

94341

USDA FOREST SERVICE

Vol. m88 Page 20119

Road Number 3753106

## RIGHT-OF-WAY EASEMENT DEED

THIS EASEMENT, dated this 17<sup>th</sup> day of November, 1988, from Williams Land Company a corporation of the State of Oregon, hereinafter called "Grantor," to the United States of America, hereinafter called "Grantee,"

## WITNESSETH

Grantor, for and in consideration of \$100.00 received by Grantor, does hereby grant to Grantee and its assigns, subject to existing easements and valid rights, a perpetual easement for a road along and across a strip of land, hereinafter defined as the "premises," over and across the following described lands in the County of Klamath, State of Oregon:

Township 38 South, Range 12 East  
Section 15; SE1/4SE1/4

Said premises are shown on the plat attached hereto marked Exhibit A.

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

Said premises shall be 33 feet on each side of the centerline with such additional width as required for accommodation and protection of cuts and fills. If the road is located substantially as described herein, the centerline of said road, as constructed, is hereby deemed accepted by Grantor and Grantee as the true centerline of the premises granted. If any subsequent survey of the road shows that any portion of the road, although located substantially as described, crosses lands of the Grantor not described herein, the easement shall be amended to include the additional lands traversed; if any lands described herein are not traversed by the road as constructed, the easement traversing the same shall be terminated in the manner hereinafter provided.

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

Certified Correct as to description  
conditions and consideration.  
Date 11/28/88 Alfred J. Smith  
Title Assistant Secretary

'88 NOV 29 AM 10 57

This grant is made subject to the following terms, provisions, and conditions applicable to Grantee, its permittees, contractors, and assigns:

- A. Except as hereinafter limited, Grantee shall have the right to use the road on the premises without cost for all purposes deemed necessary or desirable by Grantee in connection with the protection, administration, management, and utilization of Grantee's lands or resources, now or hereafter owned or controlled, subject to such traffic-control regulations and rules as Grantee may reasonably impose upon or require of other users of the road. Grantee shall have the right to construct, reconstruct, and maintain roads within the premises.

Grantee alone may extend rights and privileges for use of the premise to other Government Departments and Agencies, States, and local subdivisions thereof, and to other users including members of the public.

- B. Grantee shall have the right to cut timber upon the premises to the extent necessary for constructing, reconstructing, and maintaining the road. Timber so cut shall, unless otherwise agreed to, be cut into logs of lengths specified by the timber owner and decked along the road for disposal by the owner of such timber.

This easement is granted subject to the following reservations by Grantor, for itself, its permittees, contractors, assigns, and successors in interest:

1. The right to cross and recross the premises and road at any place by any reasonable means and for any purpose in such manner as will not interfere unreasonably with use of the road.
2. The right to all timber now or hereafter growing on the premises, subject to Grantee's right to cut such timber as hereinafter provided.

It is agreed that the Grantor shall have the right to use the existing road described herein for all purposes deemed necessary or desirable by Grantor in connection with the protection, administration, management, and utilization of Grantor's lands or resources now or hereafter owned or controlled, subject, however, to traffic control regulations as Grantee may reasonably impose under 36 CFR 261.12, the bearing of road maintenance costs proportionate to use as provided in 36 CFR 212.7(d).

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If, at any time, the Regional Forester determines that the road, or any segment thereof, is no longer needed, the easement traversed thereby shall terminate. In the event of such determination, the Regional Forester shall furnish to the Grantor, its successors, or assigns, a statement in recordable form evidencing termination.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officers and its corporate seal to be hereunto affixed on the day and year first above written.

by: Harold C. Williams  
Title: Pres



Attest:

Bereta A. Williams  
(Secretary)

Return: Fremont National Forest  
524 N. G St.  
Lakeview, Or. 97630  
Attn: Dick Woodward



## ACKNOWLEDGMENT

State of Oregon )  
 County of Klamath ) ss.

