

Auth ID: GLO379  
Contact ID: GILACOPUBLICWKS  
Use Code: 751

OMB No. 0596-0082  
FS-2700-9f (10/09)

**U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE**

**PUBLIC ROAD EASEMENT  
Act of October 13, 1964, (P.L. 88-657);  
36 CFR 251.50, et seq**

THIS EASEMENT, dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, from the **UNITED STATES OF AMERICA**, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to **GILA COUNTY**, 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 GILA, State of ARIZONA, 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 the lands in the County of GILA, State of ARIZONA; as shown on **Record of Survey Map No. 4207A-C, Gila County Records, Gila County, Arizona** and by this reference made a part hereof.

**Exempt per A. R. S. section 11-1134 A-2**

**National Forest System Road (NFSR) 55:**

**GILA AND SALT RIVER MERIDIAN**

**T. 1 S., R. 15 E.,**

- Section 4, W½SE¼**
- Section 9, W½NE¼, W½SE¼, S½SW¼**
- Section 16, NW¼NW¼, S½SW¼, SW¼SE¼**
- Section 17, E½NE¼, E½SE¼**

Said easement shall be *100 feet – 50 feet on each side of the centerline* with such additional width as required for accommodation and protection of existing cuts and fills.

The road located on National Forest System Roads is approximately 16,002 feet (3.03 miles), embracing an easement area of 36.57 acres more or less as shown on the Record of Survey Map # 4207A-4207C, Gila County Records, Gila County, Arizona.

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

**Exhibit A – Record of Survey Map No. 4207A-C, Gila County Records, Gila County, Arizona (by this reference made a part hereof).**

**Exhibit B – Operating Plan**

**Exhibits are attached to and made a part of this permit.**

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 the plat 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 easement herein granted is limited to use of the described right-of-way for the purpose of construction, operation, and maintenance of a highway and does not include the grant of any rights for non-highway purposes or facilities; Provided, That the Forest Service shall not exercise its right to use or authorize the use of any portion of the right-of-way for non-highway purposes when such use would interfere with the free flow of traffic or impair the full use and safety of the highway; and Provided further, That nothing herein shall preclude the Forest Service from locating National Forest and other Department of Agriculture information signs on the portions of the right-of-way outside of construction limits.
3. Not applicable.
4. Any reconstruction of the highway situated on this right-of-way shall conform with plans, specifications, and written stipulations approved by the Forest Supervisor or authorized representative prior to beginning such reconstruction.
5. Consistent with highway safety standards, the Grantee shall:
  - a. Protect and preserve soil and vegetative cover and scenic and aesthetic values on the right-of-way outside of construction limits.
  - b. Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction operation, or maintenance of the highway, and

shall vegetate and keep vegetated with suitable species all earth cut or fill slopes feasible for revegetation or other areas on which ground cover is destroyed. The Grantee shall perform these activities where it is deemed necessary during a joint review between the authorized Forest Officer and Grantee prior to completion of the highway. The Grantee also shall maintain all terracing, water bars, leadoff ditches, or other preventive works that may be necessary to accomplish this objective. This provision also shall apply to waste disposal areas and slopes that are reshaped following slides that occur during or after construction.

6. The Grantee shall:

Establish no borrow, sand, or gravel pits; stone quarry; permanent storage areas; sites for highway-operation and maintenance facilities; camps; supply depots; or disposal areas within the right-of-way, unless shown on approved construction plans, without first obtaining approval of the authorized Forest Officer.

7. The Grantee shall maintain the right-of-way clearing by means of chemicals only after the Forest Supervisor has given specific written approval. Application for such approval must be in writing and must specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.

8. 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.

9. Cultural Resources Protection - The holder, contractor, or lessee shall be responsible for the protection from damage of all identified cultural resources within the area which may be affected by their actions. In addition, the holder, contractor, or lessee shall be liable for all damage or injury to the identified cultural resources caused by their actions. The holder, contractor, or lessee shall immediately notify the agency Project Administrator if any damage occurs to any cultural resource and immediately halt work in the area in which damage has occurred until approval to proceed has been granted by the

Project Administrator after consultation with the Forest Archeologist. All provisions of the Region 3 Cultural Resources Damage Assessment Handbook are incorporated by reference herein.

