



2002-4190538 1 of 7

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UMATILLA COUNTY RECORDS

FS-2700-9f (9/96)
OMB No. 0596-0082

Authorization ID ____
Contact ID ____
Expiration Date: none

U. S. DEPARTMENT OF AGRICULTURE
Forest Service
PUBLIC ROAD EASEMENT
National Forest Roads and Trails Act,
October 13, 1964, (P. L. 88-657)
36 CFR 251.50, et seq

419 0538

THIS EASEMENT, dated this 21st day of August, 2002, from the UNITED STATES OF AMERICA, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to COUNTY OF UMATILLA, State of 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 Umatilla, 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 those certain easements acquired in the County of Umatilla, State of Oregon, from the following:

Lick Creek Road No. 3715

Easement from Vera Marie Johnson Folkes and Lee C. Folkes, dated November 30, 1964; recorded December 11, 1964 in Book 278, pages 281 - 282, deed records of Umatilla County, Oregon, for a right-of-way 66 feet in width over and across the SE1/4SE1/4NE1/4, sec. 34, T. 4 N., R. 37 E., W.M.

Easement from John L. Richartz and Rose K. Richartz, dated December 4, 1964; recorded January 11, 1965 in Book 278, pages 536 - 537, deed records of Umatilla County, Oregon, for a right-of-way 50 feet in width over and across the NE1/4NE1/4SE1/4, sec. 34, T. 4 N., R. 37 E., W.M.

Certified correct as to consideration, description, and conditions *[Signature]* 8-13-02



2002-4190538 2 of 7

A portion of an easement from Zella M. Davis, dated October 22, 1963; recorded November 26, 1963, in Book 274, pages 82 – 83, deed records of Umatilla County, Oregon, for a right-of-way 50 feet in width over and across the SW1/4, sec. 35, T. 4 N., R. 37 E., W.M.

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 Exhibit A 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 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.



2002-4190538

3 of 7

IN WITNESS WHEREOF, Grantor, by its Forest Supervisor, Umatilla National Forest, Pacific Northwest Region, Forest Service, has executed this easement pursuant to the delegation of authority by the Secretary of Agriculture to the Under Secretary for Natural Resources and Environment, the delegation of authority by the Under Secretary for Natural Resources and Environment to the Chief, Forest Service, 7 CFR 2.60, 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

JEFF D. BLACKWOOD
Forest Supervisor
Umatilla National Forest
Pacific Northwest Region
USDA Forest Service

ACKNOWLEDGMENT

2002-4190538 4 of 7

STATE OF Oregon)
)ss.
County of Umatilla)

On this 21st day of August, 2002, before me, the undersigned, personally appeared Jeff D Blackwood, Forest Supervisor, Umatilla National Forest, 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 to law, did say that he executed said instrument on behalf of the United States of America by its authority duly given and by him delivered as and for its act and deed. And he did further acknowledge that he 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.



Marlyn L. Peterson

Name (Printed) Marlyn L. Peterson
Notary Public for the State of OR
My Commission Expires Nov 9, 2005

After Recording Return to:

Alan Guttridge
Wallowa-Whitman NF
P.O. Box 907
Baker City, OR 97814



2002-4190538 5 of 7

Acceptance of easement is made below, however, no acceptance of jurisdiction as a county road is made by Umatilla County. The road shall a public road, specifically a local access road.

ACCEPTED BY UMATILLA COUNTY
by its Board of Commissioners

Emile M. Holeman
Emile M. Holeman, Chair

William S. Hansell
William S. Hansell, Commissioner

ABSENT

Dennis D. Doherty, Commissioner



State of Oregon)
) ss
County of Umatilla)

September 4, 2002.

Personally appeared before me the within named Emile M. Holeman, William S. Hansell, and ~~Dennis D. Doherty~~, and acknowledged the foregoing to be the voluntary act and deed of Umatilla County, Oregon.



Marcia Wells
Notary Public for Oregon

ATTEST:
Office of County Records

Jeanne Humphreys
Records Officer





EXHIBIT A

NOTES:

The purpose of this map is to identify the existing United States of America easements on a portion of Forest Service Road No. 3715 to be granted to Umatilla County.

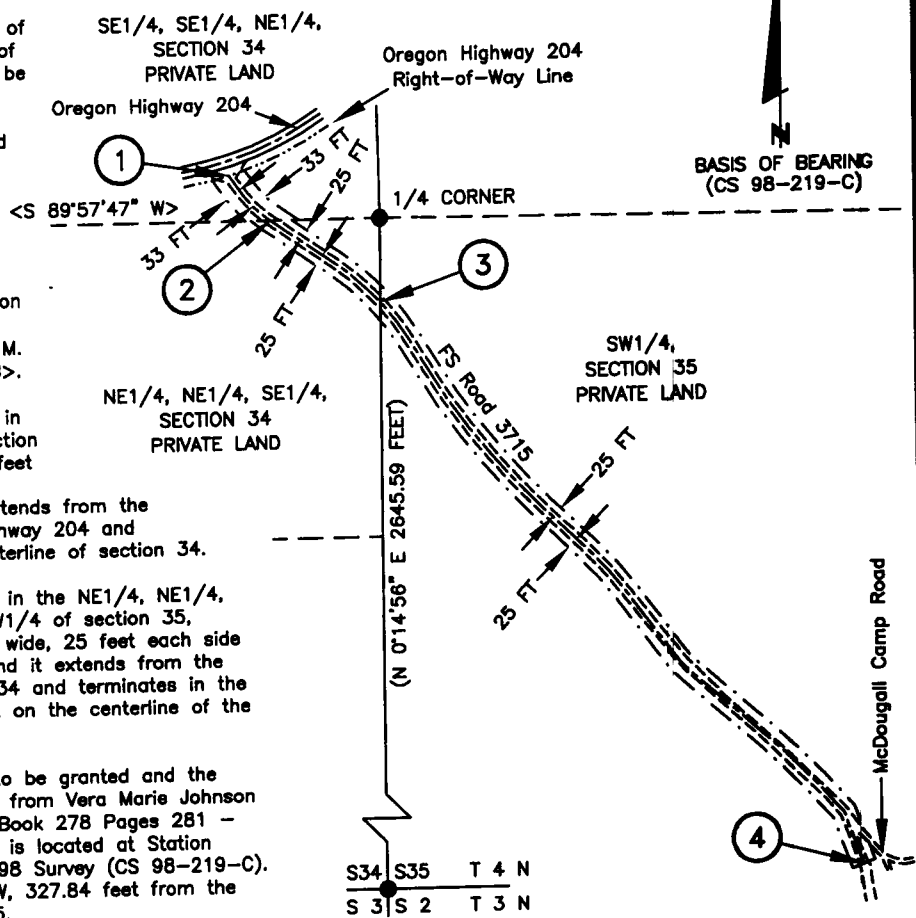
The centerline of the existing road and the corner ties shown was surveyed by Gary R. Robert, LS 2627, of the Umatilla County Road Department (CS 98-219-C).

