



200206120138
Skagit County Auditor

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AFTER RECORDING MAIL TO:

**Mt. Baker Ranger District
810 Highway 20
Sedro Woolley, WA 98284**

DOCUMENT TITLE: FLPMA Forest Road Easement

GRANTOR:

**United States of America
USDA Forest Service**

GRANTEE:

Cugini Land and Timber Co.

ABBREVIATED LEGAL DESCRIPTION AS FOLLOWS:

**NE1/4SW1/4, W1/2SE1/4 Section 18,
T35N R09E, W. Mer.**

Complete legal description is on page(s) 1 of document

ASSESSOR'S PROPERTY TAX PARCEL OR ACCOUNT NUMBER:

P 44458

REFERENCE NUMBERS OF DOCUMENTS ASSIGNED OR RELEASED:

Authorization ID _____
Contact ID Cugini Land and Timber Company
Expiration Date:
Type 752

FS-2700-9i (8/99)
OMB No. 0596-0082

U. S. DEPARTMENT OF AGRICULTURE
Forest Service
FOREST ROAD EASEMENT
Act of October 21, 1976 (P. L. 94-579);
36 CFR 251.50, et seq

THIS EASEMENT, dated this 15th day of May, 2002, from the United States of America, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to Cugini Land and Timber Company, a Partnership of the State of Washington, hereinafter called Grantee.

WITNESSETH:

WHEREAS, Grantee has applied for a grant of an easement under the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1761), for a road over certain lands or assignable easements owned by the United States in the County of Skagit, State of Washington, and administered by the Forest Service, Department of Agriculture.

NOW THEREFORE, Grantor, for and in consideration of reciprocal easement grants, the receipt of which is hereby acknowledged by Grantor, does hereby grant

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to Grantee, its successors and assigns, an easement 40 feet in width, lying 20 feet on each side of centerline of the existing road, over and across the following acquired easements:

- a. That easement, of variable width, acquired from Scott Paper Company, by deed dated 10th April, 1984, and recorded 23rd April 1984, Auditor's File No. 8404230019, Volume 557, Page 155, records of Skagit County, over and across the following described lands:

Jackman Creek Road No. 1400 000

T. 35 N., R. 9 E., W.M.,

Section 18, SW1/4SE1/4 lying North of State Highway No. 17 (SR20).

- b. A portion of that easement, of variable width, acquired from Scott Paper Company, by deed dated 17th September, 1969, and recorded 18th September 1969, Auditor's File No. 731170, records of Skagit County, over and across the following described lands:

Jackman Creek Road No. 1400 000

T. 35 N., R. 9 E., W.M.,

Section 18, NE1/4SW1/4, W1/2SE1/4.

The location of the road is shown approximately on Exhibit A attached hereto.

This grant is made subject to the following terms, provisions, and conditions applicable to Grantee, its permittees, contractors, assignees, and successors in interest.

- A. Grantee shall comply with applicable Federal or State law and shall comply with State standards for public health and safety, environmental protection, and siting, construction, operation, and maintenance of or for rights-of-ways for similar purposes, if those standards are more stringent than applicable Federal standards.
- B. Except as hereinafter limited, Grantee shall have the right to use the road for the purposes set forth in clause D, subject to such traffic control regulations and rules as Grantor reasonably may impose upon or require of other users of the road without unreasonably reducing the rights herein granted.



- C. Upon the change of ownership of the Grantee's land served by this road, the rights granted under this easement can be transferred or assigned to the new owner upon written notification to Regional Forester.
- D. This easement shall continue for as long as needed for the purpose of management and harvesting of the natural resources on the Grantee's land served by this road; Provided, That the Grantee shall make no use of the road for hauling forest products or other commercial use of the road until it pays or makes arrangements acceptable to the Grantor to pay its share of the road construction or reconstruction costs; and Provided further, that the Grantor shall review terms and conditions of this easement at the end of each 30-year period from the date of issuance, and may incorporate in the easement such new terms, conditions, and stipulations as existing or prospective conditions may warrant. These shall have the same force and effect as if included in the original grant.
- E. All construction or reconstruction of the road shall be in accordance with plans, specifications, and written stipulations approved by the Grantor prior to beginning such construction or reconstruction.
- F. The rights herein conveyed do not include the right to use the road for access to developments for short- or long-term residential purposes, unless and until the Grantor and the Grantee agree upon traffic control regulations, rules, and other provisions to accommodate such use of the road.
- G. 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 commensurate with its use. Any maintenance performed by the Grantee shall be authorized by and shall conform 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 E for reconstruction. The Grantee shall perform such work at its own expense.
- H. This easement shall terminate in the event an easement is granted subsequently by the United States to a public road agency for operation of this road as a public highway.
- I. Grantee shall pay the United States for all injury, loss, or damage, including fire suppression costs, in accordance with existing Federal and State laws.
- J. Grantee shall indemnify the United States for any and all injury, loss, or damage, including fire suppression costs the United States may suffer as a



result of claims, demands, losses, or judgments caused by the Grantee's use or occupancy under this easement.

This easement is granted subject to the following reservations by Grantor:

1. The right to cross and recross the road at any place by any reasonable means and for any purpose in such manner as will not interfere unreasonably with Grantee's use of the road.
2. The right to relocate the road on which this use is authorized to the extent necessary to accommodate the management needs of the National Forests.
3. 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.
4. The right alone to extend rights and privileges for use of the road and right-of-way 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 to interfere unreasonably with use of the road by Grantee or to cause Grantee to bear a share of the cost of maintenance greater than is commensurate with the Grantee's use of the road.

