

B:6702 P:463

OFFICIAL RECORDS
OF MOHAVE COUNTY
JOAN MCCALL,
COUNTY RECORDER



03/09/2007 02:21 PM Fee: \$12.00
DOC TYPE: GEASE
PAID BY: AZ DEPT OF TRANSPORTATION

WHEN RECORDED RETURN TO
ARIZONA DEPARTMENT OF TRANSPORTATION
R/W OPERATIONS SEC. (612E)
205 S. 17TH AVENUE
PHOENIX, AZ 85007-3212

PROJECT: I-040-A-801
040 MO 002 H5064 01R
SECTION: NEEDLE MOUNTAIN REST AREA
PARCEL: 8-1816
BLM #: AZA 33778

EXEMPT PER A.R.S. 11-1134-A2

HIGHWAY EASEMENT DEED

THIS DEED made this 17th day of January, 20 07, by and between the UNITED STATES OF AMERICA, acting by and through the Department Of Transportation, Federal Highway Administration, hereinafter referred to as DEPARTMENT (GRANTOR), and the STATE OF ARIZONA, acting by and through its Department of Transportation, hereinafter referred to as the GRANTEE:

WITNESSETH:

WHEREAS, the GRANTEE has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. Section 107(d)), for the right-of-way of a highway over certain federal land under the jurisdiction of the Department of Interior – Bureau of Land Management, in the State of Arizona; and

WHEREAS, the Arizona Division Administrator of the Federal Highway Administration, 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 right-of-way for construction of Project NH 040-A(011) / 040 MO 003 H5064 03C; and

WHEREAS, the Department of Interior, acting by and through the Bureau of Land Management, in its consent to the appropriation of the federal land, 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 construction, operation, and maintenance of a highway (including control of access thereto from adjoining lands, if interstate or other controlled access) 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 federal land within the United States in the County of Mohave, State of Arizona, Gila and Salt River Meridian:

(continued)

4/04

<u>TOWNSHIP</u>	<u>RANGE</u>	<u>SECTION</u>	<u>SUBDIVISION</u>
16 North	20½ West	13	Lots 3, 5, 9 and 10
		14	Lots 5, 7, 8 and 9
		15	Lots 7 and 9
		22	Lot 6, NE¼NE¼
		23	Lot 2, NE¼NW¼

As shown on the right of way plans for project I-040-A-801 / 040 MO 002 H5064 01R / Needle Mountain Rest Area, on file in the office of the State Engineer at Phoenix, Arizona.

Subject, however, to the following terms and conditions:

1. This easement is subject to 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 easement herein granted shall terminate 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 period;
3. The design and construction of highway projects situated on this right-of-way will be in accord with the provisions of Title 23, United States Code (U.S.C.) – Highways, and amendments; applicable State laws; the construction specifications of the Arizona Department of Transportation as approved by the Federal Highway Administration for use on Federal-aid projects; and the Memorandum of Understanding between the Arizona Department of Transportation and the Arizona Divisions of the Federal Highway Administration and the Bureau of Land Management, dated April 23, 2003, including any supplements or modifications thereto;
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 purpose of construction, operation, and maintenance of a highway in accordance with the approved plans and does not include the grant of any right for non-highway purposes or facilities: Provided, that the right of the Bureau of Land Management 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, U.S.C., and amendments, and 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 Federal Highway Administration and **GRANTEE** shall be consulted prior to the exercise of such rights; and Provided further, that nothing herein shall preclude the Bureau of Land Management from locating Department of the Interior information signs on the portions of the right-of-way outside of construction clearing limits [except that such signs shall not be located on the right of way of an Interstate System];

(continued)

5. When need for the easement herein granted shall no longer exist and the area has been reasonably rehabilitated to protect the public and environment, the **GRANTEE** shall give notice of that fact to the **GRANTOR** and, upon approval by the Arizona State Transportation Board, the rights herein granted shall terminate and land shall immediately revert to the Department of Interior, or assigns.

The **GRANTEE**, in consideration of the conveyance of said land, 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 land hereby conveyed;
- b. The **GRANTEE**, shall use said land 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, in effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

In the event of breach of any of 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 the Department of Interior, or assigns, as such interest existed prior to this instrument.

(continued)

IN WITNESS WHEREOF, I, Robert E. Hollis, Arizona Division Administrator, pursuant to delegations of authority from the Secretary of Transportation and 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

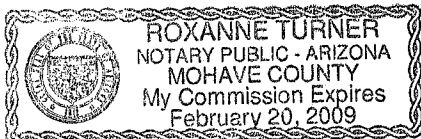
By Robert E. Hollis
Arizona Division Administrator

STATE OF ARIZONA)
County of Maricopa) SS

I, Roxanne Turner, a Notary Public in and for the State of Arizona, do hereby certify that on this the 17th day of January, 20 07, before me personally appeared Robert E. Hollis, Arizona Division Administrator, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of January 17, 20 07, was executed by him/~~her~~ in his/~~her~~ official capacity and by authority in ~~her~~/him vested by law, for the purposes and intents in said instrument described and set forth, and acknowledged the same to be ~~her~~/his free act and deed as Arizona Division Administrator, Federal Highway Administration.

Witness my hand and seal this 17th day of January, 20 07

Roxanne Turner
Notary Public



(SEAL)

Commission Expires 2-20-09

(continued)

447

Parcel: 8-1816

Page 5

In compliance with the conditions set forth in the foregoing deed, the **STATE OF ARIZONA**, 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.

Accepted this 17 day of January, 20 07.

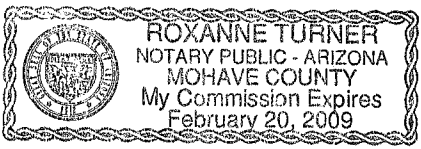
By Paula Gibson
Deputy Chief Right of Way Agent
Right of way Group

STATE OF ARIZONA)
County of Mohave) ss

I, Roxanne Turner, a Notary Public in and for said County and State, hereby certify that Paula Gibson, whose name 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~~/she in ~~his~~/her capacity as ^{Deputy} Chief Right of Way Agent, Right of Way Group, executed the same voluntarily on this day.

Given under my hand and seal of office this 17th day of January, 20 07.
Roxanne Turner

Notary Public



(SEAL)

My Commission Expires 2-20-09