

7446

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
P.O. Box 151
Lakeview, Oregon 97630

Vol. 1281 Page 21446

Your Ref: 2820
OR 33338

DECISION

RIGHT-OF-WAY GRANTED

Details of Grant

Serial number of grant - - - - - OR 33338

Name of holder - - - - - Klamath County

Map showing the location and dimensions of grant:

Map designations - - - - - Exhibit A

Date Filed - - - - - DEC 3 1981

Public Lands: - - - - - Exhibit E

Authorized use - - - - - County Road

Authority for grant - - - - - P.L. 94-579, (Act of Oct. 21, 1976), Title V, 90 Stat. 2743

Regulations applicable to grant:

Code reference - - - - - 43 CFR 2800

Circular number(s) - - - - - 2468

Date of grant - - - - - December 4, 1981

Expiration date of grant - - - - - Perpetual

Rental:

Amount - - - - - None

When payable by holder - - - - - Not Applicable

Terms and Conditions of Grant

Pursuant to the authority vested in the undersigned by Order No. 701 of the Director, Bureau of Land Management, dated July 23, 1964 (29 F.R. 10526), as amended, a right-of-way, the details of which are shown above, is hereby granted, subject to the following terms and conditions:

1. All valid rights existing on the date of the grant.
2. All regulations in the circular(s) specified above.
3. Filing of proof of construction within 90 days of completion of construction and no later than 5 years from date of the grant.
4. Compliance with the terms and conditions as specified in the Pesticides Control Stipulations, Form OSO 2800-14, attached to and made a part hereof, and identified as Exhibit "B", and additional terms, conditions and stipulations attached to and made part hereof and identified as Exhibit "C".

KLAMATH COUNTY BOARD OF COMMISSIONERS

It is so agreed:

Veel Kuonen
Chairman Holder

David L. Kuonen
Commissioner Holder

Charles A. Chappin
Commissioner Holder

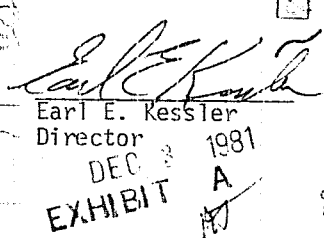
Date this 4 day of December, 1981

APPROVED:

Richard M. Smith
District Manager

Enclosures:

Exhibit A
Exhibit B
Exhibit C
Exhibit D
Exhibit E



Serial Number

OR 33338

Date of Grant:

12/4/81

21448

EXHIBIT #3

PESTICIDES CONTROL STIPULATIONS

The holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations under this grant. The holder shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc. to be controlled; the method of application; the location for storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1979, deadline for a fiscal year 1981 action). Emergency use of pesticides may occur. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this grant.

ADDITIONAL TERMS, CONDITIONS, AND STIPULATIONS

EXHIBIT "C"

1. This grant is subject to the provisions, limitations, and conditions of Title V, P.L. 94-573, Act of October 21, 1976, 90 Stat. 2743.
2. There is reserved to the Secretary of the Interior, or his lawful delegate, the right to grant additional rights-of-way or permits for compatible uses on, over, under, or adjacent to the land involved in this grant.
3. ~~XX~~
All activities directly or indirectly associated with the construction or maintenance of this county road must be conducted within the limits of the right-of-way.
4. The holder, prior to initiation of construction, reconstruction, or major maintenance of facilities on the right-of-way which will involve disturbance of the land or use of heavy construction equipment will notify the Compliance Officer at the BLM Lakeview District Office of his or her intent to proceed with such work, the date it is to commence and the delegated representative of the holder. Such delegated representative is the person who is authorized by the holder to carry out the terms and conditions of the grant and act on behalf of the holder. The notice of the delegated representative shall include a current mailing address and telephone number.
5. If an archeological resource is discovered during project operations, the holder shall stop ground-disturbing activities and immediately notify the Authorized Officer. Ground-disturbing activities shall remain suspended until a survey of the material is completed by an archeologist acceptable to the Authorized Officer, including but not limited to archeological salvage or protective measures to protect and preserve the materials. Such materials shall remain the property of the United States.
6. Holder shall protect all survey monuments, witness corners, reference monuments, and bearing trees against destruction, obliteration, or damage. If a corner point (monument) is in danger of being lost or damaged, the corner shall be referenced in such a manner that the point can be reestablished and remonumented or rehabilitated after construction. If a bearing tree or other corner accessory is damaged or lost, a new corner accessory shall be properly marked and referenced to the corner. All work shall be performed by a registered professional land surveyor who shall file a full and complete record of all action taken with the appropriate county surveyor's office. A copy of the record shall be sent to the State Director, Bureau of Land Management, P. O. Box 2965, Portland, Oregon 97208.
7. The Authorized Officer may order revocation or suspension of this grant, after notice and hearing, upon a final administrative finding of a violation of any term or condition of this grant, including, but not limited to, terms and conditions requiring compliance with regulations under Acts applicable to the public lands and compliance with applicable State or Federal air or water quality standard or implementation plan: Provided, that such violation occurred on public lands covered by this grant and occurred in connection with the exercise of rights and privileges granted by it: Provided further, that the Authorized Officer shall terminate any such suspension no later than the date upon which he determines the cause of said violation has been rectified: Provided further, that the Authorized Officer may order an immediate temporary suspension prior to a hearing or final administrative finding if he determines that such a suspension is necessary to protect health or safety of the environment: Provided further, that, where other applicable law contains specific provisions for suspension, revocation, or cancellation of a permit, license, or other authorization to use, occupy, or develop the public lands, the specific provisions of such law shall prevail.

