



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Phoenix District

Lower Sonoran Field Office

21605 North 7th Avenue

Phoenix, Arizona 85027

www.blm.gov/az/

JAN 27 2014

In Reply Refer To:
2800 (P020)
AZA-36409

CERTIFIED MAIL RETURN RECEIPT REQUESTED NO. 7011 1570 0001 3699 6365

Mr. Mark Guerena
Gila County Public Works Division
745 N. Rose Mofford Way
Globe, AZ 85501

Dear Mr. Guerena:

Enclosed are two (2) copies of an unsigned right-of-way (R/W) grant (BLM Form 2800-14) for your proposed road, serial number AZA-36409.

Please review the documents and if they meet with your approval, sign and date each document and return to Phoenix District Office, 21605 North 7th Avenue Phoenix, AZ 85027. Upon receipt of the signed documents BLM will issue the R/W grants, absent any other unresolved issues.

Per 43 CFR 2804.16, as a local government agency you are exempt from paying processing, monitoring, and rental fees. Grant for State and Local Government highways and road may be perpetual. At your request your grant is perpetual.

Please return **BOTH** signed copies of the grant, by, February 21, 2014. If these requirements are not met, your application may be denied.

Please be aware that you may not conduct any activities related to your R/W project on public land until you have received an authorized grant from this office. If you have any questions, please contact Benedict Parsons, Realty Specialist at (602) 580-5637.

Sincerely,

Edward Kender
Field Manager

Enclosures
Two Unsigned Right-of-Way Grants, AZA-36409
BLM Form 1842-1

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT

SERIAL NUMBER AZA-36409

1. A right-of-way (R/W) 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:

Gila County Public Works Division
745 N. Rose Mofford Way
Globe AZ, 85501

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

Gila and Salt River Meridian, Arizona
T. 1 N., R. 15 E.,
sec. 31, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 - b. The R/W granted herein is 60 feet wide, 1695 feet long, and contains 2.330 acres, more or less.
 - c. This instrument is perpetual, unless, prior thereto, 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 the expiration of this instrument or any renewal thereof, 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 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 pursuant to the authority of paragraph (1) (a) for a term of 20 years or more shall, at 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 or designs set forth in Exhibits A and B, 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. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holders behalf, on public or federal land shall be immediately reported to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values.

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

BOARD OF SUPERVISORS

COMPANY

Michael A. Pastor
Chairman of the Board of Supervisors

Signature of Authorized Officer

Title

ATTEST

Effective Date of R/W

Marian Sheppard
Clerk of the Board

APPROVED AS TO FORM

Bryan B. Chambers
Deputy Attorney Principal

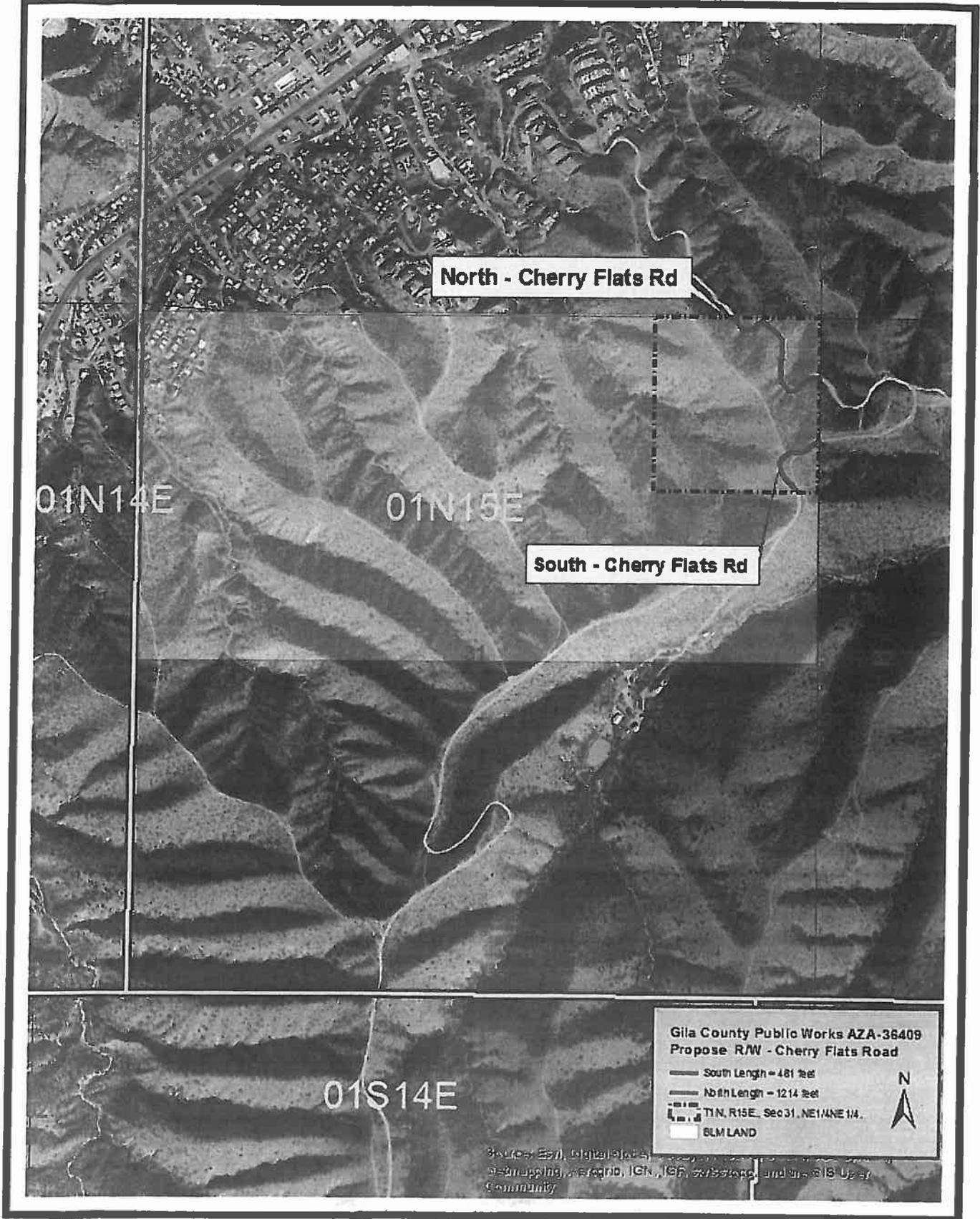
Stipulations – Right-Of-Way AZA- 36409 Gila County Public Works Division