10. Native American Grave Protection and Repatriation Act - Pursuant to the Native American Grave Protection and Repatriation Act (NAGPRA) 25 USC 3002(d); 43 CFR Part 10.4, if any human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during the course of ground disturbing activity, the holder will immediately cease activity in the area of the discovery and will make a reasonable effort to protect the remains and objects. The holder will provide immediate telephone notification of the discovery to the Forest Service, and will follow up with written confirmation to the authorized officer. The holder will not resume the activity that resulted in the discovery until the authorized officer gives written approval. Approval to resume the activity, if otherwise lawful, will be given thirty (30) days after certification by the authorized officer of the holder's written confirmation of the discovery, or at any time that a written binding agreement is executed between the Forest Service and the affiliated tribes adopting a recovery plan for the remains and objects.

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.

IN COMPLIANCE with the conditions set forth in the foregoing deed, the Grantee certifies, and by acceptance of this deed, accepts the right-of-way over certain land herein described and agrees for itself,

GILA COUNTY, GRANTEE

Attest:

GILA COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Marian Sheppard, Clerk

\_\_\_\_\_  
Michael A. Pastor, Chairman of the Board

Approved as to form:

\_\_\_\_\_  
Bryan Chambers, Deputy Attorney Principal

**ACKNOWLEDGMENT**

State of Arizona)  
  )ss.  
County of Gila)

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael A. Pastor, Chairman of the Gila County Board of Supervisors and Marian Sheppard, Clerk of the Board, known to me to be the individuals which executed the foregoing instrument and acknowledged the same to be their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

\_\_\_\_\_  
Name (Printed)  
Notary Public for the State of \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

IN WITNESS WHEREOF, the Grantor, by its Forest Supervisor, Tonto National Forest , Forest Service, has executed this easement pursuant to the delegation of authority to the Chief, Forest Service, 7 CFR 2.60, and the delegation of authority by the Chief, Forest Service, dated August 22, 1984 (49 FR 34283), on the day and year first above written.

UNITED STATES OF AMERICA

By: \_\_\_\_\_

Neil Bosworth  
Tonto National Forest, Forest Supervisor  
Forest Service, Department of Agriculture

**ACKNOWLEDGMENT**

STATE OF Arizona)

)ss.

County of Maricopa)

On this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, Forest Supervisor, Tonto National Forest, Southwest 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/she is the Forest Supervisor of Tonto National Forest and that said instrument was signed on behalf of the United States of America by its authority duly given and by him/her delivered as and for its act and deed. And he/she did further acknowledge that he/she 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.

\_\_\_\_\_

Name (Printed) \_\_\_\_\_

Notary Public for the State of \_\_\_\_\_

My Commission Expires \_\_\_\_\_

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one (1) hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

