

DEPARTMENT OF TRANSPORTATION STATE OF COLORADO

FEDERAL ROAD REGION NO.	DIVISION	PROJECT NO.	SHEET NO.	TOTAL SHEETS
XVIII	COLORADO	SBCO 99-005 sub-acct# 12666	1	3
RIGHT OF WAY RED MOUNTAIN MINING OVERLOOK SOUTH OF OURAY			REVISIONS	

RIGHT OF WAY PLAN OF PROPOSED

UNITED STATES FOREST SERVICE HIGHWAY IMPROVEMENT
FOR RED MOUNTAIN MINING OVERLOOK

STATE HIGHWAY 550

OURAY COUNTY R8W R7W

EXHIBIT A

INDEX TO SHEETS

SHEET NO.	DESCRIPTION
1.	TITLE SHEET
2.	CONTROL AND MONUMENTAION
3.	RIGHT OF WAY PLAN

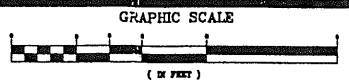
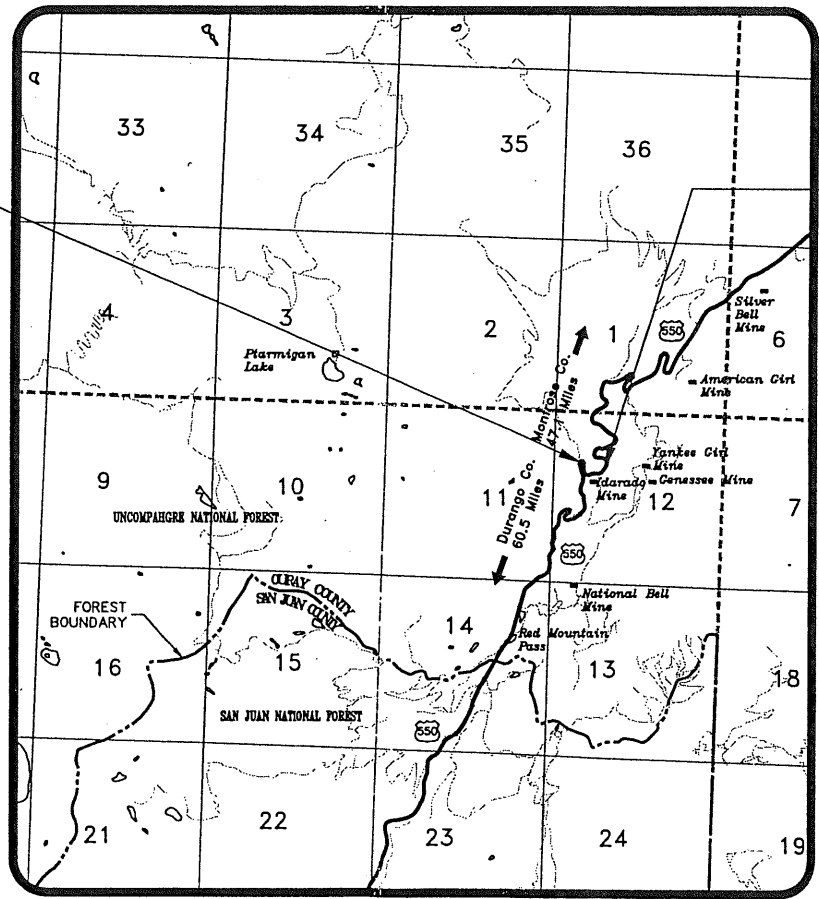
STA. 0+00 BEGIN ROW PROJECT
FOR RED MOUNTAIN MINING OVERLOOK
MILEPOST 80.2

STA. 11+34.36 END ROW PROJECT
FOR RED MOUNTAIN MINING OVERLOOK
MILEPOST 80.4

T43N
T42N

T43N
T42N

BASIS OF BEARINGS IRONTON TOWNSITE
CORNER 1 TO CORNER 2 BEING
S41°55'35"E



R8W R7W

US DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

AUTHORIZED _____ DATE _____
DIVISION ADMINISTRATOR _____

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AFTER RECORDING PLEASE MAIL TO:
 Colorado Department of Transportation
 4211 E. Sprague Ave., 8th Floor
 Denver, CO 80202
 Attention: Planning & Design Section

