

File # 7163.004

STATE OF OREGON
Department of State Lands
Corrected
EASEMENT NO. 34175-EA

The STATE OF OREGON, by and through its Department of State Lands, GRANTOR, for and in consideration of NONE, hereby grants to GRANTEE,

NAME of GRANTEE:	ADDRESS:
Oregon Department of Transportation	63085 N Highway 97, Suite 102 Bend OR 97701

an easement and right to construct, maintain, operate and replace a public highway bridge within the right-of-way boundaries of Klamath Falls-Malin State Highway No. 66 over, upon, and across the following particularly described property situated in Klamath County, Oregon, more particularly described as follows:

A parcel of land lying in the SE¹/₄NE¹/₄ of Section 31 and the SW¹/₄NW¹/₄ of Section 32, Township 39 South, Range 07 East, Willamette Meridian, Klamath County, Oregon and being a portion of that property claimed by the State of Oregon, by and through its Department of State Lands under ORS 274.406, the said parcel being that portion of said property lying between lines at right angles to the center line of the relocated Greensprings Highway at Engineer's Stations 70+341.810 and 70+506.882 and included in a strip of land variable in width lying on each side of the center line of the relocated Greensprings Highway, which center line is described as follows:

Beginning at Engineer's center line Station 70+282.732, said station being 542.390 meters South and 949.628 meters West of the North quarter corner of Section 32, Township 39 South, Range 7 East, W.M.; thence North 86°04'56" East 307.992 meters to Engineer's center line Station 70+590.724.

The width in meters of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center line
70+341.810		70+440.000	25.000
70+440.000		70+460.000	25.000 in a straight line to 35.000
70+460.000		70+506.882	35.000

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM, OR 97301-3871

51C

0306-1800

The width in meters of said strip of land is as follows:

Station	to	Station	Width on Southerly Side of Center line
70+341.810		70+440.000	25.000
70+440.000		70+460.000	25.000 in a straight line to 35.000
70+460.000		70+506.882	35.000

Bearings are based on County Survey No. 6982, filed May 19, 2004, Klamath County, Oregon.

This parcel of land contains 9361 square meters, more or less.

This parcel of land contains 0.9361 hectares (2.3122 acres), more or less

TO HAVE AND TO HOLD the same unto GRANTEE in perpetuity, subject to the following conditions:

1. GRANTOR has the right to grant additional easements within the area authorized by this easement subject to the provisions of the administrative rules governing the granting of easements.
2. GRANTEE shall obtain prior written approval from GRANTOR prior to:
 - (a) Changing the type of use authorized by this easement;
 - (b) Expanding the number of authorized developments or uses;
 - (c) Changing the authorized area; and/or
 - (d) Permitting other persons to utilize the easement for uses and developments requiring separate written authorization by GRANTOR pursuant to the administrative rules governing the granting of easements or other GRANTOR requirements.
3. The easement area shall remain open to the public for recreational and other non-proprietary uses unless restricted or closed to public entry by the State Land Board or GRANTOR.
4. GRANTOR and/or its authorized representative(s) shall have the right to enter into and upon the easement area at any time for the purposes of inspection or management.
5. Except as expressly authorized in writing by the Department, GRANTEE shall not:
 - (a) Cut, destroy or remove, or permit to be cut, destroyed or removed any vegetation, or

- (b) Remove any sand and gravel, or other mineral resources for commercial use or sale, that occur in the easement area except as expressly authorized in writing by GRANTOR.
- (c) Routine right-of-way maintenance including vegetation trimming shall be allowed

6. GRANTEE shall compensate GRANTOR for the fair market value of any commercially valuable timber or sand and gravel resources in the easement area that must be removed during or after placement of the authorized use, or which cannot be developed because of the authorized use.

7. GRANTEE shall conduct all operations within the easement area in a manner that conserves fish and wildlife habitat; protects water quality; and does not contribute to soil erosion, or the introduction or spread of noxious weeds or pests. Upon completion of construction, GRANTEE shall reclaim disturbed lands to a condition satisfactory to GRANTOR.