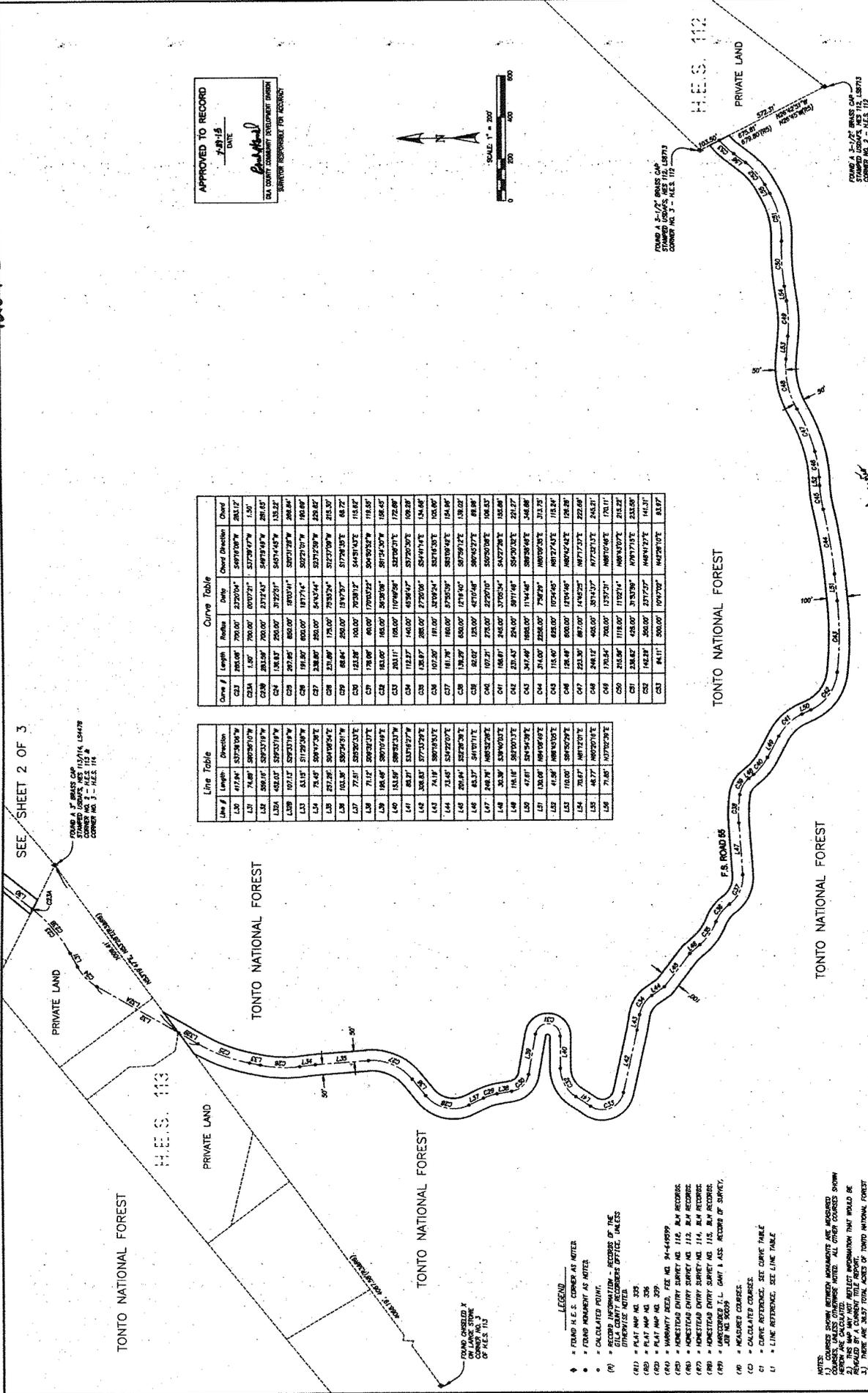
To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

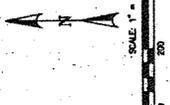




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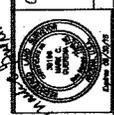


