

## USDA FOREST SERVICE

Individual - Existing Road  
Road #5802-200

## EASEMENT

**THIS EASEMENT**, dated this 23rd day of August, 2005, from **Allen Foreman and Teresa Foreman**, husband and wife, whose address is P.O. Box 167, Chiloquin, OR 97624, County of Klamath, State of Oregon, hereinafter called "Grantors" to the **United States of America**, hereinafter called "Grantee," whose address is Washington, D.C. 20013.

## WITNESSETH:

Grantors, for and in consideration of Three Hundred dollars (\$300.00) received by Grantors, do 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:

Willamette Meridian

T. 35 S., R. 8 E.,  
sec. 4, SE1/4SW1/4NE1/4

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.

The location of said premises is shown approximately on Exhibit A, attached hereto.

Said premises shall be 66 feet in width, 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 the Grantors 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 Grantors not described herein, the easement shall be amended to include the additional lands traversed; if any lands described herein are 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, Department of Agriculture.

2005

This grant is made subject to the following terms, provisions, and conditions applicable to Grantee, its permittees, contractors, and assigns:

- A. Except as hereinafter limited, Grantee shall have the right to use the road on the premises without cost for all purposes deemed necessary or desirable by Grantee in connection with the protection, administration, management, and utilization of Grantee's lands or resources, now or hereafter owned or controlled, subject to such traffic-control regulations and rules as Grantee may reasonably impose upon or require of other users of the road. Grantee shall have the right to construct, reconstruct, and maintain roads within the premises.

Grantee alone may extend rights and privileges for use of the premises to other Government departments and agencies, States, and local subdivisions thereof, and to other users including members of the public.

- B. Grantee shall have the right to cut timber upon the premises to the extent necessary for 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 to disposal by the owner of such timber.



This easement is granted subject to the following reservations by the Grantors, their heirs and assigns:

1. The right to use the existing road described herein for all purposes deemed necessary or desirable by Grantor in connection with the protection, administration, management, and utilization of Grantors' lands or resources now or hereafter owned or controlled, subject, however, to traffic-control regulations as Grantee may reasonably impose and the bearing of road maintenance costs proportionate to use, in each case as authorized and provided by the regulations of the Secretary of Agriculture and as they may be amended and published in the Code of Federal Regulations.
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 interfere unreasonably 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.

If the Regional Forester determines that the road, or any segment thereof, is no longer needed, the easement traversed thereby shall terminate. The termination shall be

evidenced by a statement in recordable form furnished by the Regional Forester to the Grantors or their heirs or assigns in interest.

**IN WITNESS WHEREOF**, the said Grantors have hereunto subscribed their names on the day and year first above written.

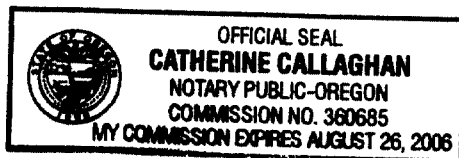
  
\_\_\_\_\_  
**ALLEN FOREMAN**  
  
\_\_\_\_\_  
**TERESA FOREMAN**

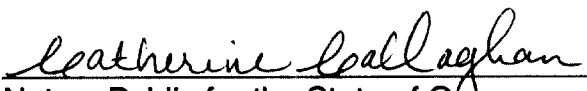
**ACKNOWLEDGMENT**

State of Oregon     )  
                                  )ss  
County of Klamath    )

On this 23<sup>RD</sup> day of AUGUST, 2005, personally appeared before me Allen Foreman and Teresa Foreman, husband and wife to me known to be the identical individuals described in and who executed the within and foregoing instrument and acknowledged to me that they signed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

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



  
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Notary Public for the State of Oregon  
Residing at: LAKEVIEW  
My Commission Expires: 08/26/2006

# LEGEND

- ◆ Found Corner: See R.O.S. 3381
- ◇ Corner not tied this survey
- Projected aliquot line
- ! Steel fence post +/- 1 ft. of property boundary.
- NFSL National Forest System Lands
- R.O.S. Record of Survey
- UG Underground Phone Pedestal
- ( ) Basis of Bearing bearing & distances R.O.S. 3381

**R.O.W. ACRES**  
TOTAL: 1.0 ACRES  
More or Less

## NOTES

Method of road survey was resource grade G.P.S., differentially corrected to base.

The width of the right-of-way is 66 feet, 33 feet on either side of the centerline.

Route being acquired extends from forest road #5802200 where the true property line crosses the road and terminates at the true property line.

## BASIS OF BEARING

Solar Observation, derived from R.O.S. 3381. On file at the Klamath County Surveyors Office.

## EASEMENT

5802200 ROAD  
SEC. 4, T.35S. R.8E., W.M.  
Fremont-Winema National Forests  
1301 South "G" Street  
Lakeview, Oregon 97630

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

Surveyed by: Janet Moulton & Catherine Callaghan Date: 09/2004  
Drawn by: Janet Moulton Date: 2/2005  
Reviewed by: *Walter F. Miller* Date: 4/8/05  
Approved by: *Walter F. Miller* Date: 6/16/05  
FOREST ENGINEER

GRANTOR: ALLEN & TERESA FOREMAN

EXHIBIT A  
SHEET 1 of 1



Tie from CSNE1/64 corner of section 4 to the beging of road N.89°22'39"W., 140.29 ft.

