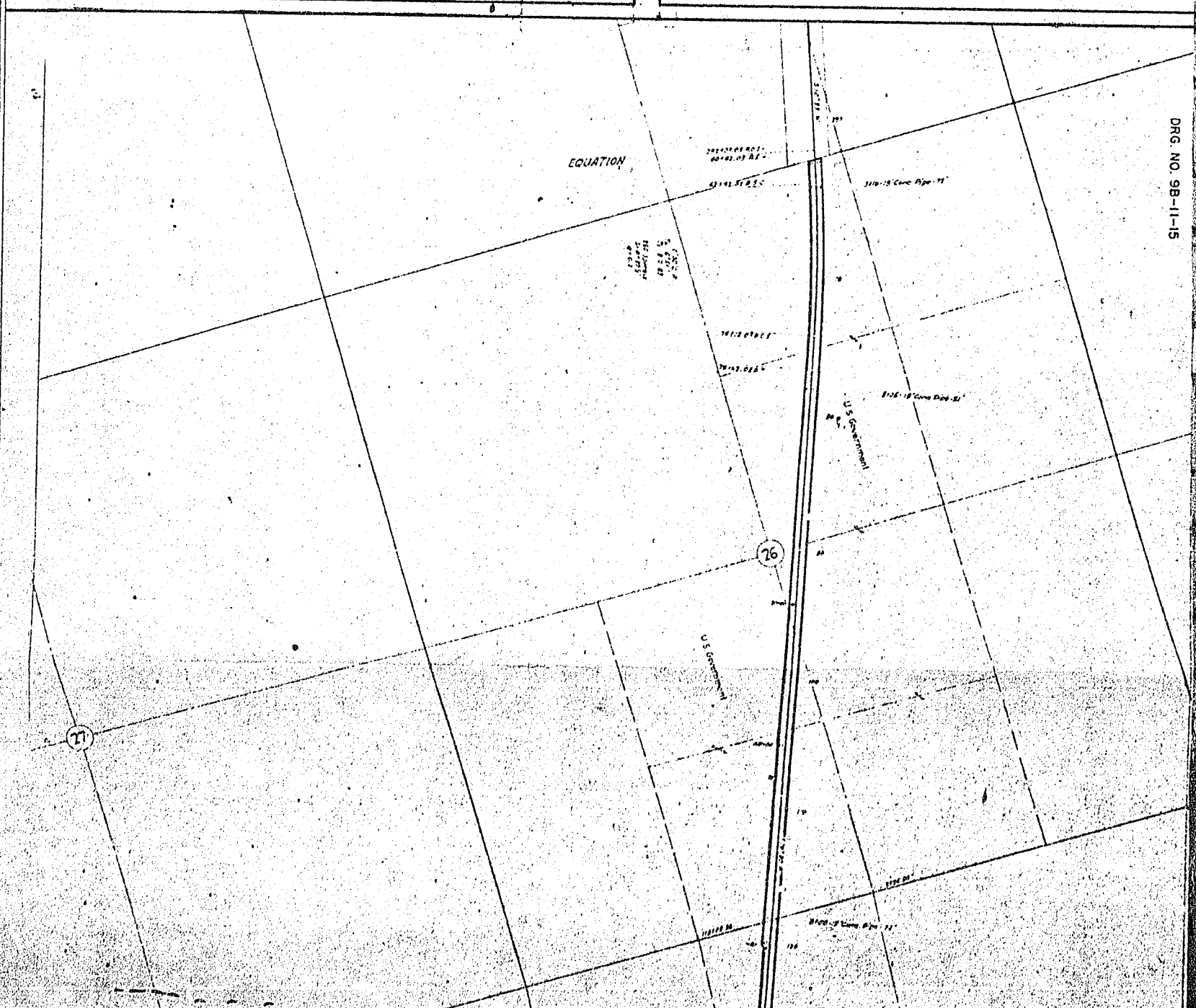
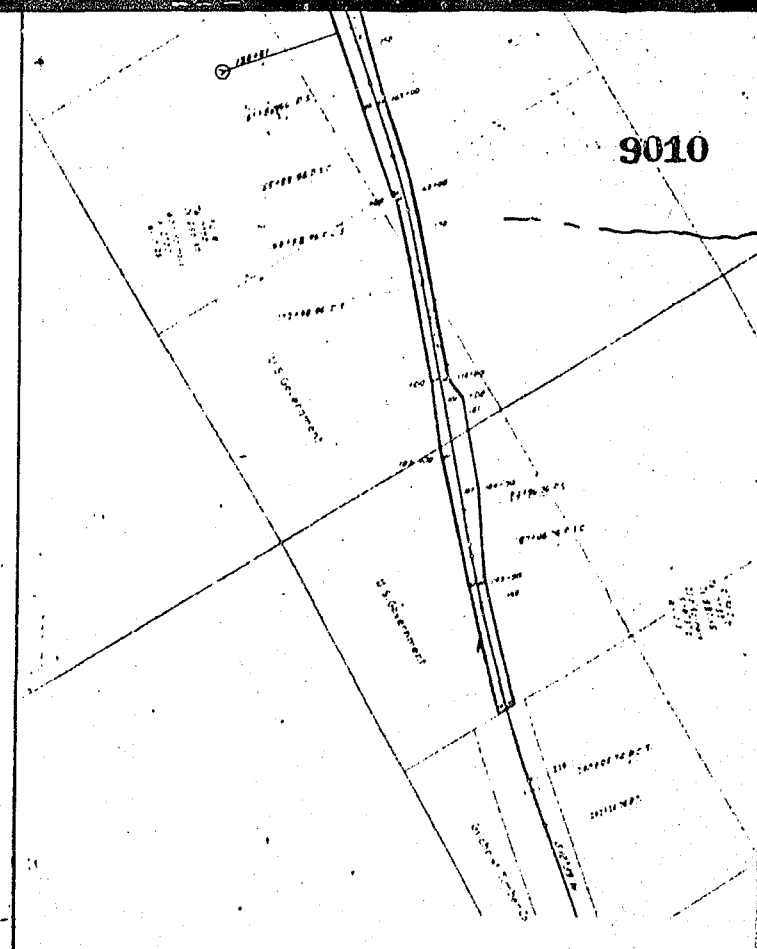
