

91394

Vol. 74 Page 9155

ORIGINAL

Highway File 45420, L-6625

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 22nd day of July, 1974, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, hereinafter called "State", and BILL WYNN'S COUNTRY GAS, INC., hereinafter called "Owner":

WHEREAS, State, by deed recorded August 15, 1972, in Book M72, at Page 9085, Deed Records of Klamath County, Oregon, acquired certain property lying in Section 1, Township 39-South, Range 9 East, W.M., Klamath County, which deed in part, reserved unto Owner access rights to and from the Northeasterly side of the relocated Klamath Falls - Lakeview Highway opposite Engineer's Station 173+80, and unrestricted as to use; and

WHEREAS, by mutual agreement between the parties hereto the access approach on the Northeasterly side of said highway was constructed opposite Engineer's Station 173+65 instead of opposite Station 173+80 as reserved in said deed; and

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

NOW, THEREFORE, THIS INDENTURE WITNESSETH that for and in consideration of the grant hereinafter made by State, OWNER does hereby transfer and relinquish unto State, its successors and assigns, its access rights to and from the Northeasterly side of the relocated Klamath Falls - Lakeview Highway opposite said Station 173+80 reserved in the above mentioned deed; and STATE, in consideration of the relinquishment herein made by Owner, does hereby grant and convey for the joint use of Owner and the Enterprise Irrigation District, their successors and assigns, access rights to and from the Northeasterly side of said highway opposite said Station 173+65 in a width of 35 feet and unrestricted as to use.

Except as modified herein, said deed recorded August 15, 1972, shall remain in full force and effect and the rights of access herein granted shall be subject to all the provisions of said deed, including the frontage road and suspension provisions thereof,

JUL 23 2 18 PM 1974

9156

Page 2 - Indenture of Access

Highway File 45420, L-6625

as fully as if set forth herein.

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

BILL WYNN'S COUNTRY GAS, INC.

By Bill Wynn
President

By Bernice M. Wynn
Secretary

APPROVED AS TO FORM:

Not Public
Counsel

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION,
Highway Division

By F. B. Klaboe
F. B. Klaboe, Administrator and State
Highway Engineer

STATE OF OREGON, County of Klamath
June 24, 1974. Personally appeared Bill Wynn
and Bernice M. Wynn, who, being sworn, stated that they are the
President and Secretary of grantor corporation and this this instrument was voluntarily
signed in behalf of the corporation by authority of its Board of Directors. - Before me:

David L. Hughes
Notary Public for Oregon

My Commission expires Oct. 13, 1976

9157

Page 3 - Indenture of Access

Highway File 45420, L-6625

STATE OF OREGON, County of Marion

July 22nd, 1974. Personally appeared F. B. Klaboe, who being sworn, stated that he is the Administrator and Highway Engineer for the State of Oregon, Department of Transportation, Highway Division, and that this instrument was voluntarily signed on behalf of the State of Oregon, by authority vested in him by the Oregon Transportation Commission.

Before me:

E. Ruth Keller
Notary Public for Oregon
My Commission expires Feb. 8, 1977

KNOW ALL MEN BY THESE PRESENTS, That ENTERPRISE IRRIGATION DISTRICT does hereby consent to the hereinabove described access change on the Northeasterly side of the relocated Klamath Falls - Lakeview Highway from Engineer's Station 173+80 to Station 173+65.

ENTERPRISE IRRIGATION DISTRICT

By J. S. Keller
President of Board

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State of Oregon,
County of Klamath
Filed for record at request of
STATE OF OREGON HIGHWAY DIVISION
on this 29th day of JULY A.D. 1974
at 2:18 o'clock P.M. and duly
recorded in Vol. M 74 of DEEDS
Page 2155
Wm D. MILNE, County Clerk
By Hazell Hagai Deputy
Fee \$ 6.00