



COLORADO
Department of
Transportation

DOCUMENT SEPARATOR SHEET

REGION 5 – JUNE 2017 CONVERSION

To be placed at the beginning of each separator sheet.



r500001537

Description:

ROW Plans 11X17

Route # and Mile Points:

SH 17

Originating Office:

ROW/Survey

File Name:

F.P. 5-2(1)_ROW(.PDF)

Box Location:

25 of 38

Filed for record the 23rd. day of January 1975 at 3:30 p.m. CR 25-0017-08

HIGHWAY EASEMENT DEED
Reception No. 170215

[Signature] Recorder

[Signature] Deputy

THIS DEED, made this 5TH day of DECEMBER, 1974.

by and between the UNITED STATES OF AMERICA, acting by and through the DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, herein-after referred to as the DEPARTMENT, and the STATE DEPARTMENT OF HIGHWAYS, DIVISION OF HIGHWAYS, STATE OF COLORADO, hereafter referred to as the GRANTEE:

W I T N E S S E T H :

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 CR 25-0017-08
Cumbres Pass

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 Title VI of the Civil Rights Act

132

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 the

County of Conejos State of Colorado
 Township 33N Range 6E & 7E Meridian New Mexico

Section	Subdivision
4, 5, 6, 8, 9, 15, 16, 22, 23, 25, 26	R. 6E
29, 30	R. 7E

Drawing No.	Dated	Number of Sheets
CR 25-0017-08	April 26, 1974	21

marked 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 archeological 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 Act entitled "An Act for the preservation of American antiquities" approved June 8, 1906 (34 Stat. 225, 16 U.S.C. 432-433), 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
(CR 25-0017-08) situated on this right-of-way will be in accord with the provisions of Title 23,

134

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 Policy and Procedure Memorandum 90-1, (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 will be provided an opportunity to review plans relative to effects, if any, that the project works as planned will 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 purposes for which such land is being administered. Those features of design, construction and maintenance of the highway facility and of 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 his approval and 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:

- (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, lead-off 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 quarry, or permanent storage areas, sites for highway operation and maintenance facilities, camps, supply depot or disposal areas within the right-of-way unless shown on approved construction plans, without first obtaining approval of the Regional Forester.

136

- (8) The Grantee shall maintain the right-of-way clearing by means of chemicals only after specific written approval has been given by the Regional Forester. Application for such approval must be in writing and specify 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 as a covenant running with the land for itself, its successors and assigns that (a) no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed, (b) that the Grantee shall use said easement and right-of-way so conveyed, 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, effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.
- (10)* In the event of breach of any of the above-mentioned non-discrimination conditions, the Department shall have the right to re-enter said lands and facilities on said land, and the above-described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation, and its assigns, as such interest existed prior to this instrument.

*Reverter clause to be used only when it is determined that such clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

(11) When need for the easement herein granted shall no longer exist, 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.

IN WITNESS WHEREAS, I, RICHARD O. JONES 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:

Virginia A. Dickman
John M. Rigsby By Richard O. Jones
Regional Counsel
Federal Highway Administration

UNITED STATES OF AMERICA

State of Colorado

I, Marie J. Medina, a Notary Public in and for State of Colorado, do hereby certify that on this the 5th day of December, 1974, before me personally appeared Richard O. Jones, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of December 5, 1974, 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 5th day of December, 1974



Marie J. Medina
Notary Public

My Commission expires December 15, 1976.

138

In compliance with the conditions set forth in the foregoing deed, the

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.

By E. N. Haase
E. N. HAASE, Chief Engineer

STATE OF Colorado

COUNTY _____

I, Michael A. Garamella, a Notary Public in and for said County and State, hereby certify that E. N. HAASE whose name as Chief Engineer, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he in his capacity as such Chief Engineer, executed the same voluntarily on this day.

Given under my hand and seal of office this 2nd day of Jan., 19 75.

Michael A. Garamella
Notary Public



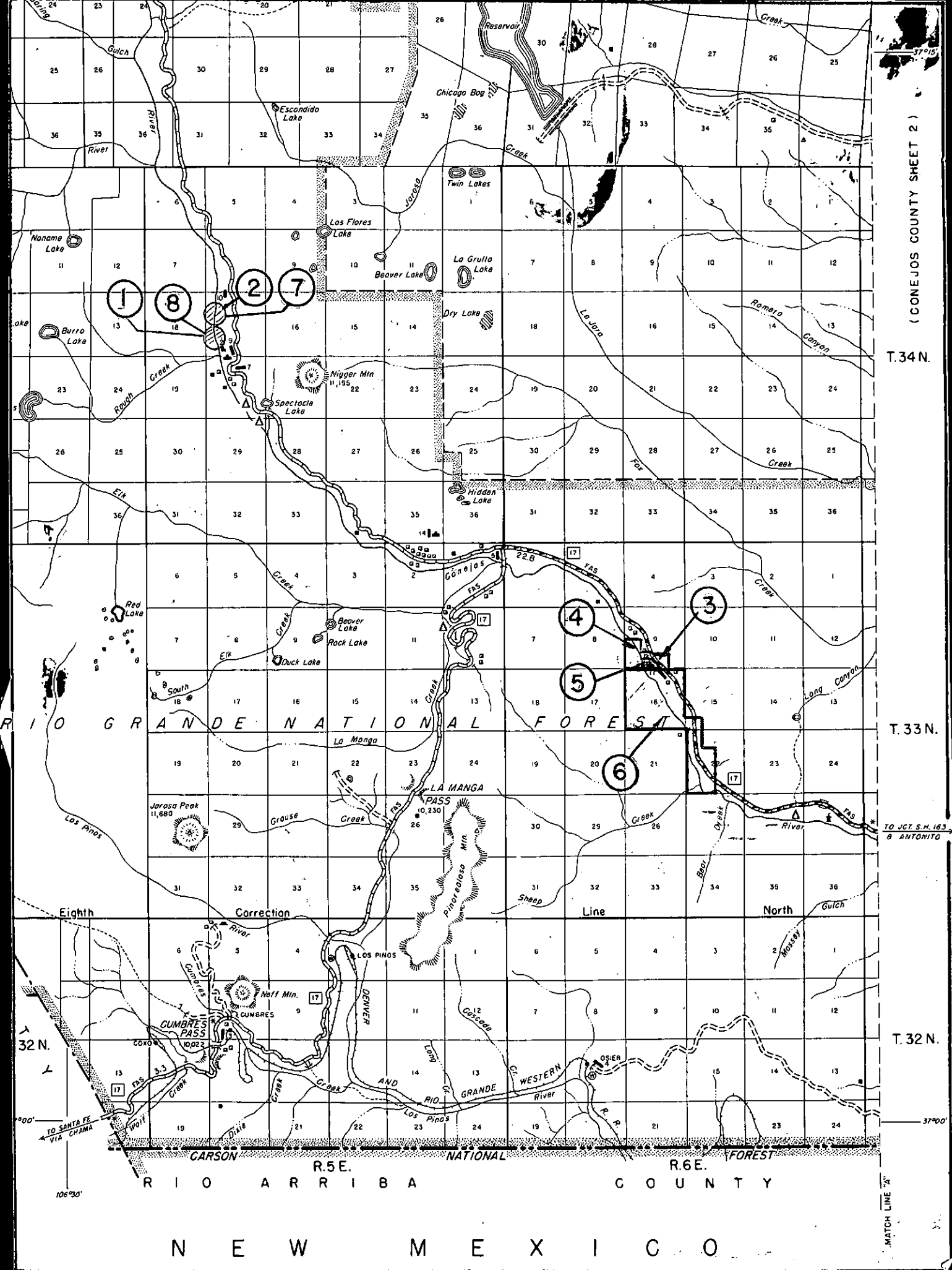
Commission Expires Jan. 14, 1979

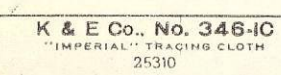
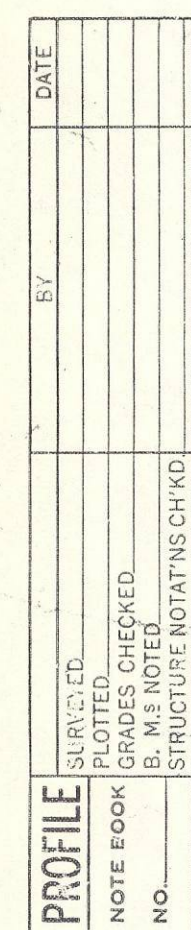
T.34 N.

T.33 N.

T.32 N.

