

53072

Non Cost Share

Road 3716070  
3716072EASEMENT

THIS EASEMENT, dated this 24th day of August, 1992, from WEYERHAEUSER COMPANY, a corporation of the State of Washington, hereinafter called "Grantor" to the UNITED STATES OF AMERICA, hereinafter called "Grantee",

## WITNESSETH

Grantor, for and in consideration of the grant of reciprocal easements 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, as described on Exhibit A attached hereto:

T. 38 S., R. 15 E., W.M.  
sec. 23, SW1/4SE1/4, and N1/2SE1/4.

The word "premises" when used herein means said strip of land whether or not there is an existing road located thereon. 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 land described herein is 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 Forest Service.

This grant is made subject to the following terms, provisions, and conditions:

- A. Grantee, its permittees, contractors, and assigns shall have the right to cut timber upon the premises to the extent necessary for

Page 1 of 3

Return: Fremont National Forest  
524 North G  
Lakeview, Or. 97630  
Attn: Richard Woodward

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.

- B. Grantor shall have the right to use for all useful purposes the roads to be constructed, subject to traffic control regulations as provided in 36 C.F.R. 212.7 (a) (1) and (2), the bearing of road maintenance costs proportionate to use as provided in 36 C.F.R. 212.7 (d) and the bearing of the cost of construction proportionate to use as provided in 36 C.F.R. 212.11.

The foregoing notwithstanding, 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 use the road without costs for all purposes deemed necessary or desirable by Grantor in connection with the protection and administration of Grantor's lands or resources, now or hereafter owned or controlled, and for removal of timber cut on the premises in construction of the road, subject to the limitations herein contained.
2. 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 unreasonably interfere with use of the road.
3. The right to all timber now or hereafter growing on the premises, subject to Grantee's right to cut such timber as hereinbefore provided.

Provided that so long as the Fremont Road Right-of-Way Construction and Use Agreement, dated July 1, 1971, remains in full force and effect, the terms and conditions thereof shall govern all aspects of use of the premises, including, but not limited to construction, reconstruction, and maintenance of the road.

If for a period of five (5) years the Grantee shall cease to use, or preserve for prospective future use, the road, or any segment thereof, for the purposes granted, or if at any time the Regional Forester determines that the road, or any segment thereof, is no longer needed for the purposes granted, the easement traversed thereby shall terminate. In the event of such nonuse or of such determination by the Regional Forester, 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.

WEYERHAEUSER COMPANY

By D. W. Wilbur

Title Forest Land Use Manager

Attest:

By Kathy E. Bernstein

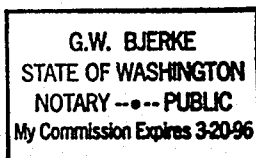
Title Assistant Secretary

ACKNOWLEDGMENT

STATE OF Washington )  
 ) ss.  
COUNTY OF King )

On this 25th day of August, 1992, before me personally appeared D. W. Wilbur and Kathy E. Bernstein, to me known to the Forest Land Use Mgr. and Asst. Secretary, respectively, of Weyerhaeuser Company, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

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



G.W. Bjerke  
Notary Public in and for the State  
of Washington, residing at Seattle  
My Commission expires March 20, 1996

## NOTES

Centerline of proposed R.O.W. was determined by field survey using a compass/tape. The corner tie from the beginning of R.O.W. to the SE1/16 corner was computed from survey data; the corner tie from the end of R.O.W. to the SE1/16 corner was measured on the ground along the property line. Bearings are based on the record bearings shown on Record of Survey No. 2572 which were based on a Solar Observation. This R.O.S. is on file with the Klamath County Surveyor. The Right-of-Way is 66 feet in width; 33 feet on either side of centerline. The route being acquired begins at the R.O.W. line of Road No. 3716020 and terminates at the true property line.

## LEGEND

◆ Corner and accessories found as recorded

— Section line

— 1/4 Section line

— 1/16 Section line

— Existing Road — Centerline proposed R.O.W.

