



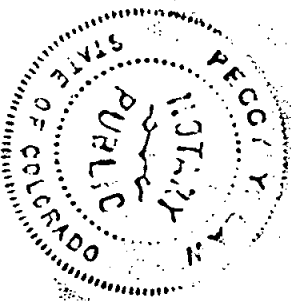
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1 of 7 R 36.00 D 0.00 N 0.00 Gilpin Co. Clerk &

36.00

NOTARY AFFIDAVIT

I, Peggy Y Law, a Notary Public in and for the State of Colorado, do hereby affirm that I have reviewed the attached HIGHWAY EASEMENT DEED, personally know the persons who signed that document, recognize their signatures to be true and correct, and have now notarized that document which was previously signed.

Dated this 21st day of January, 1997.



Peggy Y Law
Notary Public
4201 East Arkansas Avenue
Denver, CO 80222

My Commission Expires 12/04/00

1-7

HIGHWAY EASEMENT DEED

DEPARTMENT OF AGRICULTURE - FOREST SERVICE

THIS DEED, made this 3RD day of JANUARY, 1997, by and between the UNITED STATES OF AMERICA, acting by and through the DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, hereinafter referred to as the DEPARTMENT, and the DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, hereinafter referred to as the GRANTEE:

WITNESSETH:

WHEREAS, the GRANTEE has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. Sec. 317) for the right of way of a highway over certain land owned by the United States in the State of Colorado, which is under the jurisdiction of the Department of Agriculture - Forest Service, and,

WHEREAS, this transfer is further authorized under the provisions of the Act of Congress approved October 15, 1966 [80 Stat. 931, 937, Section 6 (a)(1)(A)]; and,

WHEREAS, the Regional Federal Highway Administrator, pursuant to delegations of authority from the Secretary of Transportation and the Federal Highway Administrator, has determined that an easement over the land covered by the application is reasonably necessary for a right of way for:

Highway Project Number: C 60-046A-001

Designation: S.H. 46; Jct with S.H. 119

Parcel Number: FSE-1

and,

WHEREAS, The Department of Agriculture, acting by and through the Forest Service, has agreed to the transfer by the DEPARTMENT of an easement over the land to the GRANTEE.

NOW THEREFORE, the DEPARTMENT, as authorized by law, and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation, pertaining to and effectuating the provisions of the Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. Sections 2000d-2000d-4), does hereby grant to the GRANTEE an easement for right of way for the construction, operation, and maintenance of a highway, and use of the space above and below the established grade line of the highway pavement for highway purposes, on, over, across, in, and upon the following described land of the United States within County of Gilpin, State of Colorado.

SECTION	SUBDIVISION	TOWNSHIP	RANGE	MERIDIAN
30	NW 1/4 SW 1/4	2 S	70 W	Sixth

as the land is more particularly described in Exhibit "A" attached hereto and made part hereof; subject, however, to the following terms and conditions:

- (1) Outstanding valid claims, if any, existing on the date of this grant, and the Grantee shall obtain such permission as may be necessary on account of any such claims.
- (2) The Grantee and the Regional Forester shall make determination as to the necessity for archaeological and paleontological reconnaissance and salvage within the right of way, and such reconnaissance and salvage to the extent determined necessary because of construction of the highway facility is to be undertaken by the Grantee in compliance with the acts entitled An Act for the Preservation of American Antiquities, approved June 8, 1906 (34 Stat. 225, 16 U.S.C.

AFTER RECORDING PLEASE MAIL TO
Colorado Department of Transportation
4201 E. Arkansas Avenue, Room 291
Denver, Colorado 80222
ATTENTION: Right of Way Section



91400 02/28/1997 11:30A B616 P186 174
3 of 7 R 36.00 D 0.00 N 0.00 Gilpin Co. Clerk &

432-433), the Archaeological Resources Protection Act of 1979 (93 Stat. 721, 16 U.S.C. 470aa-470ll) and State laws where applicable.

