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MATERIALS SOURCE EASEMENT DEED

THIS DEED, made this 19TH day of MAY, 20 11, 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 use as a materials source of certain Federal land under the jurisdiction of the Department of the Interior - Bureau of Land Management ("BLM") in the State of Oregon, which land has been appropriated by the Department, and

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 materials source to be used in connection with the construction and reconstruction of the Klamath Falls - Lakeview Highway; and

WHEREAS, the Department of the Interior, acting by and through the Bureau of Land Management, in its consent to the appropriation of the Federal land, has agreed to the transfer by the Department of an easement over the land to Grantee;

NOW THEREFORE, the Department, as authorized by law, and in compliance with all requirements imposed by or pursuant to Title 49 CFR, Department of Transportation, Subtitle A, Office of Secretary, Part 21, nondiscrimination in federally-assisted programs of the Department of Transportation (45 CFR 21.2 - 21.23) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby grant to the Grantee an easement for a materials source on, over, across, in, and upon the following described Federal land within the County of Klamath, State of Oregon as shown on Right of Way Plat dated March 2010 and labeled Bly Quarry Site Section (the "Site"), marked Exhibit A attached hereto and made part hereof, subject, however to:

RETURN TO
OREGON DEPARTMENT OF
TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DR SE, MS#2
SALEM OR 97302-1142

a) those Stipulations in Exhibit B attached hereto and made a part hereof. In Exhibit B, capitalized terms used but not defined there have the meaning ascribed in this Easement Deed, "ODOT" means the Grantee; and

b) the following terms and conditions:

- (1) The easement herein authorized shall terminate ten years or sooner, if agreed upon, from the date of the execution of the transfer document by Department to Grantee in the event construction of a highway or use of the material site for highway related purposes has not been initiated during such period.
- (2) In the event of a reversion, the Grantee shall be responsible for the protection and maintenance of the easement of right of way until such time as the Grantee executes and records a quitclaim deed documenting the termination of the easement and the reversion of title in the United States of America.
- (3) The Grantee, in consideration of the conveyance of said land, 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.

In the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have the right to re-enter said right of way and any facilities thereon and the above-described land and facilities shall thereupon revert to and vest in and become the absolute property of the Department of Transportation and its successors and assigns, as such interest existed prior to this instrument.

IN WITNESS WHEREOF, I, Phillip A. Ditzler, Division Administrator, pursuant to delegations of authority from the Secretary of Transportation and the Federal Highway Administrator, 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 Phillip A. Ditzler

Phillip A. Ditzler, Division Administrator

STATE OF OREGON)
COUNTY OF MARION)

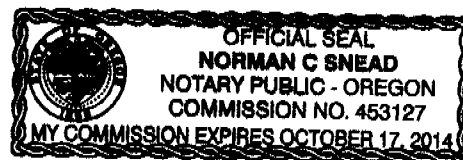
I, NORMAN C. SNEAD, a Notary Public in and for the State of Oregon, do hereby certify that on this 19TH day of MAY, 20 11, before me personally appeared Phillip A. Ditzler, Division Administrator, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of MAY 19, 20 11, 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 Division Administrator, Federal Highway Administration.

Witness my hand and seal this 19TH day of MAY, 20 11.

Norman C. Snead
Notary Public for Oregon

My Commission expires October 17, 2014

APPROVED AS TO LEGAL SUFFICIENCY



Norman Weiner
Assistant Attorney General

Date 4-29-2011

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.

**STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION**

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

STATE OF OREGON)
COUNTY OF MARION)

May 4, 2011 Personally appeared Deolinda G. Jones, who being sworn,
stated that she is the State 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:



Dale R. Shafer
Notary Public for Oregon

My Commission expires 11/01/2011

Date:

EXHIBIT B

**STIPULATIONS
BLY QUARRY MATERIAL SITE
Case file OR 52560**

This Stipulation is made between the Department of Transportation, State of Oregon, hereinafter referred to as ODOT, and the United States Department of the Interior, acting herein and through the Bureau of Land Management, hereinafter referred to as BLM, collectively referred to as the Parties.

