

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

IN THE MATTER OF ACCEPTING A RIGHT OF WAY)
GRANT FROM THE BUREAU OF LAND MANAGEMENT)
TO BE USED AS A PUBLIC ROAD EASEMENT FOR) ORDER NO.
QUAGLIA ROAD)
(COUNTY ROAD NUMBER 1063) (21-03-02))

THIS MATTER now coming before the Board of County Commissioners of Lane County and the United States, Department of the Interior, Bureau of Land Management, owning land within Lane County which is not within the limits of an incorporated city or town, having on this day presented to the Board of County Commissioners of Lane County a good and sufficient right of way grant, being properly executed and granting a portion of such land to the use of the public for road purposes and the Board of County Commissioners of Lane County deeming it proper, as a convenience for property owners in the area and as a benefit to the general public, to accept said grant for a public road easement;

NOW, THEREFORE, IT IS HEREBY ORDERED that the said right of way grant shall be and is hereby accepted by the Board of County Commissioners of Lane County as a public road easement; and

IT IS FURTHER ORDERED that the described right of way is expressly accepted as a County Road by this Order; and

IT IS FURTHER ORDERED that the above Order shall be entered in the records of the Board of County Commissioners' Journal of Administration and in the road records for County Road Number 1063 in the regular numbered road files in the County Surveyor's Office; and

IT IS FURTHER ORDERED that the deed be recorded in the Deed Records of the County and the Instrument Number be noted on this Order.

DATED this _____ day of _____, 2005.

DEPARTMENT OF PUBLIC WORKS
LAND MANAGEMENT DIVISION

BOARD OF COUNTY
COMMISSIONERS
LANE COUNTY, OREGON

Approved 10-21, 2005

Chair

By [Signature]
Jeff Towery, Director

APPROVED AS TO FORM

Date 10-27-05 Lane County

Deed Instrument Number _____
OFFICE OF LEGAL COUNSEL, Lane County, Oregon Deed Records.

FORM 2800-14
(August 1985)

Issuing Office
Eugene District, Oregon

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER OROR 55407

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Lane County, Oregon
Department of Public Works
3040 North Delta Highway
Eugene, Oregon 97408-1696

receives a right to construct, operate, maintain, and terminate a roadway on public lands described as follows:

T. 21 S., R. 3 W., W.M., Oregon, Section 2: Lot 5 and portions of Lot 8 and Lot 9 as shown on the attached Exhibit A and described on the attached Exhibit C.

- b. The right-of-way or permit area granted herein is variable in width, approximately 0.50 mile long and contains 1.39 acres, more or less.
- c. This instrument is perpetual unless it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. Notwithstanding early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the

authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, descriptions or designs set forth in Exhibits A, B and C, dated March 3, 2000, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- g. This grant supercedes any right-of-way obtained pursuant to the Act of July 26, 1866 (Revised Statute 2477). The right-of-way for Lane County Road No. 1063 across the lands included in this grant shall henceforth be administered according to the terms and conditions of this grant and applicable Federal laws and regulations.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

William A. Walker

(Signature of Holder)

County Administrator

(Title)

6-5-2000

(Date)

Steven Cahill

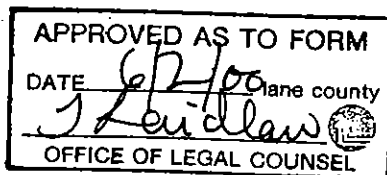
(Signature of Authorized Officer)

Field Manager

(Title)

6/22/00

(Effective Date of Grant)

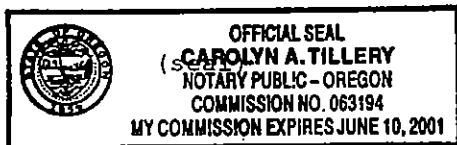


AGENCY ACKNOWLEDGMENT

STATE OF OREGON)

COUNTY OF LANE)

On this 22nd day of June, 2000, before me appeared Steven Cahill, to me personally known, who being duly sworn, did say that he is the Field Manager of the South Valley Resource Area of the Eugene District of the Bureau of Land Management, United States Department of the Interior, and that he is authorized to sign the said instrument on behalf of the said Bureau, and he acknowledged that he executed the said instrument as a voluntary act and deed.