APPROVED TO RECORD  
 DATE: 4-28-15  
 [Signature]  
 SURVEYOR RESPONSIBLE FOR ACCURACY



| Curve # | Length  | Radius  | Delta     | Chord Direction | Chord   |
|---------|---------|---------|-----------|-----------------|---------|
| C23     | 305.00' | 700.00' | 32.7004°  | S89°10'07"W     | 283.12' |
| C24     | 1.50'   | 700.00' | 0°07'51"  | S77°28'17"W     | 1.50'   |
| C25     | 301.50' | 700.00' | 32.7143°  | S89°18'19"W     | 281.63' |
| C26     | 18.83'  | 260.00' | 33°22'01" | S45°14'58"W     | 13.82'  |
| C27     | 202.25' | 600.00' | 18°03'01" | S87°12'28"W     | 200.84' |
| C28     | 191.20' | 600.00' | 18°17'14" | S82°21'07"W     | 190.50' |
| C29     | 238.80' | 250.00' | 54°43'54" | S23°23'28"W     | 228.82' |
| C30     | 231.89' | 175.00' | 79°53'54" | S12°27'09"W     | 215.30' |
| C31     | 88.84'  | 250.00' | 15°49'37" | S17°28'38"E     | 88.72'  |
| C32     | 123.80' | 300.00' | 20°30'17" | S44°51'43"E     | 118.82' |
| C33     | 178.00' | 600.00' | 10°03'52" | S84°50'53"W     | 178.50' |
| C34     | 203.11' | 100.00' | 11°06'58" | S81°24'37"W     | 198.45' |
| C35     | 122.27' | 140.00' | 45°24'47" | S27°20'37"E     | 109.20' |
| C36     | 128.87' | 200.00' | 37°20'00" | S49°41'14"E     | 124.68' |
| C37     | 107.20' | 175.00' | 38°29'54" | S37°48'35"E     | 105.90' |
| C38     | 181.79' | 600.00' | 8°25'53"  | S83°58'48"E     | 184.89' |
| C39     | 138.29' | 600.00' | 12°18'40" | S87°29'12"E     | 138.02' |
| C40     | 22.02'  | 250.00' | 42°10'48" | S40°42'27"E     | 22.90'  |
| C41     | 168.87' | 240.00' | 37°20'54" | S45°27'28"E     | 165.28' |
| C42     | 231.43' | 250.00' | 39°11'46" | S45°03'32"E     | 221.27' |
| C43     | 341.49' | 100.00' | 11°44'46" | S89°28'48"E     | 346.88' |
| C44     | 314.00' | 225.00' | 7°28'29"  | S89°05'28"E     | 313.75' |
| C45     | 115.40' | 600.00' | 10°24'45" | S87°17'43"E     | 116.84' |
| C46     | 128.40' | 600.00' | 12°04'20" | S86°24'42"E     | 128.20' |
| C47     | 221.30' | 600.00' | 14°45'20" | S84°23'57"E     | 222.80' |
| C48     | 248.12' | 600.00' | 16°14'27" | S82°23'12"E     | 245.21' |
| C49     | 176.54' | 700.00' | 12°27'31" | S85°10'49"E     | 176.11' |
| C50     | 216.59' | 175.00' | 11°02'14" | S88°43'09"E     | 216.22' |
| C51     | 238.82' | 425.00' | 31°33'59" | S99°17'15"E     | 233.59' |
| C52     | 142.23' | 500.00' | 23°17'27" | S48°41'27"E     | 141.31' |
| C53     | 84.11'  | 500.00' | 10°47'00" | S42°28'10"E     | 83.87'  |

| Line # | Length  | Direction   |
|--------|---------|-------------|
| L30    | 473.84' | S37°28'28"W |
| L31    | 74.80'  | S80°26'10"W |
| L32    | 506.01' | S20°33'17"W |
| L33A   | 428.01' | S50°33'17"W |
| L33B   | 101.12' | S27°33'17"W |
| L33    | 511.29' | S27°33'17"W |
| L34    | 78.42'  | S89°47'28"E |
| L35    | 211.29' | S44°49'54"E |
| L36    | 103.30' | S82°24'51"W |
| L37    | 77.81'  | S25°20'53"E |
| L38    | 184.46' | S89°11'49"E |
| L39    | 133.09' | S89°23'21"W |
| L40    | 80.37'  | S33°49'27"E |
| L41    | 208.83' | S77°13'29"E |
| L42    | 74.18'  | S89°18'51"E |
| L43    | 214.5'  | S42°20'27"E |
| L44    | 201.84' | S22°20'27"E |
| L45    | 201.84' | S22°20'27"E |
| L46    | 83.37'  | S41°01'11"E |
| L47    | 248.29' | S48°32'20"E |
| L48    | 20.30'  | S30°40'51"E |
| L49    | 161.18' | S52°00'11"E |
| L50    | 47.81'  | S45°54'28"E |
| L51    | 110.00' | S45°54'28"E |
| L52    | 41.50'  | S45°54'28"E |
| L53    | 78.87'  | S45°54'28"E |
| L54    | 48.77'  | S45°54'28"E |
| L55    | 79.85'  | S45°54'28"E |



GILA COUNTY PUBLIC WORKS  
 STEVE STRATTON, DIRECTOR  
 745 N. ROSE MOUNTAIN WAY  
 GLOBE, ARIZONA 85501  
 (520) 425-3331  
 DATE: 04-15-15 SCALE: 1" = 200'  
 SHEET 3 OF 3  
 JOB NO. 020712-2