MATCH LINE "A"





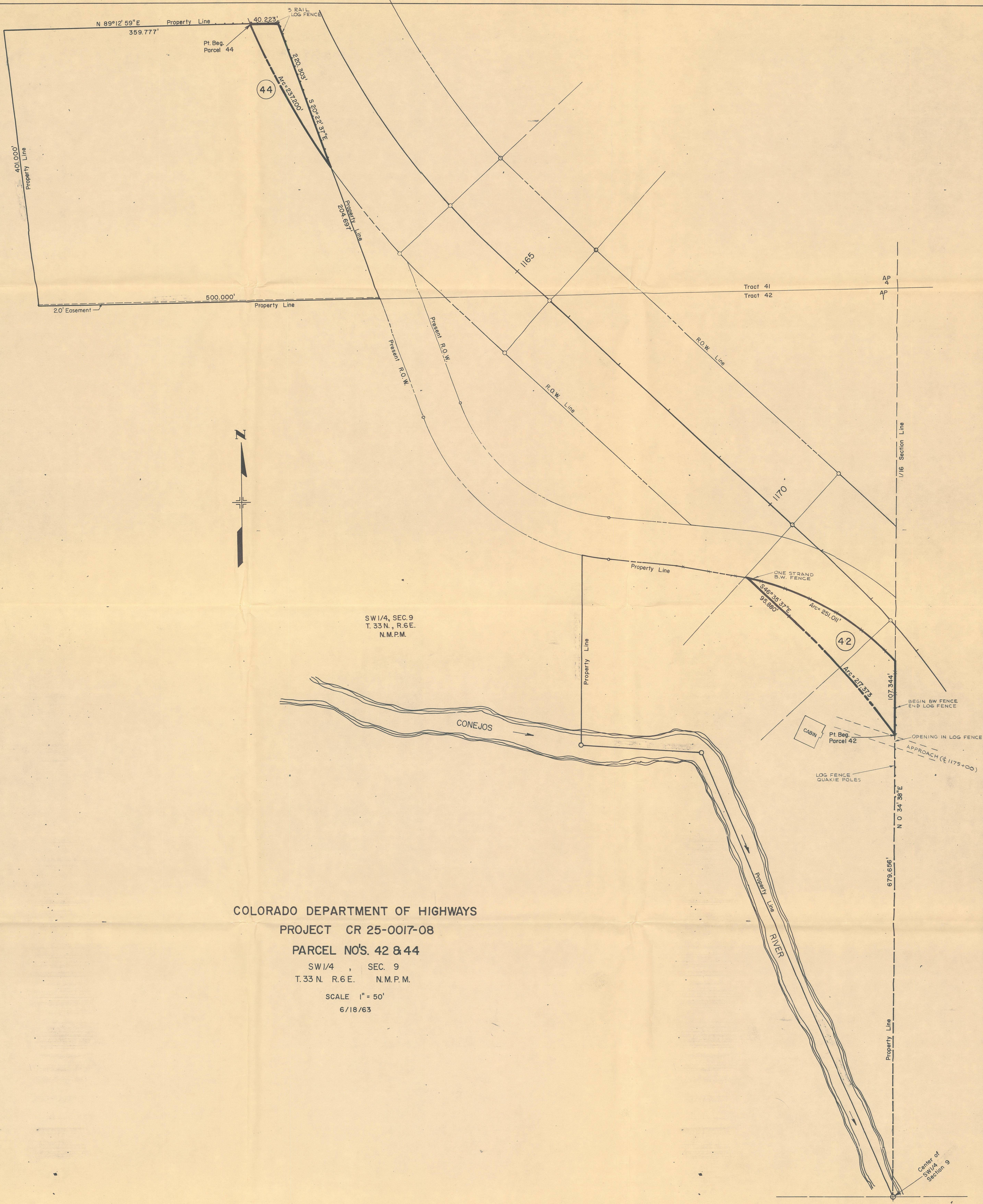
COMPARATIVE SALES MAP

PROJ. CR 25-0017-08(2)

CUMBRES PASS

CONEJOS COUNTY

SHEET NO. 1 OF 1



COLORADO DEPARTMENT OF HIGHWAYS

PROJECT CR 25-0017-08

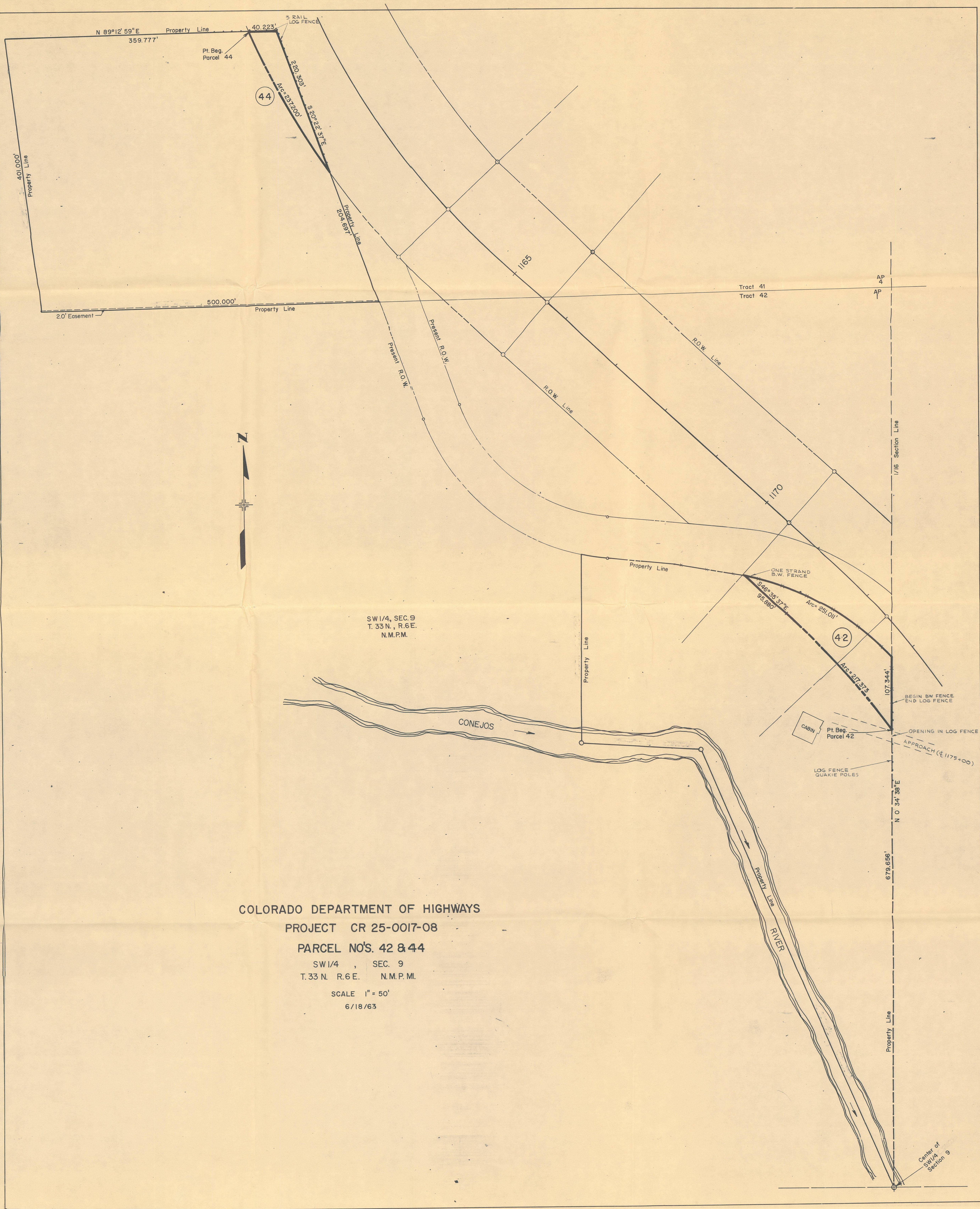
PARCEL NO'S. 42 & 44

SW 1/4 , SEC. 9
T. 33 N. R. 6 E. N.M.P.M.

SCALE 1" = 50'

6/18/63

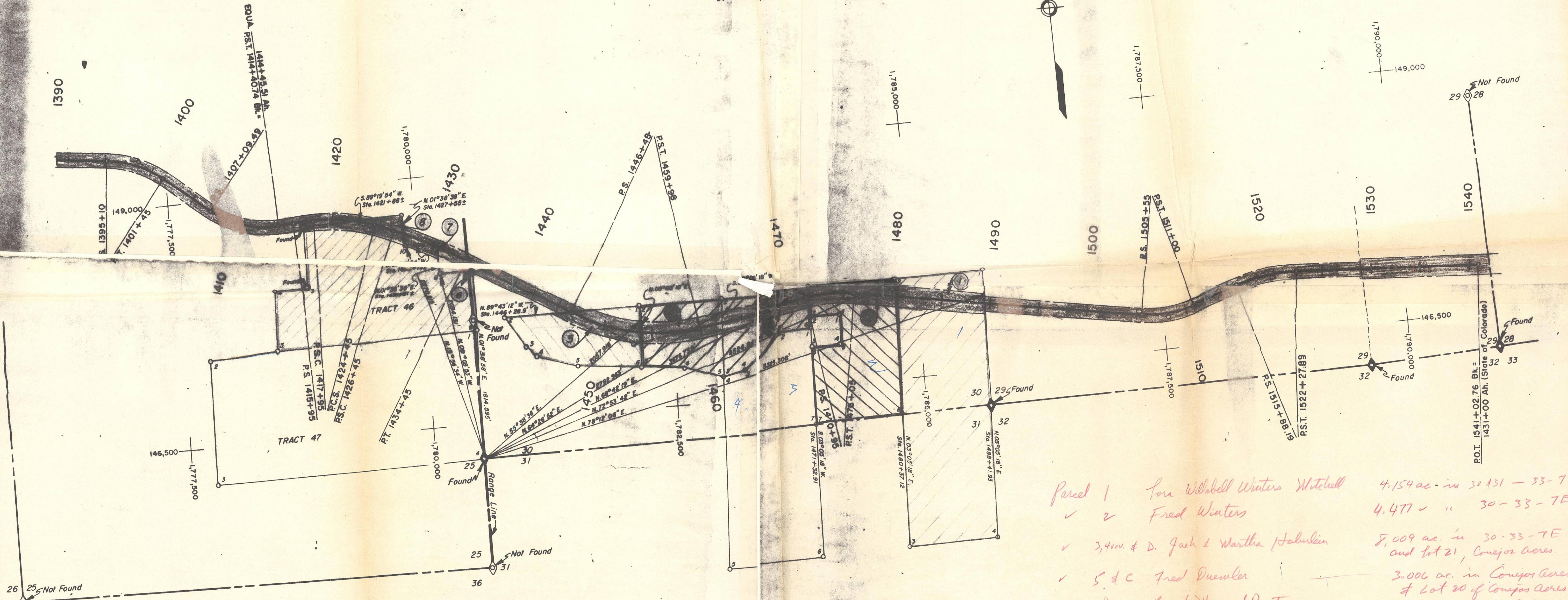
JOHN D. LOSE
2014 SEC. 9
BY ORDER 45-44
CR 25-0017-08