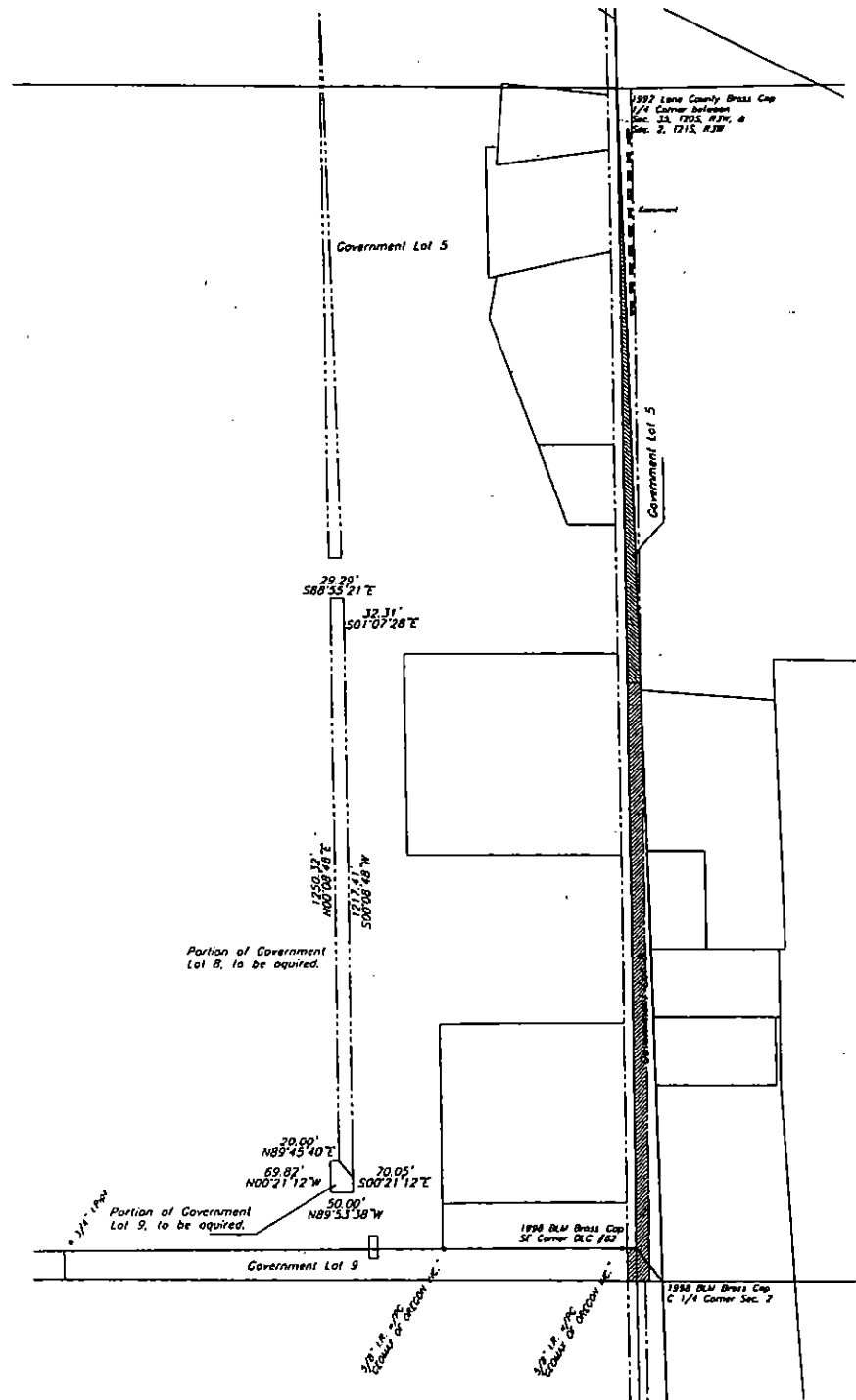


Carolyn A. Tillery

Notary Public in and for the
State of Oregon

My commission expires June 10, 2001

EXHIBIT A



Right-of-Way Authorized
By This Grant

T. 21 S., R. 3 W., W.M.
Sec. 2: Lots 5, 8, 9
Lane County, Oregon

Date: March 3, 2000

EXHIBIT B

ADDITIONAL TERMS, CONDITIONS, AND STIPULATIONS

1. The holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant to the fullest extent that the appropriate statutes of the State of Oregon provide as of the date of this grant, or statutes enacted subsequent to the date of this grant and in effect at the time damage or injury occurs.
2. The United States will not be held liable for any damage to the road caused by the general public or as result of fire, wind, or other natural disasters or as a result of silvicultural practices, timber harvesting operations, or other actions stemming from the normal land management activities of the Bureau of Land Management.
3. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
4. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. 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.
5. 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.

6. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the Authorized Officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
7. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic bench marks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority, if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.
8. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
9. The holder shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any hazardous material, as defined in this paragraph, that will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the CERCLA of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the RCRA of 1976, as amended, 42 U.S.C. 6901 et seq. and its regulations. The term "hazardous material" also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous

OR 55407

substance under CERCLA section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

10. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

Date: March 3, 2000

EXHIBIT C

LEGAL DESCRIPTION