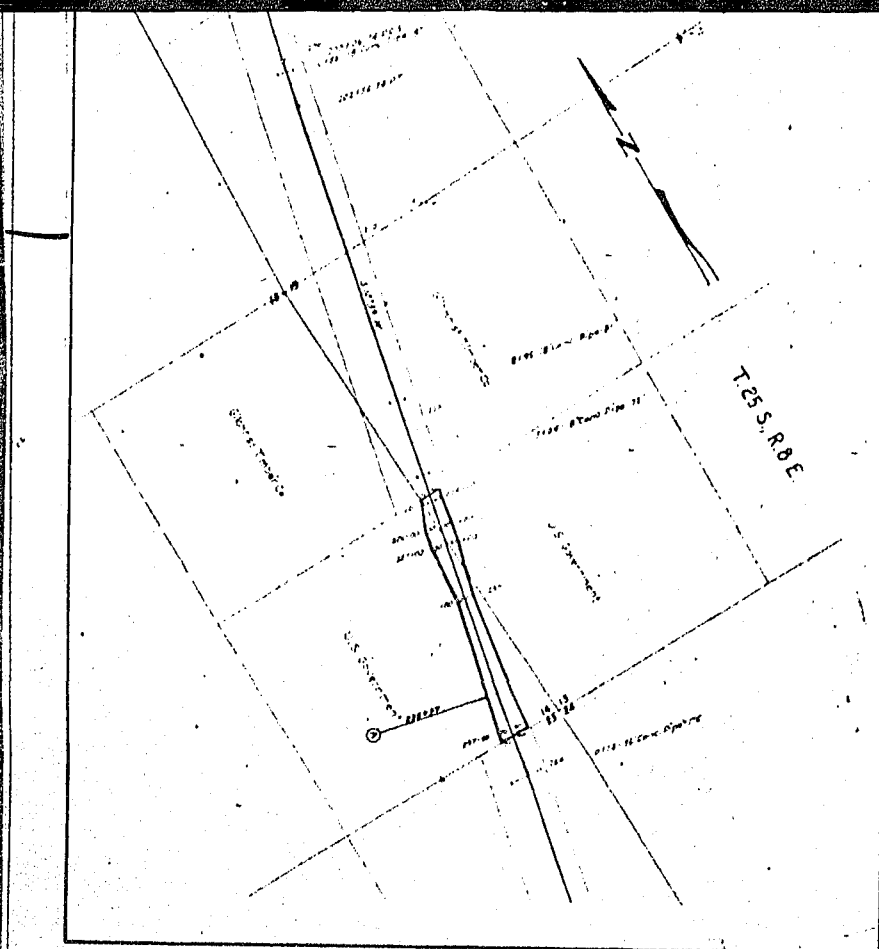
USEFUL PRE - EQUATION
HARMED BY - EQUATION

