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Vol. 95 Page 34847

FORM 2800-14
(August 1985)Issuing Office
Klamath Falls Resource AreaUNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER OR 51725

ATC # 0504413

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
2. Nature of Interest:
 - a. By this instrument, the holder:
Ebbe Hartelius
c/o Glenn Hartelius
Box 5802 HCR 82
Middletown, CA 95461

receives a right to operate, maintain, and terminate a Right-of Way for an access road, on public lands described as follows: T. 39 S., R. 13 E. Section 1
W $\frac{1}{4}$ W $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{4}$ W $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2 S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11 N $\frac{1}{4}$ NE $\frac{1}{4}$.
 - b. The right-of way or permit area granted herein is 20 feet wide, 1.5 miles feet long and contains 3.64 acres, more or less.
 - c. This instrument shall terminate on 20 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
 - c. This instrument shall terminate 20 years from the effective date of this grant unless prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
 - d. This instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
 - e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.
3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4) (d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A and B, dated August 22, 1995, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

Edith Hartelius
(Signature of Holder)

Ray C. Mason
(Signature of Authorized
Officer)

owner
(Title)
Aug 29 - 1995
(Date)

Area Manager acting
(Title)
8/31/95
(Effective Date of Grant)

GOODLOW MOUNTAIN QUADRANGLE
OREGON-KLAMATH CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

34849

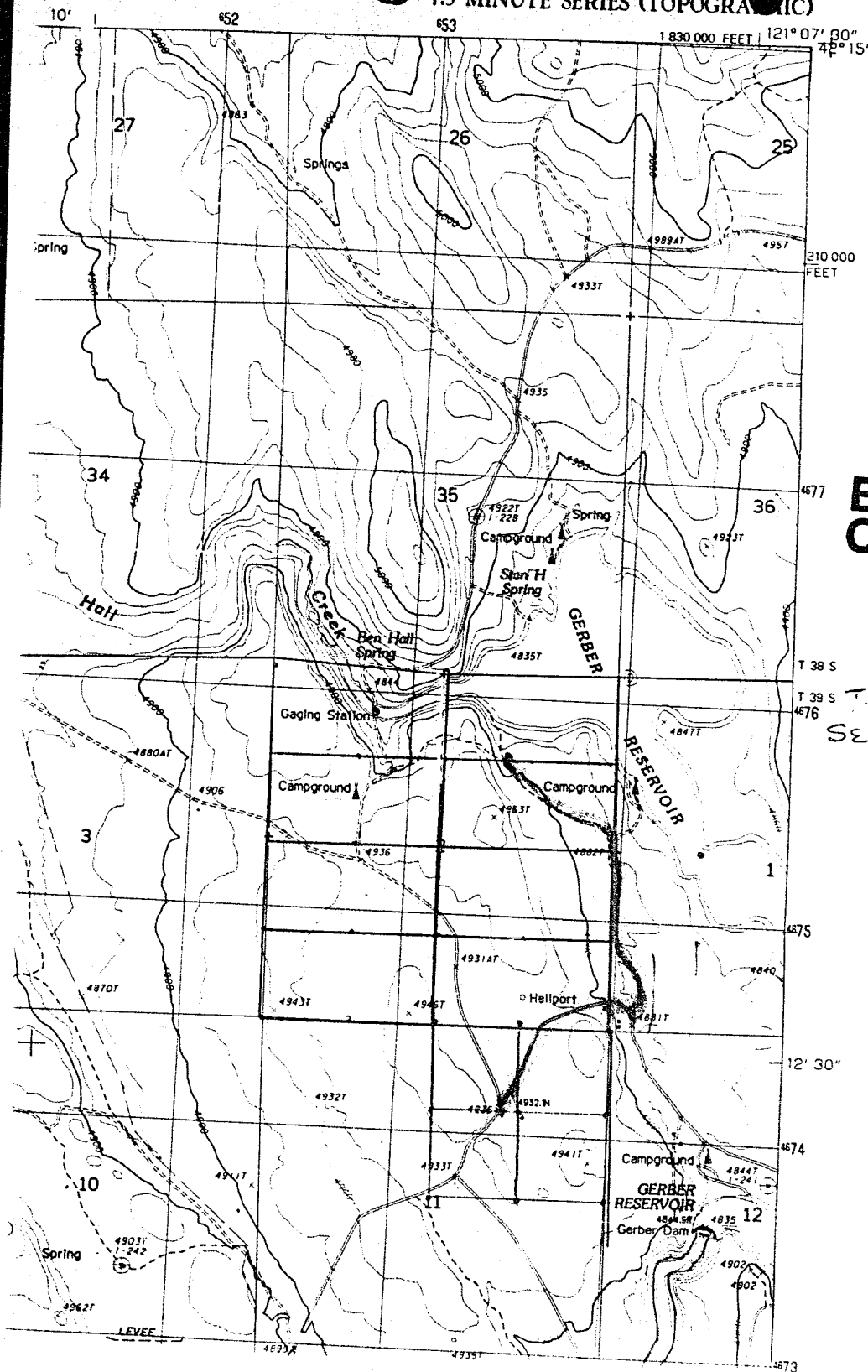


Exhibit A
OR 51725

T 39 S. R. 13. E
SEC. 2; LOT 3,
N 1/2 NW 1/4 SE 1/4 NW 1/4

EXHIBIT B
Right-of-Way

OR 51275

1. Rent shall be based on the rent schedule, which is \$13.13 per acre per year. The regulations, 43 CFR 2803.1-2(a), allow the authorized officer to collect rent for a five year term when the annual rental is \$100.00 or less. The rent is \$15.93 for the remainder of 1995 and \$191.17 for the next four years and is based upon a right-of-way 1.5 miles in length, 20 feet in width, comprising 3.64 acres. The rental is \$207.10 and is now due and payable. Your next bill will be a computer bill for advance rental due January 1, 2000.
2. Roads included in this right-of-way (shown on Exhibit A) shall be open at all times to full use and enjoyment by the Grantor and its permittees for any and all purposes deemed necessary or desirable in connection with the control, management, and administration of Grantor's lands or the resources thereof, and insofar as compatible therewith, use by the general public. However, such use shall not unreasonably interfere with Holder's use granted herein.
3. The holder is responsible for maintenance of that portion of the road in the S1/2NE1/4 Section 2 T. 39 S., R. 13 E. Willamette Meridian. Maintenance shall include all expenditures reasonably necessary to place the road in satisfactory condition for year round use, to keep it in such condition, and to reasonably protect the road from winter weather.