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AFTER REVISIONS PLEASE MAIL TO:
 Colorado Department of Transportation
 900 E. Arkansas Ave., 4th floor
 Denver, CO 80202
 ATTENTION: UNIT OF HIGH SECTION

**TABULATION OF R.O.W. MARKERS TO BE SET
• NORTH SIDE OF ROAD**

POINT NO.	CL STATION	CL OFFSET LEFT	NORTHING	EASTING
8000	0+00.00	40.00	46789.4089	55006.5555
8001	1+13.92	80.00	46687.3312	55048.9433
8002	1+36.26	100.00	46672.1503	55071.8372
8003	1+77.22	100.00	46639.9216	55079.8408
8004	2+91.50	50.00	46544.4376	55073.2675
8005	3+49.21	50.00	46523.2739	55099.9655
8006	4+15.64	68.85	46534.8294	55138.6126
8007	4+26.32	100.00	46566.5277	55142.8138
8008	4+57.72	100.00	46569.9819	55162.0126
8009	4+78.24	100.00	46573.4278	55174.2840
8010	7+67.25	100.00	46662.7197	55449.1502
8011	8+65.46	100.00	46694.3094	55522.8566
8012	8+74.34	100.00	46598.5428	55530.7449
8013	10+44.48	100.00	46772.7672	55598.4791
8014	10+88.51	100.00	46813.3015	55615.6735
8015	11+23.53	100.00	46834.6474	55623.1099

◆ SURVEY CONTROL POINT TABULATION

POINT#	NORTHING	EASTING	ELEVATION
5	46610.5080	55126.2180	10615.75
241	46649.7940	55192.7188	10619.18
560	46470.5910	55388.3680	10624.95
406	46425.2270	55631.1270	10636.44

**TABULATION OF R.O.W. MARKERS TO BE SET
• SOUTH SIDE OF ROAD**

POINT NO.	CL STATION	CL OFFSET RIGHT	NORTHING	EASTING
8016	0+00.00	25.00	46790.2476	54941.5609
8017	0+75.00	25.00	46713.8840	54941.2144
8018	1+00.00	35.00	46686.3454	54933.2174
8019	1+25.00	35.00	46659.4055	54936.9081
8020	1+61.14	25.00	46623.5430	54954.8802
8021	1+77.22	25.00	46608.0006	54958.9853
8022	2+75.00	25.00	46511.8249	55003.9560
8023	2+91.50	35.00	46491.1885	55007.0140
8024	3+25.00	45.00	46453.6915	55031.9652
8025	4+00.00	45.00	46420.8580	55126.5618
8026	4+13.77	30.00	46436.1160	55144.1512
8027	4+78.24	30.00	46449.7871	55214.4455
8028	5+00.00	25.00	46461.2667	55233.8000
8029	7+25.00	25.00	46530.7831	55447.5918
8030	7+50.00	35.00	46528.9964	55474.4582
8031	7+67.34	35.00	46534.3552	55490.9541
8032	8+00.00	35.00	46546.1246	55523.6823
8033	8+50.00	25.00	46576.7569	55567.7248
8034	8+74.34	25.00	46588.4024	55589.8557
8035	10+44.48	25.00	46723.9531	55713.5537
8036	10+88.96	25.00	46764.8830	55730.9160
8037	11+34.36	25.00	46811.8068	55746.3468

GENERAL NOTES

1. THIS RIGHT OF WAY PLAN IS NOT A COMPLETE BOUNDARY SURVEY OF ALL ADJOINING OWNERS AND IS PREPARED FOR HIGHWAY DEPARTMENT PURPOSES ONLY.
2. BASIS OF BEARING: IRONTON TOWNSITE CORNER 1 TO CORNER 2 BEING S41°55'35"E.
3. BASIS OF COORDINATES IS ASSUMED AND ARE PROJECT COORDINATES ONLY.
4. ASSUMED ELEVATION AT CONTROL POINT 406 10638.44.
5. ALL R.O.W. MARKERS ARE TO BE SET FROM CONTROL POINTS.
6. ALL CENTERLINE AND OFFSET STATIONING IS THEORETICAL ONLY AND MAY NOT REPRESENT THE CENTERLINE AS CONSTRUCTED IN THE FIELD.

