

16078

File 35957

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## INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 24th day of July, 1967,  
by and between the STATE OF OREGON, by and through its State Highway Commission, herein-  
after referred to as "State", and Matilda Sari and Enzo C. Sari, hereinafter called  
"Owners";

WHEREAS, by deed recorded March 24, 1964, in Book 351, at Page 661 of Klamath  
County Deed Records, State acquired from Owners, certain lands lying in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
Section 2, Township 39 South, Range 9 East, W. M., Klamath County, Oregon, which deed  
reserved unto Owners access rights to the Northerly side of the relocated Klamath Falls-  
Lakeview Highway, opposite Engineer's Station 113+33 and at one other location not  
material hereto; and

WHEREAS, by mutual agreement between the parties hereto it was agreed that the  
access approach to said highway should be constructed by State opposite Engineer's  
Station 113+57 instead of opposite said Station 113+33; and

WHEREAS, the Federal Congress enacted the Civil Rights Act of 1964, 78 Stat. 252,  
42 U.S.C. 2000d to 2000d-4; the U. S. Department of Commerce through its Bureau of Public  
Roads, has issued Rules & Regulations to implement Title VI thereof as Title 15 Code of  
Federal Regulations, Part 8; said Bureau requires inclusion of language from Appendix C  
of said 15 C.F.R. 8.5 (b) (5), (7) and (10), as appears below; and

WHEREAS, it is now desired by the parties hereto to show in the public records the  
revised location of the access as allowed and approved by State.

NOW, THEREFORE, THIS INDENTURE WITNESSETH, that for and in consideration of the grant  
hereinafter made by State, Owners do hereby transfer and relinquish unto State, its suc-  
cessors and assigns, their access rights to and from the Northerly side of the relocated  
Klamath Falls-Lakeview Highway, opposite said Station 113+33, reserved in the above  
mentioned deed,

AND ALSO, as a part of the consideration for the grant hereinafter made and in com-  
pliance with the requirements of the Bureau of Public Roads, Owners, for themselves, their



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personal representatives, heirs and assigns, do hereby covenant and agree "as a covenant running with the land" that (1) no person, on the ground of race, color, or national origin shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in connection with the construction of any improvements on said lands and the furnishing of services thereon, no discrimination shall be practiced in the selection of employees and contractors, by contractors in the selection and retention of first-tier subcontractors, and by first-tier subcontractors in the selection and retention of second-tier subcontractors, (3) that such discrimination shall not be practiced against the public in their access to and use of the facilities and services provided for public accommodations (such as eating, sleeping, rest, recreation, and vehicle servicing), constructed or operated on, over or under the space of the right of way, and (4) that the Owners shall use the premises in compliance with all other requirements imposed pursuant to Title 15, Code of Federal Regulations, Commerce and Foreign Trade, Subtitle A, Office of the Secretary of Commerce, Part 8 (15 C.F.R., Part 8), and as said Regulations may be amended; that in the event of breach of any of the above nondiscrimination covenants, State shall have the right to terminate the access rights herein granted and to re-enter and repossess the facilities constructed in connection therewith, and hold the same as if said access rights have never been granted.

Owners further represent and warrant that their access rights opposite said Station 113+33 are not presently being used by others, there being no outstanding leases, easements or other rights which will be affected by the termination of said access rights.

State, in consideration of the relinquishment, covenants and warranties herein made by Owners, does hereby grant and convey unto Owners, their heirs and assigns, an easement of access and rights of ingress, egress and regress to, from and between the right of way of the relocated Klamath Falls-Lakeview Highway and Owners' land abutting on the Northerly side thereof, opposite said Station 113+57, of a width of 35 feet and unrestricted as to use.

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EXCEPT as herein modified, said deed recorded March 24, 1964, shall remain in full force and effect and the access rights herein granted shall be subject to all the provisions of said deed as fully as if set forth herein.

IN WITNESS WHEREOF, the parties hereto have executed these presents the day and year first above written.

Matilda Sari (SEAL)  
Matilda Sari  
Enzo C. Sari (SEAL)  
Enzo C. Sari

STATE OF OREGON  
by and through its  
STATE HIGHWAY COMMISSION

By William Jackson  
Chairman  
By Frederick  
Commissioner  
By Robert A. [unclear]  
Commissioner

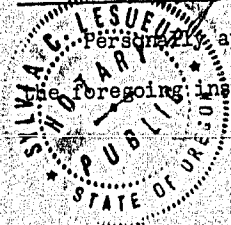
ATTEST:  
Floyd Queen  
Secretary

APPROVED:  
W. Klabe  
Assistant State Highway Engineer

APPROVED AS TO FORM:  
F. E. Holde  
Chief Counsel  
J. H. [unclear]  
Staff Attorney

STATE OF OREGON  
County of Clatsop

May 29, 1967



Personally appeared the above named Matilda Sari and Enzo C. Sari, and acknowledged the foregoing instrument to be their voluntary act. Before me:

Sylvia C. [unclear]  
Notary Public for Oregon  
My Commission expires 10-25-70



STATE OF OREGON

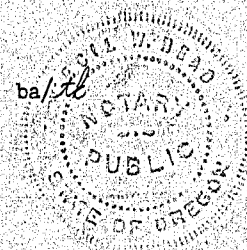
County of Marion

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On this 24th day of July, 1967, before me appeared Glenn L. Jackson, David B. Simpson and Fred W. Hill, to me personally known, who, each being duly sworn, did say that he, the said Glenn L. Jackson, is Chairman of the State Highway Commission of the State of Oregon, and that he, the said David B. Simpson and he, the said Fred W. Hill is State Highway Commissioner of the State of Oregon; that the seal affixed to said instrument is the seal of the State Highway Commission, and that the said instrument is signed and sealed in behalf of said State by said Commission, and that the said Chairman and the said Commissioners acknowledge said instrument to be the free act and deed of said State, by said State Highway Commission.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Cecil W. Head  
Notary Public for Oregon  
My Commission expires November 5, 1970



STATE OF OREGON, COUNTY OF KLAMATH

Filed for record at request of Oregon State Highway Commission  
this 7 day of August, A.D. 1967 at 1:45 o'clock P. and  
duly recorded in Vol. M-67, of Deeds on Page 6087  
Fee \$6.00 Collect

DOROTHY ROGERS, County Clerk  
By [Signature]