SCALE IN FEET  
0 220 440 660

R.O.W. ACRES

TOTAL: 0.6 ACRES

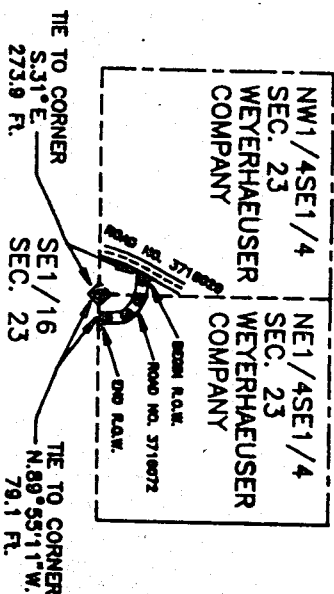


EXHIBIT A  
SHEET 1 OF 2

PROJECT ROAD NO. 3716072

SEC. 23, T.38S. R.15E., W.M.

Date of PLAT: 12/17/91

5460 RIGHT-OF-WAY ACQUISITION

USDA FOREST SERVICE

PACIFIC NORTHWEST REGION

FREMONT NATIONAL FOREST

Klamath County, Oregon

Surveyed by: TAMARA A. NIXON Date: 8/89

Drawn by: JANET E. MOULTON Date: 12/91

Reviewed by: *[Signature]* Date: 11/2/92

Approved by: *[Signature]* Date: 1/7/92

Property Owner: WEYERHAEUSER COMPANY

## NOTES

Centerline of proposed R.O.W. was determined by field survey using a compass/tape. The corner tie from the beginning of R.O.W. to the 1/4 S.23/S.26 was computed from survey data; the corner tie from the end of the R.O.W. to the 1/4 S.23/S.26 was measured on the ground along the property line. Bearings are based on the record bearings shown on Record of Survey No. 2572 which were based on a Solar Observation. This R.O.S. is on file with the Klamath County Surveyor. The Right-of-Way is 66 feet in width; 33 feet on either side of centerline. The route being acquired begins at the R.O.W. line of Road No. 3716020 and terminates at the true property line.

## LEGEND

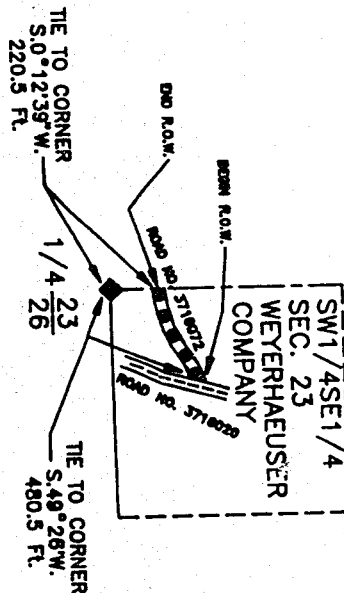
◆ Corner and accessories found as recorded

— Section line

— 1/4 Section line

— 1/16 Section line

— Existing Road — Centerline proposed R.O.W.



SCALE IN FEET  
0 220 440 880

R.O.W. ACRES

TOTAL: 1.1 ACRES

EXHIBIT A  
SHEET 2 OF 2

PROJECT ROAD NO. 3716070  
SEC. 23, T.38S. R.15E., W.M.  
Date of PLAT: 12/17/91

**5460 RIGHT-OF-WAY ACQUISITION**  
USDA FOREST SERVICE  
PACIFIC NORTHWEST REGION  
**FREMONT NATIONAL FOREST**  
Klamath County, Oregon

Surveyed by: TAMARA A. NIXON Date: 8/89  
Drawn by: JANET E. MOULTON Date: 12/91  
Reviewed by: [Signature] Date: 1/17/92  
Approved by: [Signature] Date: 1/17/92

Property Owner: **WEYERHAEUSER COMPANY**

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 29th day  
of Oct, A.D., 19 92 at 2:59 o'clock P M., and duly recorded in Vol. M92  
of \_\_\_\_\_ Deeds on Page 25550.

FEE \$30.00

Evelyn Biehn, County Clerk  
By [Signature]