

ORIGINAL

59693

93 APR 9 AM 11 00

## CORRECTION HIGHWAY EASEMENT DEED

THIS DEED, made this 1st day of March, 1993, by and between The UNITED STATES OF AMERICA, acting by and through the DEPARTMENT OF TRANSPORTATION, Federal Highway Administration, hereinafter referred to as "Department", and the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, hereinafter referred to as "Grantee":

## WITNESSETH:

WHEREAS, Grantee has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. Section 317) for the right-of-way of a highway over certain land owned by the United States in the State of Oregon, which is under the jurisdiction of the Department of Agriculture - Forest Service, and

WHEREAS, this transfer is further authorized under the provisions of the Act of Congress approved October 15, 1966 (80 Stat. 931, 937, Section 6 (a)(1)(A)).

WHEREAS, the Federal Highway Administrator, pursuant to delegation of authority from the Secretary of Transportation, has determined that an easement over the land covered by the application is reasonably necessary for a right-of-way for Willamette Highway # 58, and

WHEREAS, the Department of Agriculture, acting by and through the Forest Service, has agreed to the transfer by the Department of an easement over the land to the Grantee;

NOW THEREFORE, the Department as authorized by law, does hereby grant to the Grantee an easement for right-of-way for the reconstruction, operation and maintenance of a highway, and use of the space above and below the established grade line of the highway pavement for highway purposes on, over, across, in, and upon the following described land of the United States within the Deschutes National Forest, Counties of Deschutes and Klamath, State of Oregon:

T. 23 S., R. 6 E., W.M. (Unsurveyed - Locations Based on Projected Lines)

- sec. 8, SW1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, and N1/2SE1/4;
- sec. 9, S1/2SW1/4, SW1/4SE1/4, and NW1/4SW1/4;
- sec. 14, SW1/4;
- sec. 15, N1/2NW1/4.

as shown on Eleven (11) sheets of right-of-way plats, marked Exhibit A, attached hereto and made a part hereof, subject however, to the following terms and conditions:

- (1) Outstanding valid claims, if any, existing on the date of this grant, and the Grantee shall obtain such permission as may be necessary on account of any such claims.

2-9-93

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

Account No.: \_\_\_\_\_

Property Address: \_\_\_\_\_

- (2) The Grantee and the Regional Forester shall make determination as to the necessity for archeological and paleontological reconnaissance and salvage within the right-of-way, and such reconnaissance and salvage to the extent determined necessary because of reconstruction of the highway facility is to be undertaken by Grantee in compliance with the act entitled "An Act for the Preservation of American Antiquities," approved June 8, 1906, (34 Stat. 225, 16 U.S.C. 432-433), the Archaeological Resources Protection Act of 1979 (93 Stat. 721, 16 U.S.C. 470aa-47011), and State laws where applicable.
- (3) Unless the Grantee and Regional Forester stipulate as to a shorter time, the easement herein granted shall terminate ten (10) years from the date of the execution of this deed by the United States of America in the event construction of a highway on the right-of-way is not started during such ten-year-period.
- (4) The easement herein granted is limited to use of the described right-of-way and the space above and below the established grade line of the highway pavement for the purpose of reconstruction, operation and maintenance of a highway in accordance with the approved plans described in the following condition number 5, and does not include the grant of any rights for nonhighway purposes or facilities: Provided, That the right of the Forest Service to use or authorize the use of any portion of the right-of-way for nonhighway purposes shall not be exercised when such use would be inconsistent with the provisions of Title 23 of the United States Code and of the Federal Highway Administration Regulations issued pursuant thereto or would interfere with the free flow of traffic or impair the full use and safety of the highway, and in any case the Grantee and the Federal Highway Administration shall be consulted prior to the exercise of such rights; and Provided further, That nothing herein shall preclude the Forest Service from locating National Forest and other Department of Agriculture information signs on the portions of the right-of-way outside of construction clearing limits.
- (5) The design and reconstruction of highway projects situated on this right of way will be in accordance with the provisions of Title 23, United States Code--Highways, and amendments; the regulations for the Administration of Federal Aid for Highways, effective May 11, 1960; and amendments and established procedures for Federal-aid projects, including the requirements of Title 23, Code of Federal regulations, part 771, and the construction specifications of the State Highway Department as approved by the Federal Highway Administration for use on Federal-aid projects.

