

HIGHWAY EASEMENT DEED

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 DEPARTMENT OF TRANSPORTATION, STATE OF COLORADO, 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 317), for the 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 Colorado and/or the Department of Agriculture – United States Forest Service in the State of Colorado, and

WHEREAS, the Federal Highway Division 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:

- Project Code: [REDACTED]
- Project Number: [REDACTED]
- Designation: [REDACTED]
- Parcel Number(s): [REDACTED]

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 Grantee;

NOW THEREFORE, the Department, as authorized by law, does hereby grant to the Grantee an easement for a right-of-way for the construction, operation, and maintenance of a highway 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 Archuleta, State of Colorado:

Parcel	Section	Subdivision	Township	Range	Meridian
HE-1	1	NE ¼	11S	89W	6 th P.M.
HE-1					6 th P.M.

as described in Exhibit A, attached hereto and made part hereof, subject to the stipulations in Exhibit B, attached hereto and made a part hereof, and the following terms and conditions:

- (1) 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) Construction of the highway facility is to be undertaken by the Grantee in compliance with the Act entitled "An Act for the Preservation of American Antiquities" approved June 8, 1906 (34 Stat. 225, 16 U.S.C. 432-433), and state laws where applicable.
- (3) The easement herein granted shall terminate ten (10) years from the date of the 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.
- (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 described in the following condition numbered (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 Federal Highway Administration shall be consulted prior to the exercise of such rights.
- (5) The design and construction of highway projects situated on this right-of-way will be in accord with the provisions of Title 23, U.S.C. Highways, and amendments; the regulations contained in Title 23, code of Federal Regulations – Highways and amendments, the provisions of the Federal-Aid Policy Guide issued by the Federal

Highway Administration; the construction specifications and approved plans of the Colorado Department of Transportation as approved by the Federal Highway Administration for use on Federal-aid projects.

- (6) Consistent with highway safety standards, the Grantee shall:
 - a. Protect and preserve soil and vegetative cover and scenic and aesthetic values on the right-of-way outside of construction limits and,
 - 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 where it is deemed necessary prior to completion of the highway and shall maintain all terracing, waterbars, leadoff ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction.
- (7) The Grantee shall establish no sites for highway operation and maintenance facilities, camps, supply depots or disposal areas within the right-of-way without obtaining approval from the BLM authorized officer.
- (8) The Grantee shall maintain the right-of-way and highway facilities to acceptable standards of repair, orderliness, neatness, sanitation, and safety.
- (9) The Grantee shall maintain the right of way clearing by means of chemicals only after consultation with the Bureau of Land Management. Consultation must address the time, method, chemicals, and the exact portion of the right of way to be chemically treated.
- (10) 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 Secretary of the Interior and the rights herein granted shall terminate and land shall immediately revert to the full control of the Secretary of the Department of the Interior or his 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) that the Grantee shall use said land so conveyed in compliance with all requirements imposed by or pursuant to 49CFR 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 of the Interior 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 and vest in and become the absolute property of the Department of the Interior and its assigns, as such interest existed prior to this instrument.

IN WITNESS WHEREAS, I,

Pursuant to delegations of authority from the Secretary of Transportation, 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: _____

Division Administrator

STATE OF _____)
)
_____ COUNTY OF _____)

I, _____, a Notary Public in and for the State of Colorado, do hereby certify that on this the ___ day of _____, 20____, before me personally appeared, _____, Division Administrator, Federal Highway Administration, and acknowledged that the foregoing instrument 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 free act and deed as Division Administrator, Federal Highway Administration.

Witness my hand and seal this ___ day of _____, 20____.

(Notary Public)

(SEAL)

My Commission Expires _____.