CONTROL AND MONUMENTATION SHEET

FEDERAL ROAD REGION NO.	DMSION	PROJECT NO.	SHEET NO.	TOTAL SHEETS
XXIII	COLORADO	SBCO 99-005 sub-acct# 12666	2	3

RIGHT OF WAY
RED MOUNTAIN
MINING
OVERLOOK SOUTH OF
OURAY

REVISIONS	

QUANTITY OF MONUMENTS TO BE SET

CAP TYPE	MONUMENT TYPE							
	1	1A	2	2A	3	3A	4	5
REFERENCE								
RIGHT OF WAY	38							
ALIQUOT CORNER								
WITNESS POST								
PER/EASEMENT								

SURVEYOR'S STATEMENT (FIELD)

ORIGINAL CONTROL SURVEY, TOPO., TIES AND SECTION CORNERS SET UNDER MY SUPERVISION AND CHECKING

NAME _____ P.L.S. NO. _____

DATE _____

U.S.F.S. SURVEYOR'S STATEMENT (OFFICE)

R.O.W. PLANS AND LEGAL DESCRIPTIONS WERE PREPARED UNDER MY SUPERVISION AND CHECKING

Dennis Valdivinos
NAME DENNIS VALDIVINOS P.L.S. NO. 14506

DATE 11/18/2000

CONTRACT SURVEYOR'S STATEMENT

RIGHT OF WAY MONUMENTATION WAS DONE UNDER MY SUPERVISION AND CHECKING.