The Regional Forester will be provided an opportunity to review plans relative to effects, if any, that the project works as planned will have upon adequate protections and utilization of the land traversed by the right of way and adjoining land under the administration of the Forest Service for the purposes for which such land is being administered. Those features of design, reconstruction, and maintenance of the highway facility and of use of the Right of Way that would have effect on the protection and utilization of the land under the administration of the Forest Service are to be mutually agreed upon by the Regional Forester and Grantee by conference or other communication during the preparation of the plans and specifications for each reconstruction project, and the plans shall be revised, modified, or supplemented to meet the approval of the Regional Forester or when deemed appropriate, supplemented by written stipulation between the Regional Forester and the Grantee, prior to the start of reconstruction.

The final design and the construction specifications for any highway reconstruction project on the right-of-way will be presented to the Regional Forester for his approval and reconstruction shall not begin until such approval is given; Provided, That if it is subsequently deemed necessary that the approved plans, specifications, or stipulations be amended or supplemented, any amendment or supplement shall be approved by the Regional Forester and the Grantee before being placed in effect.

- (6) Consistent with highway safety standards, the Grantee shall:
- (a) Protect and preserve soil and vegetative cover and scenic and esthetics values on the right-of-way outside of reconstruction limits.
  - (b) Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the reconstruction, operation, or maintenance of the highway, and shall vegetate and keep vegetated with suitable species all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed where it is deemed necessary during a joint review between the Regional Forester and the Grantee, prior to completion of the highway and the Grantee shall maintain all terracing, waterbars, lead-off ditches or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after reconstruction.
- (7) The Grantee shall establish no borrow, sand, or gravel pits, stone quarry, or permanent storage areas, sites for highway operation and maintenance facilities, camps, supply depot or disposal areas within the right-of-way unless shown on approved reconstruction plans, without first obtaining approval of the Regional Forester.
- (8) The Grantee shall maintain the right-of-way clearing by means of chemicals only after specific written approval has been given by the Regional Forester. Application for such approval must be in writing and specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.
- (9) The GRANTEE, in consideration of the grant of this easement, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns that:
- (a) No person shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed.
  - (b) The GRANTEE shall use said easement and right-of-way so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21. Nondiscrimination in Federally-assisted programs of the Department of Transportation, effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

- (10) In the event of breach of any of the above-mentioned nondiscrimination conditions, the DEPARTMENT shall have the right to re-enter said lands and facilities on said land, and the above-described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation, and its assigns, as such interest existed prior to this instrument.
- (11) When need for the easement herein granted no longer exists, the Grantee shall give notice of the fact to the Secretary of Transportation and the rights herein granted shall terminate and the land shall revert immediately to the full control of the Department of Agriculture.

This deed is given as a deed of correction for the purpose of correcting the description in that certain deed executed by the Grantor herein to the Grantee herein recorded November 4, 1992, in Book 281, Page 1075, as Instrument No. 92-36874, Deed Records of Deschutes County, Oregon.

IN WITNESS WHEREOF, I, Robert B. Rutledge, Regional Counsel, pursuant to delegations of authority from the Secretary of Transportation, the Federal Highway Administrator, the Regional Federal Highway Administrator, and Chief Counsel, Federal Highway Administration, by virtue of authority in me vested by law, have hereunto subscribed my name as of the day and year first above written.

