

13629

USDA FOREST SERVICE

Vol. m90 Page - 7084Road Number 3753
Road Number 3753215

RIGHT-OF-WAY EASEMENT DEED

THIS EASEMENT, dated this 29th day of March, 1990, 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 \$ 750.00 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:

T. 38 S., R. 11 E., W.M.
sec 24; SE1/4NW1/4

T. 38 S., R. 12 E., W.M.
sec 20; NW1/4SW1/4, SE1/4NW1/4

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 66 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.

'90 APR 17 AM 11 08

Certified Correct as to description,
conditions and consideration.
Date 4/16/90 Off has checked
Tills Forces

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

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).

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 E. Williams

Title: President.

SEAL

Attest:

Evelyn D. Williams
(Secretary)

Return: Fremont Natinoal Forest
524 North G St.
Lakeview, Or. 97630

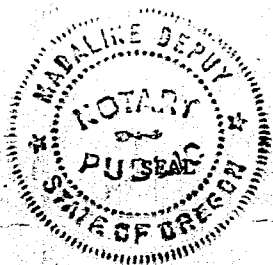
ACKNOWLEDGMENT

State of Oregon)
)ss.
County of Klamath)

On this 29th day of March, 1990, before me the undersigned, a notary public in and for said County and State, personally appeared Harold E. Williams and Enyeta Williams, known to me to be the President and Secretary of Williams Land 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.

Madeline Dequy
Notary Public for the State
of Oregon, Residing
at Bonanza
My Commission Expires Aug-24-1993



RIGHT-OF-WAY PLAT

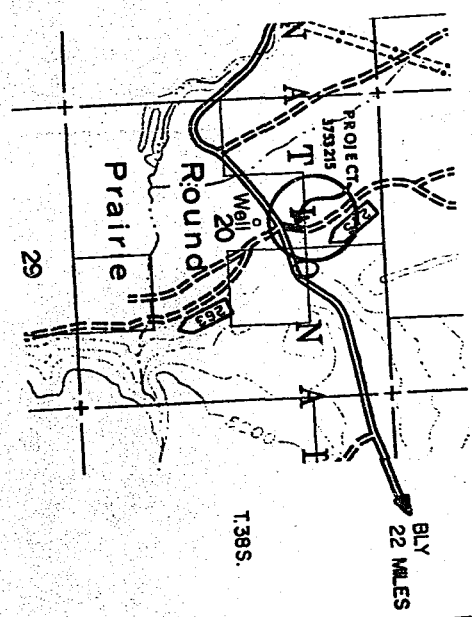
U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE - REGION SIX
FREMONT NATIONAL FOREST
KLAMATH COUNTY, OREGON
USFS, ROAD NUMBER 3753215
SECTION 20, T.38S., R.12 E., W.M.

Surveyed by: Janet E. Moulton DATE: 10/89
Drawn by: Janet E. Moulton DATE: 12/89
Reviewed by: John H. Thompson DATE: 1/22/90
FOREST LAND SURVEYOR
Approved by: Mike McAuliffe DATE: 1/23/90
DISTRICT ENGINEER

5460 RIGHTS-OF-WAY ACQUIRED
WILLIAMS LAND COMPANY
TOTAL ACRES IN RIGHT-OF-WAY: .60 ACRES
ACRES IN EXISTING ROADWAY: .11 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.
Points being acquired extend from and terminate at the true property line.

VICINITY MAP



SCALE



LEGEND - SHEET 2

- Section Line — Land Survey Monument
- 1/16 Section Line — Wooded or Stone
- ROW Centerline — Brass Cap
- ROW Limit — Point of Intersection
- Existing Road — — — — — Aluminum Cap & Pipe

