



RESOLUTION NO. 13-11-03

**A RESOLUTION OF THE GILA COUNTY BOARD OF SUPERVISORS
ACCEPTING THE GRANT OF A PUBLIC ROAD EASEMENT FROM
THE UNITED STATES DEPARTMENT OF AGRICULTURE FOREST
SERVICE FOR FOREST ROAD 423 ALSO KNOWN AS EWING TRAIL
AND CLINE BOULEVARD**

WHEREAS, the United States Department of Agriculture Forest Service has agreed to grant Gila County a one hundred foot wide Public Road Easement as shown on Gila County Record of Survey Map Number 4208A-D, Gila County Records; and

WHEREAS, the Board of Supervisors finds that the public interest will be served by the acceptance of the Public Road Easement upon the terms and conditions set forth therein.

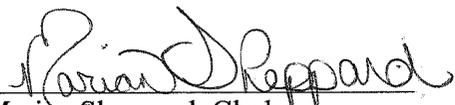
NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Gila County Board of Supervisors does hereby accept the grant of a Public Road Easement upon the terms and conditions set forth therein from the United States Department of Agriculture Forest Service for Forest Road 423 also known as Ewing Trail and Cline Boulevard, and authorizes its Chairman to execute the document on behalf of Gila County.

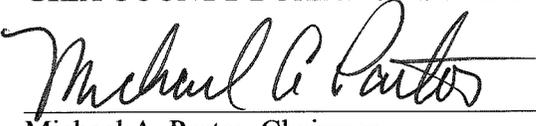
The above described Public Road Easement is attached for informational purposes only and will be recorded as a separate document.

PASSED AND ADOPTED this 5th day of November 2013.

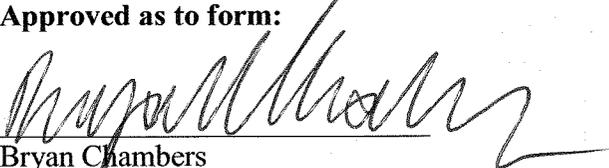
Attest:

GILA COUNTY BOARD OF SUPERVISORS


Marian Sheppard, Clerk


Michael A. Pastor, Chairman

Approved as to form:


Bryan Chambers
Deputy Attorney Principal

Auth ID: TBA864
 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 5th day of NOV, 2013, 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. 4208A-D, Gila County Records, Gila County, Arizona**, and by this reference made a part hereof.

Exempt per A. R. S. section 11-1134 A-3

National Forest System Road (NFSR) 423:

GILA AND SALT RIVER MERIDIAN

T. 5 N., R. 11 E.,

Section 5, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 8, N1/2NE $\frac{1}{4}$,

T. 6 N., R. 10 E.,

Section 24, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 25, E $\frac{1}{2}$ NE $\frac{1}{4}$

T. 6 N., R. 11 E.,

Section 30, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
 Section 31, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$
 Section 32, S $\frac{1}{2}$ SW $\frac{1}{4}$

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. One small section, approximately 394.03 feet in length, is *32 feet – 16 feet on each side of centerline*, which is the width of the road. The location of this reduced width section is *T6N, R11E, NW¼NW¼ Section 31*. This area is shown on the Record of Survey Map No. ROS 4208A-4208D.

The road located on National Forest System Roads is approximately 20,466 feet in length (3.88 miles, embracing an easement area of 23.33 acres more or less, as shown on the Record of Survey Map No. 4208A-D, 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. 4208A-D, Gila County Records, Gila County, Arizona (by this reference made a part hereof).

Exhibit B – Operating Plan

Exhibits are 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.

GILA COUNTY, GRANTEE

Attest:

Marian Sheppard
Marian Sheppard, Clerk

GILA COUNTY BOARD OF SUPERVISORS

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

Approved as to form:

Bryan Chambers
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 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, its successors and assigns forever to abide by the conditions set forth in said deed.

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.