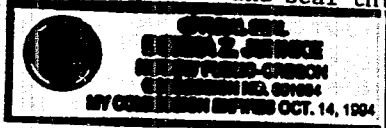
UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

By Robert B. Rutledge  
Robert B. Rutledge, Regional Counsel

STATE OF OREGON )  
COUNTY OF MULTNOMAH )

I, Donna Z. Juhnke, a Notary Public in and for the State of Oregon, do hereby certify that on this 1st day of March, 1993, before me personally appeared Robert B. Rutledge, Regional Counsel, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of March 1, 1993, was executed by him in his official capacity and by authority in him vested by law, for the purposes and intents in said instrument described and set forth, and acknowledged the same to be his free act and deed as Regional Counsel, Federal Highway Administration.

Witness my hand and seal this 1st day of March, 1993.



Donna Z. Juhnke  
Notary Public for Oregon  
My Commission expires October 14, 1994

In compliance with the conditions set forth in the foregoing deed, the Grantee certifies, and by the acceptance of this deed, accepts the right-of-way over certain land herein described and agrees for itself, its successors and assigns, forever to abide by the conditions set forth in said deed.

7358

Highway Division  
File 6008-013

APPROVED AS TO LEGAL SUFFICIENCY

Dale K. Norman  
Assistant Attorney General

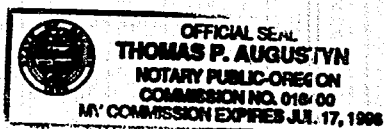
Date February 12, 1997

STATE OF OREGON, by and through its DEPARTMENT  
OF TRANSPORTATION Highway Division

By Steven Green  
Steven Green, Right of Way Manager

STATE OF OREGON, County of Marion

April 1, 1993. Personally appeared Steven Green, who being sworn, stated that he is the Right of Way Manager for the State of Oregon, Department of Transportation, Highway Division, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to him. Before me:



Thomas P. Augustyn  
Notary Public for Oregon  
My Commission expires \_\_\_\_\_

7359

EXHIBIT A

RIGHT OF WAY GRANT

OREGON DEPARTMENT OF TRANSPORTATION

Located Line

## LANE COUNTY LINE - ODELL MAINT. STA. SEC.

WILLAMETTE HIGHWAY

PROJECT NO.

FILE NO. R 600813

CLATSOP COUNTY, OREGON

JUNE, 1922

RIGHT OF WAY PLATS

U.S.D.A.

FOREST SERVICE

PACIFIC NORTHWEST REGION

DESHUTES NATIONAL FOREST

7.23 S. R. 6 E. W. 11

(WAS SURVEYED) 0.31 Acres =

TOTAL RIGHT OF WAY = 9.51 ACRES =

BEARINGS BASED ON OREGON STATE HIGHWAY DIVISION  
SURVEY. SEE DRG. NO. 46-20-19, DATED JUNE, 1941.

ASSUMED COORDINATES

THIS DRAWING WAS PREPARED FROM AN OREGON STATE  
HIGHWAY DIVISION SURVEY. THE SURVEY TRANSIT NOTES  
ARE RETAINED IN THE FILES AS FIELD BOOK NUMBER 3008.

## LEGEND

- Township or Range Line
- Section Line
- Quarter Section Line
- Sixteenth Section Line
- Existing Right of Way or Property Line
- Access Control Line
- Proposed Right of Way Line
- Top of Old Slope
- Top of New Slope
- ⊙ Access Point
- Found Monument As Noted
- ▨ Right Of Way Grant Area

ZFILE 270, 101304738RW.F2A

03-JUN-1992

VIEW-PI

ZF111370, 10J04768RW.F24

09-Jun-1992

INSERT

BASIS OF BEARING

NO SCALE

WILLAMETTE

HIGHWAY

FD. 5/8" IRON PIN WITH  
ALUMINUM CAP. H.D. 10-10-49

(4-24-89)

N. 17.852,703

E. 43.411,868

BASE BEARING

N. 56°01'21" W. 4,778.52 MEAS.  
4,781.99' (RECORD)

1221+55.69 P.S.