COLORADO DEPARTMENT OF HIGHWAYS
PROJECT CR 25-0017-08
PARCEL NO'S. 42 & 44
SW 1/4 , SEC. 9
T. 33 N. R. 6 E. N.M.P.M.
SCALE 1" = 50'
6/18/63

JOHN D. LOBE
SW 1/4 SEC. 9
PROJECTS 42 & 44
CR 25-0017-08

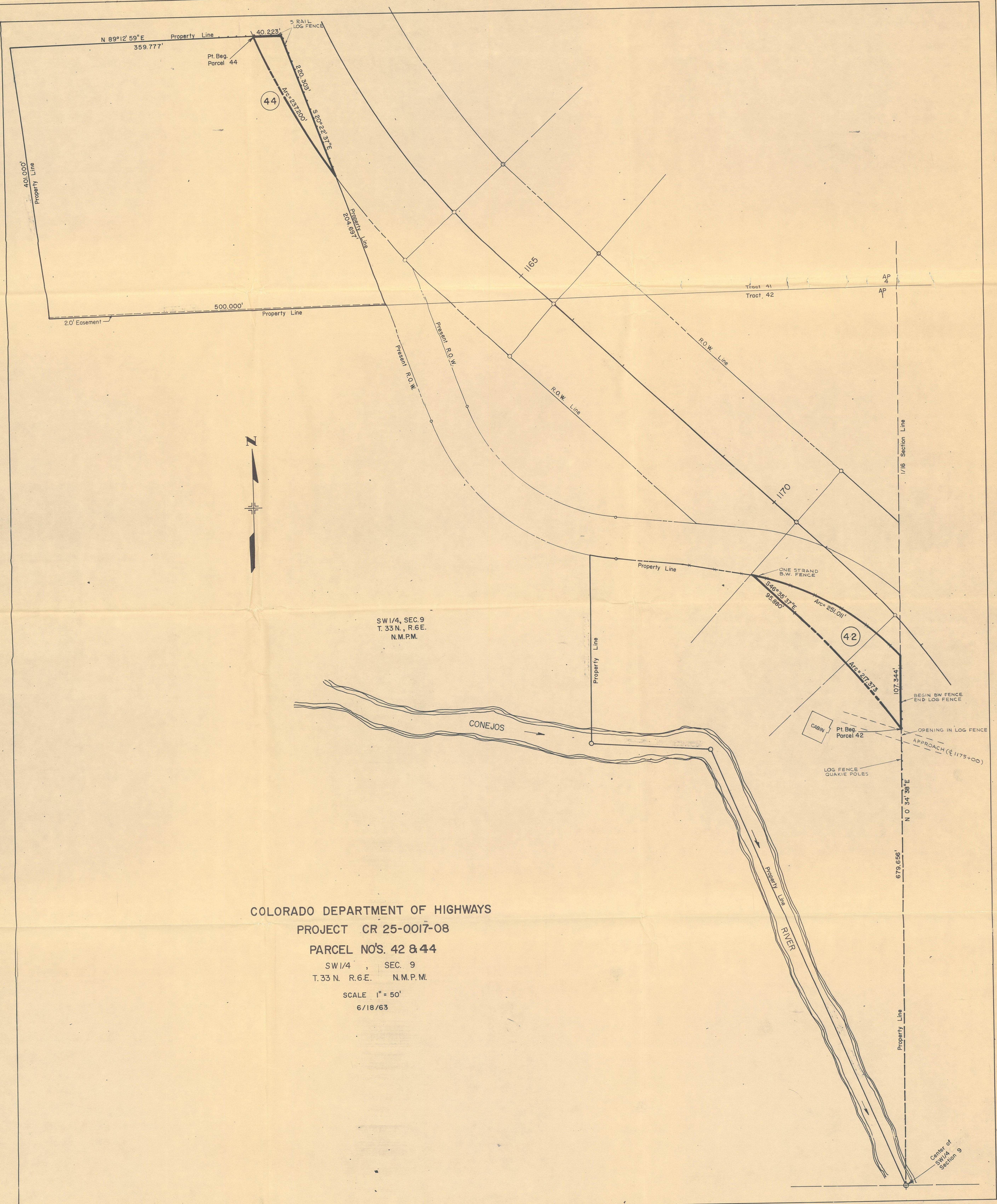
1	Laura Willabell Winters Mitchell	4.154 - 1.364 =	2.790
2	Fred Winters	4.477 - 1.364 =	3.113
3	H. Jack and Martha L. Haberlein	8.009 - 1.582 =	6.427
4	" " " " " "	3.782 - 1.318 =	2.464
5	" " " " " "	8.046 - 2.788 =	5.258
6	Fred W. and Thelma H. Duemler	3.006 - 1.136 =	1.870
7	La Conado Inc.	0.077 - 0 =	0.077
8	" " " " " "	0.083 - 0.227 =	-0.144
9	" " " " " "	3.128 - 0.949 =	2.179
10	" " " " " "	3.258 - 1.136 =	2.122



Parcel 1 Laura Willabell Winters Mitchell 4.154 ac. in 30+31 - 33-7E.
✓ 2 Fred Winters 4.477 " 30-33-7E.
✓ 3, 4, 10 & D. Jack & Martha Haberlein 8.009 ac. in 30-33-7E and lot 21, Conejos Aeres.
✓ 5 & C Fred Duemler 3.006 ac. in Conejos Aeres & Lot 20 of Conejos Aeres.
✓ B Rex & Margaret Pruitt 0.08 ac. in lot 19 of Conejos Aeres.
✓ A Wm. & Mary Armstrong 0.047 ac. in lot 26 & 27 of Conejos Aeres. SW 30-33-7E.
✓ 6, 7 & 8 La Conado Inc. 3.888 ac. in SE 1/4 25-33-6E.
✓ 12, 13 & 14 W.B. Hamilton 9.702 ac. in Sec. 26 & 27-33-6E. 22

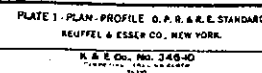
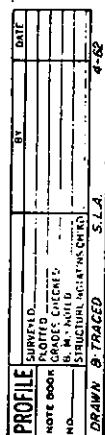
RIGHT-OF-WAY MAP
CUMBRES PASS, COLO. 5-2(1)
STA. 1390+00 TO 1540+00

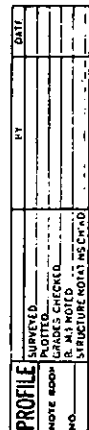
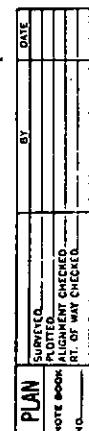
JOHN D. FOLE
SW 1/4 SEC 9
PROJECTS 42 & 44
CR 25-0017-08



COLORADO DEPARTMENT OF HIGHWAYS
PROJECT CR 25-0017-08
PARCEL NO'S. 42 & 44
SW 1/4 , SEC. 9
T. 33 N. R. 6 E. N.M.P.M.
SCALE 1" = 50'
6/18/63

