

TRIBAL LAND X
FILE NO. AK-RW-90-04

GRANT OF EASEMENT FOR RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS:

That the United States of America, acting by and through the Superintendent, Pima Agency, Bureau of Indian Affairs, Department of the Interior, Sacaton, Arizona, hereinafter referred to "Grantor", under authority delegated to Superintendent by 209 DM 8 230 DM 3.1 and 10 B.I.A.M. 3 and 11, pursuant to provisions of the Act of February 5, 1948 (62 Stat. 17; 15 U.S.C. 323-328) and Part 169, Title 25 Code of Federal Regulations, in consideration of \$190,320.00 and other valuable consideration, the receipt of which is acknowledged, does hereby grant to PINAL COUNTY HIGHWAY DEPARTMENT, its successors and assigns, hereinafter referred to as "Grantee", an easement for right-of-way for the following purposes, namely: The right to enter upon the hereinafter described land, for a public highway, together with bridges, culverts, ramps and cuts, as necessary on, over, and under and across the land embraced within the Ak-Chin Indian Reservation, County of Pinal, State of Arizona:

Section 33, T. 4S., R. 3E; Sections 4, 9, 10, 15,

22 and 27, T.5S., R. 3E.

The said easement is more delineated on Drawing Number D-11-T-464 dated 9-91, attached hereto. The described easement contains approximately 48.919 acres.

612-005-92

TO HAVE AND TO HOLD, the said easement and right-of-way unto the Grantee and its successors and assigns, together with the right to authorize, permit and license the use thereof for utility lines, including water and sewer lines when these are not inconsistent with the use of the Grantee, its successors and assigns to transfer said right-of-way by assignment, grant or otherwise.

The said easement to include the right to cut back and trim such portion of the branches and tops of the trees now growing or that may hereinafter grow upon the above-described premises, as may extend over said right-of-way, so as to prevent the same from interfering with the efficient maintenance and operation of said public road.

This easement is subject to any prior valid existing right or adverse claim and is without limitation as to tenure, so long as said easement shall be actually used for the purpose above specified; PROVIDED, that upon 30 days written notice and failure of the grantee within said notice period to correct the basis of termination, this right-of-way may be terminated in whole or in part by the Grantor for any of the following causes: (25 CFR 169.20):

- A. Failure to comply with any term or condition of the grant or easement or the applicable regulations.
- B. A nonuse of the right-of-way for a consecutive two year period for the purposes for which it was granted.
- C. An abandonment of the right-of-way.

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D. Failure of the Grantee, upon completion of construction, to file with the Grantor an Affidavit of Completion, pursuant to 25 CFR 169.16.

E. Failure to comply with the conditions of Ak-Chin Indian Community Tribal Resolution A-52-88 and A-16-90.

IN WITNESS WHEREOF, Grantor has executed this Grant of Easement this 30th day of OCTOBER, 1990.

UNITED STATES OF AMERICA

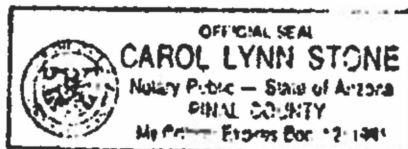
BY Robert Donlevy
Acting Superintendent
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
PIMA AGENCY, SACATON, ARIZONA

ACKNOWLEDGMENT

STATE OF ARIZONA)

COUNTY OF PINAL)

BEFORE ME, a Notary Public in and for the said County and State, on this 30th day of October, 1990, personally appeared Robert Donlevy, whose name is subscribed to the foregoing Grant of Easement for Right-of-Way as Superintendent, Pima Agency, Bureau of Indian Affairs, and who acknowledged to me that he executed the said Grant of Easement for Right-of-Way as his free and voluntary act and deed for the uses and purposes set forth therein.



Carol Lynn Stone - Vallejo
Notary Public

My Commission Expires:

612-005-92