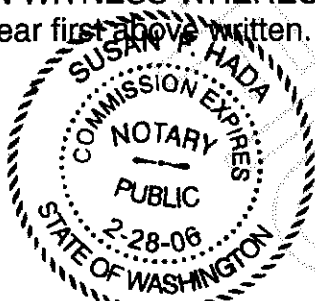
The grant of a right to use the road described in this easement does not create an obligation on the Forest Service of the United States to maintain the road in a usable condition.

The Regional Forester may take action to suspend, revoke, or terminate this easement under the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes in 7 CFR 1.130-1.151. An administrative proceeding is not required when the easement terminates on the occurrence of a fixed or agreed-upon condition, event, or time.



of Agriculture, the same person who executed the within and foregoing instrument, who being by me duly sworn according to law, did say that he/she executed said instrument on behalf of the United States of America by its authority duly given and by him/her delivered as and for its act and deed. And he/she did further acknowledge that he/she executed said instrument as the free act and deed of the United States of America, for the purposes and consideration herein mentioned and set forth, and I do hereby so certify.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Susan F Hada
Name (Printed) SUSAN F HADA
Notary Public for the State of WA
My Commission Expires 2-28-06

According to the Paperwork Reduction Act of 1995, no persons are 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.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

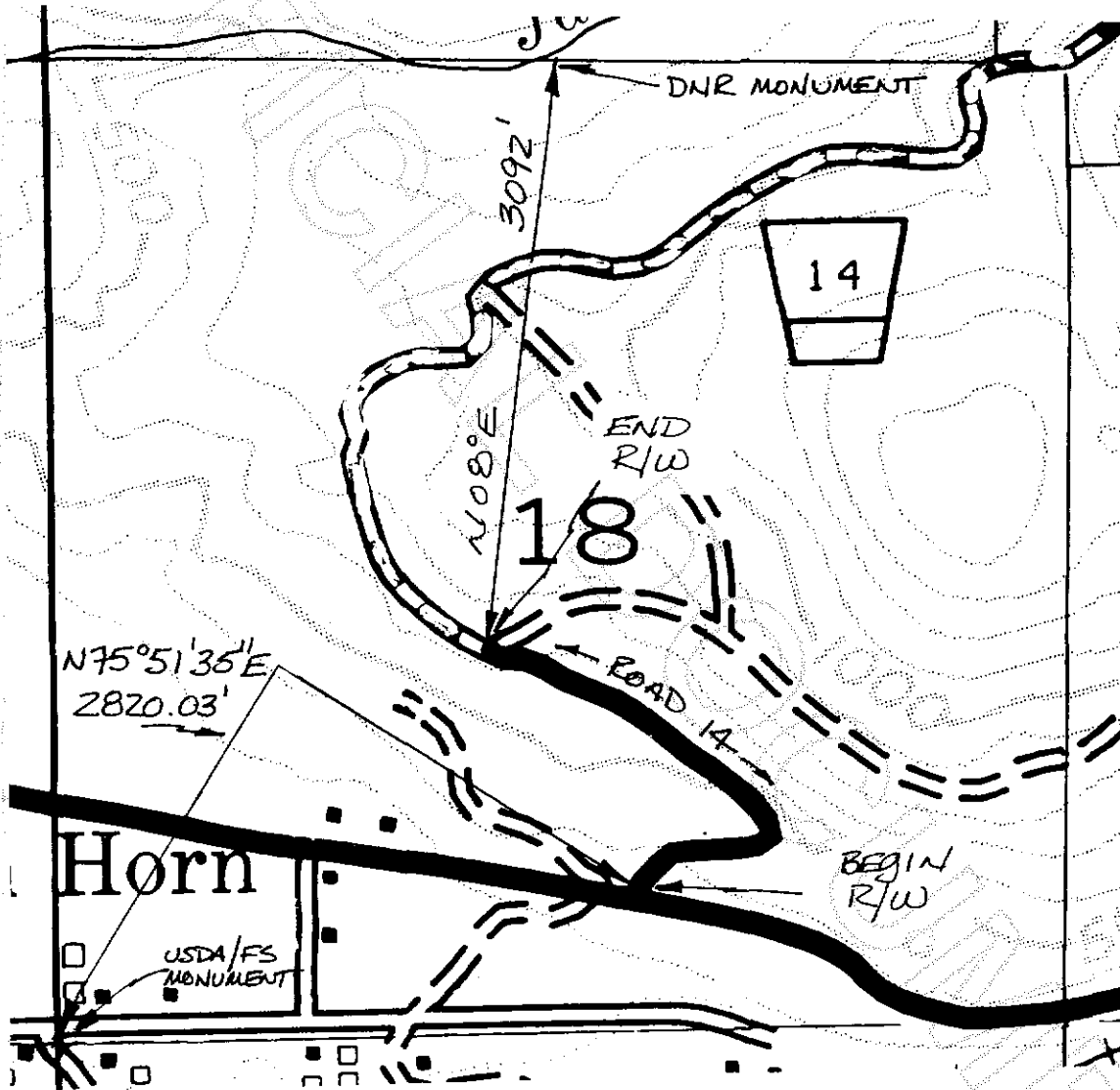
The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Public reporting burden for this collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; and an average of 1 hour for each request that may include such things as reports, logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.



USDA Forest Service – Mt. Baker-Snoqualmie National Forest
2730 Right of Way Grant
Exhibit A

Scale – 1 : 12000
R/W Length : 0.43 Miles, 0.686 Km
R/W Area : 2.07 Acres, 0.836 Ha



Section 18, T 35 N R 9 E, W. Mer.

Jackman Creek Forest Road No. 14
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