

RETAIN IN PERMANENT FILE

T 7 S R 47 E

Know No. 13

DEED 67 51 052

10-01

RIGHT OF WAY EASEMENT DEED - INDIVIDUAL

THIS DEED, dated this 27th day of November, 1967, by and between IRVING RAND and HELEN RAND, his wife, JOHN L. RAND and VIRGINIA RAND, his wife, and CATHERINE RAND MACK and JOHN MACK, her husband, hereinafter called the "GRANTORS", and the UNITED STATES OF AMERICA, hereinafter called the "Grantee",

WITNESSETH, that the Grantors, for and in consideration of ONE THOUSAND ONE HUNDRED THIRTY EIGHT and 07/100 DOLLARS (\$1,138.07), the receipt of which is hereby acknowledged, do hereby grant and convey unto the Grantee and its assigns an exclusive easement, including all timber thereon, for a road to be located, constructed, reconstructed, improved, used, operated, patrolled and maintained, and known as the Lower Little Eagle Road, Project Number S393X, over, upon, along and across the following described premises situated in the County of Baker, State of Oregon, to-wit:

A strip of land of variable width traversing the following described real property:

Section 16, Township 7 South, Range 47 East, W. M.

The said strip being from 40 to 60 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 and right-of-way widths being located and described as shown on Exhibit A which is attached hereto and made a part hereof.

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

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

This conveyance is made subject to the following reservations by the Grantors, their 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 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 and,
3. The Grantor reserves the right to use the road for all proper and lawful purposes to serve Grantor's property, subject to compliance with the rules and regulations as provided in 36 C.F.R. 212.7(a) (1) and (2), (b) and (c), as now in effect.

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



Copied to Bureau by Forest Service, Department of Agriculture, and contains. Date 1/19/68

deed had not been made. In the event of such non-use for the period stated, the Regional Forester shall furnish to the Grantors a statement in recordable form evidencing such non-use.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals on the day and year first above written.

Irving Rand (Seal)
Helen Rand (Seal)
Catherine Rand Mack (Seal)
John L. Mack (Seal)
John L. Rand (Seal)
Virginia L. Rand (Seal)

State of Oregon)
County of Baker) ss.

On this day personally appeared before me Irving Rand and Helen Rand, his wife, and Catherine Rand Mack and John L. Mack, her husband, 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 17th day of November, 1967.

Donna McGivern
Notary Public in and for the State
of Oregon
Residing at Baker, therein
My commission expires 7-6-71

State of New Mexico)
County of Los Alamos) ss.

On this day personally appeared before me John L. Rand and Virginia Rand, his wife, 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 14 day of November, 1967.

Donna McGivern
Notary Public in and for the State of
New Mexico
Residing at Los Alamos, therein
My commission expires 7-6-71

