

## HIGHWAY EASEMENT DEED

### FOR HIGHWAY RIGHT-OF-WAY ON BLM PROPERTY

THIS DEED, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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 STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, hereinafter referred to as the STATE:

#### WITNESSETH:

WHEREAS, the STATE has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. Section 317), for a right of way of a highway over certain Federal land under the jurisdiction of the DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT in the State of Alaska, 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 \_\_\_\_\_, \_\_\_\_\_ Highway, \_\_\_\_\_, Project \_\_\_\_\_; and,

WHEREAS, the DEPARTMENT OF THE 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 STATE;

NOW, THEREFORE, the DEPARTMENT, as authorized by law and in compliance with all requirements imposed by or pursuant to Title 49 CFR, DEPARTMENT OF TRANSPORTATION, Subtitle A, Office of Secretary, Part 21, nondiscrimination in Federally-assisted programs of the DEPARTMENT OF TRANSPORTATION (49 CFR 21.2 - 21.23) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4), does hereby grant to the STATE an easement for a right of way for the construction and maintenance of the \_\_\_\_\_ Highway, a Federal-aid \_\_\_\_\_ highway, and use of the space above and below the existing ground surface for highway purposes on, over, across, in and upon the following described Federal land within \_\_\_\_\_, \_\_\_\_\_ Meridian, \_\_\_\_\_ Recording District, State of Alaska, as shown on the right of way plans dated \_\_\_\_\_, sheets \_\_\_\_\_, marked as Exhibit A, and attached hereto and made a part hereof, subject, however, to the following terms and conditions:

- 1) Outstanding valid claims, if any, existing on the date of this grant, and the STATE shall obtain such permission as may be necessary on account of any such claims.
- 2) Use of the right of way is to be undertaken by the STATE in compliance with the Act entitled "An Act for the Preservation of American Antiquities" approved June 8, 1960, (34 Stat. 225, 26 U.S.C. 432-433), and State laws where applicable.
- 3) The easement herein granted shall terminate 10 years from the date of the execution of this deed by the UNITED STATES OF AMERICA in the event development of the right of way has not commenced during such period.

**Exhibit 6-7-ROW**  
**Highway Easement Deed (Highway ROW on BLM Property)**  
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4) The easement herein granted is limited to use of the described right of way and the space above and below the existing ground surface for the purpose of development and maintenance of a right of way in accordance with the approved plans described in the following condition No. 5 and does not include the grant of any rights 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 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 DEPARTMENT 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 development limits as long as concurrence to do so is first obtained from the STATE.

5) The use of this right of way will be in accord with the provisions of Title 23, U.S. Code-Highways, and amendments; the provisions of regulations issued pursuant thereto; the construction specifications of the STATE highway department as approved by the DEPARTMENT for use on Federal-aid projects; and the following terms and conditions specified by the BUREAU OF LAND MANAGEMENT attached as Exhibit \_\_\_\_\_.

6) Consistent with highway safety standards, the STATE shall protect and preserve soil and vegetative cover and scenic and aesthetic values on the right of way outside of development limits.

7) The STATE shall maintain this right of way to acceptable standards of repair, orderliness, neatness, sanitation and safety.

8) The STATE shall maintain the right of way clearing by means of chemicals only after specific written approval has been given by the DEPARTMENT after consultation with the BUREAU OF LAND MANAGEMENT. Application for such approval must be in writing and specify the time, methods, chemicals and the exact portion of the right of way to be chemically treated.

9) 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 STATE shall give notice of that fact to the DEPARTMENT and the rights herein granted shall terminate and the land shall immediately revert to the full control of the Secretary of the DEPARTMENT OF THE INTERIOR or his assigns.

The STATE, 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, religion, sex, 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) that the STATE 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.

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In the event of breach of any of the above-mentioned nondiscrimination conditions, the DEPARTMENT shall have the right to 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 Secretary of the DEPARTMENT OF THE INTERIOR and its assigns, as such interest existed prior to this instrument.

IN WITNESS WHEREOF, I, \_\_\_\_\_, Division Administrator for Alaska, 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:

Name: \_\_\_\_\_

Division Administrator, Alaska Division

STATE OF ALASKA )

) ss.

FIRST JUDICIAL DISTRICT)

I, \_\_\_\_\_, a Notary Public in and for the State of Alaska, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, being to me personally known and known to me to be the Division Administrator for the Alaska Division, Federal Highway Administration, and acknowledged that the foregoing instrument bearing the date \_\_\_\_\_, 2\_\_\_\_, 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 act and deed as Alaska Division Administrator, Federal Highway Administration.

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Alaska

My Commission expires:

**Exhibit 6-7-ROW**  
**Highway Easement Deed (Highway ROW on BLM Property)**  
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In compliance with the conditions set forth in the foregoing deed, the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, certifies and, by the acceptance of this deed, accepts the right of way over certain lands herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said deed.

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

By:

Name: \_\_\_\_\_  
Regional Chief Right-of-Way Agent  
For the Commissioner

STATE OF ALASKA )

) ss.

\_\_\_\_\_ JUDICIAL DISTRICT)

I, \_\_\_\_\_, a Notary Public in and for the State of Alaska, hereby certify that  
\_\_\_\_\_ 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 in his capacity as  
\_\_\_\_\_, executed the same voluntarily on this day.