1155+00 P.O.T.  
N. 15.504,457  
E. 49.424,231

1283+99.00 P.O.T.  
N. 21.684,380  
E. 33.524,924

FD. IRON PIPE  
(5-4-89)  
N. 20.523,259  
E. 39.449,247

LANE COUNTY LINE - ODELL MAINT. STA. SEC.

WILLAMETTE HIGHWAY

KLAMATH COUNTY, OREGON

DESCHUTES NATIONAL FOREST

RIGHT OF WAY FLAT

Description of Land:

1.23 S. 1/4, S. E. 1/4, W.M.

(UNSURVEYED)

9.37 ACRES ±

RIGHT OF WAY GRANT

TOTAL RIGHT OF WAY:

9.37 ACRES ±

EXHIBIT A

SHEET 2 OF 11

7360



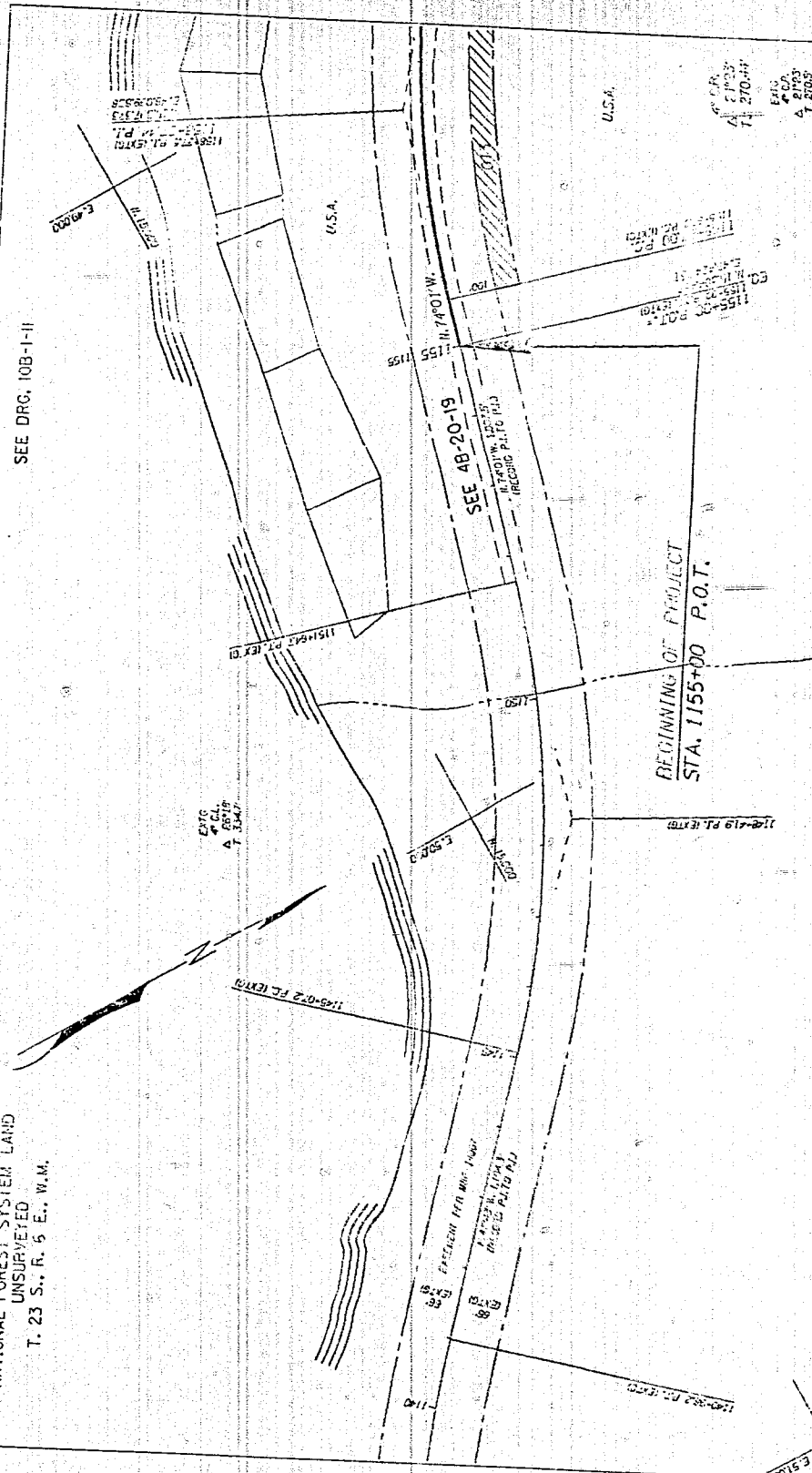


ZF 10370, 10104 T68RW, F2A

09-June-1992

NATIONAL FOREST SYSTEM LAND  
UNSURVEYED  
T. 23 S., R. 5 E., W.M.

SEE DRG. 10B-1-11



LANE COUNTY LINE - ODELL MANT. STA. SEC.

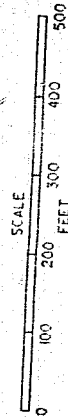
WILLAMETTE HIGHWAY  
KLAMATH COUNTY, OREGON

DESCHUTES NATIONAL FOREST  
