

15034

## INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 16 day of August, 1982, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, hereinafter called "State", and JOHN M. SCHOONOVER, RONALD D. and FAYE SPIDELL, and DONOVAN H. and GWENDOLYN R. McNEALE, hereinafter collectively called "Owners"; and

WHEREAS, State by deed recorded January 5, 1956, in Volume 280, Page 267, Deed Records, acquired from the Ivory Pine Company, certain property lying in the Sections 19 and 30, Township 25 South, Range 8 East, W.M., Klamath County, which deed reserved for the service of said grantor's remaining property access rights to and from the Easterly and Westerly sides of the Willamette Highway opposite Engineer's Station 295+00 restricted to development, harvesting, and transportation of forest products on said grantor's remaining land; and

WHEREAS, John M. Schoonover, by Deed recorded in Volume M78, Page 2841, Deed Records, acquired fee title to that portion of said remaining property affected by the access changes herein made; and

WHEREAS, by Land Sale Contract recorded December 28, 1977, in Volume M77, Page 25019, Deed Records, Donovan H. and Gwendolyn R. McNeale are purchasing that portion of said remaining property, affected by said access change, lying on the Westerly side of said highway; and

WHEREAS, by Land Sale Contract recorded March 22, 1978, in Volume M78, Page 5465, Ronald D. and Faye Spidell are purchasing that portion of said remaining property affected by said access change, lying on the Easterly side of said highway; and

Department of Transportation  
HIGHWAY DIVISION  
TRANSPORTATION BUILDING  
SALEM, OREGON 97310

8-5-82

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Highway Division  
File 24178  
4B-26-1

WHEREAS, Owners have requested that their access rights opposite said Station 295+00 be terminated and that there be substituted therefor access rights to and from the Easterly and Westerly sides of said highway opposite Engineer's Station ~~296+85~~ <sup>295+00</sup> *Jmd.* unrestricted as to use; and

WHEREAS, State is agreeable to granting 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 Easterly and Westerly sides of the Willamette Highway opposite said Station 295+00 reserved in said deed recorded on January 5, 1956. Owners 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, does hereby grant and convey unto OWNERS, their heirs and assigns, access rights to and from the Easterly and Westerly sides of said highway, opposite said Station ~~296+85~~ <sup>295+00</sup> *Jmd.* in a width of 35 feet and unrestricted as to use, the aforementioned contract purchasers' access rights being limited to the access which abuts their respective properties.

IT IS UNDERSTOOD that nothing contained herein shall be construed as a finding of compliance with the Statewide planning goals or the acknowledged comprehensive plan. It shall be the Owners' responsibility to obtain any necessary land use approval from the affected local government including, where applicable, a determination of the compliance with the Statewide planning goals and approval of the partitioning of the property to which the access rights herein granted are appurtenant.

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Except as modified herein, said deed recorded January 5, 1956, shall remain in full force and effect, and the access rights herein granted shall be subject to all of the provisions affecting the access contained in said deed.

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

John M. Schoonover  
John M. Schoonover

Ronald D. Spidell  
Ronald D. Spidell

Faye Spidell  
Faye Spidell

Donovan H. McNeale  
Donovan H. McNeale

Gwendolyn R. McNeale  
Gwendolyn R. McNeale

APPROVED AS TO  
LEGAL SUFFICIENCY

James R. [Signature]  
Asst. Attorney General  
Date 8-6-82

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

By J. B. Boyd  
J. B. Boyd, Right of Way Manager  
8/16/82

STATE OF OREGON, County of Klamath  
August 12, 1982. Personally appeared the above named John M. Schoonover, who  
acknowledged the foregoing instrument to be his voluntary act. Before me:

Beth L. Ramsey  
Notary Public for Oregon

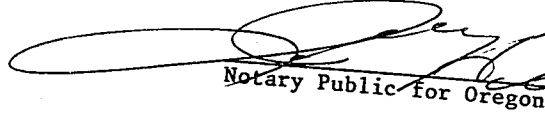
My Commission expires 3-22-86



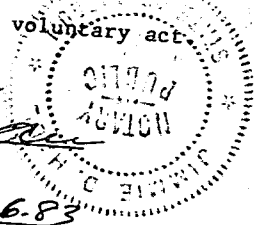
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STATE OF OREGON, County of LANE

8-12, 1982. Personally appeared the above named Ronald D. Spidell and Faye Spidell, who acknowledged the foregoing instrument to be their voluntary act.  
Before me:

  
Notary Public for Oregon

My Commission expires 7-6-83



STATE OF OREGON, County of \_\_\_\_\_

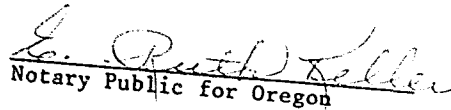
\_\_\_\_\_, 1982. Personally appeared the above named Donovan H. McNeale and Gwendolyn R. McNeale, who acknowledged the foregoing instrument to be their voluntary act. Before me:

\_\_\_\_\_  
Notary Public for Oregon

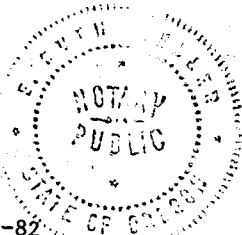
My Commission expires \_\_\_\_\_

STATE OF OREGON, County of Marion

Aug. 16, 1982. Personally appeared J. B. Boyd, who being sworn, stated that he is the Right of Way Manager for the State of Oregon, Department of Transportation, Highway Division, and this document was voluntarily signed on behalf of the State of Oregon, by authority delegated to him. Before me:

  
Notary Public for Oregon

My Commission expires Oct 8, 1985



STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record ..

this 30 day of August A.D. 1982 at 10:05 o'clock A.M and  
duly recorded in Vol. M 82, of Deeds on page 11310

16.00

By Evelyn Biehn  
EVELYN BIEHN, County Clerk