CONVEYANCE  
 THIS MAP AND SURVEY DATA ARE THE PROPERTY OF GILA COUNTY PUBLIC WORKS AND IS LOANED TO YOU FOR YOUR INFORMATION ONLY.  
 DATE: 7/21/15  
 BY: [Signature]

NOTES:  
 1. CURVES SHOWN ARE MEASURED UNLESS OTHERWISE NOTED. ALL OTHER CURVES SHOWN ARE CALCULATED.  
 2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.  
 3. ALL ANGLES ARE IN DEGREES, MINUTES AND SECONDS.  
 4. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACTS OF 1908 AND 1917.  
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LEGEND  
 \* = TEND H.E.S. CORNER AS NOTED  
 ○ = TEND POINT AS NOTED  
 ○ = CALCULATED POINT  
 (R) = RECORD INFORMATION - RECORDS OF THE SURVEYING DEPARTMENT, UNLESS OTHERWISE NOTED  
 (R1) = PLAT MAP NO. 239  
 (R2) = PLAT MAP NO. 236  
 (R3) = PLAT MAP NO. 239  
 (R4) = WARRANTY DEED, SEE NO. 94-64899  
 (R5) = HONESTY ENTRY SURVEY NO. 112, B.L.P. RECORDS  
 (R6) = HONESTY ENTRY SURVEY NO. 112, B.L.P. RECORDS  
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 (R82) = HONESTY ENTRY SURVEY NO. 114, B.L.P. RECORDS  
 (R83) = HONESTY ENTRY SURVEY NO. 114, B.L.P. RECORDS  
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 (R85) = HONESTY ENTRY SURVEY NO. 114, B.L.P. RECORDS  
 (R86) = HONESTY ENTRY SURVEY NO. 114, B.L.P. RECORDS  
 (R87) = HONESTY ENTRY SURVEY NO. 114, B.L.P. RECORDS  
 (R88) = HONESTY ENTRY SURVEY NO. 114, B.L.P. RECORDS  
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 (R90) = HONESTY ENTRY SURVEY NO. 114, B.L.P. RECORDS  
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 (R96) = HONESTY ENTRY SURVEY NO. 114, B.L.P. RECORDS  
 (R97) = HONESTY ENTRY SURVEY NO. 114, B.L.P. RECORDS  
 (R98) = HONESTY ENTRY SURVEY NO. 114, B.L.P. RECORDS  
 (R99) = HONESTY ENTRY SURVEY NO. 114, B.L.P. RECORDS  
 (R100) = HONESTY ENTRY SURVEY NO. 114, B.L.P. RECORDS

**EXHIBIT B**  
**ROAD OPERATION AND MAINTENANCE PLAN**

**National Forest System Road 55**  
**Auth #GLO379**

**Gila County Road Easement**  
**T 1S, R15E, Sections 4, 9, 16, 17**

Operations shall be conducted in a manner that consistent with Forest Service Road Maintenance Standards.

Forest Service objectives are to insure public safety for all road users, to prevent damage to roadways, streams, and other Forest values resulting from erosion, and road maintenance activities.

**1. General Maintenance Requirements**

- a. Road will be contained in the County Highway Maintenance system. Operation and maintenance will be provided by Gila County Public Works.
- b. At a minimum, maintenance will be in accordance with Forest Service Standards.
- c. The Holder will be responsible for signing and striping in accordance with current MUTCD standards.
- d. The road will remain open to the public and will provide access to the public and residents of the area.
- e. The holder will keep drainage channels, ditches and culverts clear of debris and functioning as intended.
- f. Maintenance and upkeep of all structures that are a part of or within the road, (such as bridges, culverts, etc) is the responsibility of the Holder.
- g. Activities conducted under this easement will not impact historic, prehistoric or paleontological resources. Report any and all archaeological, historical or paleontological finds to the Forest Service.

This operation and maintenance plan is attached to and made a part of the Forest Road Easement. It will be reviewed annually and by the Holder and the Forest Service, and may be amended as needed.

\_\_\_\_\_  
**Gila County**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Neil Bosworth**  
**Tonto Forest Supervisor**

\_\_\_\_\_  
**Date**