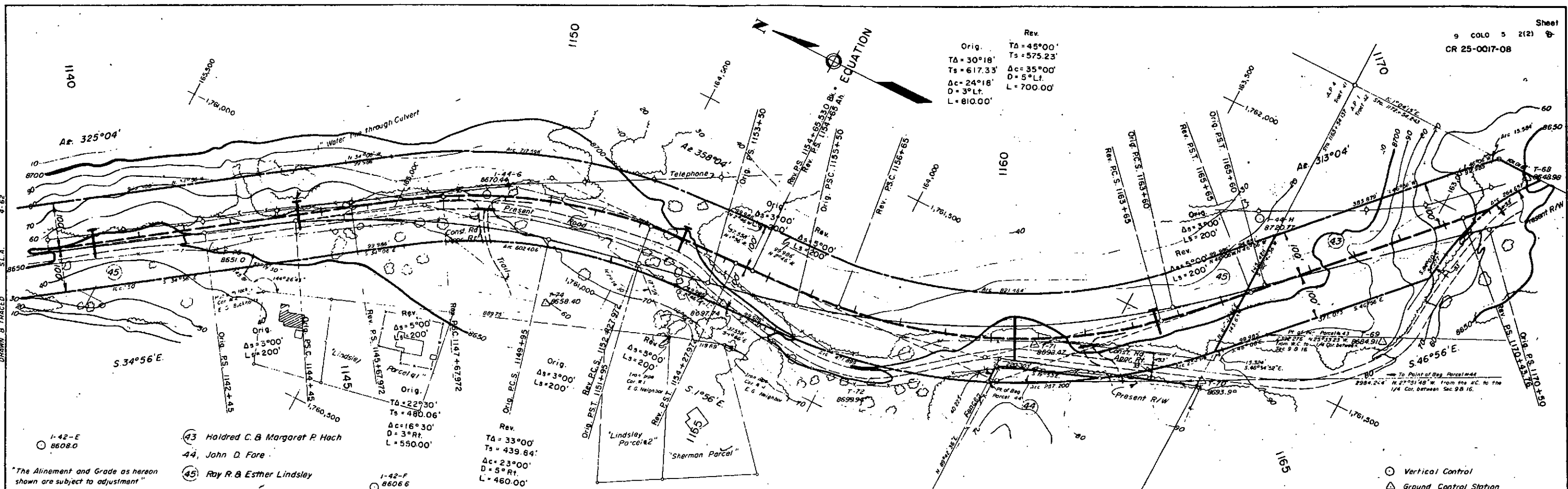
Center of
SW 1/4
Section 9



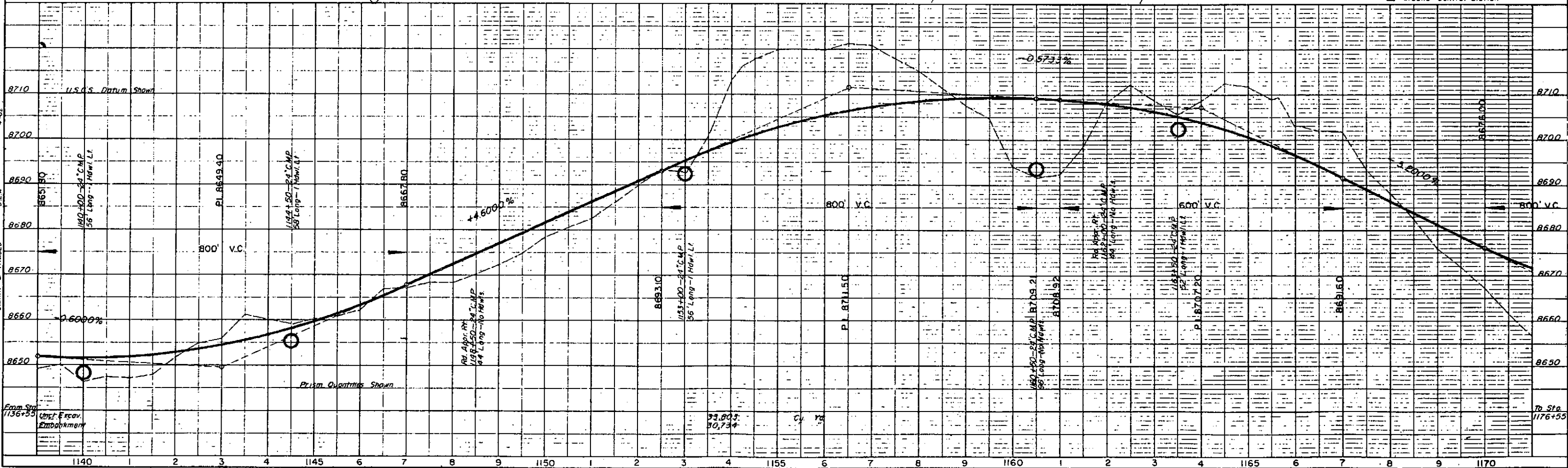


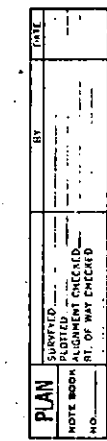


PLAN
DATE
BY
CHECKED
NOTED
DRAWN
SCALE
1" = 400'



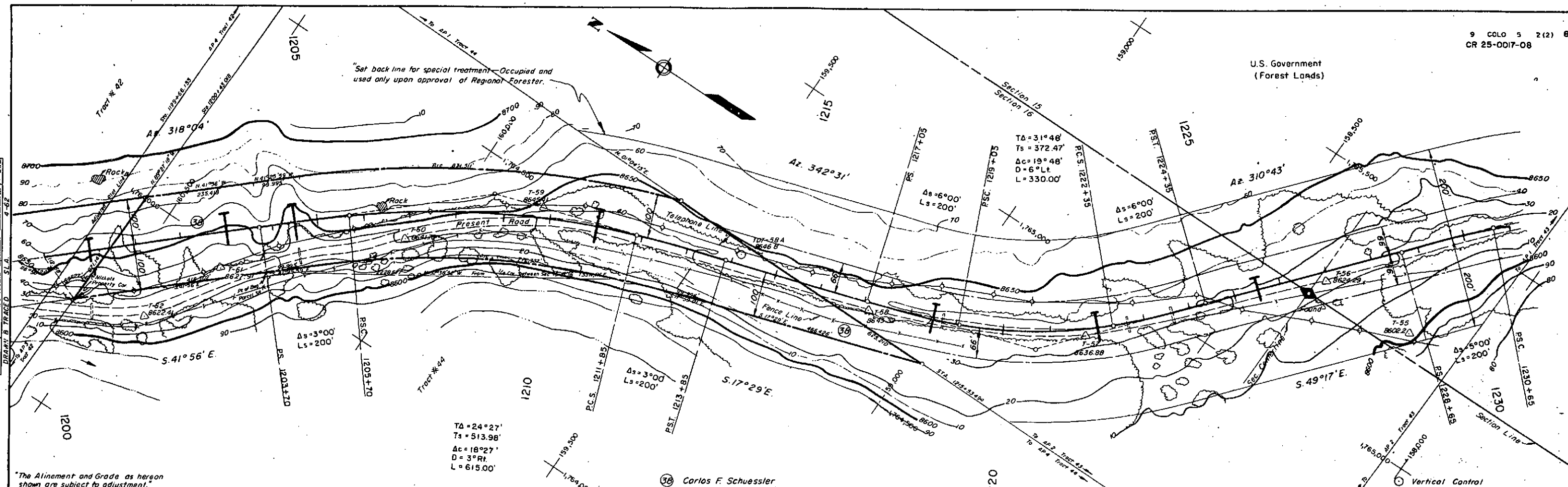
PROFILE
DATE
BY
CHECKED
NOTED
DRAWN
SCALE
1" = 400'



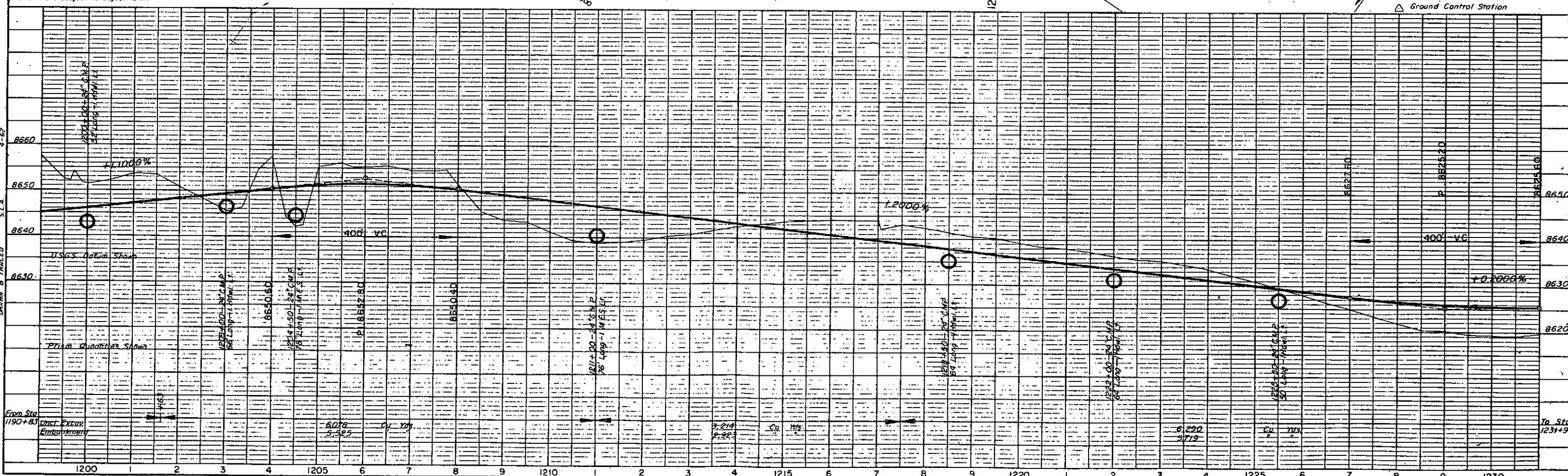


U.S. Government
(Forest Lands)