THIS MAP IS A PART OF THE SURVEY INSTRUMENT WAS FILED AND RECORDED AT THE RECORDER'S OFFICE IN GILA COUNTY, ARIZONA, ON 07-13-1990. THE SURVEY MAP NO. 4208-A, 1/4 SECTION 24, 25, 30, 31 & 32, T6N, R11E, GILA COUNTY, ARIZONA, WAS FILED AND RECORDED AT THE RECORDER'S OFFICE IN GILA COUNTY, ARIZONA, ON 07-13-1990. THE SURVEY MAP NO. 4208-A, 1/4 SECTION 24, 25, 30, 31 & 32, T6N, R11E, GILA COUNTY, ARIZONA, WAS FILED AND RECORDED AT THE RECORDER'S OFFICE IN GILA COUNTY, ARIZONA, ON 07-13-1990.

APPROVED TO RECORD
 DATE: 7-13-90
 SURVEYOR RESPONSIBLE FOR RECORD

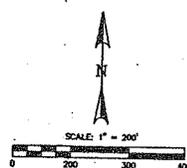
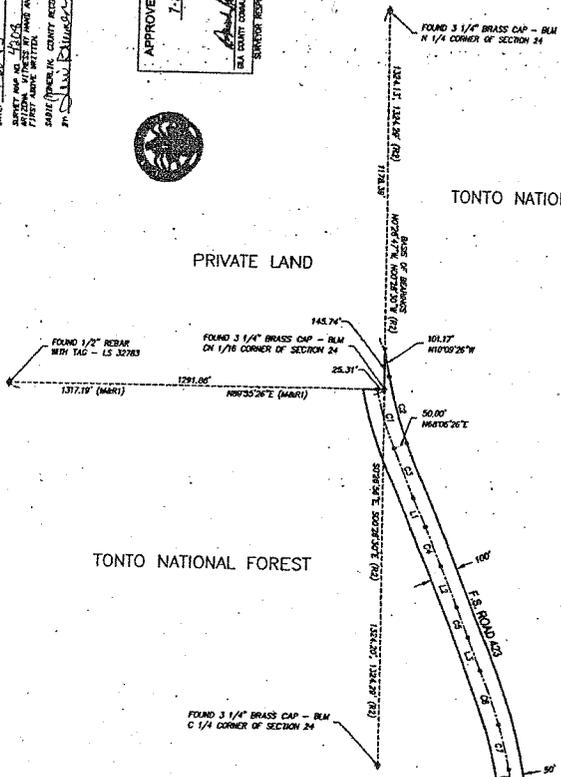
RECORD OF SURVEY

Showing a portion of Forest Service Road 423 located within Sections 24 & 25 - T6N R10E, Sections 30, 31 & 32 - T6N R11E, Sections 5 & 8 - T5N, R11E, Gila & Salt River Meridian, Gila County, Arizona.

RECORD OF SURVEY
 SHEET 1 OF 4
 NEW U.S.D.A. EASEMENT
 GILA COUNTY PUBLIC WORKS
 GILA STATE STRAITON DIRECTOR
 148 N. 2ND AVENUE, SUITE 200
 GILA, ARIZONA 85001
 DATE: 05-07-13 SCALE: 1" = 200'

4208 A

4208 A



Line #	Length	Direction
L1	106.35'	N24°05'03\"/>
L2	153.88'	N23°14'45\"/>
L3	124.90'	N22°22'46\"/>
L4	138.33'	N10°52'07\"/>
L5	278.80'	N37°05'06\"/>
L6	443.38'	N30°08'39\"/>
L7	508.65'	N27°47'42\"/>
L8	277.30'	N28°15'49\"/>