The East-West Centerline of section 34 was projected using the 1978 survey of section 34 by Douglas M. Ferguson, LS 848, <CS P-113-B>.

The Right-of-Way to be granted in the SE1/4, SE1/4, NE1/4 of section 34, T 4 N, R 37 E, W.M. is 66 feet wide, 33 feet each side of the existing road centerline and it extends from the Right-of-Way line of Oregon Highway 204 and terminates at the East-West Centerline of section 34.

The Right-of-Way to be granted in the NE1/4, NE1/4, SE1/4 of section 34 and the SW1/4 of section 35, T 4 N, R 37 E, W.M. is 50 feet wide, 25 feet each side of the existing road centerline and it extends from the East-West Centerline of section 34 and terminates in the SW1/4, of section 35 at a point on the centerline of the existing road.

- 1 The beginning of Right-of-Way to be granted and the beginning of the 1964 easement from Vera Marie Johnson Folkes & Lee C. Folkes filed in Book 278 Pages 281 - 282, Umatilla Co. Deed Records, is located at Station 9+48.96 of Gary R. Robert's 1998 Survey (CS 98-219-C). This station bears N 73°14'42" W, 327.84 feet from the 1/4 corner of sections 34 & 35.
2 Continuing Right-of-Way to be granted, leave the 1964 easement from Vera Marie Johnson Folkes & Lee C. Folkes and enter the 1965 easement from John L. & Rose K. Richartz filed in Book 278 Pages 536 - 537, Umatilla Co. Deed Records, at a point which bears S 89°57'47" W, 227.53 feet from the 1/4 corner of sections 34 & 35.
3 Continuing Right-of-Way to be granted, leave the 1965 easement from John L. & Rose K. Richartz and enter the 1963 easement from Zella M. Davis filed in Book 274 Pages 82 - 83, Umatilla Co. Deed Records, at a point which bears S 0°14'56" W, 175.01 feet from the 1/4 corner of sections 34 & 35.

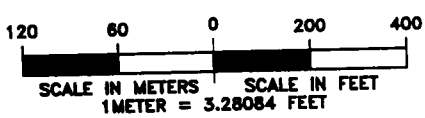


S34 S35 T 4 N
S 3 S 2 T 3 N

- 4 Ending of Right-of-Way to be granted at a point which bears S 35°46'39" E, 1687.61 feet from the 1/4 corner of sections 34 & 35. This point also bears S 19°50'47" E, 115.00 feet from Station POT 28+13.24 of Gary R. Robert's 1998 survey (CS 98-219-C).

ROAD 3715 RIGHT-OF-WAY TO BE GRANTED
Table with columns: PARCEL, LENGTH, AREA. Rows include SE1/4, NE1/4, NE1/4, Sec. 34; NE1/4, NE1/4, SE1/4, Sec. 34; SW1/4, Sec. 35; and TOTAL.

- LEGEND
CORNER FOUND AND TIED BY ROBERTS (CS 98-219-C)
UMATILLA COUNTY SURVEY
EXISTING ROAD CENTERLINE
EXISTING ROAD
RIGHT-OF-WAY TO BE GRANTED
RECORD MEASUREMENT, FERGUSON 1978 <CS P-113-B>
RECORD MEASUREMENT, ROBERTS 1998 (CS 98-219-C)



2730 RIGHT OF WAY GRANT
U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE
PACIFIC NORTHWEST REGION
UMATILLA NATIONAL FOREST
UMATILLA COUNTY, OREGON

TO: UMATILLA COUNTY
SECTIONS 34 & 35, T. 4 N., R. 37 E., W.M.
PROJECT NAME: LICK CREEK ROAD N 42
PROJECT NUMBER: 3715

SURVEY METHOD: WILD T-16 THEODOLITE & DI-5 EDM
SURVEY BY: UMATILLA COUNTY DATE: 10/1998
PLATTED BY: D. SCHLAICH DATE: 03/2002

REVIEWED BY: David A. Schlay LAND SURVEYOR DATE: 03/08/2002

APPROVED BY: [Signature] OPERATIONS STAFF DATE: 3/8/02



2002-4190538 7 of 7

State of Oregon)
County of Umatilla)

This instrument was received
and recorded on

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code type DE-EAS

Location	R419-0538
Document number	2002-4190538
Fee	0.00

Office of County Records


Records Officer