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**CAPTION HEADING:** RESOLUTION AND EASEMENT

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RESOLUTION # 34-96

Resolution of Acceptance of the United States Forest Service (USFS) Development Routes 916, 916A, 332 and 332A in the Aripine Area on Behalf of the Aripine County Road Improvement District.

**ARIPINE COUNTY ROAD IMPROVEMENT DISTRICT**

**RESOLUTION NO. 34-96**

**RESOLUTION OF ACCEPTANCE OF THE UNITED STATES  
FOREST SERVICE (USFS) FOREST DEVELOPMENT ROUTES  
916, 916A, 332 AND 332A, IN THE ARIPINE AREA ON BEHALF OF THE ARIPINE  
COUNTY ROAD IMPROVEMENT DISTRICT**

**WHEREAS**, the citizens living in the Aripine area have been working with the U. S. Forest Service to obtain public access into their area; and

**WHEREAS**, the U.S. Forest Service has provided public road easements, as attached, for the four access roads into the Aripine area; and

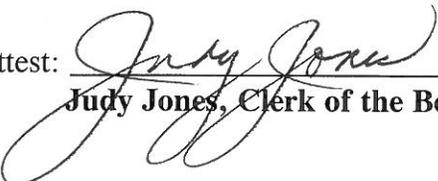
**WHEREAS**, acceptance by signing the easement document, on behalf of the road district, will allow legal access for the general citizenry to use the roads and allow the local citizens opportunity to develop their properties.

**THEREFORE, BE IT RESOLVED**, that the Board of Directors for the Aripine Road Improvement District does accept the USFS Road Easement for Forest Development Routes 916, 916A, 332, and 332A, on behalf of the district.

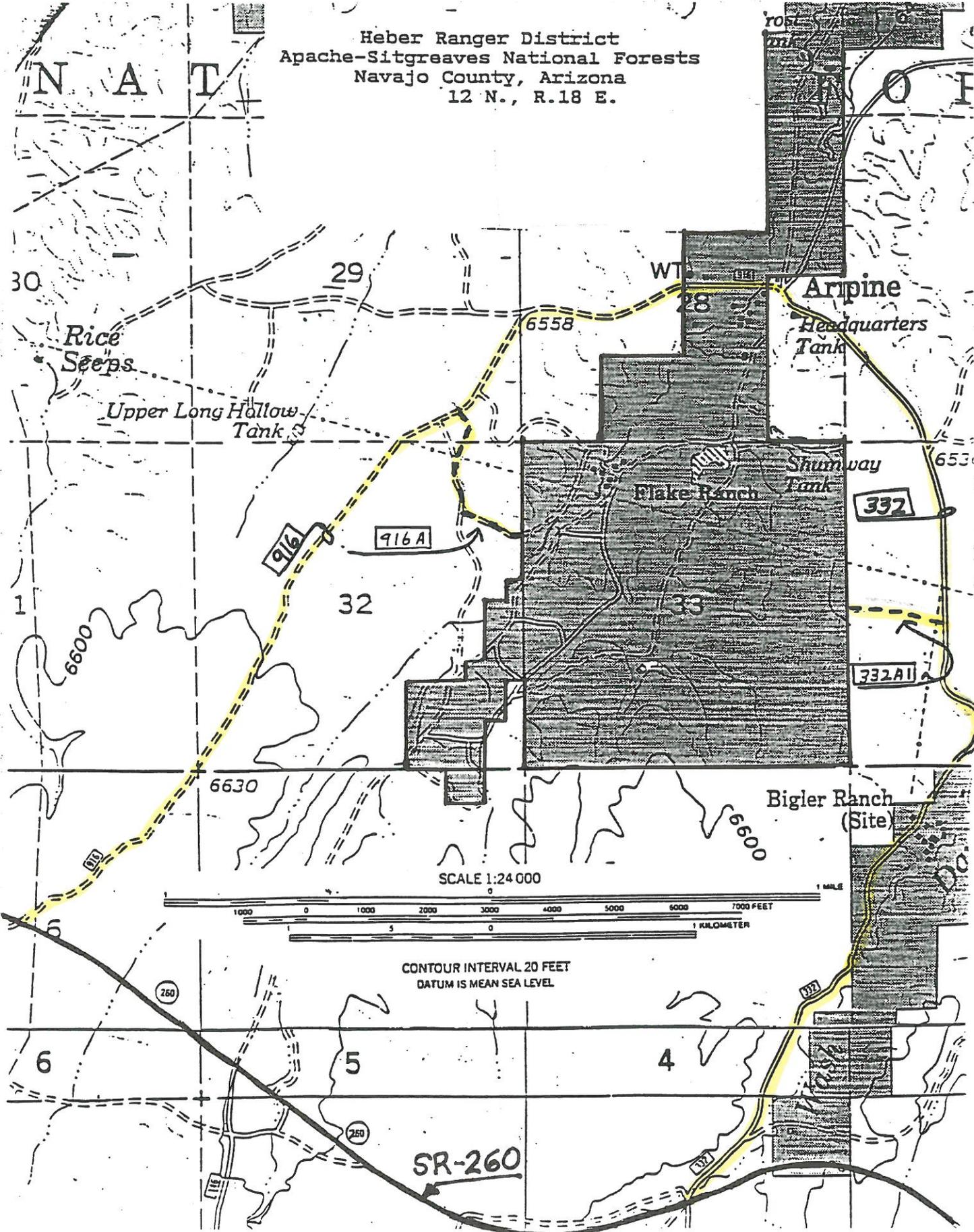
**BE IT FURTHER RESOLVED**, that acceptance of such easement document does in no way obligate the expenditure of district funds for maintenance or improvement of these roads.