- (3) Unless the Grantee and Regional Forester stipulate as to a shorter time, the easement herein granted shall terminate ten (10) years from the date of the execution of this deed by the United States of America in the event construction of a highway on the right of way is not started during such ten-year period.
- (4) The easement herein granted is limited to use of the described right of way and the space above and below the established grade line of the highway pavement for the purposes of construction, operation, and maintenance of a highway in accordance with the approved plans described in the condition numbered (5) and does not include the grant of any right for non-highway purposes or facilities: Provided, that the right of the Forest Service to use or authorize the use of any portion of the right of way for non-highway purposes shall not be exercised when such use would be inconsistent with the provisions of Title 23 of the United States Code and of the Federal Highway Administration Regulations issued pursuant thereto or would interfere with the free flow of traffic or impair the full use and safety of the highway, and in any case the Grantee and the Federal Highway Administration shall be consulted prior to the exercise of such rights: 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 clearing limits.
- (5) The design and construction of highway project(s) situated on this right of way will be in accord with the provisions of Title 23, U.S. Code-Highways, and amendments; the Regulations for the Administration of Federal Aid for Highways, effective May 11, 1960, and amendments and established procedures for Federal-aid projects, including the requirements of Title 23, Code of Federal Regulations, Part 771, and the construction specifications of the State Highway Department as approved by the Federal Highway Administration for use on Federal-aid projects.
- The Regional Forester shall be provided an opportunity to review plans relative to effects, if any, that the project works as planned shall have upon adequate protection and utilization of the land traversed by the right of way and adjoining land under the administration of the Forest Service for the purpose for which such land is being administered. Those features of design, construction and maintenance of the highway facility and use of the right of way that would have effect on the protection and utilization of the land under the administration of the Forest Service are to be mutually agreed upon by the Regional Forester and the Grantee by conference or other communication during the preparation of the plans and specifications for each construction project, and the plans shall be revised, modified, or supplemented to meet the approval of the Regional Forester, or when deemed appropriate, supplemented by written stipulation between the Regional Forester and the Grantee, prior to start of construction.
- The final design and the construction specifications for any highway construction project on the right of way will be presented to the Regional Forester for approval; construction shall not begin until such approval is given: Provided, That if it is subsequently deemed necessary that the approved plans, specifications or stipulation be amended or supplemented, any amendment or supplement shall be approved by the Regional Forester and the Grantee before being placed in effect.
- (6) Consistent with highway safety standards, the Grantee shall:

AFTER RECORDING PLEASE MAIL TO:
Colorado Department of Transportation
4201 E. Arkansas Avenue, Room 201

(a) Protect and preserve soil and vegetative cover and scenic and esthetic 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 where it is deemed necessary during a joint review between the Regional Forester and the Grantee prior to completion of the highway, and the Grantee shall maintain all terracing, waterbars, leadoff ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction.

(7) The Grantee shall:

Establish no borrow, sand, or gravel pits; stone quarries; 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 Regional Forester.

(8) The Grantee shall maintain the right of way clearing by means of chemicals only after consultation with the Regional Forester. Consultation must address the time, method, chemicals, and the exact portion of the right of way to be chemically treated.

(9) The Grantee, in consideration of the grant of this easement, does hereby covenant and agree for itself, its successors and assigns that it shall comply with the provisions of Title VI of the Civil Rights Act of 1964, (78 Stat. 252) and the regulations as set forth in Title 49, Transportation Subtitle A, Part 21, Code of Federal Regulations (49 C.F.R. 21.1-21.23) 1970, specifically that (a) no member of the traveling public and business users of the Federally assisted highway shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in their access to and use of said highway or access to and use of the facilities and services provided for public accommodations, (such as eating, sleeping, rest, recreation and vehicle servicing) constructed on, over, or under the right of way of the highway constructed upon the right of way here conveyed, (b) The Grantee shall use said easement and right of way so conveyed in compliance with all other requirements imposed pursuant to said Title 49, Subtitle A, Code of Federal Regulations, Part 21.

(10) The Grantee agrees that in the event of breach of any of the above mentioned nondiscrimination covenants, the Department reserves the right to declare the terms of this grant terminated in whole or in part and revest title in the United States and to the control on the Department of Agriculture, Forest Service, as such control existed prior to this instrument.

(11) When need for the easement herein granted no longer exists, the Grantee shall give notice of that fact to the Secretary of Transportation and the rights herein granted shall terminate and the land shall immediately revert to the full control of the Department of Agriculture.

(12) The Grantee shall consider the applicability of the National Environmental Policy Act as related to this project and provide the Regional Forester with the analysis for compliance with Section 102(c) of the National Environmental Policy Act.

