

19071

Vol. 1916 Page 16031

File 6008 031

HIGHWAY EASEMENT DEED

THIS DEED, made this 30th day of April, 1996, 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, 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 Klamath Falls-Lakeview Highway, State Highway No. 20, 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 Fremont National Forest, Counties of Klamath and Lake, State of Oregon:

Township 37 South, Range 15 East, W.M.
Section 8, SW1/4 and SW1/4SE1/4
Section 16, portion NW1/4NW1/4

Township 39 South, Range 18 East, W.M.
Section 14, SW1/4SE1/4

as shown on (3) 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.

RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
417 TRANSPORTATION BUILDING
SALEM OREGON 97310

- (2) The Grantee and the Forest Supervisor 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 construction 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) 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.
- (4) 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 construction 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 construction, 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 Forest Supervisor 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 construction.
- (5) 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 construction plans, without first obtaining approval of the Forest Supervisor.
- (6) The Grantee shall maintain the right-of-way clearing by means of chemicals only after specific written approval has been given by the Forest Supervisor. 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.

- (7) 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.
- (8) 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.

- (9) 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.

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.

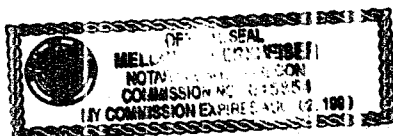
UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

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

STATE OF OREGON)
COUNTY OF MULTNOMAH)

I, *Melody F. Berkheiser*, a Notary Public in and for the State of Oregon, do hereby certify that on this *30th* day of *April*, 19*96*, before me personally appeared Robert B. Rutledge, Regional Counsel, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of *30th, April*, 19*96*, 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 *30th* day of *April*, 19*96*.



Melody F. Berkheiser
Notary Public for Oregon
My Commission expires *Aug. 02, 1999*

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.

APPROVED AS TO LEGAL SUFFICIENCY

Dale R. Hermann
Assistant Attorney General

Date 4/5/96

STATE OF OREGON, by and through its DEPARTMENT
OF TRANSPORTATION

By *Deolinda G. Jones*
Deolinda G. Jones, Right of Way Manager

STATE OF OREGON, County of Marion:

May 28, 1996. Personally appeared *Deolinda G. Jones*, who being sworn, stated that she is the Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to her. Before me:



Gale Chipps
Notary Public for Oregon

My Commission expires 10-2-98

Centerline of existing road was determined by field survey, 7/95. Basis of bearing is from Record Of Survey No. 1753, on file with the Klamath County Surveyor, which was based on a solar observation.

The Right-of-Way is 100 feet wide, 50 feet on either side of the centerline. The route being granted begins where HWY 140 crosses the section line between sections 8 & 17, and terminates when it crosses between sections 7 & 8.



Corner and accessories found as recorded

Section line

3/4 Section

1/10 Section 110

Existing Road -- Centerline proposed R.O.W

Private Land

National Forest System Land (N.F.S.L.)

PROJECT: HWY 140

SEC. 8, T. 37 S. R. 15 E. W.M.

Method of Survey: Field Traverse

Date of Plot: 09/28/95

2730 RIGHT-OF-WAY GRANT

USDA FOREST SERVICE

PACIFIC NORTHWEST REGION

FREMONT NATIONAL FOREST

Klamath County, Oregon

Surveyed by: JANET E. MOULTON Date: 7/95

Drawn by: TANYA R. WINTERS Date: 9/95

Reviewed by: Lester A. Olson Date: 11/2/79

Approved by: W. J. Hall Date: 10/2/72

GRANTEE: OREGON DEPT. OF TRANSPORTATION

EXHIBIT A
SHEET 2 of 3

SHEET 2 of 3

R-18E

PRIVATE

N 89°10'04"E
1310'168'

22

LEGEND

PRIVATE

Section line

3/4 Section line

7/10 Section line

Existing Road - Centerline proposed R.O.W.