PLAN	DATE
DESIGNED BY	4-62
CHECKED BY	
NOTED BY	
DATE	

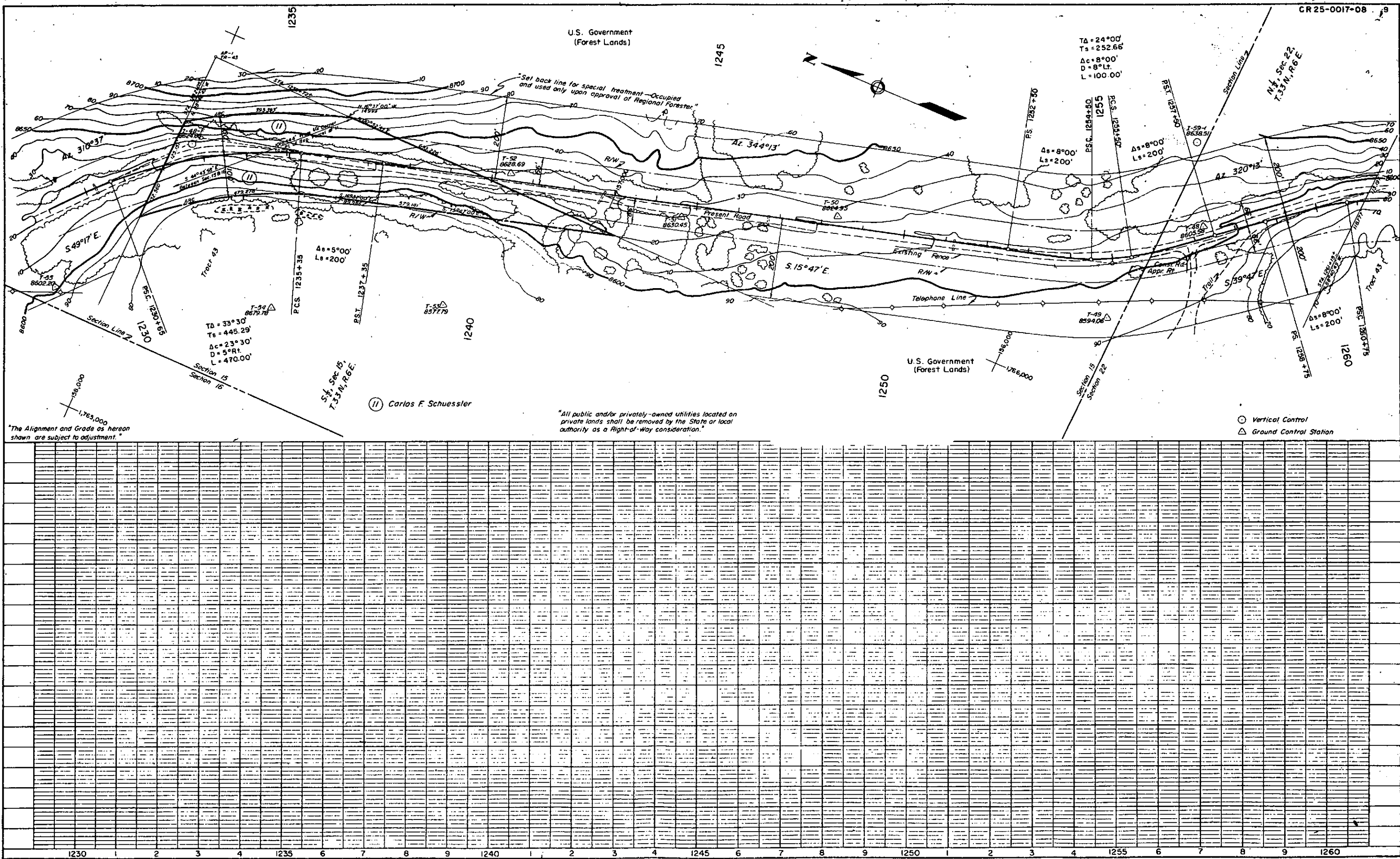


PROFILE	DATE
DESIGNED BY	4-62
CHECKED BY	
NOTED BY	
DATE	



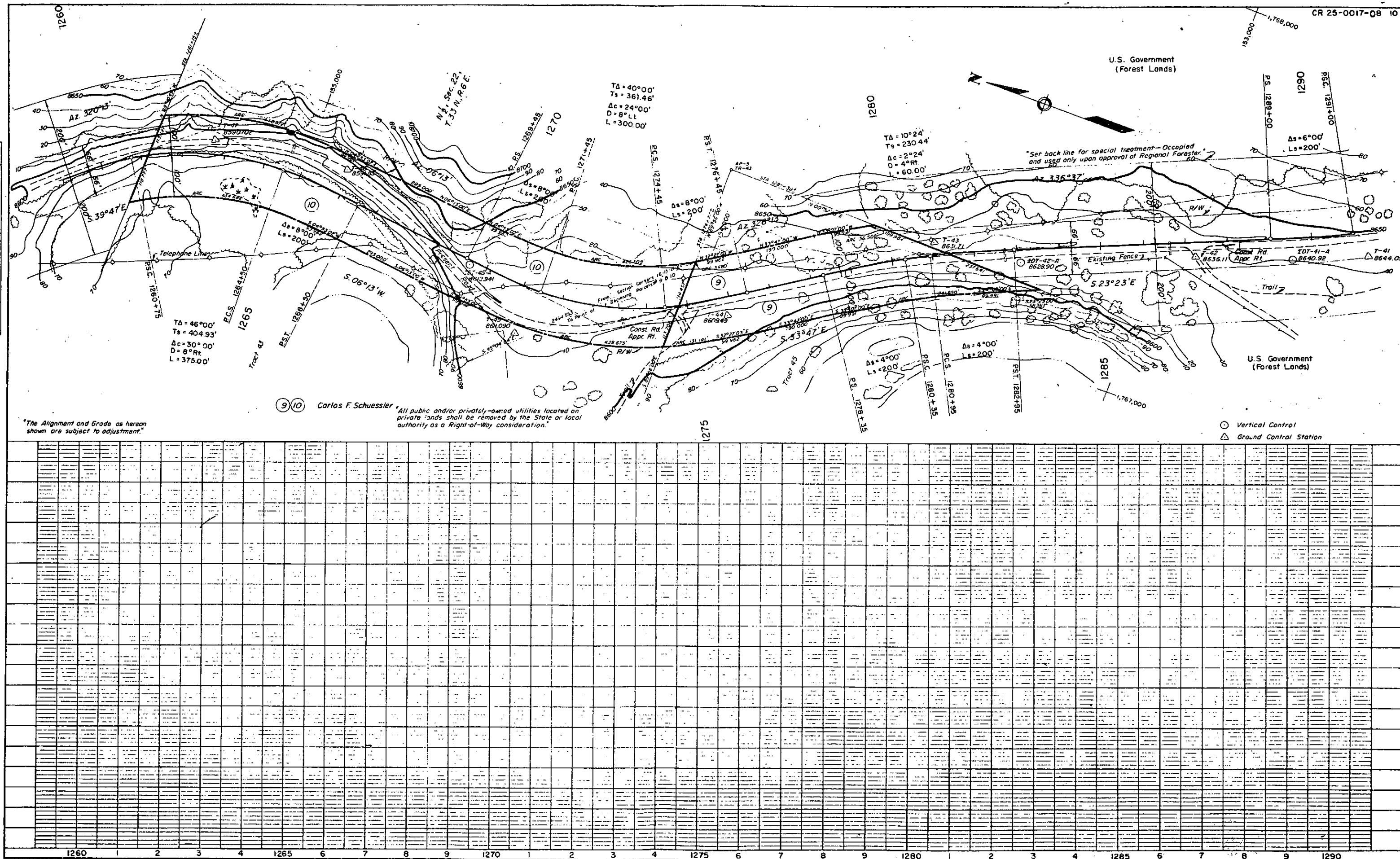
PLAN	DATE	BY
SURVEYED		
PLANNED		
NOTED		
NO.		

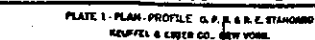
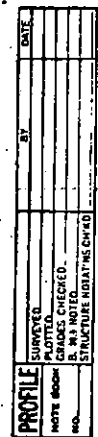
PROFILE	DATE	BY
SURVEYED		
PLANNED		
NOTED		
NO.		



