

Authorization ID: #AUTH_ID#
Contact ID: #HOLDER_ID#
Use Code: #USE_CODE# _____

FS-2700-9e (05/09)
OMB No. 0596-0082

U. S. DEPARTMENT OF AGRICULTURE
Forest Service
FOREST ROAD EASEMENT ISSUED UNDER THE NATIONAL FOREST ROADS AND TRAILS ACT
Act of October 13, 1964, (P.L. 88-657);
36 CFR 251.50, et seq

THIS EASEMENT, dated this [] day of [], from the United States of America, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to #HOLDER_NAME# a [] of the State of #HOLDER_STATE_NAME# and its successors in interest, assigns, hereinafter collectively called Grantee.

WITNESSETH:

WHEREAS, 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 [] State of [], and administered by the Forest Service, Department of Agriculture.

NOW THEREFORE, Grantor, for and in consideration of [] received by Grantor, does hereby grant to Grantee, subject to existing easements and valid rights, an easement for use of a road, whether existing or as constructed or reconstructed, over and across the following described lands in the County of [], State of [], #TOWNSHIP_SECT_RANGE# #FIRST_DIVISION# #FIRST_DIV_NAME_NUMBER#, #SECOND_DIVISION# #SECOND_DIV_NAME_NUMBER#, #THIRD_DIVISION# #THIRD_DIV_NAME_NUMBER#

The location of the road is shown approximately on exhibit [] attached hereto.

Said easement shall be [] on each side of the centerline with such additional width as required for accommodation and protection of cuts and fills. If the road is located substantially as described herein, the centerline of said road as constructed is hereby deemed accepted by Grantor and Grantee as the true centerline of the easement granted.

The grant is made subject to the following terms, provisions, and conditions applicable to Grantee, its permittees, contractors, successors in interest and assigns:

- A. Except as hereinafter limited, Grantee shall have the right to use the road for all purposes deemed necessary or desirable by Grantee in connection with the protection, administration, management, and utilization of Grantee's lands and resources served by this road, now or hereafter owned or controlled, subject to such traffic control regulations and rules as Grantor may reasonably impose upon or require of other users of the road without unreasonably reducing the rights herein granted.
- B. Grantee shall comply with all applicable State and Federal laws, existing Executive Orders, and Federal rules and regulations.
- C. Grantee shall pay the Grantor for its share of maintenance cost or perform maintenance, as determined by the Grantor. The maintenance obligation of the Grantee shall be proportionate to total use, and the Grantee shall not

be required to perform or bear the costs of maintenance other than that commensurate with its use. Any maintenance performed by the Grantee shall be authorized by and shall be performed in accordance with an approved maintenance plan. In the event the road requires maintenance, restoration, or reconstruction work to accommodate the Grantee's needs, the Grantor shall authorize the work required in the same manner as provided herein for maintenance or in clause F for reconstruction. Such work shall be performed at the expense of the Grantee.

D. Upon change of ownership of any of the Grantee's land or resources served by this road, the rights granted under this easement can be transferred or assigned to the new owner, upon written notification to the Regional Forester.

E. The exercise of the rights granted shall be subordinate to any easement on said road subsequently granted by the United States to a public road agency for operation as a public highway.

F. Any construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations approved by the Forest Supervisor prior to beginning such construction or reconstruction.

G. The rights herein conveyed do not include the right to use the road for access to developments used for short- or long-term residential purposes, unless and until traffic control regulations, rules, and other provisions to accommodate such use of the road are agreed upon by the Grantor and Grantee.

This easement is granted subject to the following reservations by Grantor, for itself, its permittees, contractors, and assignees:

1. The right to use the road for all purposes deemed necessary or desirable by Grantor in connection with the protection, administration, management, and utilization of Grantor's lands or resources, now or hereafter owned or controlled.
2. The right alone to extend rights and privileges for use of the premises to other Government departments and agencies, States, and local subdivisions thereof, and to other users including members of the public; Provided, That the Grantor shall control such use so as not unreasonably to interfere with Grantee's use of the road.
3. The right to all timber now or hereafter growing on the right-of-way for the road, provided the Grantee shall have the right to cut timber to the extent necessary in accordance with construction stipulations or the approved maintenance plan.
4. The right to relocate the road constructed on this easement to the extent necessary to accommodate the management needs of the National Forests. It is agreed that the centerline of this easement shall shift to follow the centerline of the relocated road and shall be accepted as the true centerline of the easement granted.

The grant of a right to use the road described in this easement does not create an obligation on the Grantor to maintain the road in a usable condition.

The Chief, Forest Service, may terminate this easement, or any segment thereof, (1) by consent of the Grantee, (2) by condemnation, or (3) by a determination to cancel after a five (5) year period of nonuse, after notification and opportunity for hearing as prescribed by law: Provided, That the easement, or any segment thereof, shall not be terminated for nonuse as long as the road, or segment thereof is being preserved for prospective future use.

#INSERT TERM HERE#

IN WITNESS WHEREOF, the Grantor, by its , Forest Service, has executed this easement pursuant to the delegation of authority to the Chief, Forest Service, 7 CFR 2.60, and the delegation of authority by the Chief, Forest Service, dated August 22, 1984 (49 F.R. 34283), on the day and year first above written.

UNITED STATES OF AMERICA

By: _____

Forest Service
Department of Agriculture

(APPROPRIATE ACKNOWLEDGMENT)

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