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	217.85'	1250.00'	8°59'25\"/>		
C2	245.79'	1200.00'	11°44'18\"/>		
C3	191.24'	5000.00'	2°11'29\"/>		
C4	146.42'	10000.00'	0°50'20\"/>		
C5	113.27'	7500.00'	0°51'35\"/>		
C6	203.05'	2500.00'	4°39'13\"/>		
C7	187.57'	1400.00'	6°51'28\"/>		
C8	308.51'	7500.00'	2°57'10\"/>		
C9	253.84'	800.00'	18°09'46\"/>		
C10	185.81'	1500.00'	7°06'04\"/>		
C11	476.30'	10000.00'	2°27'32\"/>		
C12	234.84'	3000.00'	4°28'53\"/>		
C13	307.80'	7500.00'	2°20'57\"/>		
C14	213.83'	8000.00'	1°31'53\"/>		
C15	113.35'	8000.00'	1°04'57\"/>		

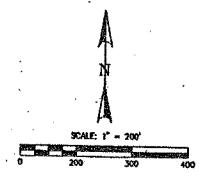
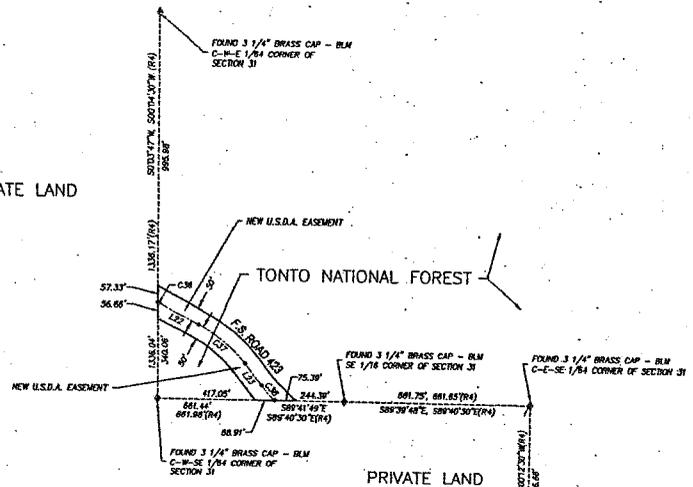
- LEGEND**
- ◆ = FOUND SECTION OR FRACTIONAL SECTION CORNER AS NOTED.
 - = FOUND MONUMENT AS NOTED.
 - = CALCULATED POINT.
 - (R) = RECORD INFORMATION - RECORDS OF THE GILA COUNTY RECORDERS OFFICE, UNLESS OTHERWISE NOTED.
 - (R1) = RECORD OF SURVEY MAP NO. 4180.
 - (R2) = BLM SURVEY - PLAT MAP REF. NO. 00289-C, FILED JANUARY 18, 1984, BLM RECORDS.
 - (R3) = BLM SURVEY - PLAT MAP REF. NO. 00284-C, FILED JULY 20, 1990, BLM RECORDS.
 - (R4) = BLM SURVEY - PLAT MAP REF. NO. 00299-C, FILED JULY 20, 1990, BLM RECORDS.
 - (M) = MEASURED COURSES.
 - (C) = CALCULATED COURSES.
 - C1 = CURVE REFERENCE, SEE CURVE TABLE.
 - L1 = LINE REFERENCE, SEE LINE TABLE.
 - BLM = BUREAU OF LAND MANAGEMENT.
 - = MEASURED (BEST FIT) CENTERLINE OF FOREST SERVICE ROAD 423, UNLESS OTHERWISE NOTED.

NOTES:
 1.) COURSES SHOWN BETWEEN MONUMENTS ARE MEASURED COURSES, UNLESS OTHERWISE NOTED. ALL OTHER COURSES SHOWN HEREIN ARE CALCULATED.
 2.) THIS MAP MAY NOT REFLECT INFORMATION THAT WOULD BE REVEALED BY A CURRENT TITLE REPORT.