RIGHT OF WAY PLAT  
Description of Land:  
T. 23 S., R. 5 E., W.M.  
(UNSURVEYED)  
9.37 Acres ±

RIGHT OF WAY GRANT

TOTAL RIGHT OF WAY  
9.37 Acres ±

EXHIBIT A  
SHEET 4 OF 11



7362

2551-UMF-50

NATIONAL FOREST SYSTEM LAND  
UNSURVEYED  
T. 23 S., R. 6 E., W. 11.

1158-375 P.I. (ENTIC)  
1198-37.44 P.I.

T. 23 S., R. 6 E., W. M.

EXTG  
4° CL.  
Δ 24° 21'  
TS 309.7

4° CL.  
Δ 24° 24'  
TS 309.53

FD-302 (Rev. 1-25-60)

S.E. DRG. 10B-1-11  
U.S.A.

**U.S.A.**

U.S.A.

40 C.M.  
Δ 21703  
21704

EX 16  
F.C.P.  
Δ 21703  
21705

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45

SEE IR-1-379

LANE COUNTY LINE - ODELL MAINT. STA. SEC.

WILLAMETTE HIGHWAY  
CLATSOP COUNTY, OREGON

DESCHUTES NATIONAL FOREST  
RIGHT OF WAY PLAT  
Description of Land:

