

RIGHT-OF-WAY EASEMENT DEED - INDIVIDUAL

274296

THIS DEED, dated this 4th day of December, 19 64, by and between John L. Richartz and Rose K. Richartz, husband and wife, hereinafter called the "Grantor," and the UNITED STATES OF AMERICA, hereinafter called the "Grantee."

WITNESSETH, that the Grantor, for and in consideration of \$ 96.00, the receipt of which is hereby acknowledged, does hereby grant and convey unto the Grantee and its assigns an exclusive easement for a road to be located, constructed, reconstructed, improved, used, operated, patrolled and maintained, and known as the Lick Creek Road, Project Number N-42, over, upon, along and across the following described premises situated in the County of Umatilla, State of Oregon to-wit:

A strip of land 50 feet in width traversing the following described real property:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, Township 4 North, Range 37 East, Willamette Meridian.

The said strip being 25 feet in width on each side of a centerline as located and (to be) constructed on the ground, ~~with as much additional width as required for adequate protection of cuts and fills,~~ (the said centerline being located and described as shown on Exhibit A which is attached hereto and made a part hereof).

or

(the said centerline being more particularly described as follows:)

Beginning at a point on the north boundary of the SE $\frac{1}{4}$ Section 34, said point being N 89° 59' W 204.2 feet from the East $\frac{1}{4}$ corner of Section 34, Township 4 North, Range 37 East, Willamette Meridian, said point being Engineer's station POT 1 + 41.8 of U.S. Forest Service Survey Number N-42; thence proceeding S 52°06'E 185.7 feet to station PC 3 + 27.5; thence along a curve to the right 78.4 feet to station POC 4 + 05.9 said curve having a radius of 477.5 feet and a deflection angle of 160°57', at which point the described centerline crosses the east boundary of the SE $\frac{1}{4}$ of Section 34 S0°00'W 167.1 feet from the East $\frac{1}{4}$ corner of Section 34, T4N, R37E, W.M.

The tract of land to which this description applies contains 0.4 acres, more or less

Form R6-5460-12

Revised 12/63

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Certified correct as to consideration, description, and conditions. *Samuel P. Boyd*

If the road is located substantially as described herein, the centerline of the road as constructed is hereby deemed accepted by the Grantor as the true centerline of the easement granted.

~~Together with such reasonable rights of temporary use of the Grantor's lands immediately adjacent to said right-of-way as may be necessary for the construction, reconstruction, improvement and maintenance of said road.~~

The acquiring agency is the Forest Service, Department of Agriculture.

This conveyance is made subject to the following reservations by the Grantor, his heirs and assigns:

1. The right to cross and recross the easement at any point and for any purpose in such manner as will not materially interfere with the use of the road.
2. The right to all timber now growing or which may hereafter grow within the easement and the right to use any land therein not devoted to road use for grazing and the growing and harvesting of crops including timber crops; provided, the United States and its assigns shall have the right to cut timber upon the easement to the extent necessary for construction, reconstruction, improvement, and maintenance of the road. (Such timber shall be cut into logs of standard length with proper trim allowance and shall be decked horizontally along said right-of-way and shall be free of stumps, limbs or other debris. Grantor expressly reserves the right to enter upon such strip of land to remove said decked timber, and to remove standing timber in the usual and customary manner without cost except for his pro rata share of maintenance.) ~~or (Such timber shall become the property of Grantee's timber purchaser or road contractor upon making payment therefor to the Grantor at rates currently being paid for similar timber sold by Grantee in adjacent areas.)~~

The Grantee will permit the Grantor, his heirs and assigns, to use the road to serve his property in accordance with the rules and regulations of the Secretary of Agriculture, C.F.R. 212.7 - 212.11, as the same may be amended, in such manner as not unreasonably to interfere with its use by the United States, its authorized users or assigns, or cause substantial injury thereto.

Provided, however, that if for a period of five years the Grantee shall cease to use the road, or parts thereof, for the purposes granted, or shall abandon the same, then, in any such events, the premises traversed thereby shall be freed from said easement, or parts thereof, as fully and completely as if this deed had not been made. In the event of such non-use for the period stated, the Regional Forester shall furnish to the Grantor a statement in recordable form evidencing such non-use.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal on the day and year first above written.

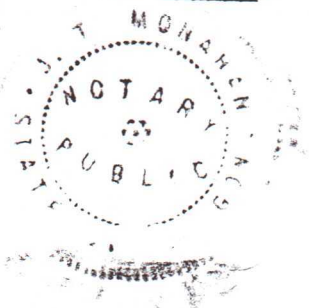
John L. Richartz (Seal)
Rose K. Richartz (Seal)

State of Oregon)
County of Umatilla) ss.

On this day personally appeared before me John L. Richartz and Rose K. Richartz 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.

Given under my hand and seal this 4th day of December, 19 64.