WHEREAS, ODOT is engaged in surface mining activities for material sources within the easement area as shown in the Right-of-Way Plats prepared by ODOT, dated March, 2010 and further identified as File Number 6012139 for the construction, operation and maintenance of public highways and related activities and identified as **Case file OR 052560** by the BLM. Such easement area traverses lands of the United States in the State of Oregon, County of Klamath, administered by the BLM, and

WHEREAS, ODOT and the BLM desire to cooperate in the development of this materials source within the easement area in a manner that will protect adequately and afford adequate utilization of the lands of the United States traversed by the highway for the purposes for which the lands are being administered.

NOW, THEREFORE, supplementary to the terms and conditions of the easement deed between the United States, acting through BLM and ODOT, the Parties hereto agree to carry out the following provisions during the mining stage: (Mining stage is to begin when mining activities commence on lands administered by the BLM and end when ODOT and the BLM mutually agree that the site is no longer needed for highway related purposes. ODOT shall comply with the following conditions:

1. Use of the Bly Quarry Site Materials Source ("Bly Quarry") shall comply with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat.242).
2. The easement herein authorized is limited to the described area as depicted on the ODOT Right-of-Way Plats prepared by ODOT, dated March 2010 and further identified as File Number 6012139.
3. Outstanding valid claims, if any existing on the date of this grant, and Grantee shall obtain such permission as may be necessary on account of any such claims.
4. The Authorized Officer for this right-of-way is the Klamath Falls Resource Area Manager.
5. Access is limited to use of the existing roads.
6. The Holder is responsible for clean-up and proper disposal of all trash and debris dumped on the site during the term of the right-of-way.

7. The Holder shall control noxious weeds within the limits of the right-of-way. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods.
8. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and only for the control of noxious weeds. Prior to the use of pesticides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of pesticides shall be approved in writing by the Authorized Officer prior to such use.
9. Reclamation of abandoned excavated areas will occur as mineral materials are removed. Topsoil, removed and stockpiled, and crusher reject and oversize material developed from the active quarrying operation will be used to reclaim the exhausted and abandoned portions of the quarry. Crusher reject and oversize material will be placed in the bottom of the pit, graded, and then the pit floor and abandoned cut slopes covered with topsoil and seeded with Regreen.
10. There may be occasions where crushing contracts extend for more than one year. When this occurs, all productive topsoil (usually the top 12 to 18 inches) from all excavations will be stripped, stockpiled, and protected from erosion for use in future reclamation. Do not mix topsoil and subsoil. Control erosion of stockpiles through appropriate construction design with mulching (using weed free mulch) and/or revegetation with Regreen (a sterile wheatgrass hybrid) to facilitate establishment of native species. Whenever possible do not store topsoil for extended periods (over two years).
11. For public safety, no high, steep banks conducive to cave-in will be left in the pit area after any gravel removal operation.
12. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the Holder.
13. Excavation shall take place no closer than 20 feet to any fence line or boundary line in the area or 50 feet to any power-line or road.
14. All highwalls, benches, and other cuts shall conform to the requirements of Oregon Department of Geology and Mineral Industries, and the U.S. Mine Safety and Health Administration.

15. All material removed under the authority of this right-of-way must be used on federal aid highways.
16. The Bureau of Land Management reserves the right to issue free use mineral materials permits to third parties for removal of mineral materials from this materials site right-of-way when the Bureau of Land Management determines: 1) the third party will not interfere with the Grantee's use of the materials site right-of-way and 2) the material removed under the free use permit is not used on federal aid highways.
17. The Grantee shall maintain the right-of-way and highway facilities to acceptable standards of repair, orderliness, neatness, sanitation, and safety.
18. The Grantee shall install perimeter fencing and access gate to the Bly Quarry in the location approximately as shown on "Fencing Exhibit" attached hereto. Gate and fencing are to be in accordance with Oregon Standard Drawings RD810 and RD820, which are attached as "Fencing Exhibit" page 2 and 3.
19. When need for the easement herein granted shall no longer exist and the area has been reasonably rehabilitated to protect the public and environment, Grantee shall give notice of that fact to the Secretary of Transportation and rights herein granted shall terminate and the land shall immediately revert to the full control of the Secretary of the Department of the Interior or its assigns.