1. All applicable regulations in accordance with 43 CFR 2800 and 2880.
2. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holders behalf, on public or federal land shall be immediately reported to the authorized officer. The 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 authorized officer to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to the proper mitigation measures will be made by the authorized officer after consulting with the holder.
3. The Holder is responsible for controlling noxious and invasive weeds. Trimming of native vegetation shall be minimized to the greatest extent possible.
4. The Holder shall provide for safety and of the public entering the right-of-way during construction. This includes, but not limited to, barricades for open trenches, flagmen/women with communication system for single-lane roads without inter-visible turnouts, and attended gates for blasting operations (if allowed by the right-of-way).
5. The authorize office may suspend or terminate in whole or in part this right-of-way grant which has been issued when, in his judgment, unforeseen conditions arise which results in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
6. The Holder shall construct, operate and maintain the facilities, improvements, and structures within the right-of-way limits. If at any time the Holder wishes to reconstruct, remodel or relocate any portion of the right-of-way, or the improvements, prior written approval must be obtained from the Authorized Officer. No such approval will be given unless the request is authorized by law, and an application is made under applicable regulation.
7. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.

8. Upon abandonment of the facility, the Holder shall rehabilitate the site to a condition existing prior to the authorized use, or as the BLM Authorized Officer directs.
9. Holder shall comply with all federal, state, county and local laws and regulations associated with activities undertaken within the State of Arizona. The Holder must obtain/maintain a State water permit.
10. The United States shall not be held liable for any loss of water quality or quantity, damage or blockage to the water system caused by the general public or as a result of fire, wind, or other natural disasters, or other actions stemming from the normal land management activities of the Bureau of Land Management.
11. The Holder shall not interfere with public land management practices of the BLM or any authorized BLM operators, licensees, resource purchasers, agents, or public.
12. This grant may be assigned to a new Holder with approval by the authorized officer, but does not allow sub-granting rights.
13. The holder shall meet Federal, State and County emission standards for air quality.
14. The holder shall avoid removing or disturbing large cacti or tree >6-inch in height where possible, which are used as habitat for birds and other wildlife. Trimming of limbs is acceptable to avoid damage to equipment or vehicles. If removing a large tree is necessary, please have the intention of transplanting the large tree once the project is completed.
15. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder shall comply with the Toxic Substances Control Act of 1976 as amended, 15 U.S.C. 2601 et. seq. (1982) with regards to any toxic substances that are used, generated by, or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
16. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the ROW.
17. **COMPLIANCE/MONITORING:** On-going compliance inspections and monitoring of this RW will be conducted by the BLM Lower Sonoran Field Office staff during and after construction. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

Figure 1. Gila County Public Works Propose R/W (AZA- 36409)

Exhibit B



No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

0 0.075 0.15



Miles