RIGHT OF WAY PLAT WALLOWA-WHITMAN NATIONAL FOREST

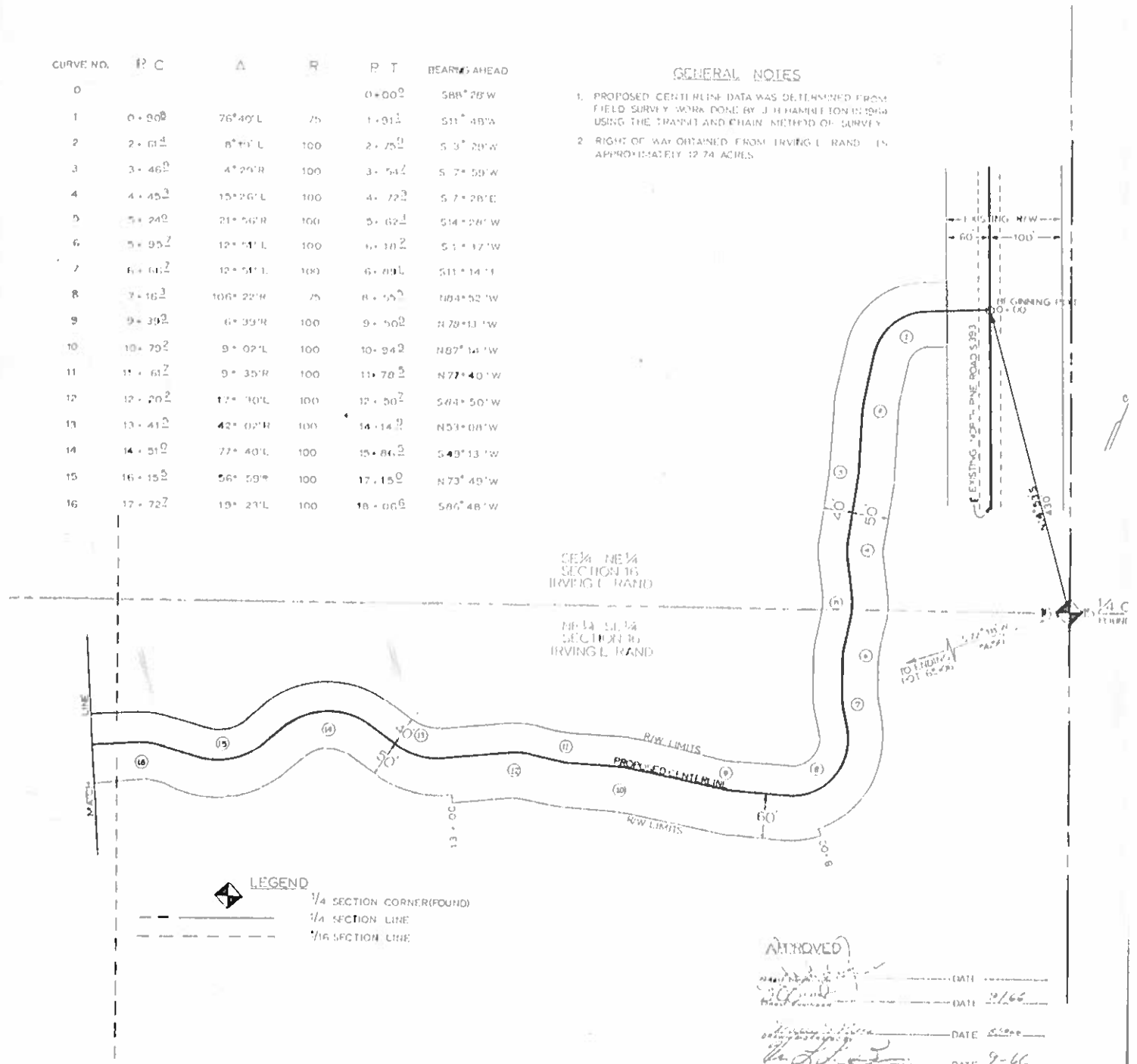
T.7S. R.47E., W.M.
BAKER COUNTY
OREGON

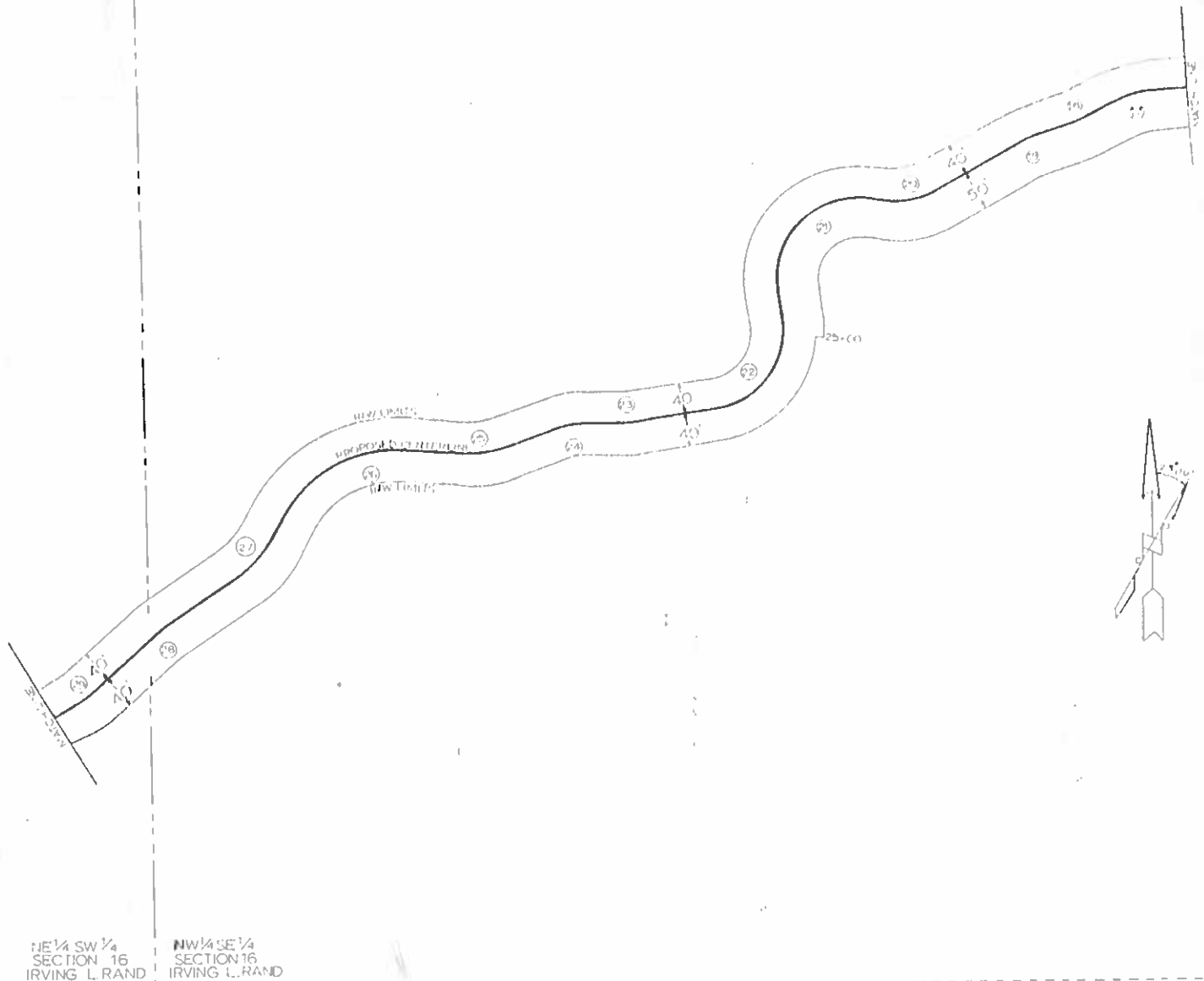
SCALE 

CURVE NO.	P.C.	Δ	R	P.T.	BEARING AHEAD
0				0+00.0	S88°28'W
1	0+30.0	76°40'L	75	1+01.1	S11°48'W
2	2+01.1	8°11'L	100	2+75.1	S 3° 20'W
3	3+46.2	4°29'R	100	3+54.1	S 7° 50'W
4	4+45.2	15°26'L	100	4+72.2	S 7° 28'E
5	5+24.2	21°56'R	100	5+62.1	S14°28'W
6	5+95.2	12°51'L	100	6+30.2	S 1° 17'W
7	6+01.2	10°51'L	100	6+09.1	S11°14'W
8	7+16.2	100°22'W	75	8+55.2	N04°52'W
9	9+39.2	6°39'R	100	9+50.2	N 78°13'W
10	10+70.2	9°02'L	100	10+94.2	N07°14'W
11	11+61.2	9°35'R	100	11+78.2	N77°40'W
12	12+70.2	12°10'L	100	12+50.2	S04°50'W
13	13+41.2	42°02'R	100	14+14.2	N53°08'W
14	14+51.2	77°40'L	100	15+06.2	S43°13'W
15	16+15.2	56°59'E	100	17+15.2	N 73° 49'W
16	17+72.2	19°21'L	100	18+00.0	S06°48'W

GENERAL NOTES

1. PROPOSED CENTRLINE DATA WAS DETERMINED FROM FIELD SURVEY WORK DONE BY J. H. HAMBLETON IN 1964 USING THE TRANT AND CHAIN METHOD OF SURVEY.
2. RIGHT OF WAY OBTAINED FROM IRVING L. RAND IS APPROXIMATELY 12.74 ACRES.

