

Form 2800-14
(August 1985)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

Issuing Office
Grand Junction District

Serial Number
COC-50744

1. A (right-of-way) (permit) is hereby granted pursuant to:

- a. Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761);
- b. Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185);
- c. Other (describe) _____

2. Nature of Interest:

- a. By this instrument, the holder Shield-0-Terraces Homeowners Association receives a right to construct, operate, maintain, and terminate a access road on public lands (or Federal land for MLA Rights-of-Way) described as follows:

Sixth Principal Meridian, Colorado
T. 9 S., R. 86 W.
Sec. 27: Lot 3 (within)

- b. The right-of-way or permit area granted herein is 60 feet wide, 170 feet long and contains 0.23 acres, more or less. If a site type facility, the facility contains _____ acres.
- c. This instrument shall terminate on December 31, 2020, 30 years from its effective date unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may may not be renewed. If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 30 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A and B, dated February 9, 1990, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

[Signature]
(Signature of Holder)

[Signature]
(Signature of Authorized Officer)

SHIELD O'TERRACE Homeowners ASSN.
(Title)

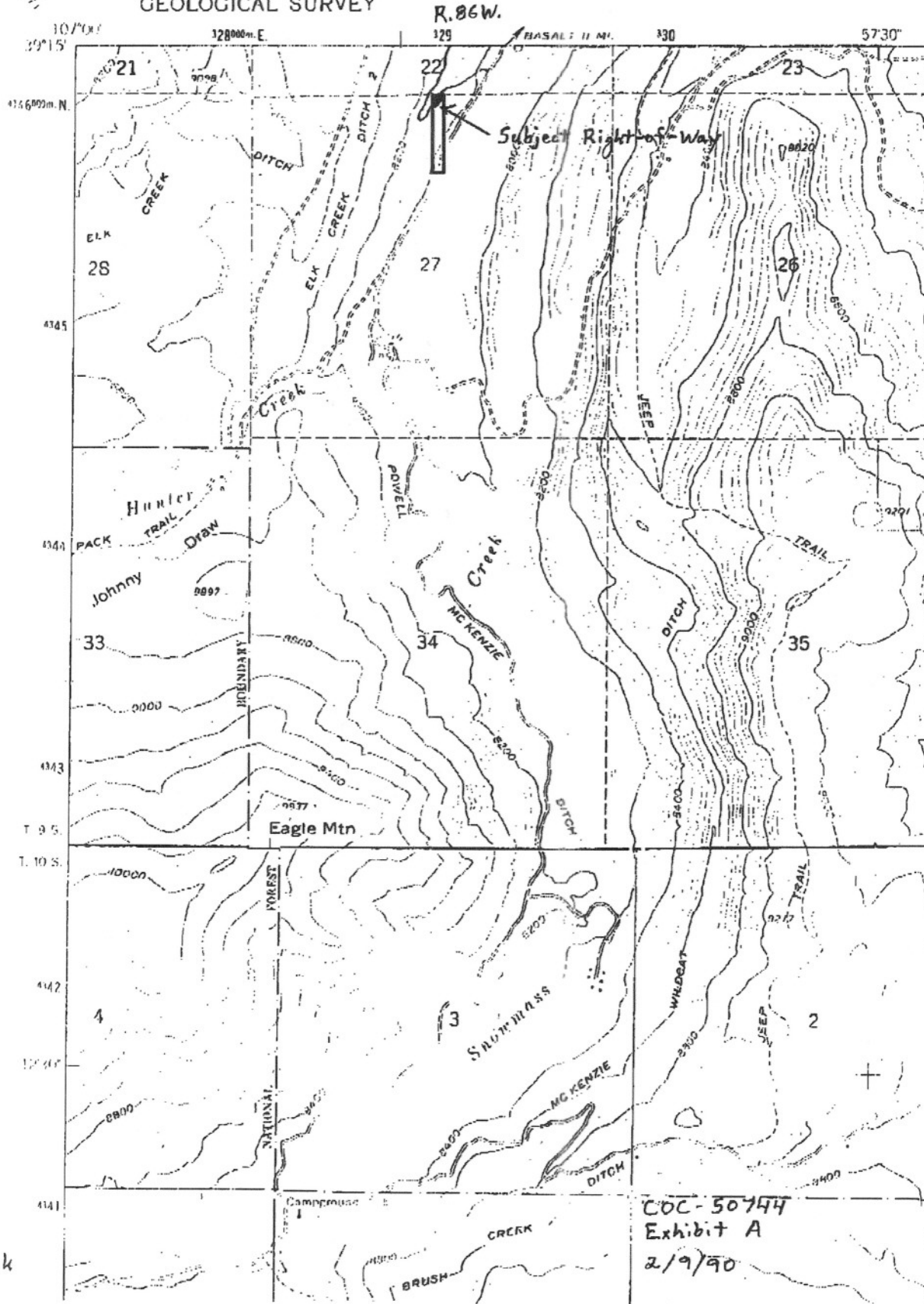
District Manager
(Title)

2-27-90
(Date)

3-26-90
(Effective Date of Grant)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

10/20/06
12:15:11
05:51:11



Highland Peak
Quadrangle

COC-50744
Exhibit A
2/9/90

EXHIBIT B
TERMS, CONDITIONS, AND STIPULATIONS

The authorized officer may temporarily suspend all activities under this right-of-way upon a determination that the holder is in violation of the terms and conditions of this grant and that such suspension is necessary to protect the public health and safety or the environment.