IN WITNESS WHEREOF, the Parties hereto have caused this Stipulation to be executed on the day and year first above written.

By _____ Date _____

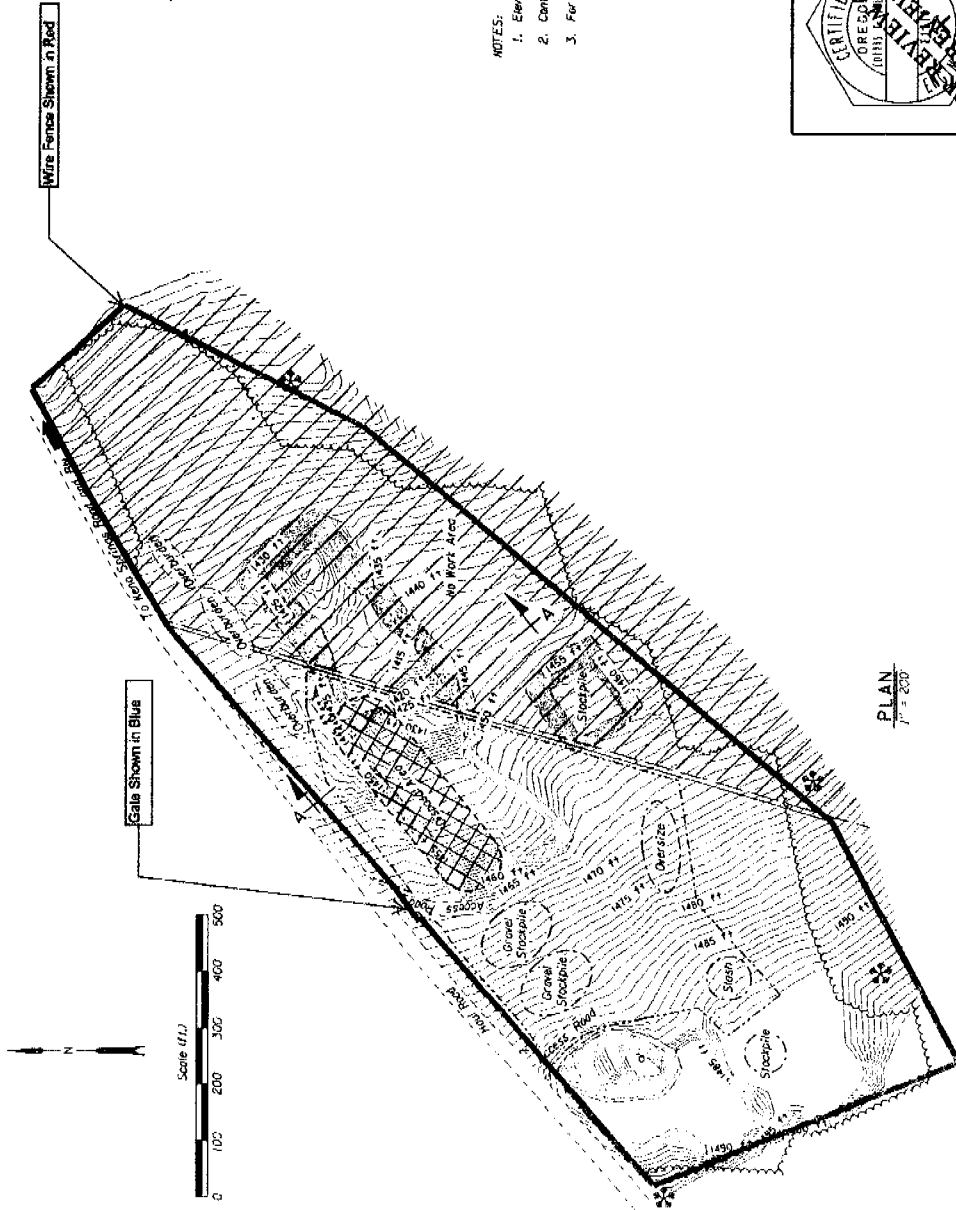
Title _____

By _____ Date _____

Donald Holmstrom, Field Manager
Klamath Falls Resource Area
Bureau of Land Management

Fencing Exhibit Pg. 1 of 3

PROSPECTIVE DISPOSAL SITE
BLY QUARRY
SOURCE # OR-18-033-4 DOGAMI # 18-0079
N1/4 SEC 4 & S1/4 NE1/4, Sec 6, T. 37 S., R. 14 E., W. 11.
N1/4 SEC 4 & S1/4 NE1/4, Sec 6, T. 37 S., R. 14 E., W. 11.

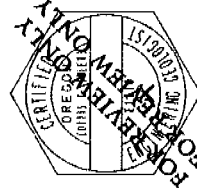


LEGEND

- Project Boundary
- - - Existing Stockpile
- - - Proposed Stockpile
- - - Access Road
- - - Tree Line
- - - No Work Area
- - - Disposal Area

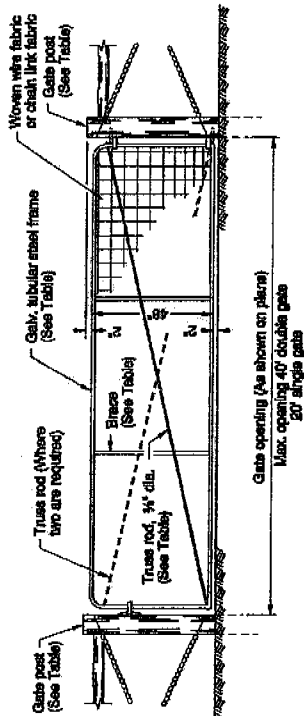
NOTES:
1. Elevations shown are assumed and for reference only.
2. Contour Interval = 1.0 ft.
3. For "Section A-A", see sheet "GM-2".

REGION 4 TECHNICAL CENTER	
DR140 BEATTY CURVES SEC. KLAMATH FALLS - LAKEVIEW HWY. KLAMATH COUNTY	
