

DF/ON
10-22-68

File 40756

28455 INDENTURE OF ACCESS

21192

THIS INDENTURE, made and executed this 17th day of December, 1968, by and between the State of Oregon, by and through its State Highway Commission, herein-after called "State" and Donald C. and Patricia H. Kirkpatrick, hereinafter called "Owners";

WHEREAS, State by deed recorded February 21, 1968, as Document 20451, in Book M-68, at Page 1361, Deed Records of Klamath County, Oregon, acquired from Owners certain property situated in SE $\frac{1}{4}$ of Section 7, Township 39 South, Range 9 East, W.M., Klamath County, Oregon, which deed, in part, reserved for the service of Owners' remaining property access rights to the Southerly side of the relocated Green Springs Highway opposite Engineer's Station 14+50; and

WHEREAS, Owners have requested that their access rights opposite said Station 14+50 be terminated and that there be substituted therefor access rights to the Southerly side of said highway opposite Engineer's Station GS² 19+25; and

WHEREAS, State has indicated a willingness to make the access changes requested by Owners.

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 Southerly side of the relocated Green Springs Highway opposite said Station 14+50 which was reserved in the above-mentioned deed recorded February 21, 1968. Owners further represent and warrant that no one, other than Owners, is using or entitled to use the access rights herein relinquished. STATE, in consideration of the relinquishment and warranties herein made by Owners, does hereby grant and convey unto Owners, their heirs and assigns, access rights to and from the Southerly side of said highway, opposite said Station GS² 19+25 in a width of 35 feet and unrestricted as to use.

Except as modified herein, said deed recorded February 21, 1968, shall remain in full force and effect and the rights of access herein granted shall be subject to all

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the provisions of said deed, including the frontage road provisions thereof, as fully
as if set forth herein.

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

Donald C. Kirkpatrick

Patricia H. Kirkpatrick

ATTEST:

Secretary

APPROVED:

Assistant State Highway Engineer

APPROVED AS TO FORM:

Chief Counsel

Staff Attorney

State of Oregon

County of

1968

STATE OF OREGON
by and through its
STATE HIGHWAY COMMISSION

By Glenn Jackson
(Chairman)

By Frederick Hill
Commissioner

By Stanley Brainerd
Commissioner

Personally appeared the above named Donald C. Kirkpatrick and Patricia H. Kirkpatrick,
and acknowledged the foregoing instrument to be their voluntary act. Before me:

Notary Public for Oregon

My Commission expires

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STATE OF OREGON, }
County of Marion } ss.

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On this 17th day of December, 1968, before me appeared Glenn L. Jackson, Fred W. Hill and Thaddeus B. Bruno, 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 Fred W. Hill and he, the said Thaddeus B. Bruno 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.

Carl H. Head
Notary Public for Oregon

My commission expires: Nov. 5, 1970

rc/jm

STATE OF OREGON, }
County of Klamath } ss.

Filed for record at request of

Oregon State Hwy Comm.

on this 30th day of Dec., A. D. 1968

at 1:27 P. M. and duly

recorded in Vol. 168 of Quads

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\$ 4.50
DOROTHY ROGERS, County Clerk
Stephen K. Holstrom
Deputy

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