PLAN	DATE	BY
	DESIGNED	BY
	NOTED	BY
	NOTED	BY

PROFILE	DATE	BY
	DESIGNED	BY
	NOTED	BY
	NOTED	BY

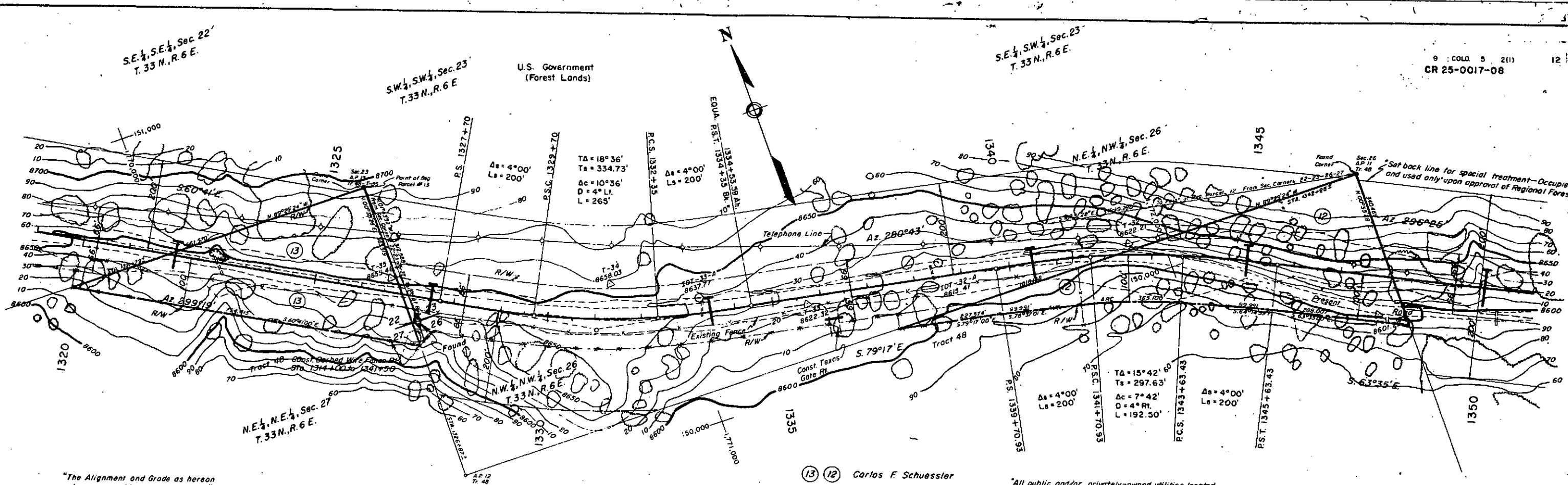




PLEASE DO NOT

PLAN	DATE
DESIGNED	
CHECKED	
NOTED	
APPROVED	
BY	

PROFILE	DATE
DESIGNED	
CHECKED	
NOTED	
APPROVED	
BY	

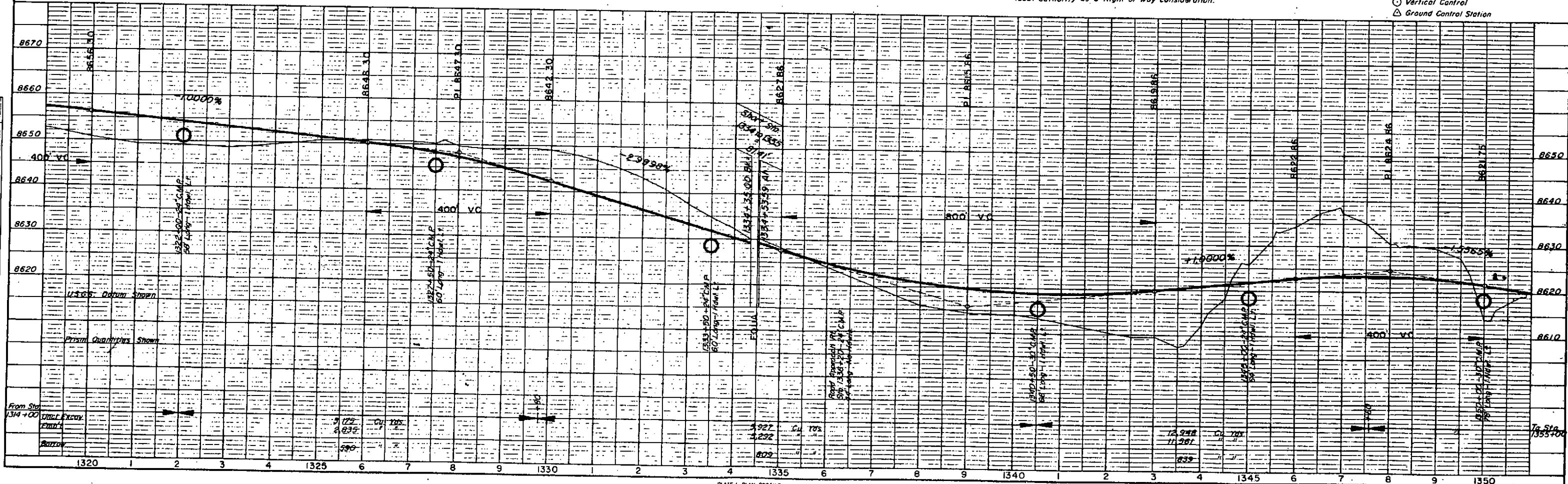


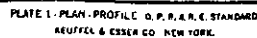
"The Alignment and Grade as hereon shown are subject to adjustment."

(13) (12) Carlos F. Schuessler

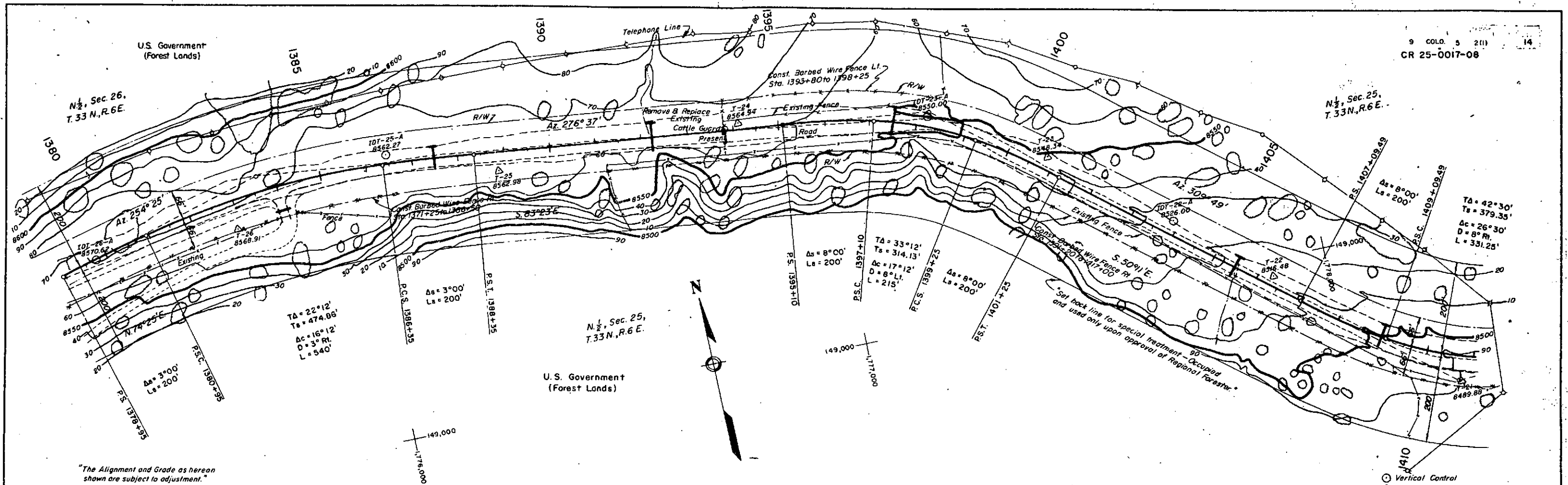
"All public and/or privately-owned utilities located on private lands shall be removed by the State or local authority as a Right-of-Way consideration."

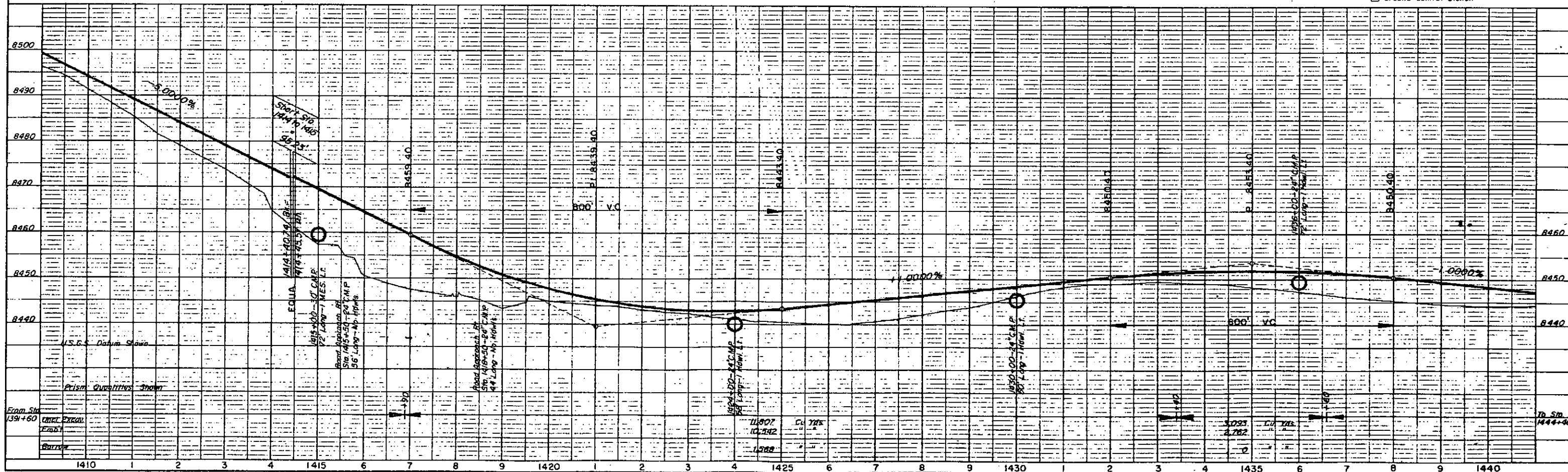
○ Vertical Control
△ Ground Control Station