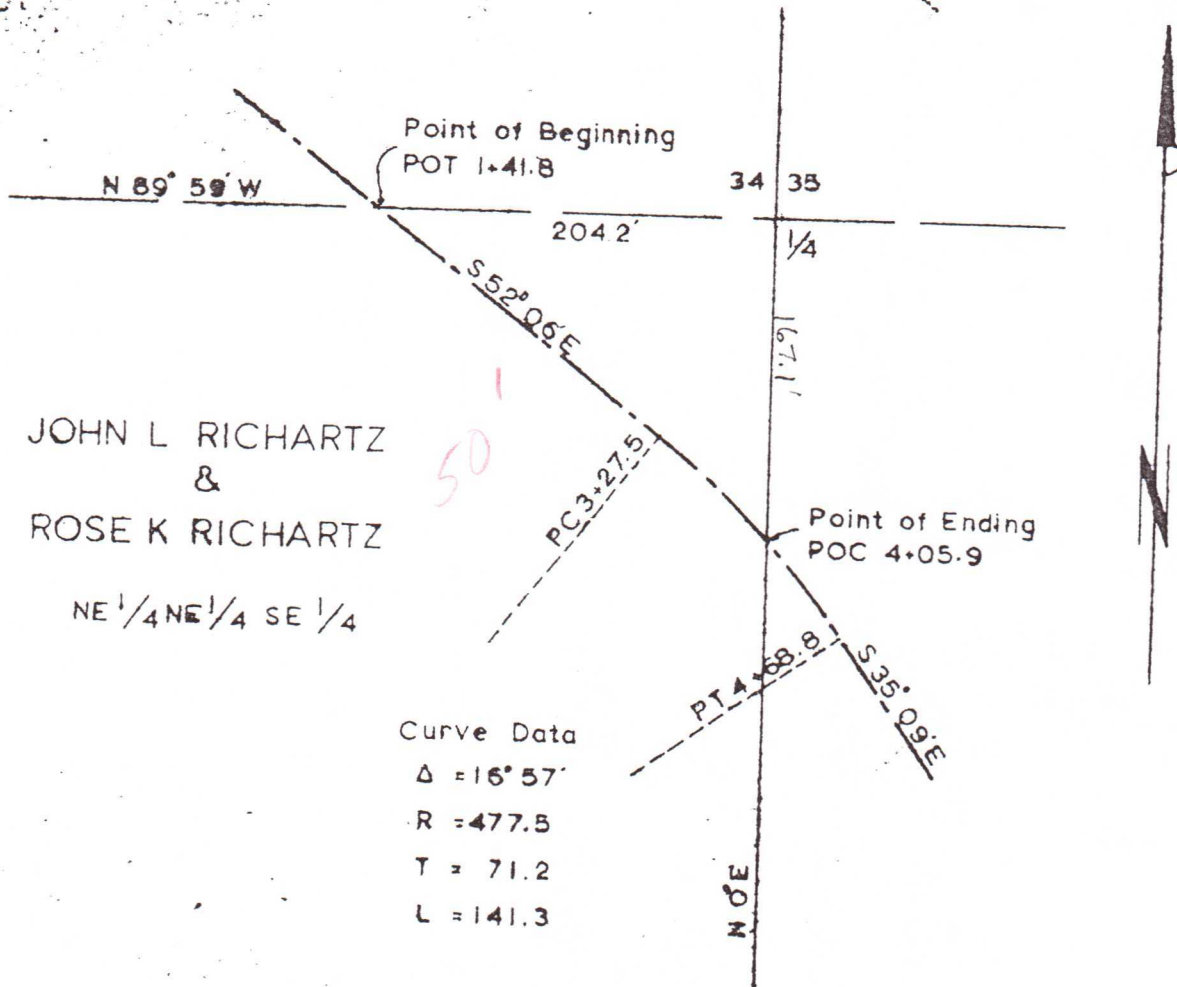
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[Signature]
Notary Public in and for the State of Oregon
Residing at _____
My commission expires Sept. 1, 1967

some signature

EXHIBIT A



JOHN L RICHARTZ
&
ROSE K RICHARTZ
NE 1/4 NE 1/4 SE 1/4

Curve Data
Δ = 16° 57'
R = 477.5
T = 71.2
L = 141.3



UMATILLA
NATIONAL FOREST
Pendleton Ranger District
RIGHT OF WAY PLAT
Lick Creek Rd. No. N-42
Sec. 34, T4N, R37E, W.M.
Drawn by RCH Date 1-24-68

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STATE OF OREGON, }
COUNTY OF UMATILLA, } ss.

I, Jack Folsom, Recorder, certify that
this instrument was received and recorded

ON JAN. 11. 1965
at 3:35 o'clock P. M. in the record
of DEEDS of said County in

Book 278 Page 536

Jack Folsom
Recorder of Conveyances

By _____ Deputy
Fees \$ 4.50 No. 274296

Handwritten notes:
274296
Rt 1 Box A-3