3 S. P. 2 E. N.M.  
(UNSURVEYED)  
9.31 Acres ±

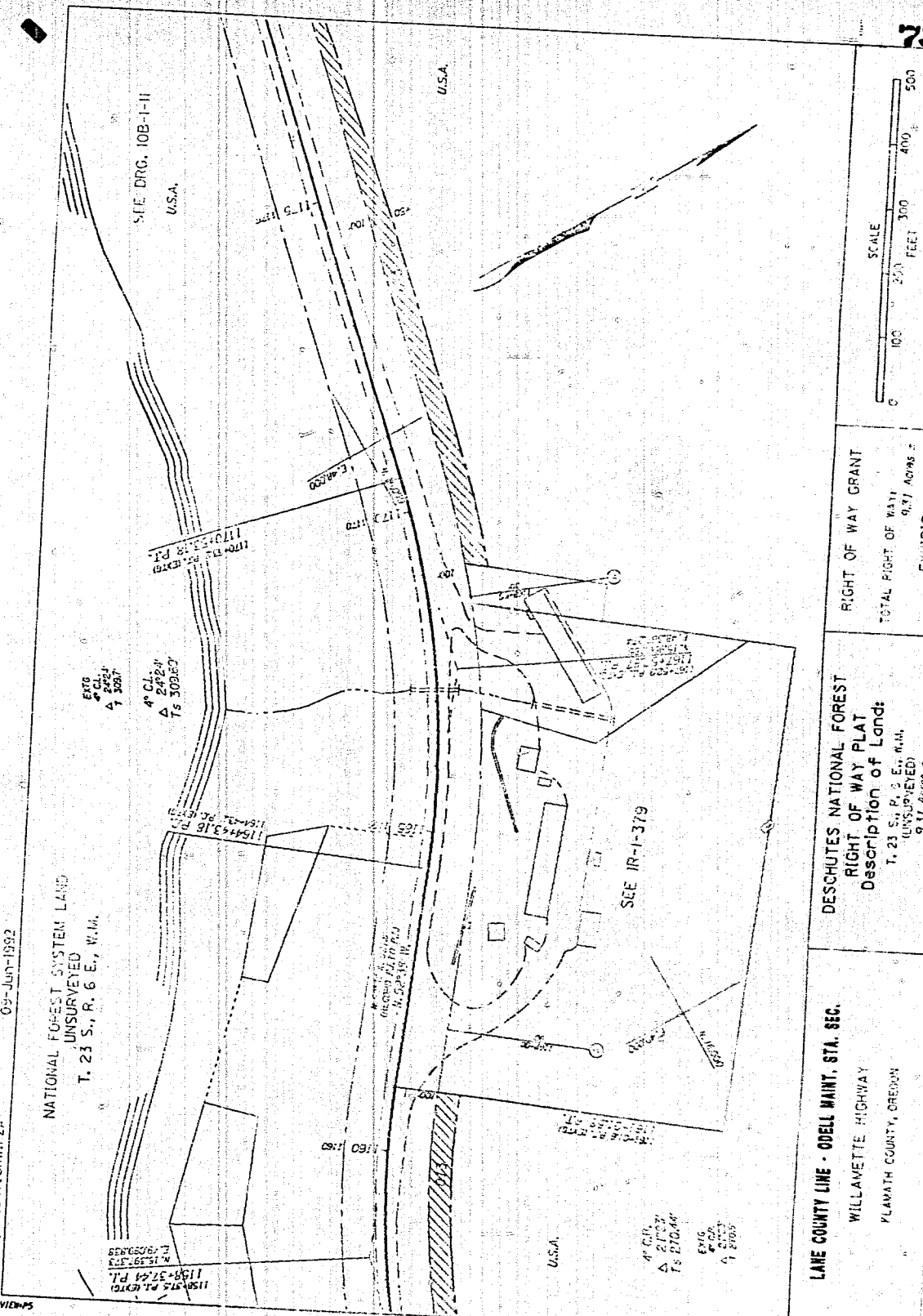
RIGHT OF WAY GRANT

TOTAL RIGHT OF WAY,

EXHIBIT A  
SHEET 5 OF 11

SCALE

100 0 250 FEET



VIEW+P

09-JUN-1992

ANL

77300

NATIONAL FOREST SYSTEM LAND  
UNSURVEYED  
T. 23 S., R. 6 E., W.M.

SEE DOC. 100-1-11

④

U.S.A.

215A

TRUCK W. 3849.4'  
TRUCK P. 10 P. 12  
TRUCK W. 3849.4'

...

211

12

11-178

LANE COUNTY LINE - ODELL HAWT, STA. SEC.

WILLAMETTE HIGHWAY

FLAMETH COMPANY, GREEN

DESCHUTES NATIONAL FOREST  
RIGHT OF WAY PLAT  
Description of Land:

T. 23 S., R. 6 E., W.V.  
(UNSURVEYED)  
9.4 Acres ±

RIGHT OF WAY GRANT

TOTAL RIGHT OF WAY 9.35 ACRES ±

EXHIBIT A  
SHEET 6 OF 11

**7364**

A vertical scale bar labeled "50 FEET" with markings at 0, 100, 200, 300, 400, and 500 feet.





