

43803

Highway Division
File 53921
BRF-15(8)
9B-23-27

Vol 1184

20319

HIGHWAY, TELEVISION, TELEPHONE FACILITY EASEMENT

The STATE OF OREGON, by and through its Division of State Lands (GRANTOR), for and in consideration of Six Hundred Sixty and no/100 Dollars (\$660.00), hereby grants to the OREGON DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION (GRANTEE) an easement and right to construct, maintain, operate and replace a bridge, television and telephone facilities in, over, and across the State-owned submerged and submersible land of the Klamath River, in Klamath County, Oregon, described as follows:

Parcel 1 - Permanent Easement for Highway, Television and Telephone Facilities

A parcel of land lying is the SW 1/4 of Section 31, Township 39 South, Range 8 East, W.M.; the said parcel being all State-owned submerged and submersible land lying between the lines of Mean High Water on the Southwesterly and Northeasterly banks of the Klamath River and included in a strip of land 70 feet in width 40 feet on the Northwesterly side and 30 feet on the Southeasterly side of the center line of the relocated Green Springs Highway which center line is described as follows:

Beginning at Engineer's center line Station 1841+00, said station being 24.35 feet South and 892.55 feet East of the Southwest corner of Section 31, Township 39 South, Range 8 East, W.M.; thence North 33° 40' 08" East 348.97 feet; thence on a 5729.58 foot radius curve left (the long chord of which bears North 32° 52' 53" East 157.49 feet) 157.50 feet; thence North 32° 05' 38" East 483.53 feet to Engineer's center line Station 1850+90.00 Back equals 0+00 Ahead; thence North 32° 05' 38" East 900.00 feet to Engineer's center line Station 9+00.

The parcel of land to which this description applies contains 0.56 acre, more or less.

Parcel 2 - Three Year Temporary Easement for Detour, Television, Power and Telephone Facilities

A parcel of land lying in the SW 1/4 of Section 31, Township 39 South, Range 8 East, W.M., Klamath County, Oregon; the said parcel being all State-owned submerged and submersible land lying between the lines

of Mean High Water on the Southwesterly and Northeasterly banks of the Klamath River and included in a strip of land 110 feet in width, lying on the Southeasterly side of the center line of the relocated Green Springs Highway which center line is described in Parcel 1.

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 0.69 acre, more or less.

Bearings are based upon the Oregon Co-ordinate System, South Zone.

TO HAVE AND TO HOLD the same unto GRANTEE in perpetuity, subject to the following conditions:

1. All construction shall conform to standards and specifications set by the U. S. Army Corps of Engineers for this project.
2. The bed and banks shall be restored to a natural condition as soon as construction or maintenance is completed.
3. Any blasting which may be necessary in the construction of the bridge, television and telephone facilities shall be performed according to the laws of GRANTOR.
4. GRANTOR reserves the right to lease or otherwise utilize the State-owned lands within the granted area hereinabove described in a manner and for uses that will not be incompatible with the primary use for which this easement is granted. GRANTEE shall be notified and given an opportunity to comment prior to the issuance of any lease, right-of-way or granting any other land use.
5. GRANTOR shall have the right to stop operation of the bridge for noncompliance with the conditions of this easement or any lawful requirement by a regulatory agency of this State.
6. If the facility for which this easement is granted is not used for a period of five (5) consecutive years, this easement may be terminated by written notice from GRANTOR to GRANTEE at its last known address. Upon termination, GRANTEE will have 90 days to remove the bridge and appurtenances from the State-owned lands.
7. Nothing in this document may be construed as permission, except during construction or maintenance periods, to GRANTEE to interfere with navigation or reduce the public's rights to the free and unimpeded use of the navigable waters of the State of Oregon

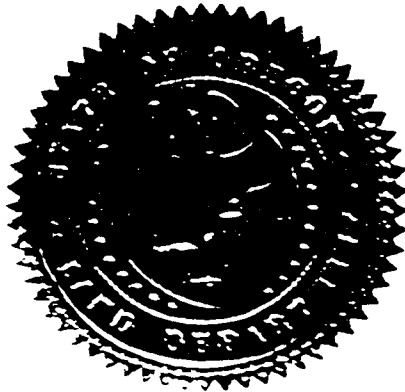
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within the boundaries of this easement; provided, however, that to the extent necessary to facilitate construction and maintenance of these facilities, GRANTEE may so interfere, but shall keep such interference to an absolute minimum.

8. GRANTEE shall pay all assessments that may be legally charged on public lands which are levied against the property subject to this easement, whether or not such assessments have been levied against the leasehold or STATE by the assessing agency.

This easement does not convey an estate in fee simple of the lands used for a right-of-way. This grant is for an easement only, and title remains in the State of Oregon.

WITNESS the seal of the Division of State Lands affixed this 2nd day of November, 1984.



STATE OF OREGON, acting by and
through its Division of State Lands

Ronald S. Yockin
Ronald S. Yockin
Assistant Director

Page 3 and Final.

*Ret. Oregon State Highway Division
Right of Way Section
State Highway Building Rm 119
Salem, Ore 97331*

STATE OF OREGON: COUNTY OF KLAMATH:ss
I hereby certify that the within instrument was received and filed for
record on the 4th day of December, A.D., 1984 at 1:00 o'clock P.M,
and duly recorded in Vol. 100, of Books on page 2212.

EVELYN BIERN, COUNTY CLERK

by: *Edm Smith*, Deputy

Fee: \$ 13.00