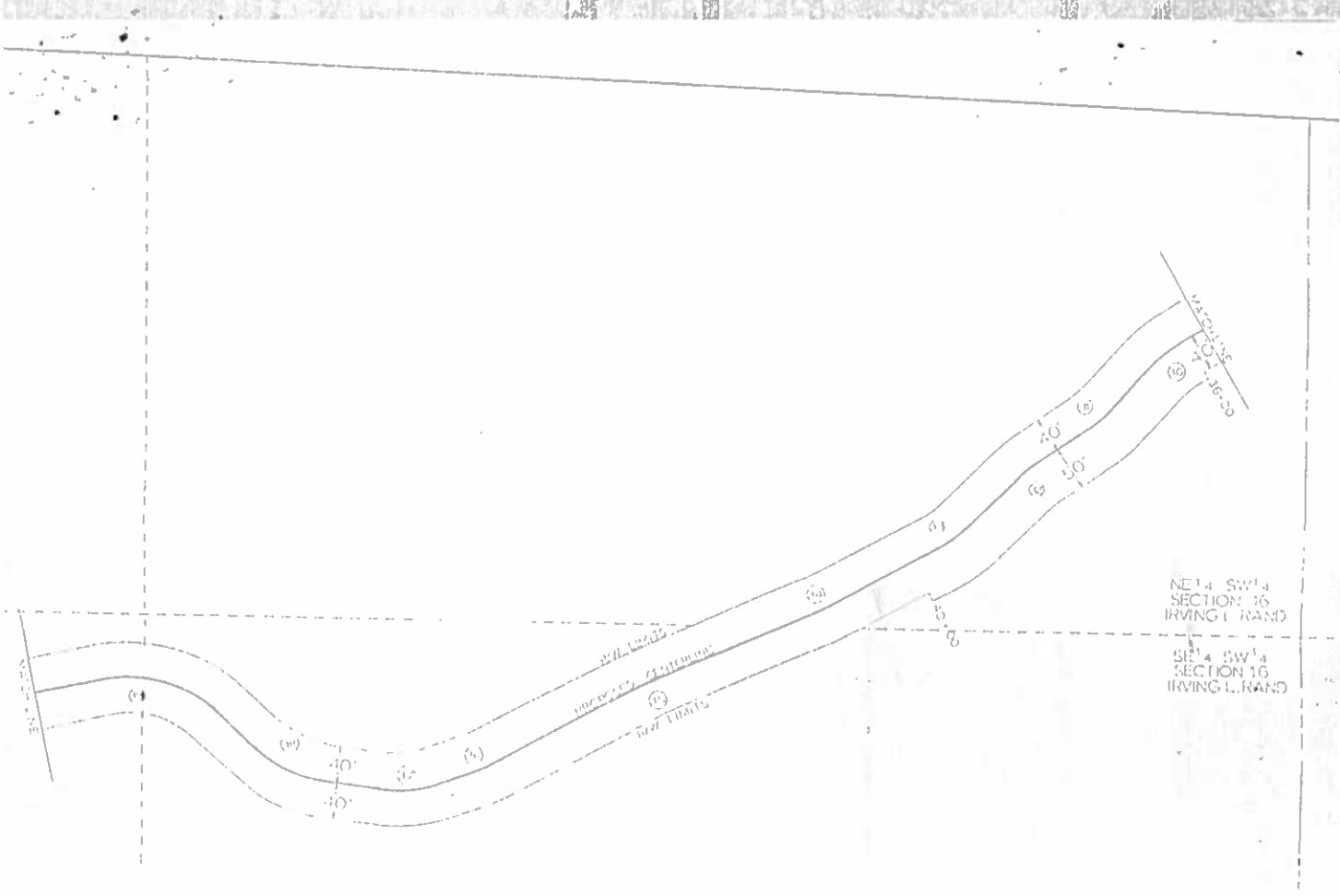




NE 1/4 SW 1/4
SECTION 16
IRVING L. RAND

NW 1/4 SE 1/4
SECTION 16
IRVING L. RAND

CURVE NO.	P. C.	Δ	R	P. T.	BEARING AREA
17	19 + 24.2	26° 50' L	100	19 + 54.2	S 59° 58' W
18	19 + 94.0	37° 44' R	100	20 + 16.0	S 72° 42' W
19	20 + 74.0	12° 11' L	100	20 + 80.2	S 60° 31' W
20	22 + 11.0	10° 22' R	190	22 + 46.2	N 81° 06' W
21	22 + 10.0	105° 54' L	180	24 + 27.0	S 8° 40' W
22	25 + 28.0	89° 37' R	100	26 + 64.0	S 80° 31' W
23	27 + 14.0	11° 10' R	190	27 + 8.0	N 88° 21' W
24	28 + 22.0	22° 40' L	100	28 + 82.0	S 68° 51' W
25	28 + 28.0	21° 00' R	150	29 + 84.0	N 85° 02' W
26	33 + 51.0	144° 21' L	190	37 + 30.0	S 28° 24' W
27	32 + 62.0	28° 14' R	150	33 + 30.0	S 58° 18' W
28	34 + 32.0	37° 14' L	190	34 + 61.0	S 47° 24' W
29	35 + 50.0	32° 22' R	150	35 + 84.0	S 60° 24' W