NAME _____ P.L.S. NO. _____

DATE _____

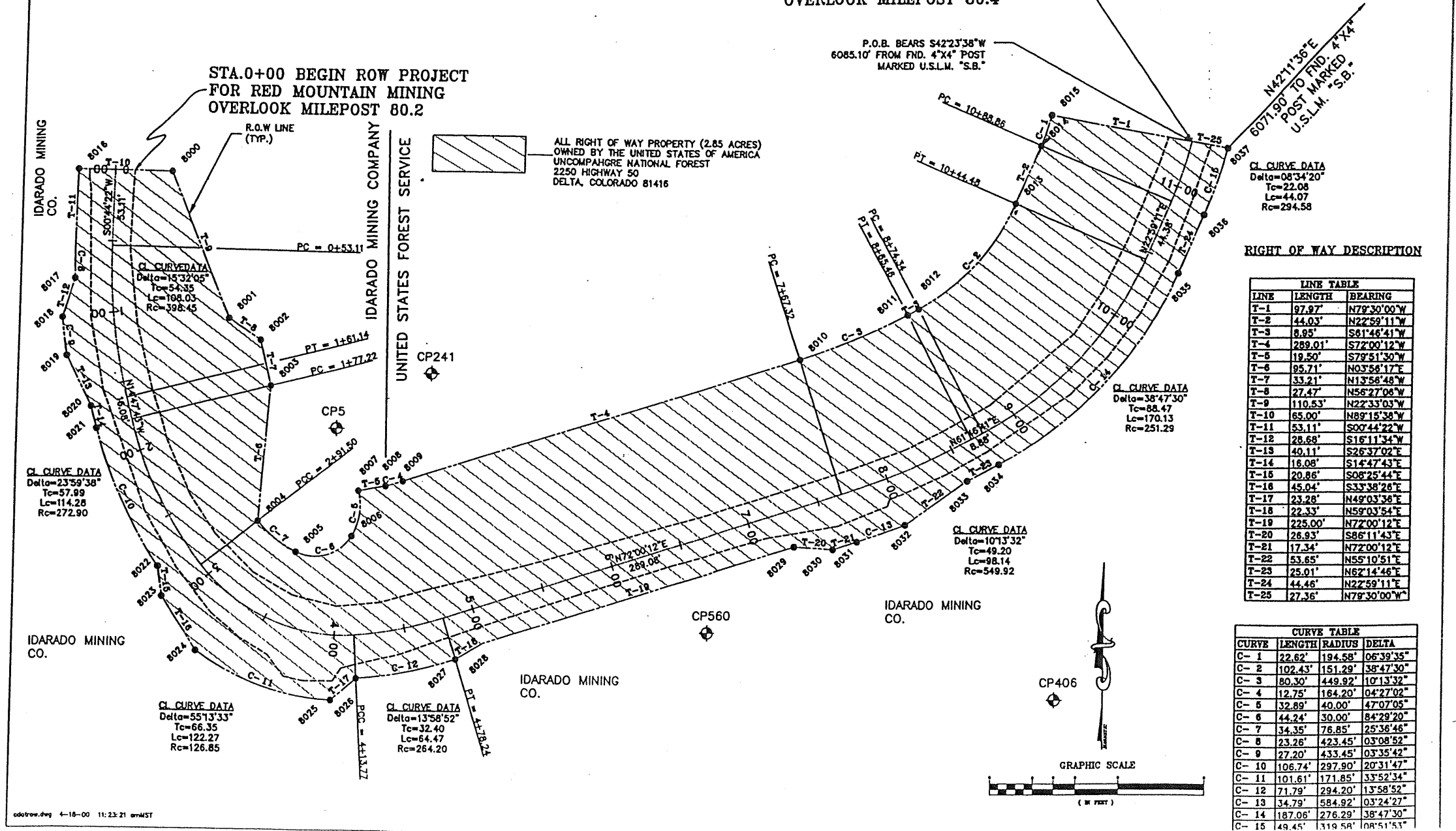
T.42N., R.8W., N.M.P.M.
SECTION 12
UNCOMPAGRE NATIONAL FOREST

EXHIBIT A

FEDERAL ROAD REGION NO.	DIVISION	PROJECT NO.	SHEET NO.	TOTAL SHEETS
XVII	COLORADO	S800 99-005 sub-occt# 12668	3	3
REVISIONS				

RIGHT OF WAY
RED MOUNTAIN
MINING
OVERLOOK SOUTH OF
OURAY

STA.11+34.36 END ROW PROJECT
FOR RED MOUNTAIN MINING
OVERLOOK MILEPOST 80.4

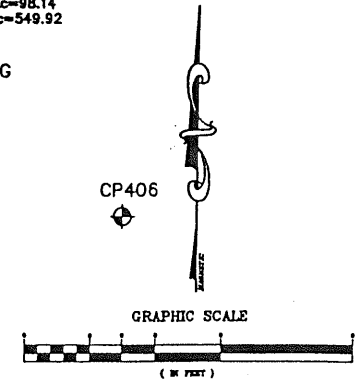


ALL RIGHT OF WAY PROPERTY (2.85 ACRES)
OWNED BY THE UNITED STATES OF AMERICA
UNCOMPAGRE NATIONAL FOREST
2250 HIGHWAY 50
DELTA, COLORADO 81416