8. GRANTEE shall obtain a surety bond in the amount of \$ NONE to ensure compliance with the terms and conditions of this easement.

9. The right to use this easement shall automatically terminate if it, or the development authorized by GRANTOR, is not used within five (5) consecutive years of the date this easement was granted, pursuant to the provisions of the administrative rules governing the granting of easements.

10. Unless otherwise approved in writing by GRANTOR, GRANTEE shall remove all cables, pipes, conduits, roads, and other developments placed by GRANTEE on the easement, and shall restore the surface of the easement area to a condition satisfactory to GRANTOR within one (1) year following termination of use or expiration of this easement.

11. GRANTEE shall inspect the condition of the area authorized by this easement and the developments authorized by this easement on a frequency of: (Annually).

12. GRANTOR shall have the right to stop operation of the use authorized by this easement for noncompliance with the conditions of this easement, the provisions of the administrative rules governing the granting of easements, and/or any lawful requirement by a regulatory agency of this STATE.

13. If this easement authorizes the use of state-owned submerged and/or submersible land:

- (a) Construction in navigable waters shall conform to the standards and specifications set by the U.S. Army Corps of Engineers and the U.S. Coast Guard for the use authorized by this easement.
- (b) Any blasting which may be necessary, or in-water placement, maintenance, or repair of the authorized use shall be performed according to the laws of this STATE, including strict adherence to Oregon Department of Fish & Wildlife in-water work windows.


14. GRANTEE shall pay to GRANTOR the current market value, as determined by GRANTOR, for any unnecessary and non-approved damages to state-owned lands caused by construction or maintenance of the easement.

15. GRANTEE shall pay all assessments that may be legally charged on public lands which are levied against the property subject to this easement, whether or not such assessments have been levied against the easement area or STATE by the assessing agency.

16. GRANTEE shall use the authorized easement area only in a manner or for such purposes that assure fair and non-discriminatory treatment of all persons without respect to race, creed, color, religion, handicap, disability, age, gender or national origin

17. This easement is freely transferable. However, no transfer may increase the burden on the easement area or detract from the value of the underlying state-owned land.

This easement does not convey an estate in fee simple of the lands used for a right-of-way. This grant is for an easement only, and title remains in the State of Oregon.

 OFFICIAL SEAL
RHONDA L RAY
NOTARY PUBLIC-OREGON
COMMISSION NO. 397014
MY COMMISSION EXPIRES SEPTEMBER 12, 2009

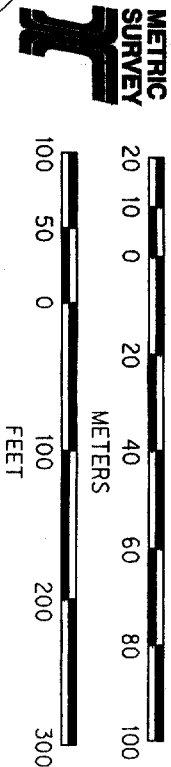
This foregoing instrument was acknowledged before me this 15th day of February, 2006, by Nancy N. Postis, the EA REG MGR of the Department of State Lands.