THIS MAP IS A PART OF THE SURVEY INSTRUMENT WAS FILED AND RECORDED AT THE RECORDER'S OFFICE IN GILA COUNTY, ARIZONA, ON 07-13-1990. THE SURVEY MAP NO. 4208-A, 1/4 SECTION 24, 25, 30, 31 & 32, T6N, R11E, GILA COUNTY, ARIZONA, WAS FILED AND RECORDED AT THE RECORDER'S OFFICE IN GILA COUNTY, ARIZONA, ON 07-13-1990.

4208 C

PRIVATE LAND



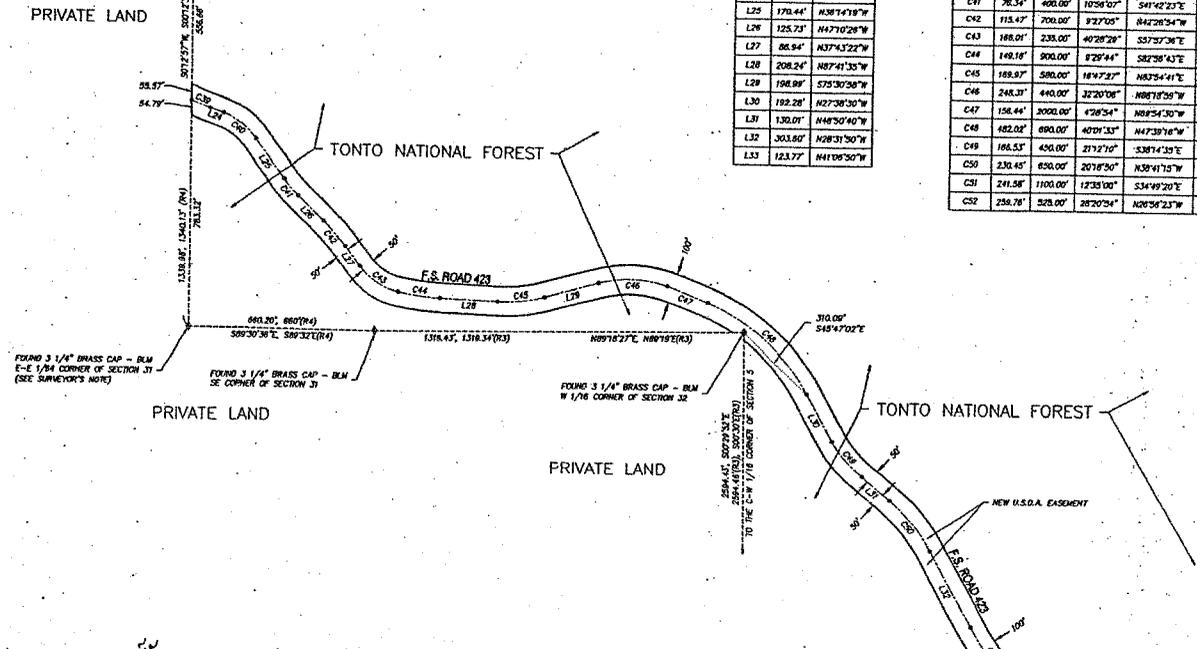
Line #	Length	Direction
L22	155.36'	N61°54'45\"/>
L23	95.77'	N30°36'31\"/>
L24	48.38'	N70°04'27\"/>
L25	170.44'	N38°14'19\"/>
L26	125.73'	N47°10'28\"/>
L27	85.84'	N37°43'22\"/>
L28	208.54'	N87°41'30\"/>
L29	196.89'	S75°30'36\"/>
L30	192.28'	N27°38'30\"/>
L31	130.01'	N44°50'40\"/>
L32	303.60'	N28°31'50\"/>
L33	123.77'	N41°09'50\"/>

