

GRANT OF ACCESS

WHEREAS, STATE OF OREGON, by and through its State Highway Commission, hereinafter called "State" acquired from Fred T. and Leah M. Starkey, by deed recorded August 13, 1964, in Book 355 at Page 290 of Klamath County Deed Records, certain land lying in the SW¹/₄NE¹/₄ of Section 2, Township 39 South, Range 9 East, W.M., Klamath County, Oregon, which deed reserved, for the service of the remaining property of said grantors, access rights to the Northerly side of the relocated Klamath Falls-Lakeview Highway, opposite Engineer's Station 103+78; and

WHEREAS, Wayne N. Horton and Shirley Y. Horton, hereinafter referred to as "Owners", by deed recorded in Book 356, Page 569 of Klamath County Deed Records, acquired the fee title to said remaining real property, and,

WHEREAS, Owners have requested that State grant to them additional access rights to the Northerly side of said highway at a point opposite Engineer's Station 103+21; 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, State has indicated a willingness to grant the access rights requested by Owners.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the grant of access herein made by State and in compliance with the requirements of the Bureau of Public Roads, Owners for themselves, their 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 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

12

7411

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.

In response to Owners' request and in consideration of the covenants herein made by Owners, STATE HEREBY GRANTS TO 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 the Owners' land abutting on the Northerly side thereof, at a point opposite said Station 103+21, in a width of 35 feet and unrestricted as to use.

EXCEPT as herein modified, said deed recorded August 13, 1964, shall remain in full force and effect.

Dated this ^{29th}~~30~~ day of July ~~August~~ 1967.

Wayne N. Horton (SEAL)
Shirley Y. Horton (SEAL)

ATTEST:

Secretary

APPROVED:

Assistant State Highway Engineer

APPROVED AS TO FORM:

Chief Counsel

Staff Attorney

State of Oregon

County of KlamathJuly 30, 1967

Personally appeared the above named Wayne N. Horton and Shirley Y. Horton, and acknowledged the foregoing instrument to be their voluntary act. Before me:

STATE OF OREGON, by and through its State Highway Commission

By

Chairman

By

Commissioner

By

Commissioner

Wayne N. Horton Shirley Y. Horton

Notary Public for Oregon

commission expires 12/12/67

13

7412

STATE OF OREGON,)
County of Marion) ss

On this 29th day of August, 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 Hiway Commission
this 21st day of September A.D. 1967 at 2:27 o'clock P.M., and
duly recorded in Vol. M 67, of Deeds on Page 7410

Fee \$ 4.50

DOROTHY ROGERS, County Clerk

By Carol Wheeler

jb/mm



14