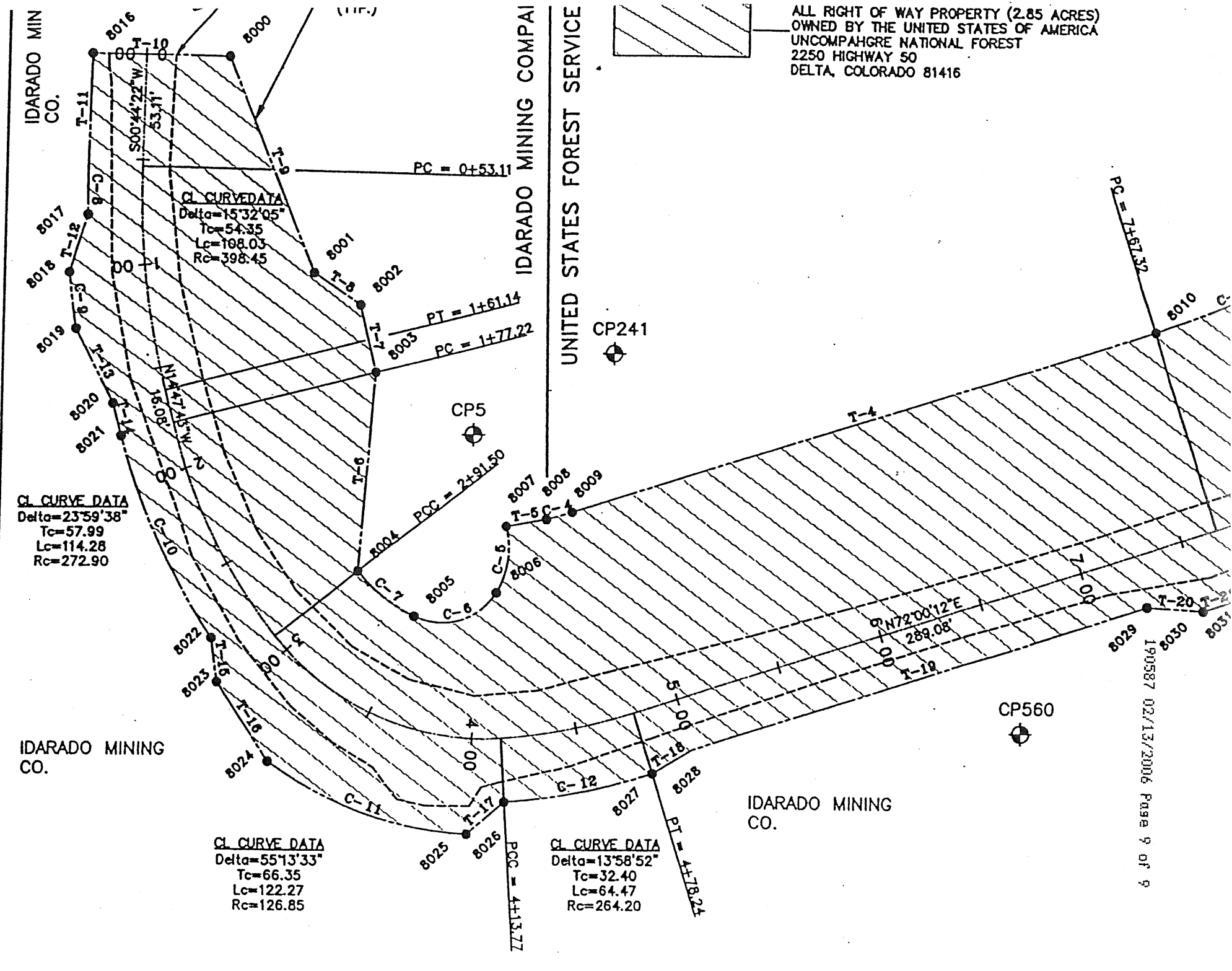
RIGHT OF WAY DESCRIPTION

LINE	LENGTH	BEARING
T-1	97.97'	N79°30'00"W
T-2	44.03'	N22°59'11"W
T-3	8.85'	S61°46'41"W
T-4	289.01'	S72°00'12"W
T-5	19.50'	S79°51'30"W
T-6	95.71'	N03°58'17"E
T-7	33.21'	N13°56'48"W
T-8	27.47'	N56°27'08"W
T-9	110.53'	N22°33'03"W
T-10	65.00'	N89°15'38"W
T-11	53.11'	S00°44'22"W
T-12	28.68'	S16°11'34"W
T-13	40.11'	S26°37'02"E
T-14	18.08'	S14°47'43"E
T-15	20.86'	S08°25'44"E
T-16	45.04'	S33°38'28"E
T-17	23.28'	N49°03'38"E
T-18	22.33'	N59°03'54"E
T-19	225.00'	N72°00'12"E
T-20	28.93'	S86°11'43"E
T-21	17.34'	N72°00'12"E
T-22	53.65'	N55°10'51"E
T-23	25.01'	N62°14'46"E
T-24	44.46'	N22°59'11"E
T-25	27.36'	N79°30'00"W