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C38	5.70'	900.00'	0°21'45\"/>		
C37	218.27'	540.00'	2°15'53\"/>		
C38	70.87'	600.00'	8°44'53\"/>		
C39	71.01'	775.00'	5°14'58\"/>		
C40	147.64'	250.00'	33°50'58\"/>		
C41	76.54'	450.00'	10°58'07\"/>		
C42	115.47'	700.00'	9°27'09\"/>		
C43	188.01'	235.00'	40°28'28\"/>		
C44	149.18'	900.00'	8°29'44\"/>		
C45	189.87'	580.00'	18°17'27\"/>		
C46	248.31'	440.00'	32°20'08\"/>		
C47	156.44'	3000.00'	4°28'54\"/>		
C48	482.02'	690.00'	40°09'33\"/>		
C49	165.52'	450.00'	2°12'10\"/>		
C50	230.45'	850.00'	20°18'50\"/>		
C51	241.58'	1100.00'	12°35'00\"/>		
C52	258.78'	528.00'	28°20'54\"/>		

- LEGEND**
- ◆ FINDING SECTION OR FRACTIONAL SECTION CORNER AS NOTED.
 - FINDING MONUMENT AS NOTED.
 - CALCULATED POINT.
 - (R) RECORD INFORMATION - RECORDS OF THE GILA COUNTY RECORDERS OFFICE, UNLESS OTHERWISE NOTED.
 - (R1) RECORD OF SURVEY MAP NO. 4180.
 - (R2) BLM SURVEY - PLAT MAP REF. NO. 00039-C, FILED JANUARY 16, 1964, BLM RECORDS.
 - (R3) BLM SURVEY - PLAT MAP REF. NO. 00034-C, FILED JULY 20, 1990, BLM RECORDS.
 - (R4) BLM SURVEY - PLAT MAP REF. NO. 00039-C, FILED JULY 20, 1990, BLM RECORDS.
 - (M) MEASURED COURSES.
 - (C) CALCULATED COURSES.
 - C1 CURVE REFERENCE, SEE CURVE TABLE.
 - L1 LINE REFERENCE, SEE LINE TABLE.
 - BLM BUREAU OF LAND MANAGEMENT.
 - M (MEASURED CREST F17) CENTERLINE OF FOREST SERVICE ROAD 423, UNLESS OTHERWISE NOTED.

NOTES:
 1) COURSES SHOWN BETWEEN MONUMENTS ARE MEASURED COURSES, UNLESS OTHERWISE NOTED. ALL OTHER COURSES SHOWN HEREON ARE CALCULATED.
 2) THIS MAP MAY NOT REFLECT INFORMATION THAT WOULD BE REVEALED BY A CURRENT TITLE REPORT.

SURVEYOR'S NOTE:
 THE 1/4\"/>



GILA COUNTY PUBLIC WORKS STEVE STRATTON, DIRECTOR 745 N. ROSE WYOMING WAY GLOBE, ARIZONA 85501 (928) 425-3231		RECORD OF SURVEY	
DATE: 05-07-13		SCALE: 1" = 200'	
SHEET 3 OF 4		JOB NO. GC2013-05	
NEW U.S.A. EASEMENT		EXP. 06/2016	

CERTIFICATION:
 THIS MAP REPRESENTS A SURVEY DONE UNDER MY SUPERVISION AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.
 Mark C. Gierke, PLS. No. 30798
 7/21/15
 DATE

4208 C

EXHIBIT A

EXHIBIT B
ROAD OPERATION AND MAINTENANCE PLAN

National Forest System Road 423
Auth. #TBA864

Gila County Road Easement
T5N, R11E, Sections 5, 8
T6N, R10E, Sections 24, 25
T6N, R11E, Sections 30, 31, 32

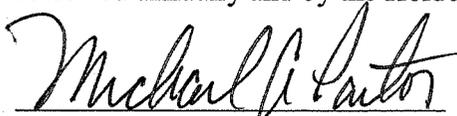
Operations shall be conducted in a manner that consistent with Forest Service Road Maintenance Standards.

Forest Service objectives are to ensure 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

Michael A. Pastor, Chairman

Print Name

11-5-2013

Date

Date

Neil Bosworth
Tonto Forest Supervisor