EXHIBIT A

SHEET 1 OF 2



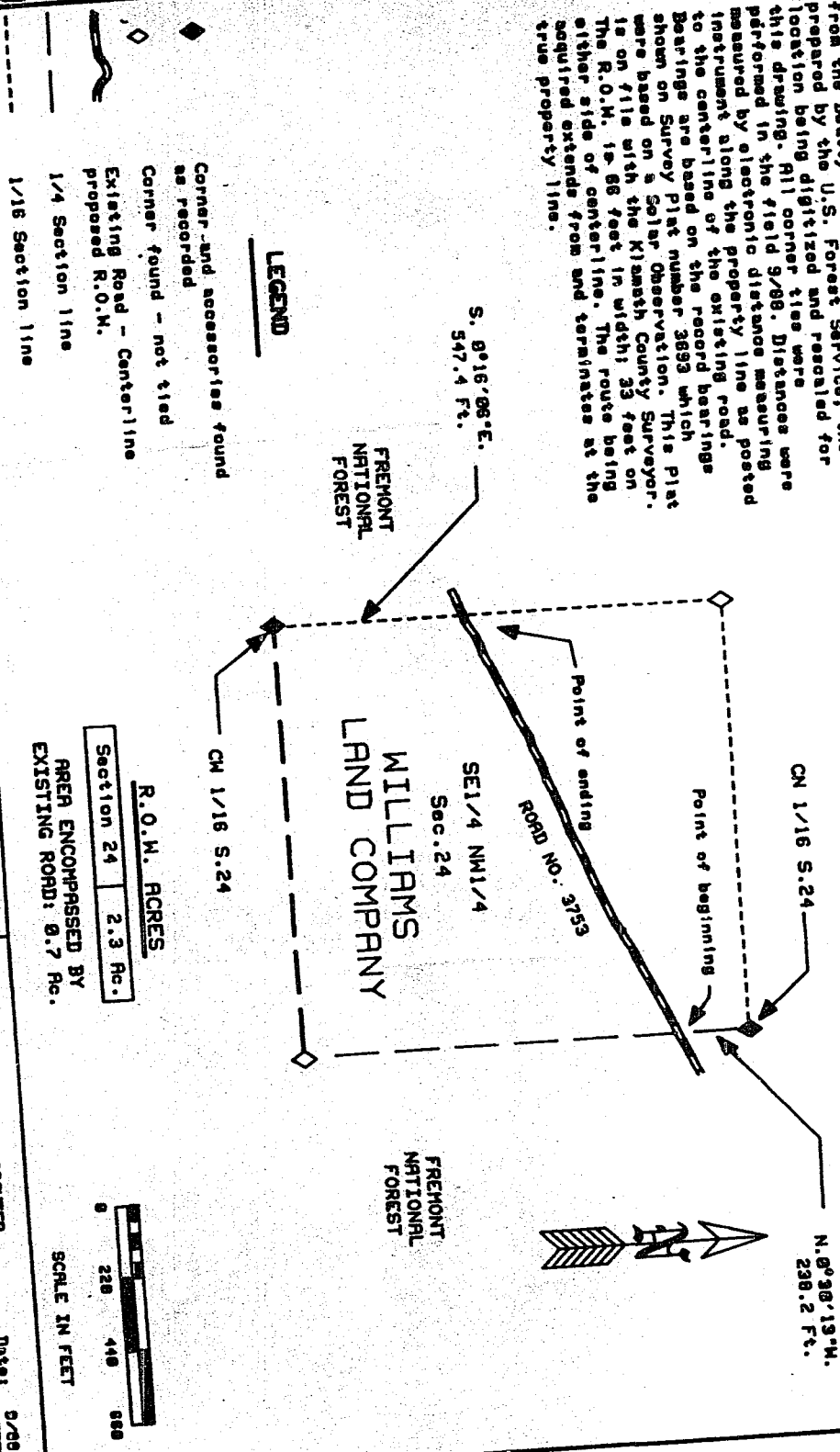
TRAVERSE TABLE

POINT	BEARING	DISTANCE
POINT OF BEGINNING		
P. 1.	N. 16° 20' 00" E.	24.26'
P. 1.	N. 31° 40' 13" E.	28.18'
P. 1.	N. 27° 15' 39" E.	32.20'
P. 1.	N. 21° 03' 01" E.	44.57'
P. 1.	N. 16° 01' 45" E.	66.52'
P. 1.	N. 02° 33' 05" E.	65.54'
P. 1.	N. 06° 04' 01" W.	70.95'
P. 1.	N. 09° 53' 16" W.	60.73'
POINT OF ENDING		



NOTES

Centerline of existing road was determined from the Beatty S.E. Orthophoto Quad Map prepared by the U.S. Forest Service, the location being digitized and rescaled for this drawing. All corner ties were performed by electronic distance measuring instrument along the property line as posted to the centerline of the existing road. Bearings are based on the record bearings shown on Survey Plat number 3893 which were based on a Solar Observation. This plat is on file with the Klamath County Surveyor. The R.O.M. is 68 feet in width, 33 feet on either side of centerline. The route being acquired extends from and terminates at the true property line.

EXHIBIT A
SHEET 1 of 1

LEGEND

- ◆ Corner and accessories found as recorded
- ◇ Corner found - not tied
- Existing Road - Centerline
- Proposed R.O.M.
- 1/4 Section line
- 1/16 Section line

R.O.M. ACRES
Section 24 2.3 Ac.