Upon written notice to the holder, the authorized officer may suspend or terminate this right-of-way if it is determined that the holder has failed to comply with applicable laws or regulations or any of the terms, conditions, or stipulations of this grant or has abandoned the right-of-way.

The holder shall relinquish the right-of-way to the United States if the authorized facilities are no longer needed.

The United States reserves all rights in the public land affected by this right-of-way not expressly granted herein to the holder, including, but not limited to, a continuing right of access onto the public lands; and, upon reasonable notice to the holder, access to any facility constructed on the right-of-way; and the right of the authorized officer to require common use of the right-of-way and to grant additional uses of the right-of-way for compatible purposes.

Use of pesticides shall comply with the applicable Federal and State laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.

The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners.

reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

8. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
9. The holder shall conduct all activities associated with the construction, maintenance, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
10. The facilities authorized under this right-of-way shall not be realigned or reconstructed beyond existing standards without prior written approval of the authorized officer. No placement of improvements and/or structures shall occur without prior written approval of the authorized officer.
11. The holder shall be responsible for all maintenance of the facilities authorized under this right-of-way and shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer. A regular maintenance program shall include, but is not limited to, the following procedures:
 - a. road surface grading
 - b. relief ditch and culvert cleaning
 - c. erosion control measures for all disturbed areas

All maintenance activities shall be limited to the existing disturbed areas.

12. No construction, routine maintenance activities, or utilization shall be performed during periods when the soil is too wet to adequately support construction equipment or vehicles. If such equipment or vehicles create

ruts in excess of three (3) inches deep, the soil shall be deemed too wet to adequately support construction equipment or vehicles.

13. The holder shall not construct on public land any impediments to free public access, unless specifically authorized by the authorized officer.
14. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pretermination conference. This conference will be held to review the termination provisions of the grant.
15. Thirty (30) days prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
16. If the homeowners association is terminated as an entity, each homeowner shall apply for individual rights-of-way for the subject road.

Form 1860-8
(July 1987)

The United States of America

Colorado 50854

To all to whom these presents shall come, Greeting:

WHEREAS

Henry Irving Lowe

is entitled to a Land Patent pursuant to Section 206 of the Act of October 21, 1976 (90 Stat. 2743, 2756; 43 U.S.C. 1701, 1716), for the following described lands:

Sixth Principal Meridian, Colorado,
T. 9 S., R. 86 W.,
sec. 27, lot 3,

containing 4.67 acres

NOW KNOW YE, that there is, therefore, granted by the United States unto Henry Irving Lowe, the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, therunto belonging, unto the said Henry Irving Lowe, his heirs and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 965).

SUBJECT TO:

1. A right-of-way now existing or of record for Pitkin County Road No. 11.
2. Those rights for access road purposes as have been granted to Shield-C-Terraces Homeowners Association, its successors and assigns, by right-of-way Colorado 50744 under the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
3. Those rights for power transmission line purposes as have been granted to Holy Cross Electric Association, its successors and assigns, by right-of-way Colorado 50754 under the Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in **LAKWOOD, COLORADO**
the **TWENTY-FIRST** day of **MAY**
in the year of our Lord one thousand nine hundred and
NINETY-THREE and of the Independence of the
United States the two hundred and **SIXTEENTH**.

By Bob Moore
Colorado State Director

Patent Number

05-93-0017



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
COLORADO STATE OFFICE DENVER

Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7076

In Reply Refer
CO-932
COC-50854 PX
Colorado 5074
2200

AUG 17 1993

PLEASE SEND ALL
FUTURE CORRESPONDENCE
TO: HENRY LOWE



Shield-O-Terraces Homeowners Association
Attn: ~~Henry Lowe~~ PRESIDENT
0218 ~~218~~ Shield-O-Terraces Road
Snowmass, Colorado 81654

Dear Mr. Bishop:

Our records show that you are the holder of right-of-way Colorado 50744 for access road purposes across lot 3 of section 27, T. 9 S., R. 86 W., Sixth Principal Meridian, Colorado.

Title in this land has passed to by patent issued May 21, 1993, to Henry Irving Lowe. The patent was issued subject to your right-of-way. Should find it necessary to modify the right-of-way across this land, you will have to negotiate with the patentee or his successor in interest.

If you have questions, they can be addressed to Rex Wells in our Glenwood Springs Resource Area Office, 50629 Highways 6 & 24, P. O. Box 1009, Glenwood Springs, Colorado 81602. His telephone number is 303/945-2341.

Sincerely,

Andrew J. Senti
Realty Specialist

Enclosure

SEP 13 4 13 PM '93

BUREAU OF LAND MANAGEMENT
GLENWOOD SPRINGS, CO