

'03 DEC 4 AM 10:40

Vol M03 Page 88743

OMB No. 0596-0082
Rocky Point Road
and Highway 140
Intersection

U. S. DEPARTMENT OF AGRICULTURE
Forest Service
PUBLIC ROAD EASEMENT
NATIONAL FOREST ROADS AND TRAILS SYSTEMS October 13, 1964

THIS EASEMENT, dated this 17 day of NOVEMBER, 2003 from the UNITED STATES OF AMERICA, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to KLAMATH COUNTY, OREGON hereinafter called Grantee.

WITNESSETH:

WHEREAS, the Grantee has applied for a grant of an easement under the Act of October 13, 1964 (78 Stat. 1089, 16 U.S.C. 532-538), for a road over certain lands or assignable easements owned by the United States in the County of Klamath, State of Oregon and administered by the Forest Service, Department of Agriculture.

NOW THEREFORE, Grantor does hereby grant to Grantee an easement for a public road and highway along and across a strip of land, hereinafter defined as the right-of-way over and across the lands in the County of Klamath, State of Oregon, as described on Exhibit A attached hereto.

Willamette Meridian

T. 36 S., R. 6 E.
section 10 portion of Lots 1 and 2

The word "right-of-way" when used herein means said strip of land whether or not there is an existing road or highway located thereon. Except where it is defined more specifically, the word "highway" shall mean roads or highways now existing or hereafter constructed on the right-of-way or any segment of such roads or highways.

The right-of-way is shown and specifically described on the plat attached hereto and made a part hereof.

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

1. Outstanding valid claims, if any, existing on the date of this grant.
2. The easement herein granted is limited to use of the described right-of-way for the purpose of construction, operation, and maintenance of a highway in accordance with approved plans, specifications, and stipulations described in the following conditions numbered 3 and 4 and does not include the grant of any rights for nonhighway purposes or facilities; Provided, That the Forest Service shall not exercise its right to use or authorize the use of any portion of the right-of-way for nonhighway purposes when such use would interfere with the free flow of traffic or impair the full use and safety of the highway; 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 limits.
3. The design and construction of the highway project situated on this right-of-way shall conform with plans, specifications, and written stipulations approved by the Forest Supervisor.
4. Any reconstruction of the highway situated on this right-of-way shall conform with plans, specifications, and written stipulations approved by the Forest Supervisor or authorized representative prior to beginning such reconstruction.

State of Oregon, County of Klamath
Recorded 12/04/03 10:40 a. m
Vol M03 Pg 88743-46
Linda Smith, County Clerk
Fee \$ 36.00 # of Pgs 4

CERTIFIED CORRECT AS TO CONSIDERATION,
DESCRIPTION AND CONDITIONS.
Walter J. Miller 10/22/03

36 C. Rt: oc: Stan Strickland

5. Consistent with highway safety standards, the Grantee shall:

- a. Protect and preserve soil and vegetative cover and scenic and aesthetic 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. The Grantee shall perform these activities where it is deemed necessary during a joint review between the authorized Forest Officer and Grantee prior to completion of the highway. The Grantee also shall maintain all terracing, water bars, leadoff ditches, or other preventive works that may be necessary to accomplish this objective. This provision also shall apply to waste disposal areas and slopes that are reshaped following slides that occur during or after construction.

6. The Grantee shall:

Establish no borrow, sand, or gravel pits; stone quarry; permanent storage areas; sites for highway-operation and maintenance facilities; camps; supply depots; or disposal areas within the right-of-way, unless shown on approved construction plans, without first obtaining approval of the authorized Forest Officer.

7. The Grantee shall maintain the right-of-way clearing by means of chemicals only after the Forest Supervisor has given specific written approval. Application for such approval must be in writing and must specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.

8. The Grantee does by the acceptance of this document covenant and agree for itself, its assigns, and its successors in interest to the property here granted or any part thereof, that the covenant set forth below shall attach to and run with the land:


- a. That the Grantee shall operate the described property and its appurtenant areas and its buildings and facilities whether or not on the land therein granted as a public road, in full compliance with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations issued thereunder by the Department of Agriculture and in effect on the date of this document to the end that no person in the United States shall, on the grounds of race, sex, color, religion, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs or activities provided thereon; and

- b. That the United States shall have the right to judicial enforcement of these covenants not only as to the Grantee, its successors and assigns, but also as to lessees and licensees doing business or extending services under contractual or other arrangements on the land therein conveyed.

The Chief, Forest Service, may terminate this easement, or any segment thereof, (1) by consent of the Grantee, (2) by condemnation, or (3) after a five (5) year period of nonuse, by a determination to cancel after notification and opportunity for hearing as prescribed by law.

IN WITNESS WHEREOF, Grantor, by its Forest Supervisor, Fremont-Winema National Forests, Pacific Northwest Region, Forest Service, has executed this easement pursuant to the delegation of authority by the Assistant Secretary of Agriculture to the Chief, Forest Service, 7 CFR 2.60, and the delegation of authority by the Chief, Forest Service, 49 F.R. 34283, published August 29, 1984, and the delegation of authority by the Regional Forester, Pacific Northwest Region, Forest Service, 58 F.R. 30766, published May 27, 1993, on the day and year first above written.