CURVE	LENGTH	RADIUS	DELTA
C-1	22.62'	194.58'	06°39'35"
C-2	102.43'	151.29'	38°47'30"
C-3	80.30'	449.92'	10°13'32"
C-4	12.75'	164.20'	04°27'02"
C-5	32.89'	40.00'	47°07'05"
C-6	44.24'	30.00'	84°29'20"
C-7	34.35'	76.85'	25°36'46"
C-8	23.26'	423.45'	03°08'52"
C-9	27.20'	433.45'	03°35'42"
C-10	106.74'	297.90'	20°31'47"
C-11	101.61'	171.85'	33°52'34"
C-12	71.79'	294.20'	13°58'52"
C-13	34.79'	584.92'	03°24'27"
C-14	187.06'	276.29'	38°47'30"
C-15	49.45'	319.58'	08°51'53"



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ALL RIGHT OF WAY PROPERTY (2.85 ACRES)
 OWNED BY THE UNITED STATES OF AMERICA
 UNCOMPAGRE NATIONAL FOREST
 2250 HIGHWAY 50
 DELTA, COLORADO 81416

IDARADO MIN
 CO.

IDARADO MINING COMPAI
 UNITED STATES FOREST SERVICE

CL CURVE DATA
 Delta=23°59'38"
 Tc=57.99
 Lc=114.28
 Rc=272.90

CL CURVEDATA
 Delta=15°32'05"
 Tc=54.35
 Lc=108.03
 Rc=398.45

CL CURVE DATA
 Delta=55°13'33"
 Tc=66.35
 Lc=122.27
 Rc=126.85

CL CURVE DATA
 Delta=13°58'52"
 Tc=32.40
 Lc=64.47
 Rc=264.20

IDARADO MINING
 CO.

IDARADO MINING
 CO.

HIGHWAY EASEMENT DEED

DEPARTMENT OF AGRICULTURE - FOREST SERVICE

THIS DEED, made this 2 day of November, 2005, 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:

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

Project Code: 12666

Highway Project Number(s): SBCO 99-005

Designation: Red Mountain Overlook/Idarado

Parcel Number: Entire Project

and,

WHEREAS, The United States 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, does hereby grant to the GRANTEE an easement for right of way for the 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 Ouray, State of Colorado.

SECTION SUBDIVISION TOWNSHIP RANGE MERIDIAN

12 NW 1/4 42N 8W N.M.P.M.

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

- (1) Subject to outstanding valid claims, if any, existing on the date of this grant, and the Grantee shall obtain permission as may be necessary on account of such claims.
- (2) The Grantee and the Regional Forester shall make a 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. 432-433), the Archaeological Resources Protection Act of 1979 (93 Stat. 721, 16 U.S.C. 470aa-470ll) and State laws where applicable.

AFTER RECORDING PLEASE MAIL TO:
Colorado Department of Transportation
4201 E. Arkansas Ave., 4th Floor
Denver, CO 80222
ATTENTION: Right of Way Section

- (3) 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 purpose of construction, operation, and maintenance of a highway in accordance with the approved plans described in the following condition number 4 and does not include the grant of any rights for non-highway purposes or facilities: Provided, that the rights 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.
- (4) The design and construction of highway project(s) situated on this right of way will be in accordance 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 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 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.
- (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 where

MAIL TO:
Colorado Department of Transportation
4201 E. Arkansas Ave., 4th Floor
Denver, CO 80222
ATTENTION: Staff of Way Section

water bars, 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.

