

BRIDGE EASEMENT

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The STATE OF OREGON, acting by and through the Division of State Lands, GRANTOR, for and in consideration of One thousand five hundred and seventy-seven dollars (\$1577), does hereby grant to Oregon Department of Transportation, Highway Division, GRANTEE, a 99 year easement, 200 feet wide, and right to construct, maintain, operate, and replace a bridge in, over, and across State-owned submerged and submersible land of the Klamath River located in Section 18 of Township 39 South, Range 9 West, of the Willamette Meridian, Klamath County, Oregon; the center line of said easement being more particularly described as follows:

Commencing at the East 1/16 corner of Section 18, Township 39 South, Range 9 East, Willamette Meridian, in Klamath County, Oregon, said point also being N. 188,893.28 and E. 1,647,924.59, Oregon coordinate system, South Zone;

thence North 25° East, 308 feet, more or less, to the centerline of U.S. Route 97;

thence along said centerline of U.S. Route 97, South 16°52'39" East, 130 feet, more or less, to the original, natural line of ordinary high water of the right bank of the Klamath River and the TRUE POINT OF BEGINNING of the easement area herein described;

thence continuing along said centerline South 16°52'39" East, 1060 feet, more or less, to the original, natural line of ordinary high water of the left bank of the Klamath River and point of TERMINATION.

The parcel hereinabove described contains 4.87 acres, more or less.

TO HAVE AND TO HOLD the same unto GRANTEE for 99 years, subject to the following conditions:

1. Construction in navigable waters shall conform to standards and specifications set by the U. S. Army Corps of Engineers or the U. S. Coast Guard for the project.
2. The bed and banks of the waterway shall be restored to a condition acceptable to the GRANTOR as soon as construction or maintenance is completed.
3. Any blasting during construction shall be performed according to the laws of the State. Underwater blasting permits are required under ORS 509.140.
4. The 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.

5. Public access to the navigable waters must be maintained and/or restored upon completion of construction or maintenance.

6. If a facility is not used for a period of five (5) consecutive years, the easement will automatically terminate and the land shall be restored by the GRANTEE to its original condition.

7. The GRANTEE agrees to defend and hold GRANTOR harmless from any and all claims suffered or alleged to be suffered on the premises. Further, GRANTEE shall be responsible for the payment of any fines or penalties charged against the premises as a result of GRANTEE's action in not complying with laws or regulations affecting the premises.

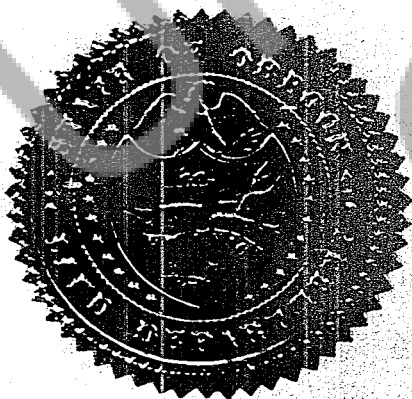
8. The GRANTEE shall pay to the Division the current market value, as determined by the director, of any actual damages to State-owned submerged and submersible land, for example, the loss of minable gravel. The provision shall not apply to materials taken under ORS 273.751(3).

9. Any removal/fill activity in the waters of the State shall require a permit from the Division of State Lands in accordance with ORS 541.605 et seq.

10. The GRANTOR, after thirty (30) days written notice may revoke any purchased easement for non-compliance with the terms or conditions of the easement.

This easement does not convey an estate in fee simple of the lands used for 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
the 24th day of February, 1992.



STATE OF OREGON acting by and through the
Division of State Lands

Stephen J. Purchase
Stephen J. Purchase, Assistant Director

STATE OF OREGON DEPARTMENT OF TRANSPORTATION
Highway Department
Klamath River
Page 2 of 2
eas:141

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Oregon Dept. of Transportation the 24th day
of March A.D., 19 92 at 8:48 o'clock A M., and duly recorded in Vol. M92
of Deeds on Page 6080

Evelyn Biehn - County Clerk

By Pauline Mullins

FEE \$10.00

Return: Oregon State Hwy Div.
417 Transportation Bldg., Salem, Or. 97310