9009

T.24S.R.8E.
T.25S.R.8E.

EQUATION

9010



DRG. NO. 9B-11-15

9011

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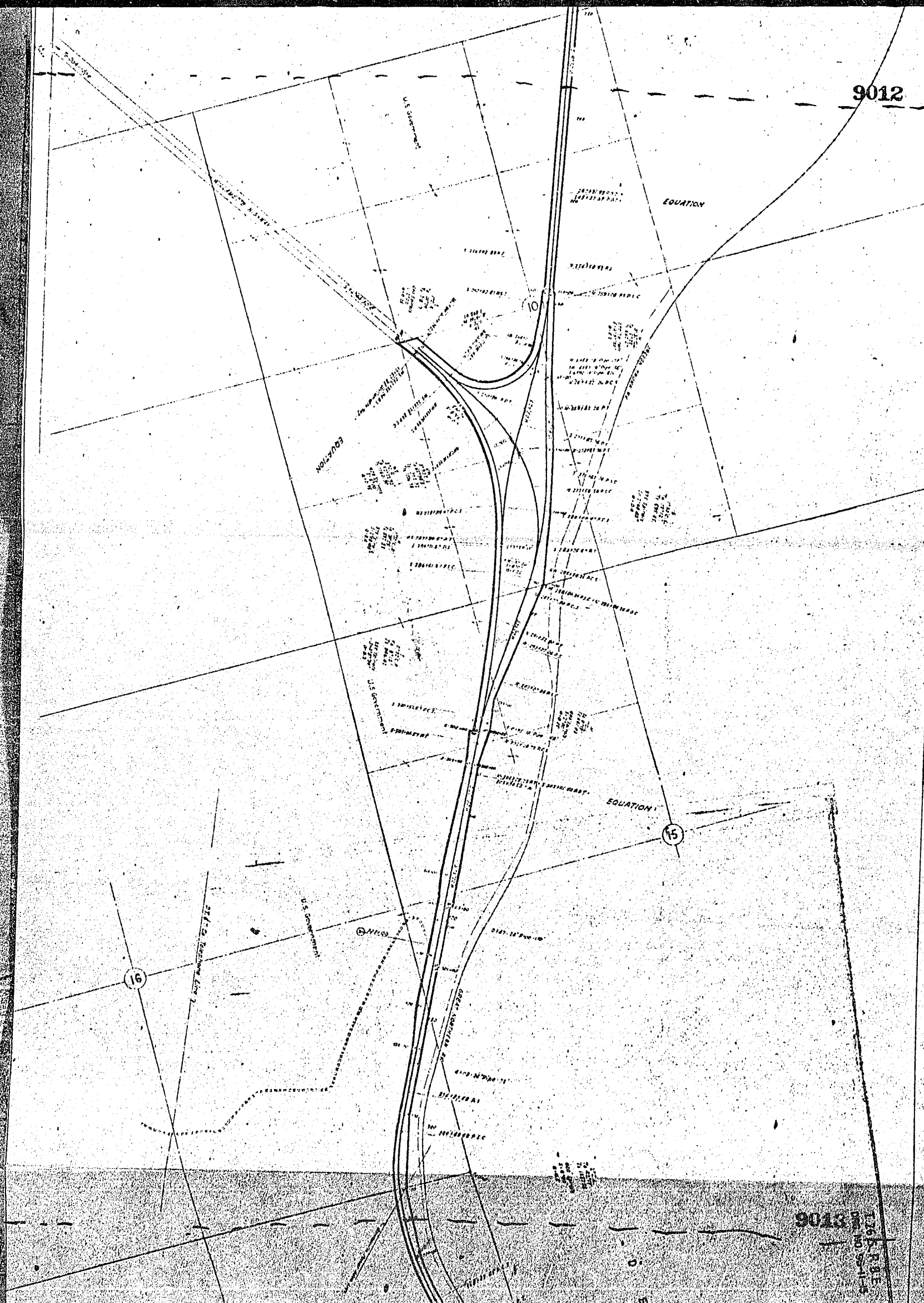
34