ZF11370, 10100476BRW.F2A

07-JUN-1992

SEE DRG. 103-1-11

NATIONAL FOREST SYSTEM LAND  
UNSURVEYED  
T. 23 S., R. 6 E., W.M.

1236+45.69 PT. 12370

E. 4100  
N. 10000

U.S.A.

FD 5-1-10  
N. 10543.01  
E. 40011.74  
205

-1255 1256

-1250 1250

N. 5141.0, 3.1614  
RECORD 7.175 P.L.  
- N. 53-14 W.

-1245 1245

1241 1241

204

FD 5-1-10 PIN WITH  
ALUM CAP. M.D. 0501  
14-21-83  
N. 10555.0  
E. 42840.53

U.S.A.

E. 4100  
N. 10000

1254+23.07 P.S.

FD 5-1-10  
N. 10543.01  
E. 40011.74  
205

E. 4100  
N. 10000

LANE COUNTY LINE - ODELL MAINT. STA. SEC.

WILLAMETTE HIGHWAY  
KLAMATH COUNTY, OREGON

DESCHUTES NATIONAL FOREST  
RIGHT OF WAY PLAT  
Description of Land:

T. 23 S., R. 6 E., W.M.  
(UNSURVEYED)  
9.31 Acres ±

RIGHT OF WAY GRANT

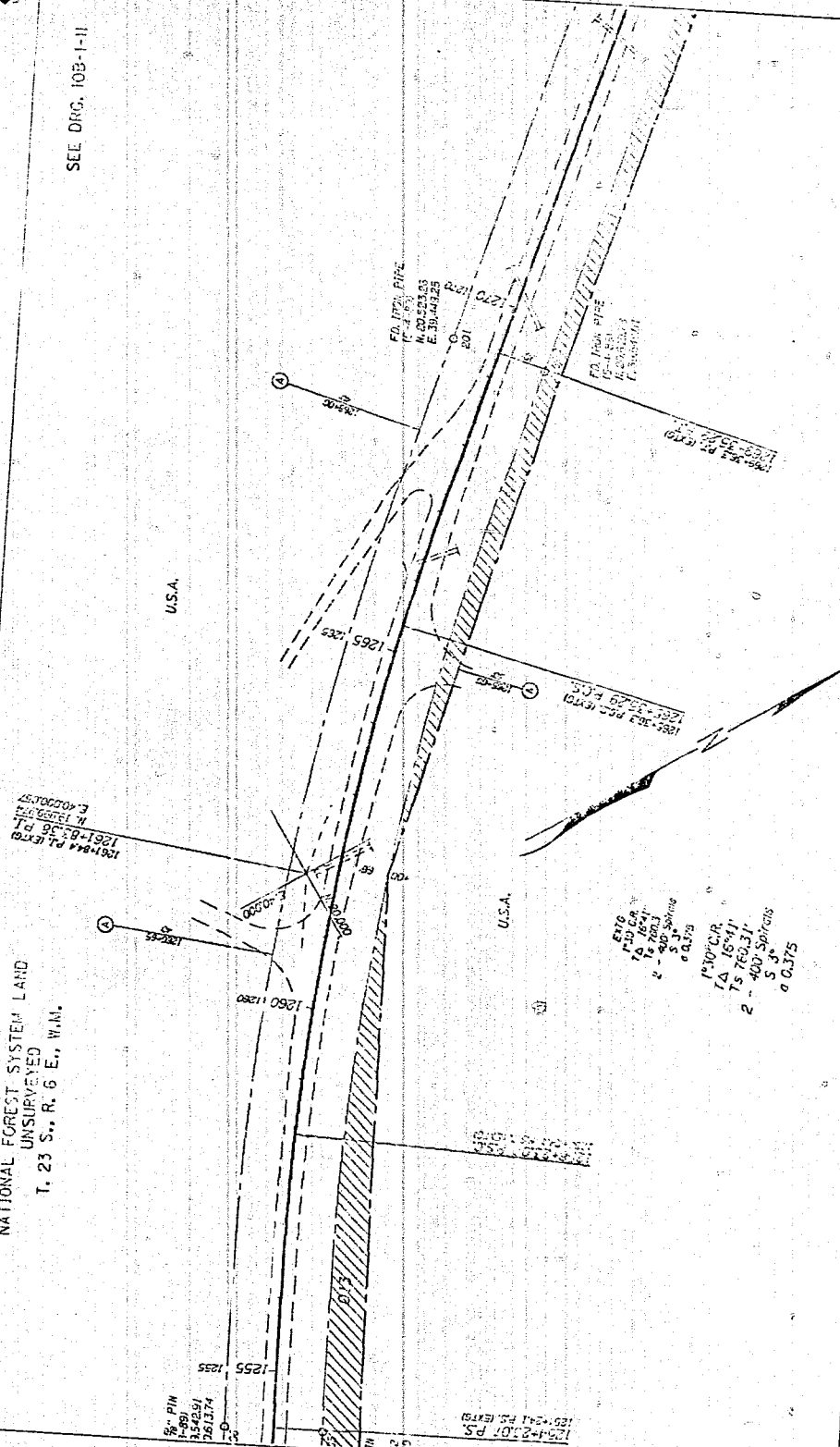
TOTAL RIGHT OF WAY: 9.31 Acres ±  
EXHIBIT A  
SHEET 9 OF 11

