

2434

RETURN TO
OREGON HIGHWAY DIVISION
RIGHT OF WAY SECTION
119 TRANSPORTATION BLDG.
SALEM, OREGON 97310

Vol. m89 Page 12577

Highway Division
File 55388
Map No. 9B-26-22
Klamath Tribal Tract 140-T1500

ORIGINAL

GRANT OF EASEMENT FOR RIGHT-OF-WAY

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KNOW ALL MEN BY THESE PRESENTS:

That the **UNITED STATES OF AMERICA**, acting by and through the Area Director, Bureau of Indian Affairs, Department of the Interior, Portland Area Office, hereinafter referred to as "Grantor", under authority contained in the redelegation to the Area Director by the Deputy Assistant Secretary - Indian Affairs (Operations) in 230 DM 3.1 (dated February 9, 1987); and pursuant to the provisions of the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 320-328) and Part 169, Title 25, Code of Federal Regulations, in consideration of \$10,250.00 the receipt of which is acknowledged, and the installation of a gate at the access point herein allowed, does hereby grant to the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION, Highway Division**, its successors and assigns, hereinafter referred to as "Grantee", an easement for right-of-way for the following purpose, namely the right to enter upon the hereinafter described land, to grade, level, fill, drain, pave, build, maintain, repair, and rebuild a state highway, including incidental purposes consistent therewith, together with such bridges, culverts, ramps, fills, and cuts as may be necessary, on, over, under, and across the land located within the right-of-way situated on the following described lands located within the Klamath Indian Reservation, County of Klamath, State of Oregon:

PARCEL 1

A parcel of land lying in Lot 22 of Section 21, Township 35 South, Range 7 East, W.M., Klamath County, Oregon and being a portion of that property described in that deed to the United States of America, recorded in Book 290, Page 207 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of the relocated The Dalles-California Highway which center line is described as follows:

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Beginning at Engineer's center line Station 1150+00, said station being 2749.19 feet South and 213.39 feet West of the Northeast corner of Section 33, Township 35 South, Range 7 East, W.M.; thence North 9° 32' West 12,465.19 feet to Engineer's center line Station 1274+65.19.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Westerly Side of Center Line
1258+00		1260+00	105
1260+00		1262+00	105 in a straight line to 90
1262+00		1265+00	90 in a straight line to 120
1265+00		1270+00	120 in a straight line to 85

Bearings are based on Oregon State Highway Division Survey. See Drawing No. 5B-18-23, dated July, 1938.

The parcel of land to which this description applies contains 0.54 acre more or less.

TOGETHER WITH all abutter's rights of access between the above-described parcel and the remainder of said Lot 22 lying west of the highway, EXCEPT, however,

Reserving access rights, for the service of the aforementioned remainder of Grantor's property, to and from said remaining property to the abutting highway at the following place, in the following width, and for the following purpose:

Hwy. Engr's Sta.	Side of Hwy.	Width	Purpose
1262+08	West	35 Ft.	Unrestricted

Grantor also grants to Grantee, its successors and assigns, a construction permit to construct an approach road in connection with the construction of the Williamson River-Modoc Point Section of the relocated The Dalles-California Highway over, across and upon the following described property, to wit:

PARCEL 2

A parcel of land lying in Lot 22 of Section 21, Township 35 South, Range 7 East, W.M., Klamath County, Oregon; the said parcel being that portion of said lot lying between lines at right angles to the center line of the relocated The Dalles-California Highway at Engineer's Stations 1261+90 and 1262+45 and included in a strip of land 165 feet in width,

lying on the Westerly side of said center line which center line is described in Parcel 1.

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EXCEPT therefrom Parcel 1, leaving a net area of 0.10 acre, more or less.

The term duration of this permit shall be until the completion of said project.

IT IS UNDERSTOOD that the permit herein granted does not convey any right or interest in the above-described Parcel 2, except as stated herein, nor prevent Grantor from the use of said property; provided, however, that such use does not interfere with the rights herein granted.

The easement herein granted shall be subject to any prior valid existing right or adverse claim and is without limitation as to tenure, so long as said easement shall be actually used for the purpose above specified; PROVIDED, that this right-of-way shall be terminable in whole or in part by the Grantor for any of the following causes upon 30 days' written notice and failure of the Grantee within said notice period to correct the basis of termination (25 CFR 169.20):

- A. Failure to comply with any term or condition of the grant or the applicable regulations.
 - B. A nonuse of the right-of-way for a consecutive two-year period for the purpose for which it was granted.
 - C. An abandonment of the right-of-way.
 - D. Failure of the Grantee, upon completion of construction, to file with the Grantor an affidavit of completion pursuant to 25 CFR 169.16.
- The condition of this easement shall extend to and be binding upon and shall inure to the benefit of the successors and assigns of the Grantee.

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IN WITNESS WHEREOF, Grantor has executed this grant of easement this 13th
day of June, 1989.

UNITED STATES OF AMERICA

by [Signature]
U.S. DEPARTMENT OF INTERIOR
BUREAU OF INDIAN AFFAIRS

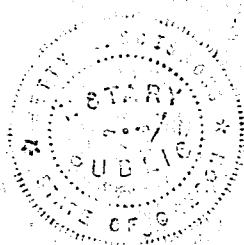
ACKNOWLEDGMENT

Acting Area Director

STATE OF OREGONCOUNTY OF MULTNOMAH

BEFORE ME, a Notary Public, in and for said County and State, on the 13th
day of June, 1989, personally appeared Wilford G. Bowker,
whose name is subscribed to the foregoing Grant of Easement for Right-of-Way as
Acting Area Director, Bureau of Indian Affairs, and who acknowledged that
he is and was at the time of signing the same, Acting Area Director,
Bureau of Indian Affairs, and he personally acknowledged to me that he executed the
said Grant of Easement for Right-of-Way as his free and voluntary act and deed for the
uses and purposes set forth therein.

[Signature]
Notary Public

My Commission expires 3-20-92

RECEIVED OR FILED
BUREAU OF INDIAN AFFAIRS
PORTLAND AREA OFFICE

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89 JUN 14 AM 8:22

3-1-89

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ael/ mlp

BRANCH OF REALTY
TITLES & RECORDS
SECTION

APPROVED AS TO
LEGAL SUFFICIENCY

[Signature]
Asst. Attorney General
Date 3-3-89

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 11th day
of July A.D., 1989 at 10:22 o'clock AM., and duly recorded in Vol. M89,
of Deeds on Page 12577.
By Evelyn Biehn, County Clerk
[Signature]

FEE \$23.00