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Colorado Department of Transportation
4201 E. Arkansas Avenue, Room 291
Denver, Colorado 80222
ATTENTION: Right of Way Section



91400 02/28/1997 11:30A B616 P188 174
5 of 7 R 36.00 D 0.00 N 0.00 Gilpin Co. Clerk &

IN WITNESS WHEREAS, I, JOHN M. RIPPLEY Pursuant to delegations of authority from the Secretary of Transportation, the Federal Highway Administrator, the Regional Federal Highway Administrator, and Chief Counsel, Federal Highway Administration, by virtue of authority in me vested by law, have hereunto subscribed my name as of the day and year first above written.

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

WITNESS:

W A PM

Susan V. Martin

BY:

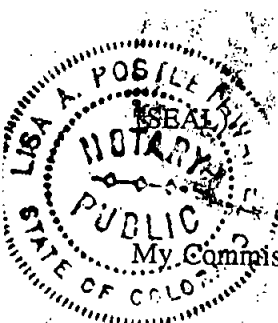
John M. Ripley
Regional Counsel
Federal Highway Administration

UNITED STATES OF AMERICA)
)
)

I, Lisa A. Posthumaite, a Notary Public in and for Colorado, do hereby certify that on this, the 3rd day of January, 1997 before me personally appeared John M. Ripley, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of January 3, 1997, was executed by him in his official capacity and by authority in him vested by law, for the purposes and intents in said instrument described and set forth, and acknowledged the same to be his free act and deed as Regional Counsel, Federal Highway Administration. Witness my hand and seal this 3rd day of January, 1997.

Lisa A. Posthumaite

Notary Public



My Commission expires 4/4/2000

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Colorado Department of Transportation
4201 E. Arkansas Avenue, Room 291
Denver, Colorado 80222
Way Section

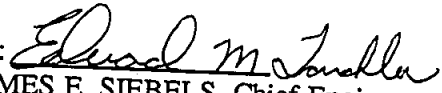


In compliance with the conditions set forth in the foregoing deed, the Department of Transportation, State of Colorado, certifies, and by the acceptance of this deed, accepts the right-of-way over certain land herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said deed.

ATTEST:

DEPARTMENT OF TRANSPORTATION
STATE OF COLORADO

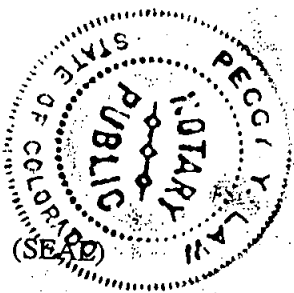

ROBERT B. MARUSIN
Chief Clerk

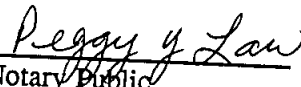
By: 
JAMES E. SIEBELS, Chief Engineer
for Engineering, Design and Construction

STATE OF Colorado)
City +)
COUNTY OF Denver)

I, Peggy Y. Law, a Notary Public in and for said County and State, hereby certify that Edward M Tomohlen for Chief Engineer for Engineering, Design and Construction and Bob Marusin Chief Clerk for the Department of Transportation, State of Colorado, are signed to the foregoing conveyance and are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they in their capacity as much, have executed the same voluntarily on this day.

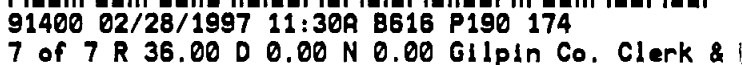
Given under my hand and seal of office this 21st day of JAN., 1997.