On this 17th day of November, 1988, before me the undersigned, a notary public in and for said County and State, personally appeared Harold E. Williams and Evelyn A. Williams, known to me to be the President and Secretary of Williamsland Company, the corporation that executed the within instrument, known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within instrument pursuant to its bylaws or a resolution of its Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

Seal MADALINE DEPUY  
 NOTARY PUBLIC-OREGON  
 My Commission Expires August 24, 1989

Madaline Depuy  
 Notary Public for the State  
 of Oregon, Residing  
 at Bonanza

My Commission Expires Aug 24, 1989

SEAL

# RIGHT-OF-WAY PLAT

U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE - REGION SIX  
FREMONT NATIONAL FOREST  
KLAMATH COUNTY, OREGON

U.S.F.S. ROAD NUMBER 3753106  
SECTION 15, T.38S., R.12E., W.M.

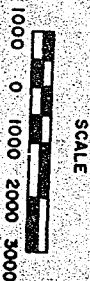
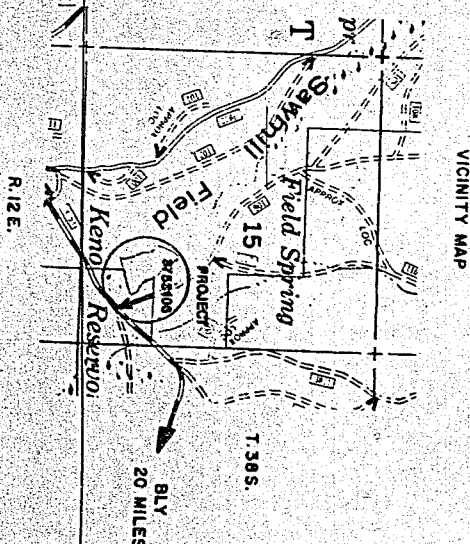
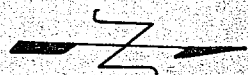
|   |                      |
|---|----------------------|
| Surveyed by: <u>James H. Richter &amp; Janet E. Moulton</u>       | DATE: <u>4/88</u>    |
| Drawn by: <u>James H. Richter</u>                                 | DATE: <u>4/88</u>    |
| Reviewed by: <u>Carl J. Allen</u>                                 | DATE: <u>5/24/88</u> |
| Zone Engineer<br>Recommended by: <u>James H. Thompson</u>         | DATE: <u>5/25/88</u> |
| Forest Land Surveyor<br>Recommended by: <u>Donald E. Thompson</u> | DATE: <u>5/25/88</u> |
| Forest Engineer<br>Approved by: <u>James H. Thompson</u>          | DATE: <u>5-25-88</u> |
| Forest Supervisor   |                      |