Reviewed By: Curtis C. Ebers Designed By: Kelly Wood Checked By: Michael L. Groves	
PROSPECTIVE DISPOSAL SITE	SHEET NO. 1 GM



RENEWAL DATE: JAN. 31, 2011

2008

[illegible]^a Max. taper 1° in 4'.

G

Gate posts on each side of a gate opening to be the same size. At a double gate installation with unequal width gates, size of both posts to be as indicated for single gate installation of the wider gate width.

② For length, setting and bracing details see end posts, Std. Dm. RD610.

<p>GENERAL NOTES FOR ALL DETAILS:</p> <p>1. Gates shown are for use with Fence Types 1, 1-SW and 2.</p>	<p>CALL BOOKING</p>	<p>PLEASE REPLY TO:</p> <p>NOTE: All material and workmanship shall be in accordance with the current Oregon Standard Specifications</p>	<p>DATE</p>	<p>REVISION DESCRIPTION</p>
<p>OREGON STANDARD DRAWINGS</p>	<p>2006</p>	<p>FENCE GATES</p>		
<p>DATE</p>				
<p>REVISION DESCRIPTION</p>				
<p>DATE</p>				
<p>REVISION DESCRIPTION</p>				

Effective Date: December 1, 2009 - May 31, 2010

FD820