

16123

V. M. 67, p. 6151

File 36581

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, hereinafter referred to as "State", and C. V. and Gladys Golden, hereinafter called "Owners";

WHEREAS, by deed recorded December 11, 1964, in Book 358 at Page 159 of Klamath County Deed Records, State acquired from Owners, certain lands lying in Lot 1, Block 1 of HOMELAND TRACTS; and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 39 South, Range 9 East, W. M., Klamath County, Oregon, which deed reserved access rights to the Northerly side of the relocated Klamath Falls-Lakeview Highway, opposite Engineer's Station 142+50 and at other locations not material hereto; and

WHEREAS, Owners have requested that their access rights opposite said Station 142+50 be terminated and that there be substituted therefor access rights to the Northerly side of said highway at a point opposite Engineer's Station 143+34; and

WHEREAS, the Federal Congress enacted the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-4; the U. S. Department of Commerce through its Bureau of Public Roads, has issued Rules & Regulation 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, State is agreeable to the granting of Owners' request.

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 successors and assigns, their access rights to and from the Northerly side of the relocated Klamath Falls-Lakeview Highway opposite said Station 142+50, reserved in the above-mentioned deed AND ALSO, as a part of the consideration for the grant hereinafter made and in compliance with the requirements of the Bureau of Public Roads, Owners, for themselves, their 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

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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 contractors, (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 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 this access and to re-enter and repossess said access and the facilities thereon, and hold the same as if said access had never been made.

Owners further represent and warrant that their access rights opposite said Station 142+50 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 143+34, in a width of 35 feet and unrestricted as to use.

EXCEPT as herein modified, said instrument recorded December 11, 1964, shall remain in full force and effect and the access rights herein granted shall be subject to all the provisions of said instrument as fully as if set forth herein.

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

Gladys Golden (SEAL)
C V Golden (SEAL)

ATTEST:

Floyd Quincy
Secretary

APPROVED:

Mr. Klaber
Assistant State Highway Engineer

APPROVED AS TO FORM:

J. E. Bled

Chief Counsel

J. H. Smith
State Attorney

STATE OF OREGON, by and through
its STATE HIGHWAY COMMISSION

By Glen L. Jackson
Chairman

By Arthur L. Hill
Commissioner

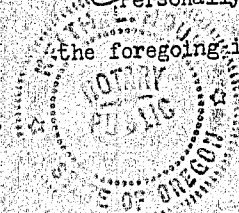
By Don B. Simpson
Commissioner

State of Oregon

County of Clatsop, 1967

June 27, 1967

Personally appeared the above named C. V. Golden and Gladys Golden, and acknowledged the foregoing instrument to be their voluntary act. Before me:



Paul R. Smith
Notary Public for Oregon

My Commission Expires March 2, 1969

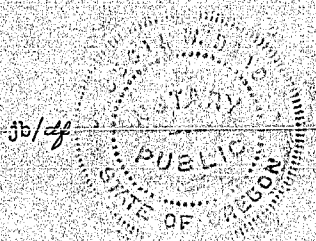
STATE OF OREGON)
) ss.
COUNTY OF MARION)

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 H. Head
Notary Public for Oregon

My commission expires November 5, 1970



STATE OF OREGON; COUNTY OF KLAMATH; ss:

Filed for record at request of Oregon State Highway Dept.
this 8 day of August, 1967 at 1:40 o'clock P.M., and
duly recorded in Vol. M-67, of Deeds o. Page 6131

Fee \$6.00 Collect

DOROTHY ROGERS, County Clerk

By [Signature]