Notary Public
4201 E. Arkansas
Denver, Colorado

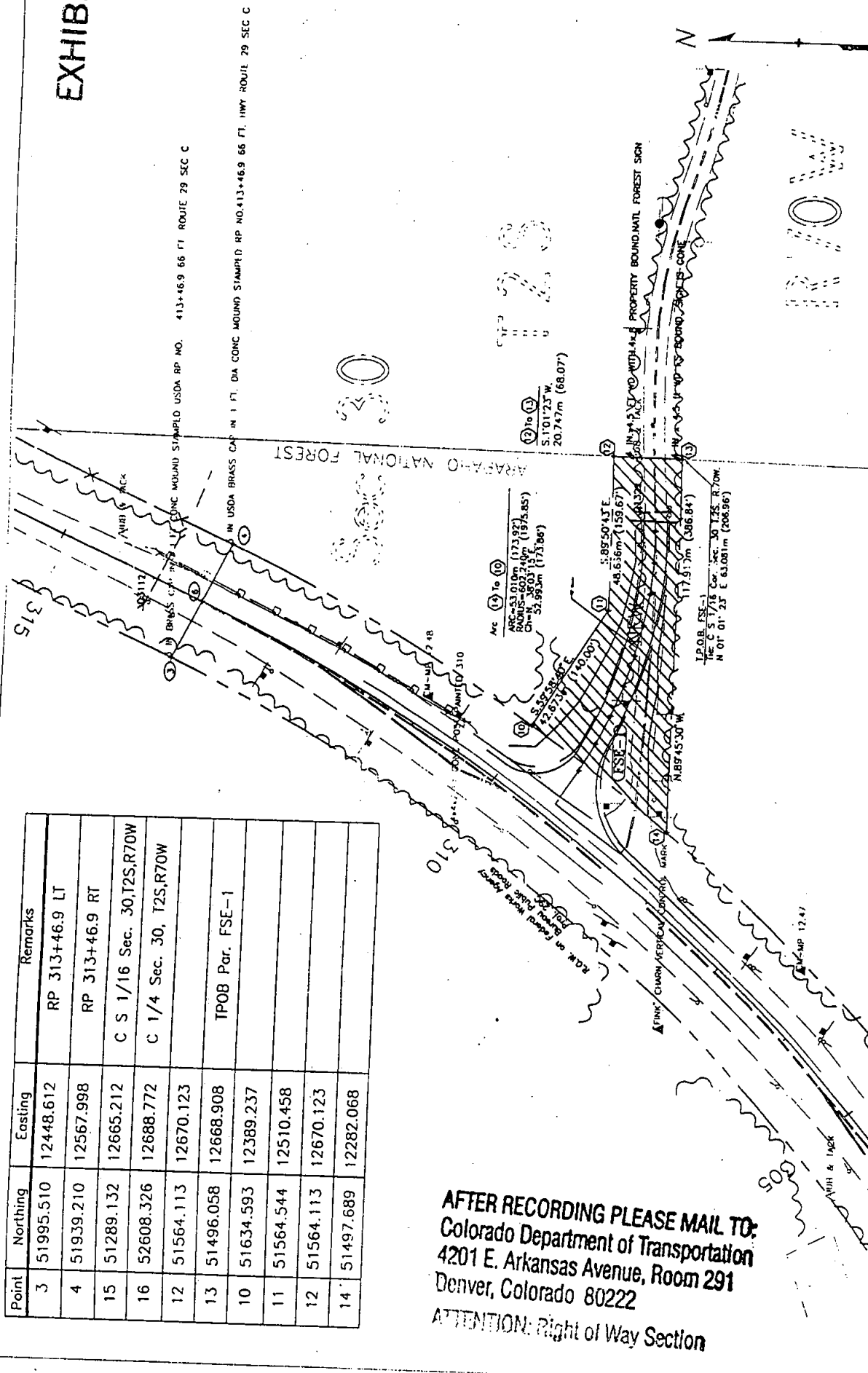
My Commission Expires 12/04/00

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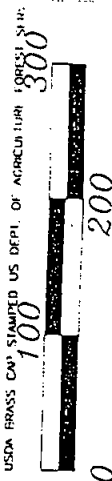


Point	Northing	Easting	Remarks
3	51995.510	12448.612	RP 313+46.9 LT
4	51939.210	12567.998	RP 313+46.9 RT
15	51289.132	12665.212	C S 1/16 Sec. 30, T2S, R70W
16	52608.326	12688.772	C 1/4 Sec. 30, T2S, R70W
12	51564.113	12670.123	
13	51496.058	12668.908	TPOB Par. FSE-1
10	51634.593	12389.237	
11	51564.544	12510.458	
12	51564.113	12670.123	
14	51497.689	12282.068	

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Colorado Department of Transportation

DOT
18500 E. COLFAX
AURORA, CO 80011

Phone: 303-757-9119 FAX: 303-757-9746

Region 1

Project No./Code

JCT. SH119 AT 46

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Computer File Information

Modification Date: 03 Sept 06

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Revisions

Supervisor

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