T.25 S. R. 8 E
T.26 S. R. 8 E

3
U.S. Government
Reservations

9012

DRG NO. 98-1



9013

T 26 S. R. 3 E.
DRG. NO. 98-11-15

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U.S. Government

9014

9014

DESCHUTES NATIONAL FOREST BOUNDARY
WINEMA NATIONAL FOREST BOUNDARY

T26S,R8E
T27S,R8E

DESCHUTES NATIONAL FOREST SEC
THE DALLES-CALIFORNIA HWY
KLAMATH COUNTY
SCALE 1"=400'
OCTOBER, 1973
DRG NO. 98-11-15

DESCHUTES NATIONAL FOREST SECTION
THE DALLES-CALIFORNIA HIGHWAY
FOREST LANDS R/W SCALE 1"=400' DRG NO. 98-11-15

9015

PROPOSED DOT EASEMENT TO STATE OF OREGON
ACROSS DESCHUTES NATIONAL FOREST LANDS WITHIN TOWNSHIPS 23-26 SOUTH

POINTS OF ACCESS TO BE RESERVED BY U.S.

	Approx. M.P.	Approx. Hwy. Survey Station	Legal Description	Needed Access Approach	FS Road Number
1.	199.10	487+00	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33, 26-8	East Side	R265 (Winema System Existing)
2.	199.10	486+50	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33, 26-8	West Side	Proposed Junction
3.	196.00	323+00	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15, 26-8	West Side	2609 Existing
4.	193.80	199+00	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3, 26-8	East Side	2581 Existing
5.	193.00	164+00	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, 25-8	West Side	2569 Existing
6.	189.95	235+37	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, 25-8	West Side	Proposed Junction
7.	188.50	158+81	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, 25-8	West Side	Proposed Junction
8.	187.80	126+00	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 1, 25-8	Both Sides	257 Existing
9.	186.90	73+00	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1, 25-8	East Side	2571 Existing
10.	185.50	1623+25	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, 24-9	East Side	Ranger Station Residence Existing
11.	185.50	1623+00	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, 24-9	West Side	Ranger Station Residence Existing
12.	185.50	1621+00	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, 24-9	West Side	Ranger Station Residence Proposed
13.	185.50	1619+30	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, 24-9	East Side	Ranger Station Compound Proposed
14.	182.58	1462+34	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 17, 24-9	West Side	Proposed Junction
15.	182.10	1437+00	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, 24-9	West Side	Proposed Junction
16.	180.0	1324+25 E 1325+30 W	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 3, 24-9	Both Sides	2320 Existing
17.	176.05	1118+50	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 24, 23-9	West Side	Proposed