Signature Ronald Ray
My commission Expires 9/12/2009

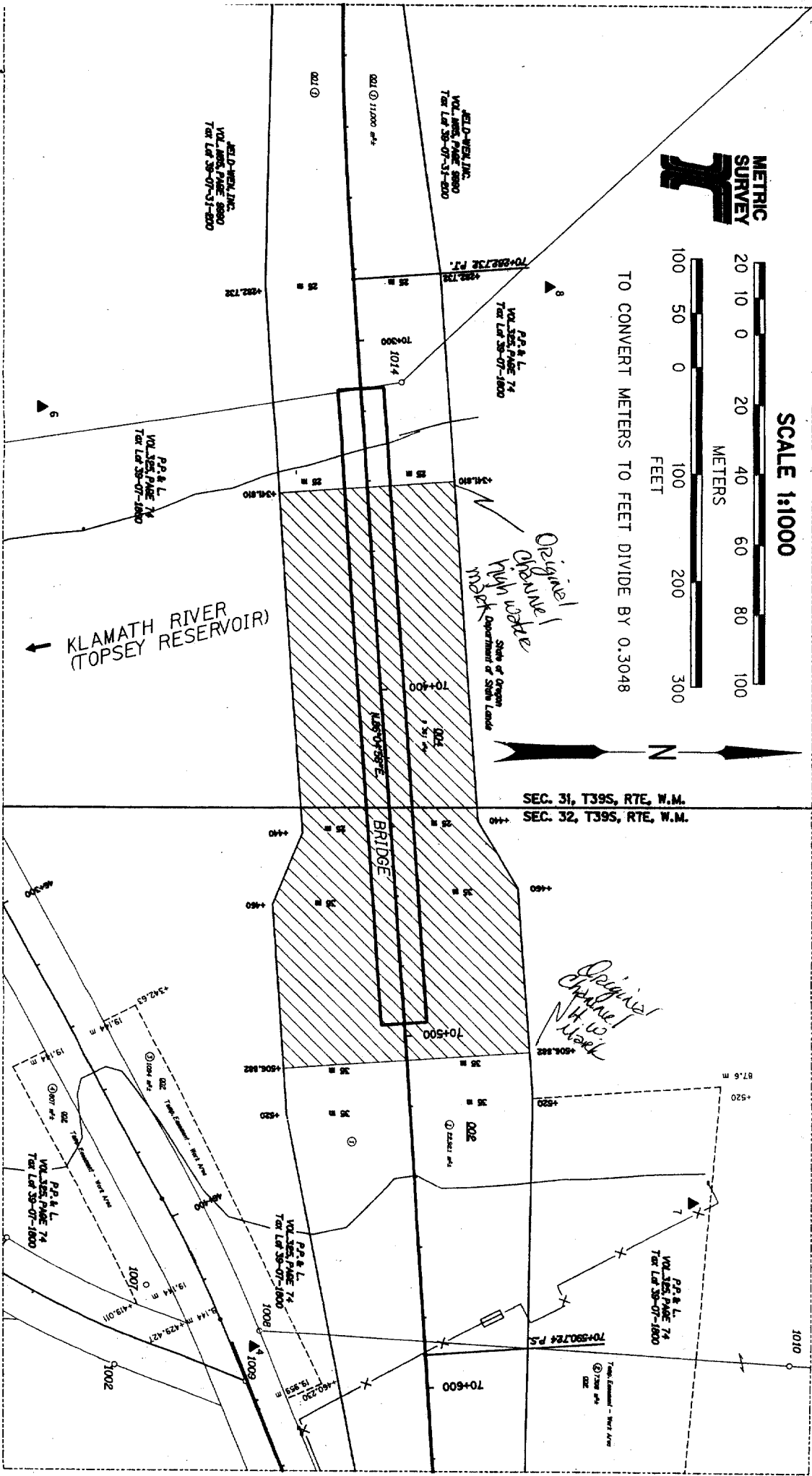
SEC. 31, T. 39 S., R. 7 E., W.M.

SEC. 32, T. 39 S., R. 7 E., W.M.

SCALE 1:1000



SEC. 31, T39S, R7E, W.M.
SEC. 32, T39S, R7E, W.M.



OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY
ENGINEERING
SKETCH MAP

Section	OR66:KLAMATH RIVER (SPENCER BRIDGE #00955) SECTION	Scale	1:1000
Highway	GREENSPRINGS	Date	February, 2005
County	KLAMATH	File	7163 004
Purpose	BRIDGE RELOCATION	See Drawing 10B-19-03	