**PASSED AND ADOPTED** this 22nd day of July, 1996.

  
\_\_\_\_\_  
Percy Deal, Chairman  
Board of Directors  
Aripine County Road Improvement  
District

Attest:   
Judy Jones, Clerk of the Board

Heber Ranger District  
Apache-Sitgreaves National Forests  
Navajo County, Arizona  
12 N., R.18 E.



PUBLIC ROAD EASEMENT  
FOREST DEVELOPMENT ROADS  
916 & 916A, 332 & 332A1

THIS EASEMENT, dated this 26 day of JUNE, 1996, from the UNITED STATES OF AMERICA, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to the Aripine County Road Improvement District, as created in Resolution 06-96, by Navajo County Board of Supervisors and Recorded in Fee # 1996 10388, Navajo County Records, 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 Navajo, 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 following described lands in the County of Navajo, State of Arizona:

As described in Fee # 1996 10388, Pages 13 through 16, Records of Navajo County, Arizona.

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.

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 nonhighway 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 nonhighway 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. The design and construction of the highway project situated on this right-of-way shall conform with plans, specifications, and written stipulations approved by the Forest Supervisor.
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 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. 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:

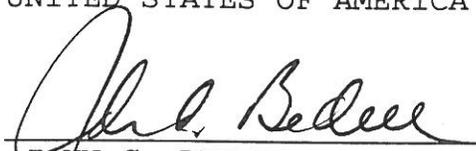
(a) That the Grantee shall operate the described property and its appurtenant areas and its buildings and facilities whether or not on the land therein granted as a public road, in full compliance with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to the regulations 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.

The Regional Forester, R-3, 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.

IN WITNESS WHEREOF, the Grantor, by its Forest Supervisor Apache-Sitgreaves National Forests, Forest Service, has executed this easement pursuant to the delegation of authority by the Secretary of Agriculture to the Assistant Secretary for Natural Resources and Conservation, the delegation of authority by the Assistant Secretary for Natural Resources and Conservation, to the Chief, Forest Service, 7 CFR 2.60, and the delegation of authority by the Chief, Forest Service, dated August 16, 1982, (47 FR 36465), and the delegation of authority by the Regional Forester, Southwestern Region, to the Forest Supervisors, dated October 5, 1992 (57 FR 52756-52757), on the day and year first above written.

UNITED STATES OF AMERICA



JOHN C. BEDELL  
Forest Supervisor  
Apache-Sitgreaves N.F.'s  
Department of Agriculture

STATE OF ARIZONA                    )  
  )     ss.  
COUNTY OF APACHE                )

The foregoing instrument was acknowledged before me this 26 day of June, 1996, by JOHN C. BEDELL, known to me to be the Forest Supervisor, Apache-Sitgreaves N.F., Region 3, Forest Service, United States Department of Agriculture, who being by me duly sworn states that he signed said instrument on behalf of the United States of America under authority duly given, and he executed same as the free act and deed of the United States of America for consideration and purposes therein contained.

  
\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