- (6) 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.
- (7) The Grantee shall maintain the right-of-way clearing by means of chemicals only after consultation with the Forest Service. Consultation must address the time, method, chemicals, and the exact portion of the right of way to be chemically treated.
- (8) The Grantee, in consideration of the grant of this easement, does hereby covenant and agrees a covenant running with the land for itself, its successors and assigns that:
 - (a) No person 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 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 other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Subtitle A Office of the Secretary, Part 21 Nondiscrimination in federally-assisted programs of the Department of Transportation, in effectuation of Title VI of the Civil Rights Act of 1964, and said regulations as may be amended.

In the event of breach of any to the above-mentioned nondiscrimination conditions, the Department shall have the right to re-enter said land and facilities on said land, and the above-described land and facilities shall thereupon 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.

- (9) 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 revert immediately to the full control of the Department of Agriculture.
- (10) 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 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.

190587 02/13/2006 Page 4 of 9
IN WITNESS WHEREAS, I, David A. Nicol pursuant to delegations of authority from the Secretary of Transportation, the Federal Highway Administrator, by virtue of authority in me vested by law, have hereunto subscribed my name as of the day and year first above written.

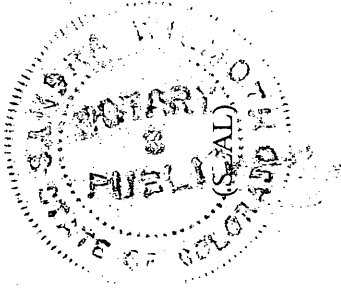
UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

By: David Nicol
David Nicol
Division Administrator

UNITED STATES OF AMERICA)
)
)

I, Sandra Wilmoth, a Notary Public in and for Daid county i state do hereby certify that on this, the 3 day of December, 2005 before me personally appeared David Nicol, Division Administrator, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of December 3, 2005 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 Division Administrator, Federal Highway Administration.

Witness my hand and seal this 3 day of December, 2005



Sandra Wilmoth
Notary Public

Sandra Wilmoth, Notary Public
State of Colorado
My Commission Expires 3/1/2008

My Commission Expires 3-1-2006

AFTER RECORDING PLEASE MAIL TO:
Colorado Department of Transportation
4201 E. Arkansas Ave., 4th Floor
Denver, CO 80222
ATTENTION: Dept of 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.

DEPARTMENT OF TRANSPORTATION
STATE OF COLORADO

ATTEST:

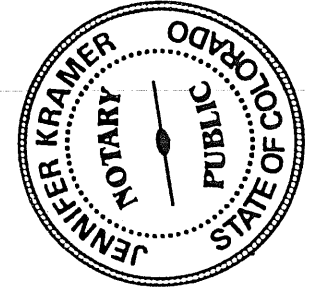
Douglas W. Bennett
DOUGLAS W BENNETT
Chief Clerk for Right of Way

By: Craig Sracusa
CRAIG SRACUSA, P.E.
Chief Engineer

STATE OF COLORADO)
CITY of DENVER)
COUNTY OF DENVER)

I, JENNIFER KRAMER a Notary Public in and for said County and State, hereby certify that
CRAIG SRACUSA, Chief Engineer for the Department of Transportation, State of Colorado and DOUGLAS W. BENNETT Chief Clerk for Right of Way 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 26th day of MAY, 2004.



(SEAL)

Jennifer Kramer
Notary Public
4201 E. Arkansas
Denver, Colorado

My Commission Expires 5-11-07.

Certification

I, Harry Morrow, Chief Transportation Counsel, for Department of Transportation, State of Colorado, and duly licensed to practice law in the State of Colorado, hereby certify that this deed is legally sufficient for its stated purpose.

Date: May 21, 2004
Harry Morrow
Harry Morrow, Chief Transportation Counsel

NOTARY PUBLIC PLEASE PRINT NAME AND ADDRESS
Colorado Department of Transportation
4201 E. Arkansas Ave., 8th Floor
Denver, CO 80202
ATTENTION: Chief of Way Section