SCALE  
0 100 200 300 400 500  
FEET

06-JUN-1992

NATIONAL FOREST SYSTEM LAND  
UNSURVEYED  
T. 23 S., R. 6 E., W.M.

SEE DRG. 103-1-11



LANE COUNTY LINE - ODELL MAINT. STA. SEC.

WILLAMETTE HIGHWAY  
KLAMATH COUNTY, OREGON

DESCHUTES NATIONAL FOREST  
RIGHT OF WAY PLAT  
Description of Land:

T. 23 S., R. 6 E., W. 11.  
(UNSURVEYED)  
9.31 Acres ±

RIGHT OF WAY GRANT

TOTAL RIGHT OF WAY: 5.31

EXHIBIT A  
SHEET 10 OF 11

**7368**

09-Jun-1992

ZFI:[370,101]04758FW,F2A

NATIONAL FOREST SYSTEM LAND  
UNSURVEYED  
T. 23 S., R. 6 E., W.M.

SEE IR-2-856

DESCHUTES NATIONAL FOREST  
WILLAMETTE NATIONAL FOREST

END OF PROJECT  
STA. 1231+50

SEE 48-20-19

KLAMATH COUNTY  
-----  
LANE COUNTY

CLATSOP COUNTY LINE - ODELL MAINT. STA. SEC.  
WILLAMETTE HIGHWAY  
CLATSOP COUNTY, OREGON

DESCHUTES NATIONAL FOREST  
RIGHT OF WAY PLAT  
Description of Land:  
T. 23 S., R. 6 E., W.M.  
(UNRESERVED)  
9.31 Acres ±

RIGHT OF WAY GRANT  
TOTAL RIGHT OF WAY:  
9.31 ACRES ±  
EXHIBIT A  
SHEET 11 OF 11

STATE OF OREGON: COUNTY OF KLAMATH: SS.

Filed for record at request of Oregon Dept. of Transportation the 9th day  
of April A.D., 1993 at 11:00 o'clock A M., and duly recorded in Vol. M93,  
of Deeds on Page 7354.

**FEE \$85.00**

Evelyn Biehn - County Clerk  
By Dorene Y. Nuss