AREA ENCOMPASSED BY
EXISTING ROAD: 0.7 Ac.



SCALE IN FEET

PROJECT: Road No. 3753

SEC. 24, T.38S., R.11E., M.M.
Method of Survey: Theodolite/EDM

Date of Plat: 2/27/89

5468 RIGHT-OF-WAY ACQUISITION
USDA FOREST SERVICE
PACIFIC NORTHWEST REGION
FREMONT NATIONAL FOREST
Klamath County, Oregon

Surveyed by: J.H. RICHTER Date: 9/88
Reviewed by: *John H. Richter* Date: 3/6/89
Accepted by: *Donald H. Thompson* Date: 3/2/89

Property Owner: WILLIAMS LAND COMPANY

NOTES

Centerline of existing road was determined from the Beatty S.E. Orthophoto Quad Map prepared by the U.S. Forest Service, the location being digitized and rescaled for this drawing. All corner ties were performed in the field 9/88. Distances were measured by electronic distance measuring instrument along the property line as posted to the centerline of the existing road. Bearings are based on the record bearings shown on Survey Plat number 3998 which were based on a Solar Observation. This plat is on file with the Klamath County Surveyor. The R.O.M. is 86 feet in width 33 feet on either side of centerline. The route being acquired extends from and terminates at the true property line.

LEGEND

- ◆ Corner and accessories found as recorded
- ◇ Corner found - not tied

Existing Road - Centerline proposed R.O.M.

Section line
1/4 Section line
1/16 Section line

R.O.M. ACRES

SECTION 20 5.0 Ac.

AREA ENCOMPASSED BY
EXISTING ROAD: 1.5 Ac.



SCALE IN FEET

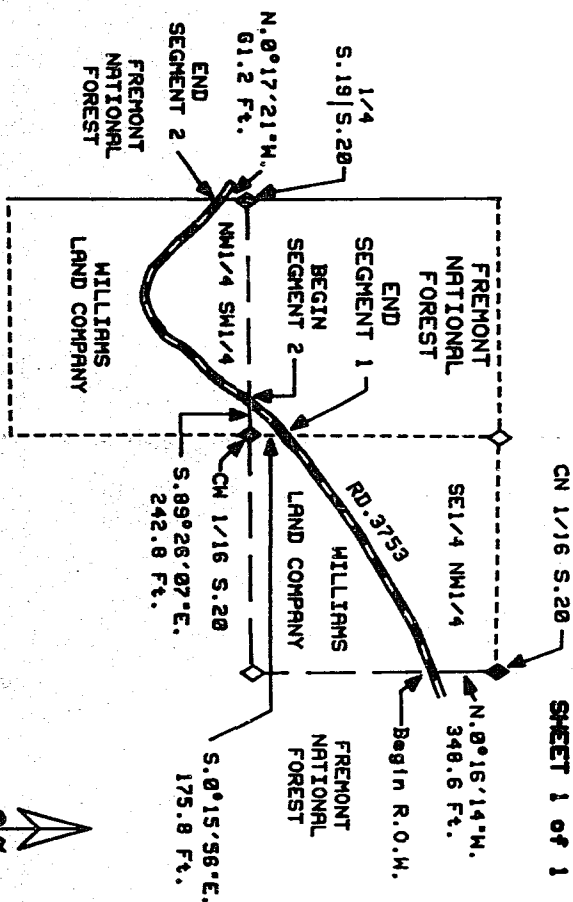


EXHIBIT A
SHEET 1 of 1

PROJECT: Road No. 3753

SEC. 20, T.38 S., R.12 E., N.M.

Method of Survey: Theodolite/EDM

Date of Plat: 2/17/88

5468 RIGHT-OF-WAY ACQUISITION

USDA FOREST SERVICE

PACIFIC NORTHWEST REGION

FREMONT NATIONAL FOREST

Klamath County, Oregon

Surveyed by: JAMES H. RICHTER Date: 8/88

Reviewed by: *David H. Thompson* Date: 3/8/89

Accepted by: *David H. Thompson* Date: 3/8/89

Property Owner: WILLIAMS LAND COMPANY

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Fremont National Forest the 17th day of April A.D., 19 90 at 11:08 o'clock AM., and duly recorded in Vol. M90 of Deeds on Page 7084.

FEE \$43.00

Evelyn Biehn County Clerk

By *Debra M. Murrin*