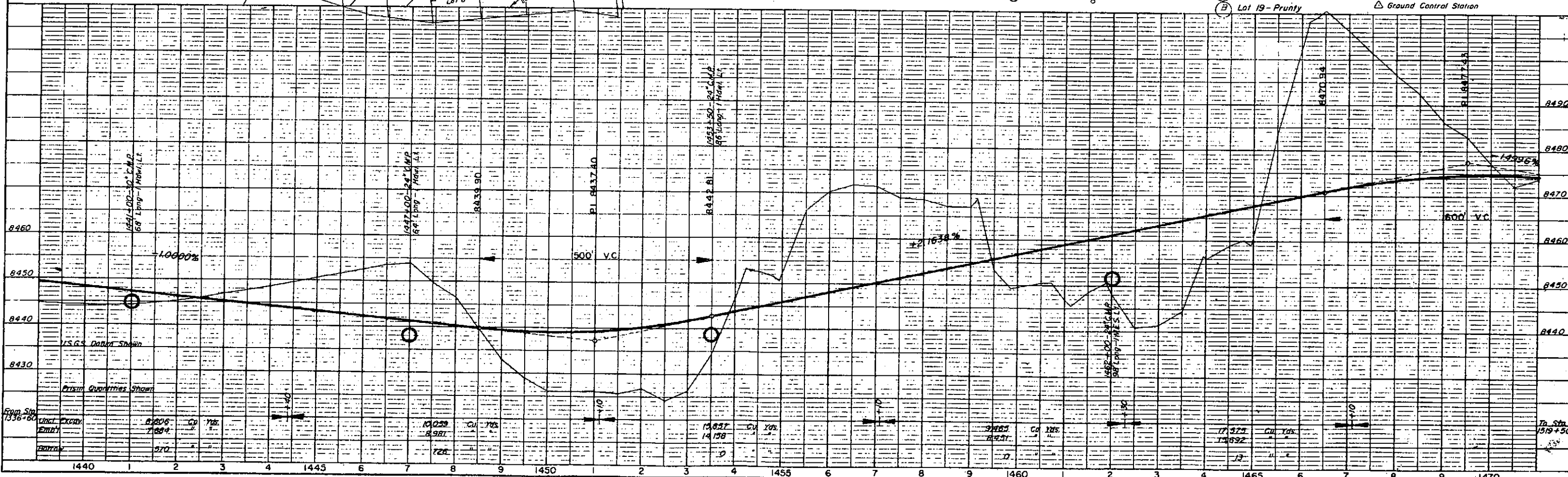
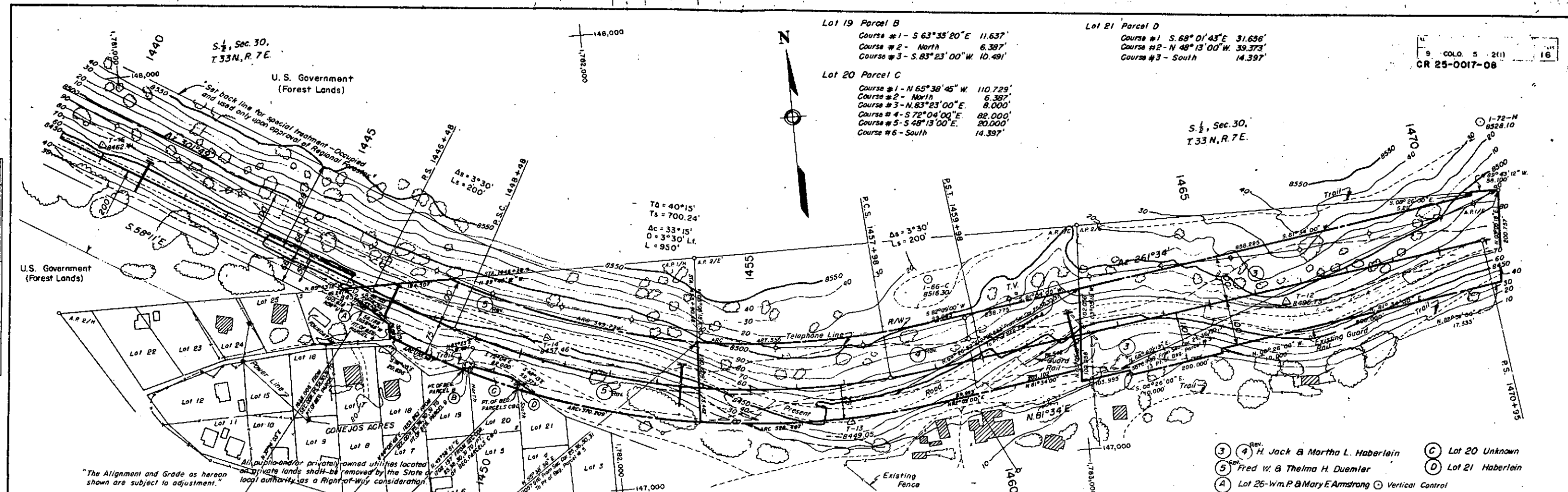
PLAN	DATE
BY	
CHECKED	
NOTED	
REVISIONS	



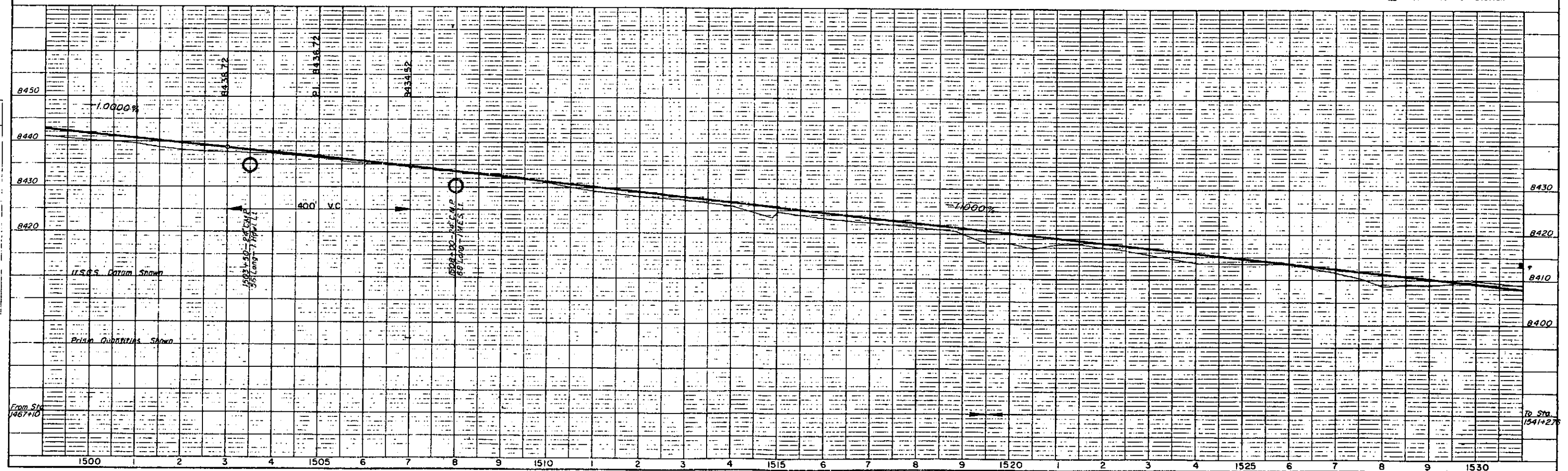


PLAN	DATE
SURVEYED	
ALIGNED	
NOTE BOOK	
NO	

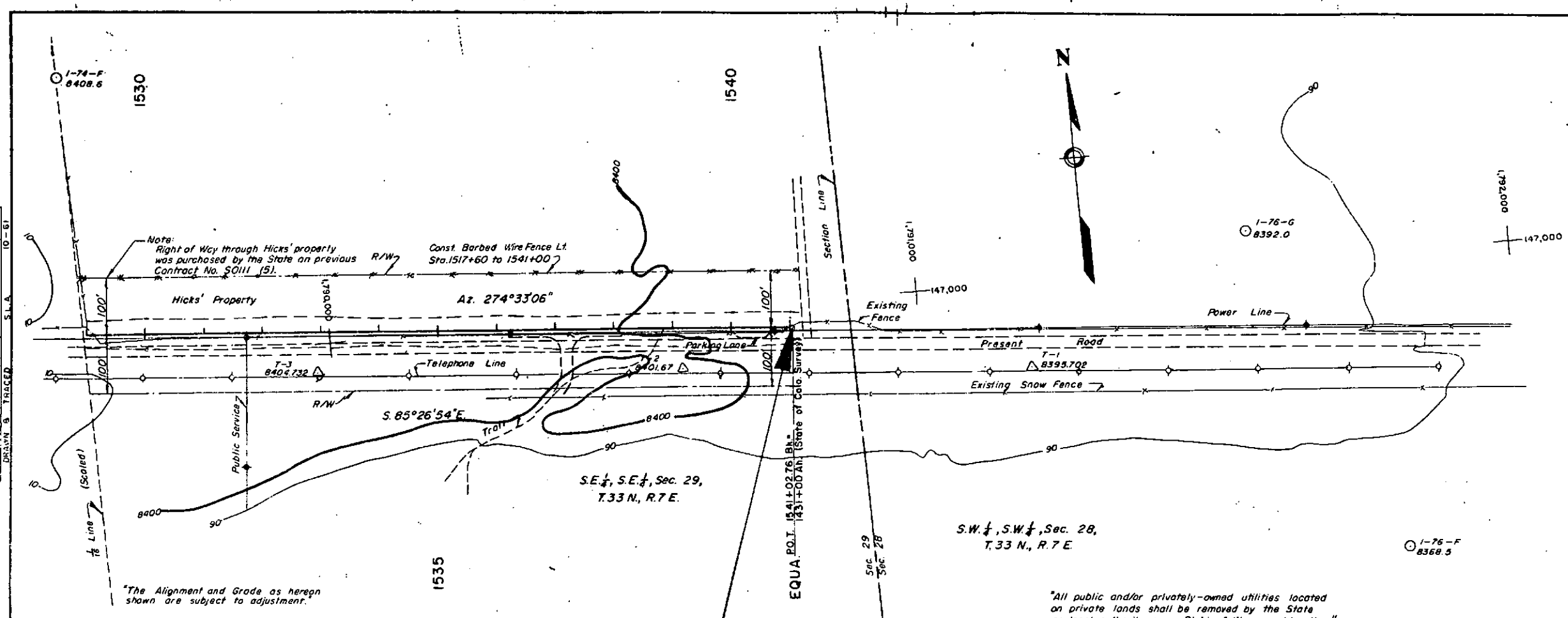
PROFILE	DATE
SURVEYED	
ALIGNED	
NOTE BOOK	
NO	