- 8 Upon termination of the grant, whether by default, abandonment, or the running of the term, holder shall remove its personal property or improvements of any kind and restore the land to its original condition, within six months. Thereafter the grantor may barricade the right-of-way, return the land to its natural condition, and resort to any other available legal remedy. Improvements not removed shall be considered abandoned, and disposed of accordingly. Holder shall remain liable for costs of removal and/or restoration of the land.
- 9 Permittee will remove all waste in a manner consistent with Federal, State, and local laws. The term "waste" as used herein means all discarded matter, including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, and equipment.
- 10 No right-of-way clearing shall be allowed.
- 11 The abandoned portion of the old right-of-way shall be scarified and graded to blend in with the natural topography.

21451**EXHIBIT D****STIPULATION UNDER TITLE VI, CIVIL RIGHTS ACT OF 1964 (78 STAT. 241)**

Attached to and made a part of Decision dated 4th Dec. 1981 granting a right-of-way to use and occupy certain property of the United States.

1. The holder covenants and agrees that it will comply with all provisions of Title VI of the Civil Rights Act of 1964, and that for the period during which the property conveyed or made available by the attached instrument is used for the purpose(s) designated therein, or for another purpose involving the provision of similar services or benefits, it will not engage in any discriminatory actions prohibited by 43 CFR 17.3, to the end that no person in the United States shall, on grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the program for which the holder received Federal financial assistance by said grant. This assurance shall obligate the holder, or in the case of transfer of the property granted or made available therein, any transferee, for the period of said grant.
2. The holder further agrees that it will not transfer any rights or interests in the property conveyed or made available by the attached instrument for the purpose(s) designated therein, or for another purpose involving the provision of similar services or benefits, unless and until the transferee gives similar written assurance to the authorized officer of the Bureau of Land Management that it will comply with the provisions of paragraph 1. hereof.
3. The holder agrees that the right is reserved to the Department of the Interior to declare the terms of said grant terminated in whole or in part and to revest in the United States title to the property conveyed or made available therein, in the event of a breach of the nondiscrimination provisions contained in paragraph 1. hereof at any time during the term of said right-of-way grant.
4. The holder agrees that as long as the property conveyed or made available by the attached Decision is used for the purpose(s) designated therein, or for another purpose involving the same or similar services or benefits, the obligation to comply with the provisions of Title VI of the Civil Rights Act of 1964, shall constitute a covenant running with the land for the term of said grant.
5. The holder agrees that in the event of violation or failure to comply with the requirements imposed by paragraph 1., the United States may seek judicial enforcement of such requirements.
6. The assurances and covenant required by secs. 1-5 above shall not apply to ultimate beneficiaries under the program for which said grant is made. "Ultimate beneficiaries" are identified in 43 CFR 17.12(h).
7. Holder agrees that it will, upon request of the Secretary of the Interior or his delegate, post and maintain on the property conveyed or made available by the attached Decision signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964 to the area or facility granted.

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EXHIBIT 'E'

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LANDS INVOLVED

TOWNSHIP	RANGE	MERIDIAN	SECTION	SUBDIVISION	ACRES
T38S.	R.14E.	W.M.	30	Lots 3,4, NE $\frac{1}{4}$ SW $\frac{1}{4}$	Total Approximate Acres = 55
T38S.	R.13E.	W.M.	25	S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$	
			26	S $\frac{1}{2}$ SE $\frac{1}{4}$	
			35	W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$	
T39S.	R.13E.	W.M.	2	Lots 3,4, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$	
			11	W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$	
			14	NW $\frac{1}{4}$ NW $\frac{1}{4}$	
			15	S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$	

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record ~~at request of~~this 15 day of December A. D. 19 81 at 4:16 clock P. M., andduly recorded in Vol. M 81, of Deeds on Page 21446

No Fee

EVELYN BIEHN, County Clerk

By Joyce McArthur

Can this
be returned
to Public Works?
Mordy