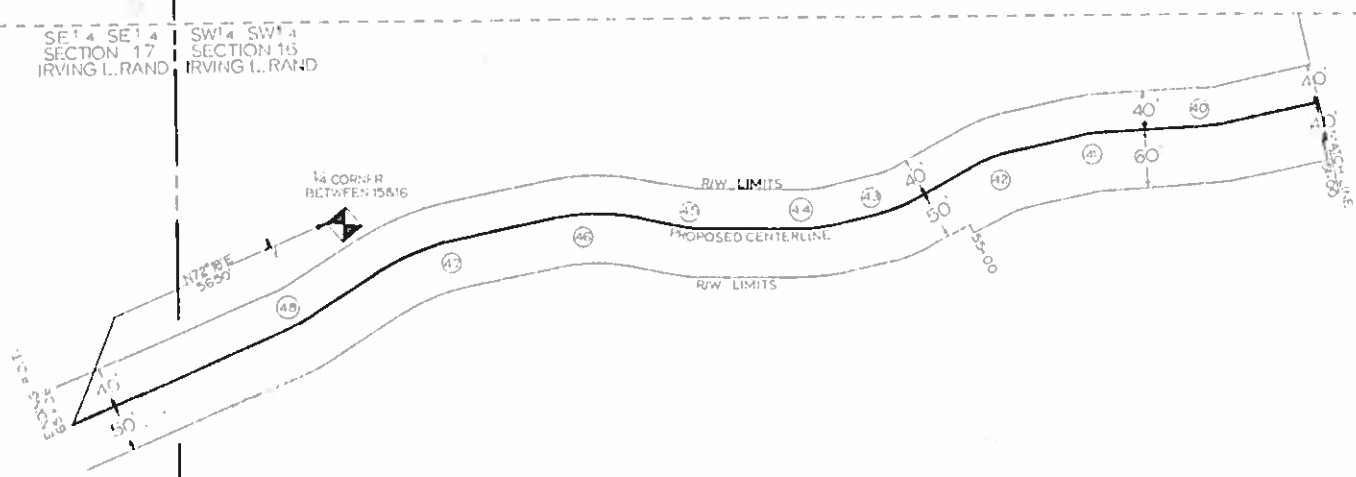


CURVE NO.	P. C.	Δ	R	P. T.	BEARING AHEAD
30	36+42.9	19° 48' L	150	36+94.2	S 40° 36' W
31	37+48.2	16° 10' R	150	37+90.2	S 56° 46' W
32	38+56.2	12° 51' L	150	38+50.1	S 43° 55' W
33	39+62.2	17° 15' R	150	40+09.1	S 61° 10' W
34	41+40.2	5° 38' R	300	41+70.1	S 66° 48' W
35	43+56.2	4° 41' L	300	43+80.2	S 62° 07' W
36	45+70.2	9° 02' R	150	45+94.2	S 71° 09' W
37	46+34.2	22° 50' R	125	47+02.2	N 82° 55' W
38	47+02.2	14° 43' R	150	48+57.2	N 48° 12' W
39	49+11.1	5° 52' L	150	50+52.2	S 77° 50' W



DEED 67 51 057

SE 1/4 SE 1/4 SECTION 17 IRVING L. RAND
 SW 1/4 SW 1/4 SECTION 16 IRVING L. RAND



CURVE NO.	P. C.	Δ	R	P. T.	BEARING AHEAD
40	52+30.6	10° 48' R	150	52+58.6	S 88° 37' W
41	53+53.1	11° 46' L	150	53+83.2	S 76° 51' W
42	54+57.4	15° 54' L	150	54+99.0	S 60° 57' W
43	55+68.4	17° 22' R	150	56+13.2	S 78° 19' W
44	56+63.1	12° 16' R	150	56+90.2	N 89° 04' W
45	57+52.7	10° 44' R	150	58+21.0	N 78° 12' W
46	58+49.2	2° 10' L	150	59+60.4	S 28° 13' W
47	60+50.4	20° 24' L	250	63+86.6	S 57° 45' W
48	62+29.3	6° 26' W	250	62+64.5	S 66° 10' W



14906
 8 900

(SEN) DOCUMENT

19 Dec 1967
 1:05 P.M.

DENNIS L. FULLER, Civil Engineer, Clark County, Ga., *Dennis L. Fuller*
 Dec 1967



Office of the Attorney General
Washington, D. C.

February 7, 1968

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Cummings

Honorable Orville L. Freeman
Secretary of Agriculture
Washington, D. C.

My dear Mr. Secretary:

Re: File No. 33-38-1910
Tract No. S-393X
County Baker State Oregon

An examination has been made of the title evidence and related papers pertaining to certain land in which interests have been acquired under authority of existing legislation. The land and estate acquired by the United States are more particularly described in the enclosed deed.