5460 RIGHTS-OF-WAY ACQUIRED  
WILLIAMS LAND COMPANY

TOTAL ACRES IN RIGHT-OF-WAY: 1.06 ACRES  
ACRES IN EXISTING ROADWAY: 0.16 ACRES

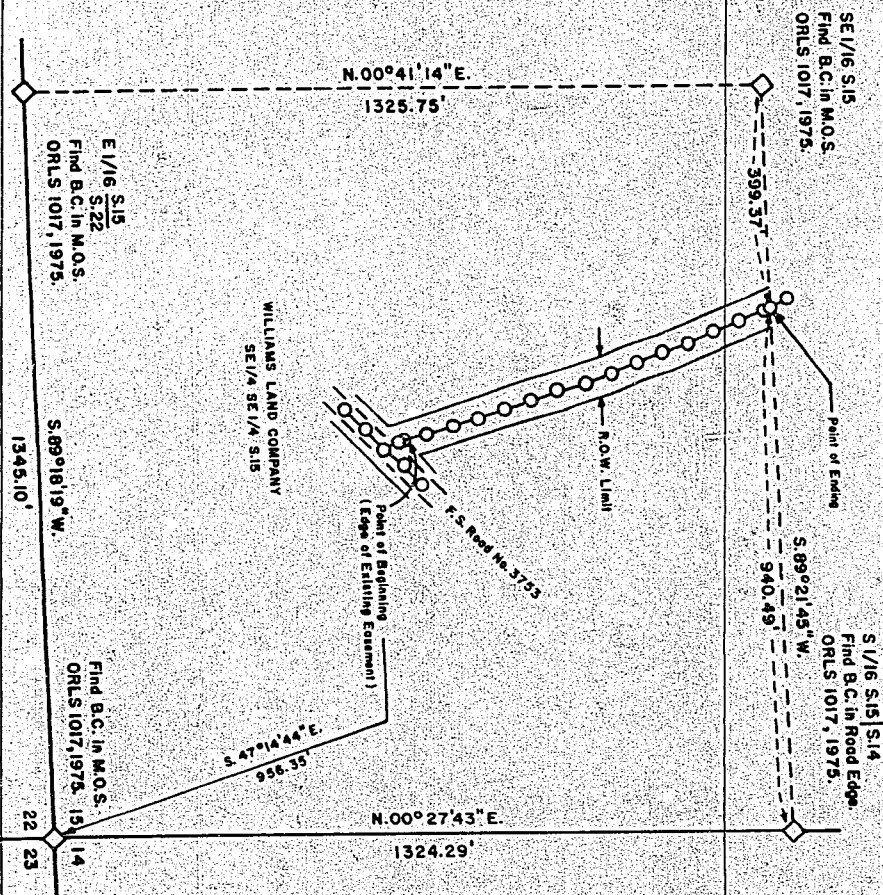
The Right-of-Way width is 33 feet on either side of the road centerline.

A theodolite reading to 6 seconds of arc and an electronic distance measuring instrument were used for this survey.  
The basis of bearing is the East line of the SE/4/SE/4 of Section 15, which is S.00°27'43"W., as shown on Certificate of Survey No. 2616 on file with the Klamath County Surveyor, Klamath Falls, Oregon.



LEGEND - SHEET 2

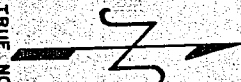
|                         |                       |        |
|-------------------------|-----------------------|--------|
| Section Line ———        | Land Survey Monument  | ◇      |
| 1/16 Section Line - - - | Mound of Stone        | M.O.S. |
| R.O.W. Centerline ○     | Brass Cap             | B.C.   |
| R.O.W. Limit ———        | Point of Intersection | ○      |
| Existing Road - - -     |                       |        |



| Point              | Bearing         | Distance |
|--------------------|-----------------|----------|
| Point of Beginning | N. 17°02'58" W. | 43.67    |
| P.1.               | N. 17°14'36" W. | 48.76    |
| P.1.               | N. 16°57'27" W. | 49.70    |
| P.1.               | N. 17°07'37" W. | 49.22    |
| P.1.               | N. 17°02'25" W. | 49.93    |
| P.1.               | N. 17°50'17" W. | 49.91    |
| P.1.               | N. 17°57'51" W. | 49.77    |
| P.1.               | N. 18°08'12" W. | 49.79    |
| P.1.               | N. 19°06'29" W. | 49.97    |
| P.1.               | N. 19°29'48" W. | 50.00    |
| P.1.               | N. 20°30'39" W. | 49.90    |
| P.1.               | N. 20°36'04" W. | 49.11    |
| P.1.               | N. 21°17'08" W. | 50.81    |
| P.1.               | N. 22°40'49" W. | 49.58    |
| P.1.               | N. 23°52'58" W. | 12.70    |
| Point of Ending    |                 |          |

### TRAVERSE TABLE

TRUE NORTH



A vertical scale bar with the word "SCALE" printed vertically to its right. The bar has three major tick marks labeled "0", "200", and "400" from top to bottom. The bar itself is a thick black line with white rectangular segments between the tick marks.

**EXHIBIT A**

STATE OF OREGON: COUNTY OF KLAMATH:

Filed for record at request of U. S. Forest Service the 29th day  
of Nov. A.D., 1988 at 10:57 o'clock AM., and duly recorded in Vol. M88  
of Deeds on Page 20119  
County Clerk

By Evelyn Biehn County Clerk  
By Richard Muller

**FEE \$33.00**