4. Holder is allowed to plow or otherwise remove snow from the road. If snow removal from the road is undertaken, equipment used for snow removal operations shall be equipped with shoes to keep the blade 2 inches off the road surface. Holder shall take special precautions where the surface of the ground is uneven and at drainage crossings to ensure that equipment blades do not destroy vegetation.

Holder is responsible for any damage occurring to those portions of the road maintained by the BLM resulting from snow removal operations or use during wet periods of the year. Maintenance also includes replacement of surfacing lost through snow removal operations.

5. Holder shall abide by all regulations posted along the roads by the Grantor.
6. All of Holder's controlled equipment or equipment under contract to Holder operating upon such roads shall be maintained in a good and safe operating condition and shall be operated cautiously so as to minimize accident hazards.
7. The Holder shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations under this Grant. The Holder shall obtain from the Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc., to be controlled; the method of application; the location of or storage and disposal of containers; and other information that the Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1983, deadline for fiscal year 1985 action). If need for emergency use of pesticides is identified, the use must be approved by the Authorized Officer. The use of substances on or near the right-of-way shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this Grant.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Klamath Falls Resource Area
2795 Anderson Ave., Bldg. 25
Klamath Falls, OR 97603

TAKE
PRIDE IN
AMERICA

IN REPLY REFER TO:

OR 51725
2800(014)

34851

DECISION

Assignor
Ebbe Hartelius
c/o Glenn Hartelius
Box 5802 HCR 82
Middletown, CA 95461

Right-of-Way Grant

OR 51725

Assignee
Russell W. Leavitt
1939 LeRoy
Klamath Falls, OR 97601

Assignment of Right-of-Way Approved

Application for assignment of right-of-way, OR 51725, has been received in this office. The right-of-way is for an access road across the following public land:

T. 39 S., R. 13 E., W.M., Klamath County, Oregon
Sec. 1: $W\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$
Sec. 2: $S\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$
Sec. 11: $N\frac{1}{2}NE\frac{1}{4}$

The assignment of right-of-way OR 51725 from Ebbe Hartelius to Russell W. Leavitt is approved. The assignee agrees to comply with and be bound by the terms and conditions of the grant of right-of-way and is otherwise qualified to hold this grant of right-of-way.

Sincerely,

Roy T. MacIntosh
9/28/95

1 Enclosure

1 - Copy of Right-of-Way Grant

I, EBBE HARTELIUS, do hereby consent to the assignment of Right-of-Way OR
51725 to Russell Leavitt, 1939 LeRoy, Klamath Falls, OR 97601.

Date: 8-29-95

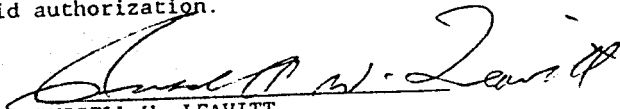
X

EBBE HARTELIUS

RUSSELL W. LEAVITT, (assignee), requests approval of assignment of existing Right-of-Way grant OR 51725, (a copy of which is attached).

RUSSELL W. LEAVITT, (assignee), agrees to comply with and be bound by all terms and conditions of said authorization.

Date: 8-31-95


RUSSELL W. LEAVITT
1939 LeRoy
Klamath Falls, Or 97601

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co the 22nd day
of Dec A.D., 19 95 at 11:21 o'clock A M., and duly recorded in Vol. M95,
of Deeds on Page 34847.

FEE \$40.00

Bernetha G. Letsch, County Clerk
By Douglas Mulken