22nd Street - County Rd. 1-20

PROJECT: HWY 140

W. J. B. 100, W. M.

Survey: Field Traverse

DATE OF PLAT: 2/07/86

2730 RIGHT-OF-WAY GRANT

U.S. FOREST SERVICE

PACIFIC NORTHWEST REGION

FREMONT NATIONAL FOREST

Lake County, Oregon

Surveyed by: JOHN H. THOMPSON

JOHN H. THOMPSON

12/23/2013

Drawn by: JANET E. MOULTON

JANET E. MOULTON

Def: 02/88

W. A. R. Co.

THE UNIVERSITY OF CHICAGO

11

Approved by: _____

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

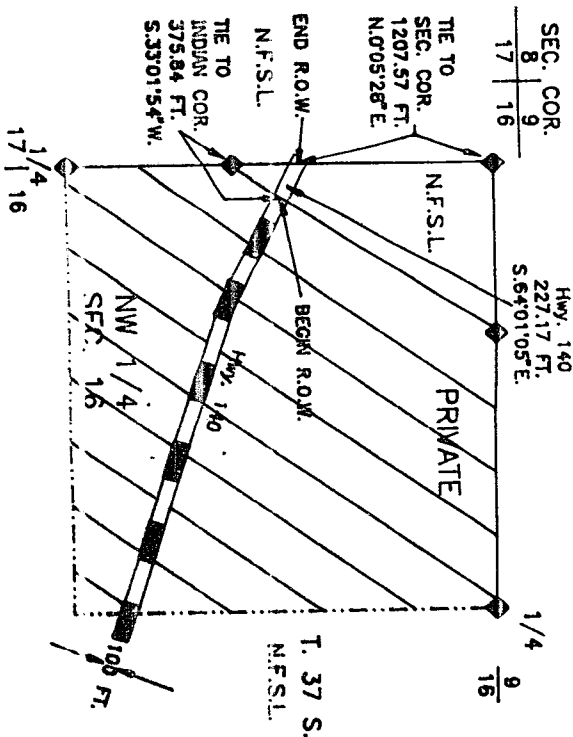
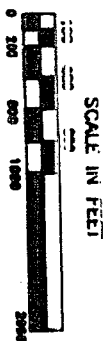
GRANTEE: OREGON DEPT. OF TRANSPORTATION

NOTES

Centerline of existing road was determined by field survey, 7/95. Basis of bearing is from Record of Survey No. 5134, on file, with the Klamath County Surveyor, which was based on the west half of the north line of section 16 as shown on the GLO plot approved September 27, 1937. The Right-of-Way is 100 feet wide, 50 feet on either side of the center line. The route being granted begins at the boundary line of the Old Indian Treaty boundary and terminates when it crosses the boundary line between sections 16 & 17.

LEGEND

- ◆ Corner and accessories found as recorded
- Section line
- - - 1/4 Section line
- Existing Road - Centerline proposed R.O.W.
- ▨ Private Land
- National Forest System Land (N.F.S.L.)



R.O.W. ACRES

TOTAL: .52 ACRES

PROJECT: HWY 140
SEC. 16, T. 37 S. R. 15 E. W.M.
Method of Survey: Field Traverse
Date of Plot: 09/29/95

2730 RIGHT-OF-WAY GRANT
USDA FOREST SERVICE
PACIFIC NORTHWEST REGION
FREMONT NATIONAL FOREST
Klamath County, Oregon

Surveyed by: JANET E. MOULTON Date: 7/95
Drawn by: TANYA R. WINTERS Date: 9/95
Reviewed by: *[Signature]* Date: 10-5-95
Approved by: *[Signature]* Date: 10/5/95

GRANTEE: OREGON DEPT. OF TRANSPORTATION

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Department Of Transportation the 3rd day of June A.D., 1996 at 11:29 o'clock AM., and duly recorded in Vol. M96 of Deeds on Page 16031

By *[Signature]* Bernetha G. Letsch, County Clerk

FEE \$45.00