The title evidence and accompanying data disclose valid title to be vested in the United States of America subject to the rights and easements noted in Schedule A attached hereto which your Department has advised will not interfere with the proposed use of the land.

The title evidence and related papers are enclosed.

Sincerely yours,

Ramsey Clark
Attorney General

SCHEDULE A

File No.: 33-38-1910

Tract designated as Lower Little Elk Road No. S-393X

Project: Wallowa-Whitman National Forest located in Baker
County, Oregon

Estate Acquired: Easement

Total Consideration: \$1,138.07

The deed to the United States of America was executed by Irving Rand, et al., on November 27, 1967, filed for record on December 19, 1967 and recorded in Deed 67 51 052.

The title insurance policy No. LT-99-283 was prepared as of December 20, 1967, by Pioneer National Title Insurance Company.

The title is subject to the following:

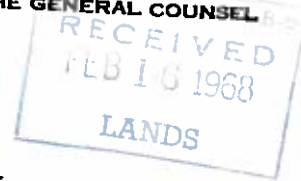
1. Easements for existing or established roads, highways, railroads and utilities.
2. Terms and provisions set forth in the deed to the United States.

It is noted that the purchase price for the easement has not been paid.

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF AGRICULTURE
OFFICE OF THE GENERAL COUNSEL



Subject: Payment for Easement

FEB 13 1968

To: Charles A. Connaughton, Regional Forester
Portland, Oregon 97208

Reference is made to the acquisition by the United States of an easement designated as the Lower Little Elk Road No. S-393X, John L. Rand right-of-way in Baker County, Oregon, Wallowa-Whitman National Forest.