A parcel of land lying in the Northwest one-quarter (NW 1/4) of Section 2, Township 21 South, Range 3 West of the Willamette Meridian, Lane County, Oregon, and being all of Government Lot 5 and a portion of Government Lots 8 and 9 lying within Quaglia Road as established on June 6, 1930 and also an additional strip dedicated to Lane County as a public road easement and recorded January 11, 1974, on Reel 672, Recorder's Reception Number 7401242, LANE COUNTY OREGON DEED RECORDS. The portion of Government Lots 8 and 9 being described as follows:

Beginning at the Southeast corner of Donation Land Claim (DLC) Number 62, said point being the Southwest corner of Government Lot 8 (Lot 8) and also being the Northeast corner of Government Lot 9 (Lot 9); thence along the west line of Lot 8, also being the east line of said DLC Number 62, North 0°08'48" East, 1250.32 feet to the Northwest corner of Lot 8; thence along the north line of Lot 8, South 88°55'21" East, 29.29 feet to the Northeast corner of Lot 8; thence along the east line of Lot 8, South 1°07'28" East, 32.31 feet to a point; thence leaving the east line of Lot 8 and running parallel to and 30 feet easterly from the west line of Lot 8, South 0°08'48" West, 1217.41 feet; thence South 0°21'12" East, 70.05 feet to the south line of Lot 9; thence along the south line of Lot 9, North 89°53'38" West, 50.00 feet; thence leaving the south line of Lot 9, North 0°21'12" West, 69.82 feet to the north line of Lot 9, being the south line of DLC Number 62; thence along the south line of DLC Number 62, North 89°45'40" East, 20.00 feet to the Point of Beginning, all in Lane County, Oregon.

The parcel of land to which this description applies contains 1.39 acres, more or less, being 0.44 acres in Lot 5 and 0.94 acres in the portions of Lot 8 and Lot 9 as described above.



ATTACHMENT

ORIGINAL

Section 2 T. 21S. R. 3 W. W.M.
LANE COUNTY

NO SCALE

Government Lot 5

Exempt

Government Lot 5

TO BE ACCEPTED AS
COUNTY ROAD NO. 1063
(QUAGLIA ROAD)

29.29'
S88°55'21"E

32.31'
S01°07'28"E

1250.12'
N89°43'40"E
1250.00'
N00°21'12"W

Portion of Government
Lot 8, to be acquired.

20.00'
N89°43'40"E
69.87'
N00°21'12"W
50.00'
N89°53'38"W
70.05'
S00°21'12"E

Portion of Government
Lot 9, to be acquired.

Government Lot 9

1998 BLM Brass Cap
SE Corner D/C #62

1998 BLM Brass Cap
C 1/4 Corner Sec. 2

3/8" 1/4" 2" PC
Ground of Oregon

3/8" 1/4" 2" PC
Ground of Oregon



VICINITY MAP