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Alaska

My commission expires:

DEED APPROVED AS LEGALLY SUFFICIENT
DATE: _____, 20____
Signature: _____
Name: _____

**Exhibit 6-7-ROW**  
**Highway Easement Deed (Highway ROW on BLM Property)**  
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HIGHWAY EASEMENT DEED  
FOR A MATERIAL SOURCE ON BLM PROPERTY

THIS DEED, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, 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 STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, hereinafter referred to as the STATE:

WITNESSETH:

WHEREAS, the STATE has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. Section 317), for a right of way for Material Source \_\_\_\_\_ over certain Federal land under the jurisdiction of the Department of the Interior, Bureau of Land Management in the State of Alaska, 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 a material source; and,

WHEREAS, the Department of the 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 STATE;

NOW, THEREFORE, the DEPARTMENT, as authorized by law and in compliance with all requirements imposed by or pursuant to Title 49 CFR, DEPARTMENT OF TRANSPORTATION, Subtitle A, Office of Secretary, Part 21, nondiscrimination in Federally-assisted programs of the DEPARTMENT OF TRANSPORTATION (49 CFR 21.2 - 21.23) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4), does hereby grant to the STATE an easement for a material source for the construction and maintenance of the \_\_\_\_\_ Highway, a Federal-aid \_\_\_\_\_ highway, and use of the space above and below the existing ground surface for highway purposes on, over, across, in and upon Federal land within \_\_\_\_\_ Meridian, \_\_\_\_\_ Recording District, State of Alaska, as shown on the plat dated \_\_\_\_\_, marked as Exhibit A, attached hereto and made a part hereof, subject, however, to the following terms and conditions:

- 1) Outstanding valid claims, if any, existing on the date of this grant, and the STATE shall obtain such permission as may be necessary on account of any such claims.
- 2) Use of the material source is to be undertaken by the STATE in compliance with the Act entitled "An Act for the Preservation of American Antiquities" approved June 8, 1960, (34 Stat. 225, 26 U.S.C. 432-433), and State laws where applicable.
- 3) The easement herein granted shall terminate 10 years from the date of the execution of this deed by the UNITED STATES OF AMERICA in the event development of the material source has not commenced during such period.

**Exhibit 6-7-MS**  
**Highway Easement Deed (Material Source on BLM Property)**  
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4) The easement herein granted is limited to use of the described right of way and the space above and below the existing ground surface for the purpose of development and maintenance of a material source in accordance with the approved plans described in the following condition No. 5 and does not include the grant of any rights 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 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 DEPARTMENT 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 development limits as long as concurrence to do so is first obtained from the STATE.

5) The use of this material source will be in accord with the provisions of Title 23, U.S. Code-Highways, and amendments; the provisions of regulations issued pursuant thereto; the construction specifications of the STATE highway department as approved by the DEPARTMENT for use on Federal-aid projects; and the following terms and conditions specified by the BUREAU OF LAND MANAGEMENT attached as Exhibit \_\_\_\_\_.

6) Consistent with highway safety standards, the STATE shall protect and preserve soil and vegetative cover and scenic and aesthetic values on the right of way outside of development limits.

7) The STATE shall maintain this material source to acceptable standards of repair, orderliness, neatness, sanitation and safety.

8) The STATE shall maintain the right of way clearing by means of chemicals only after specific written approval has been given by the DEPARTMENT after consultation with the BUREAU OF LAND MANAGEMENT. Application for such approval must be in writing and specify the time, methods, chemicals and the exact portion of the right of way to be chemically treated.

9) 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 STATE shall give notice of that fact to the DEPARTMENT and the rights herein granted shall terminate and the land shall immediately revert to the full control of the Secretary of the DEPARTMENT OF THE INTERIOR or his assigns.

The STATE, 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, religion, sex, 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) that the STATE 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.

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In the event of breach of any of the above-mentioned nondiscrimination conditions, the DEPARTMENT shall have the right to 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 Secretary of the DEPARTMENT OF THE INTERIOR and its assigns, as such interest existed prior to this instrument.

IN WITNESS WHEREOF, I, \_\_\_\_\_, Division Administrator for the Alaska Division, 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:

Name: \_\_\_\_\_

Division Administrator, Alaska Division

STATE OF ALASKA )

) ss.

FIRST JUDICIAL DISTRICT )

I, \_\_\_\_\_, a Notary Public in and for the State of Alaska, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, being to me personally known and known to me to be the Division Administrator for the Alaska Division, Federal Highway Administration, and acknowledged that the foregoing instrument bearing the date \_\_\_\_\_, 2\_\_\_\_, 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 act and deed as Alaska Division Administrator, Federal Highway Administration.

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public for Alaska

My Commission expires:

**Exhibit 6-7-MS  
Highway Easement Deed (Material Source on BLM Property)  
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In compliance with the conditions set forth in the foregoing deed, the STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, certifies and, by the acceptance of this deed, accepts the right of way over certain lands herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said deed.

STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

By:

Name: \_\_\_\_\_  
Regional Chief Right-of-Way Agent  
For the Commissioner

STATE OF ALASKA )

) ss.

\_\_\_\_\_ JUDICIAL DISTRICT)

I, \_\_\_\_\_, a Notary Public in and for the State of Alaska, hereby certify that \_\_\_\_\_, 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 in his capacity as \_\_\_\_\_, executed the same voluntarily on this day.

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public for Alaska

My commission expires:

<p>DEED APPROVED AS LEGALLY SUFFICIENT</p> <p>DATE: _____, 20_____</p> <p>Signature: _____</p> <p>Name: _____</p>
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**Exhibit 6-7-MS**  
**Highway Easement Deed (Material Source on BLM Property)**  
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