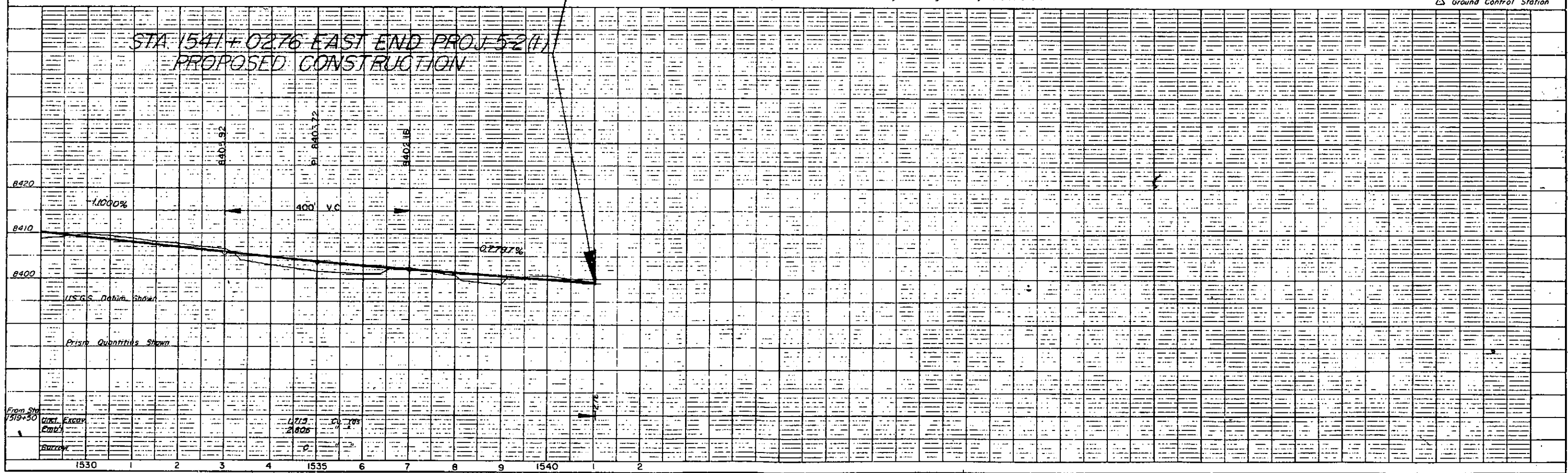


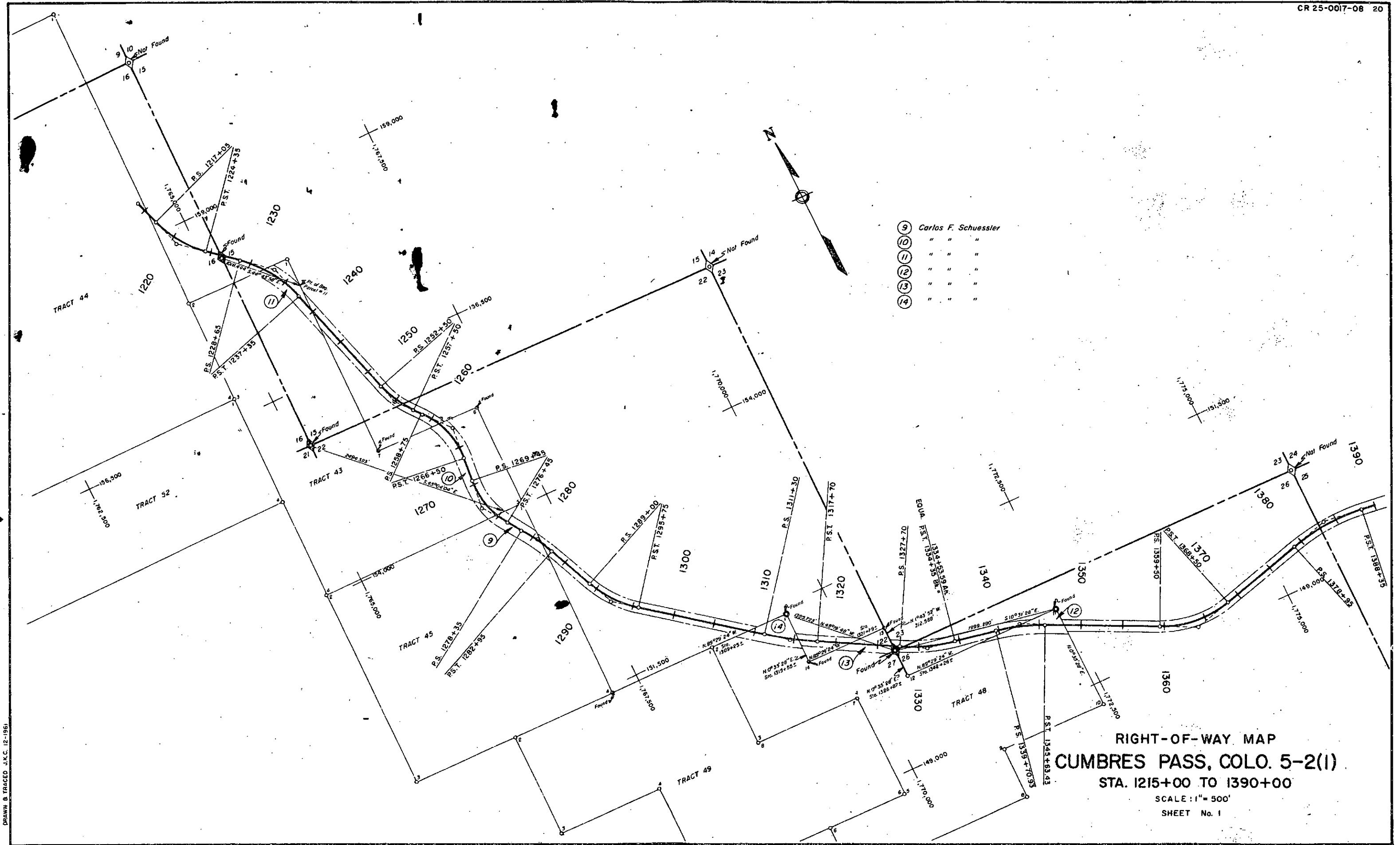


PLAN	DATE
DESIGNED BY	
DRAWN BY	
CHECKED BY	
APPROVED BY	
DATE	



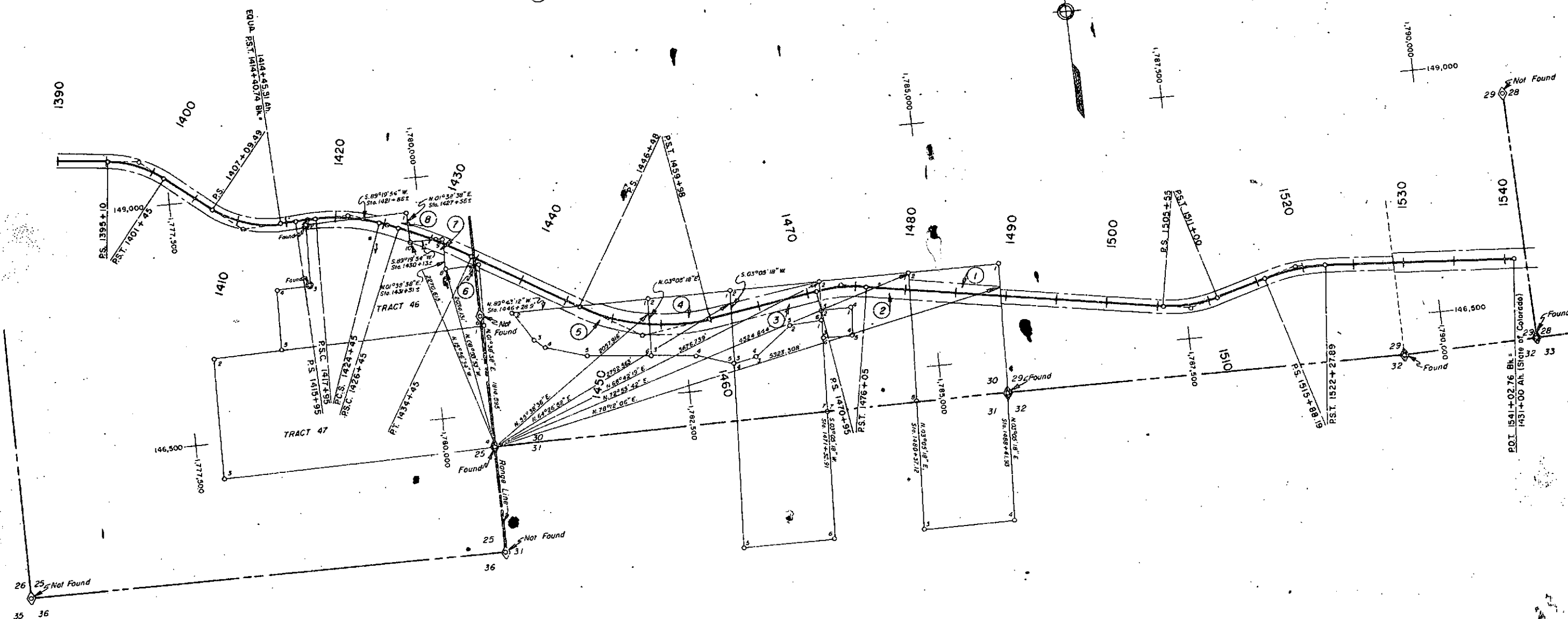
PROFILE	DATE
DESIGNED BY	
DRAWN BY	
CHECKED BY	
APPROVED BY	
DATE	





DRAWN & TRACED J.K.C. 12-1961

- ① Laura Willabell Winters Mitchell
- ② Fred Winters
- ③ H. Jack and Martha L. Haberlein
- ④ " " " "
- ⑤ Fred W. and Thelma H. Duemler
- ⑥ La Conado Inc.
- ⑦ " " "
- ⑧ " " "



RIGHT-OF-WAY MAP
CUMBRES PASS, COLO. 5-2(I)
STA. 1390+00 TO 1540+00

SCALE: 1"=500'

SHEET No. 2