By letter dated February 7, 1968, the original and a certified copy of which are attached, the Attorney General found title to the easement to be vested in the United States, subject to the conditions therein set forth.

You are authorized to pay the agreed purchase price.

The policy of title insurance, deed to the United States, and related papers are attached.



Robert G. Rue, Deputy Director
Forestry and Soil Conservation
Division

Attachments

BBB
HB

Payment for Easement

FEB 13 1968

Charles A. Connaughton, Regional Forester
Portland, Oregon 97208

Reference is made to the acquisition by the United States of an easement designated as the Lower Little Elk Road No. S-393X, John L. Band right-of-way in Baker County, Oregon, Wallowa-Whitman National Forest.

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You are authorized to pay the agreed purchase price.

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Robert G. Rue

Robert G. Rue, Deputy Director
Forestry and Soil Conservation
Division

Attachments

cc: JPPerry
Carlson, Reg. Att'y, Portland, Oregon

OGC:FSCD:JPP:cm
2/12/68
0382

**CERTIFICATE
OF
INSPECTION AND POSSESSION**

NATIONAL FOREST:

Wallowa-Whitman National Forest

ROAD NAME & NUMBER:

Lower Little Elk Road - S-393X

INSTRUCTIONS: See FSM 5462.4

GRANTOR:

Irving Road

DATE OF CONVEYANCE

11/27/67

This is to certify that immediately following receipt of the above designated easement deed by the authorized representative of the Secretary of Agriculture, the easement was inspected by a member of the field force employed by the Forest Service.

I further certify that there is not now any person or persons, other than the Grantor, in possession of the land within the boundaries of said easement, claiming any interest therein, whether under any unrecorded deed, lease, or otherwise except:

None

I further certify that there is no evidence of any labor having been performed or any material having been furnished, placed, or used thereon in connection with the making of any repairs or improvements except as follows:

None

<p>DATE 1/9/67</p>	<p>SIGNATURE D. D. FROST</p>	<p>TITLE Acting Forest Supervisor</p>
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CERTIFICATE OF USE AND CONSENT

NATIONAL FOREST: Wallowa-Whitman National Forest	
ROAD NAME & NUMBER: Lower Little Elk Road - 8-393x	
GRANTOR: Irving Rand	DATE OF CONVEYANCE: 11/27/67

The undersigned, acting under the authority of the Secretary of Agriculture, hereby certifies that:

- * ~~(1) The cost of the above designated easement exceeds \$500.~~
- * (1) The cost of the above designated easement exceeds \$500 and together with the cost of contemplated expenditures thereon will exceed \$2,500.
- (2) The following outstanding rights disclosed by the evidence of title will not interfere with the use of the easement for the purposes for which it is being acquired or materially diminish its value.

Exceptions number 1 and 2 in Schedule B of the Policy of Title Insurance.

- (3) The conditions set forth in the easement deed have been administratively considered and it is recommended that the easement be acquired subject thereto.

DATE 1/9/68	SIGNATURE D. O. FROST	TITLE Acting Forest Supervisor
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Rights-of-Way Acquired
Lower Little Elk Road - S-391X

(Name & Number of Project)

Irving Rand

(Grantor)

CERTIFICATE AS TO COST OF RIGHT-OF-WAY AND IMPROVEMENTS

(Reference FSH 5463.2)

I hereby certify that the cost of the easement and the estimated cost of the improvements to be constructed thereon is \$ 43,165.07, as shown in the following itemization:

	<u>From appropriated funds</u>	<u>From timber purchaser funds</u>
Price paid for easement:		
1. raw-land (<u>1.0</u> Miles)	<u>\$318.50</u>	
2. existing road (_____ Miles)		
3. right-of-way timber (<u>51</u> M ft. B.M.)	<u>\$819.57</u>	
Road construction cost, including bridges & culverts (reconstruction cost, if existing road)	<u>\$42,027.00</u>	
Necessary supplemental facilities (fences, cattleguards, etc.)		
Total	<u>\$43,165.07</u>	

January 9, 1967

(Date)

D. D. FROST

Acting Forest Supervisor