UNITED STATES OF AMERICA

By: 
 Karen Shimamoto
 Forest Supervisor
 Fremont-Winema National Forests
 Pacific Northwest Region
 Forest Service
 Department of Agriculture

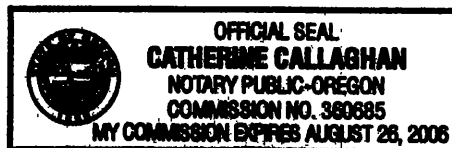
ACKNOWLEDGMENT

88745

STATE OF Oregon)
)ss.
County of Lake)

On this 17 day of NOVEMBER, 2003, before me, the undersigned, personally appeared Karen Shimamoto, Forest Supervisor, Fremont-Winema National Forests, Pacific Northwest Region, Forest Service, Department of Agriculture, the same person who executed the within and foregoing instrument, who being by me duly sworn according by law, did say that she executed said instrument on behalf of the United States of America by its authority duly given and by her delivered as and for its act and deed. And she did further acknowledge that she executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.

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



Catherine Callaghan
CATHERINE CALLAGHAN
Notary Public for the State of Oregon
Residing at LAKEVIEW
My Commission Expires: Aug. 28, 2006

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archaeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Public reporting burden for this collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**2730-RIGHT OF WAY GRANT
BEING A PORTION OF LOTS 1 AND 2,
SECTION 10, T.36S., R.6E., W.M.,
KLAMATH COUNTY, OREGON**

LEGEND

- [XXXX] G.L.O. RECORD DATA
[XXXX] RECORD DATA PER VOL. M93, PAGES 14118
AND 14117, KLAMATH COUNTY DEED RECORDS.

----- EDGE OF PAVEMENT

FOUND 2.5 IN. G.L.O.
BRASS CAP
MONUMENT

9 10

PROJECT NAME: HWY. 140/ROCKY POINT ROAD INTERCHANGE

PROJECT NUMBER: 30905

SURVEYED BY: W&H PACIFIC

SURVEY DATE: 4/2003

METHOD OF SURVEY: TOTAL STATION & GPS

PLAT DATE: 4/2003

PROPERTY OWNER: UNITED STATES OF AMERICA

BASIS OF BEARING: OREGON STATE PLANE COORDINATE
SYSTEM, SOUTH ZONE (3802)R/W ACRES: 37.077 SQ. FT (0.85 ACRES)
PERIMETER LENGTH = 1366.38 FEETAPPROXIMATE 4150 FT.
CONTOUR LINE

DESIGN LIMIT

NOTES

- 1) MEASURED BEARINGS AND DISTANCES SHOWN ARE
BASED ON THE OREGON STATE PLANE, SOUTH ZONE
GRID.
- 2) THE COMBINED FACTOR = 0.999773753.
- 3) ONE FOOT = .3048 METERS EXACTLY.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

OREGON
JULY 9, 2002
TRAVIS P. FOSTER
54624

RENEWAL DATE: 12-31-03

CENTERLINE
AS-BUILTEXISTING PAVED ROAD TO BE
REMOVED AND R/W ABANDONEDMAPPING ANGLE
= 1°08'54"

NTS

2653.21 FEET(40.20 CH)]
2652.68 FEET
[N01°11'E
N02°17'13"E

CENTERLINE AS-BUILT
1/16TH CORNER

NGS STATION
"ROCKY" NAD83(98)
LAT=42°28'23.86"N
LONG=122°05'58.51"W

N10°05'07"E

N45°15'02"E

S89°06'23"E
[S89°46'W
FOUND 2.5 IN. G.L.O.
BRASS CAP MONUMENT

2641.24 FEET
2638.69 FEET(39.98 CH)]

LINE TABLE		
LINE	LENGTH	BEARING
L1	12.01'	N08°12'41"E
L2	155.97'	N50°36'37"E
L3	30.00'	N68°41'08"E
L4	45.55'	S88°18'32"E
L5	40.00'	S22°34'25"E
L6	30.12'	N60°33'41"E
L7	30.00'	S73°34'19"W
L8	122.28'	S00°36'37"W
L9	12.12'	S08°12'41"W
L10	60.00'	S81°33'38"E

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	220.00'	162.80'	188.11'	N28°24'39"E	42°23'56"
C2	2500.00'	259.41'	259.29'	N20°42'38"W	5°36'43"
C3	170.00'	188.91'	187.76'	S17°05'26"W	67°02'22"
C4	280.00'	207.20'	202.50'	S29°24'39"W	42°23'56"

NOTE: ROUTE BEING GRANTED EXTENDS FROM THE NORTHERLY
RIGHT-OF-WAY LINE OF EXISTING STATE HIGHWAY NUMBER 140
AND TERMINATES AT THE CENTERLINE (AS-BUILT) OF ROCKY
POINT ROAD.

10

15

FOUND 2.5 IN. G.L.O.
BRASS CAP MONUMENT

SURVED BY: <u>RAH, MD</u>		CHECKED BY: <u>SL</u>	
DRAWN BY: <u>TF</u>		APPROVED BY:	
LAST EDIT: _____		PLOT DATE: <u>04/23/03</u>	
DATE	BY	REVISION	CK

W&H
1004 Main St.
Klamath Falls, Oregon
97603-0019
(541)864-8048
(541)864-8105 Fax
whe@whe.com

**GRANTEE: KLAMATH COUNTY
GRANTOR: USDA FOREST SERVICE
PACIFIC NORTHWEST REGION
FREMONT-WINEMA NATIONAL FORESTS**
OREGON
SCALE: 1"=200'
PROJECT NO. 30905
DRAWING FILE NAME: 30905-SURV-PLAT
1 SHEET 1