2900

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of STATE OF OREGON HIGHWAY DIVISION R/W
this 4th day of AUGUST A. D., 1975 at 3:00 o'clock P. M., and duly recorded in
Vol. M.75 of DEEDS on Page 9003

FEE \$ 30.00

WM. D. MILNE, County Clerk

By *W. D. Milne* Deputy

INSTRUCTIONS:

STATE OF OREGON

UNIFORM COMMERCIAL CODE—FINANCING STATEMENT—FORM UCC-1A

1. PLEASE TYPE THIS FORM. DO NOT FOLD FOR MAILING.
2. Remove Secured Party and Debtor copies and send other 3 copies with interleaved carbon paper intact to the filing officer. Enclose filing fee of \$1.50 for each debtor and/or trade name shown.
3. When filing is to be with more than one office, Form UCC-2A may be placed over this set to avoid double typing. The Form UCC-1A and Form UCC-2A should be filed with the county filing officers who record real estate mortgages.
4. If the space provided for any item(s) on the form is inadequate the item(s) should be continued on additional sheets, preferably 5" x 8" or 8" x 10". Only one copy of such additional sheets need be presented to the filing officer with a set of three copies of the financing statement. Long schedules of collateral, indentures, etc., may be on any size paper that is convenient for the Secured Party.
5. When a copy of the security agreement is used as a financing statement, it is requested that it be accompanied by a completed but unsigned set of these forms, without extra fee.
6. At the time of original filing, filing officer should return third copy as an acknowledgment. At a later time, Secured Party may date and sign termination legend and use third copy as a Termination Statement, or he may use Form UCC-3A as a Termination Statement.

THIS FINANCING STATEMENT is presented to filing officer pursuant to the Uniform Commercial Code

1A. Debtor(s):

Robert E. Neet
Laura Neet

1B. Mailing Address(es):

Box 358
Keno, Oregon 97627

2A. Secured Party(ies):

West Coast Trailer Sales

2B. Address of Secured Party from which security information obtainable:

6850 S. Sixth Street
Klamath Falls, Oregon

Filing Officer (Date, time, number and filing office)

3. This financing statement covers the following types (or items) of property: 1973 Kirkwood Mobile Home S/N#3865

(The goods are to become fixtures on.....) (The above timber is standing on.....) (The above minerals or the like (including gas and oil) or accounts will be financed at the wellhead or minehead of the well or mine located on.....) (Strike words inapplicable) (Describe real estate)

Original Plat of Klamath River Acres
Lot 17, Block 1

4A. Assignee of Secured Party(ies) if any:

The Oregon Bank
Rogue Valley Branch

4B. Address of Assignee from which security information obtainable:

P.O. Box 1460
Medford, Oregon 97501

And the financing statement is to be filed in the real estate records. If the debtor does not have an interest of records, the name of record owner is Robert E. Neet

Check box if products of chattel are also covered ☐No. of additional sheets attached ☐

File with:



COUNTY REAL ESTATE FILING OFFICER

COUNTY



SECRETARY OF STATE (only if debtor is a transmitting authority)

RECEIVED

AUG 4 1975

Signature(s) of Debtor(s) only required in most cases.

Signature(s) of Secured Party(ies) in cases covered by ORS 79.4020.

By:

Robert E. Neet Laura B. Neet

Signature(s) of Debtor(s)
Signature(s) of Secured Party(ies) or Assignee(s)

FILING OFFICER—ALPHABETICAL

This form of Financing Statement approved by Secretary of State.

STANDARD FORM—UNIFORM COMMERCIAL CODE—FORM UCC-1A

STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR. 97204

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of The Oregon Bank

this 4th day of August A.D., 1975 at 3:30 o'clock P.M., and duly recorded in

Vol. M75, of Mortgages on Page 9015A

Fee \$7.00

WM. D. MILNE, County Clerk

By: [Signature] Deputy

Vol. 75 Page 9015-A