

15315

ORIGINAL
Vol. M82 Page 11823
Highway Division
File 14912
6B-28-11

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 6TH day of AUGUST, 1982, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, hereinafter called "State", and ROBERT and ELLA ZITEK, hereinafter called "Owners"; and

WHEREAS, State, by deed recorded February 3, 1949, in Volume 228, Page 357, Klamath County Deed Records, acquired from Fred G. Spencer certain property situated in N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 12, Township 25 South, Range 8 East, W.M., Klamath County, which deed reserved for said grantor's remaining property access rights to and from the Easterly and Westerly sides of the The Dalles-California Highway opposite Engineer's Station 128+50 and to and from the Westerly side of said highway opposite Engineer's Station 130+00, in widths of 25 feet and restricted as to the use thereof; and

WHEREAS, Owners, by deeds recorded on April 12, 1965, in Book 360, Page 554, and on September 8, 1971, in Book M-79, Page 1293, Klamath County Deed Records, acquired fee title to that portion of said remaining property affected by the access changes herein made; and

WHEREAS, Owners have requested that their access rights on both sides of the highway opposite said Station 128+50 and on the Westerly side thereof opposite Engineer's Station 130+00 be terminated, and that there be substituted therefor unrestricted access rights to and from the Easterly side of said highway opposite Engineer's Station 127+85 and on the Westerly side thereof opposite Engineer's Station 128+30, each in a width of 30 feet; 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,

cc
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its successors and assigns, their access rights to and from both sides of the The Dalles-California Highway opposite said Station 128+50 and on the Westerly side thereof opposite said Station 130+00 as reserved in said deed recorded February 3, 1949. 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 unto Owners, their heirs and assigns, access rights to and from the Easterly side of said highway opposite said Station 127+85 and to and from the Westerly side thereof opposite said Station 128+30, each in a width of 30 feet, and unrestricted as to use.

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

Rel *Dept of Transp
Transportation Div.
Halem Cr. 97310*

APPROVED AS TO
LEGAL SUFFICIENCY

[Signature]
Asst. Attorney General

Date 7-27-82

Robert Zitek
Robert Zitek

Ella Zitek
Ella Zitek

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

By *[Signature]*
J. B. Boyd, Right of Way Manager

8/31/82

STATE OF OREGON, County of DESCHUTES

Aug 31, 1982. Personally appeared the above named Robert Zitek and Ella Zitek, who acknowledged the foregoing instrument to be their voluntary act. Before me:

[Signature]
Notary Public for Oregon

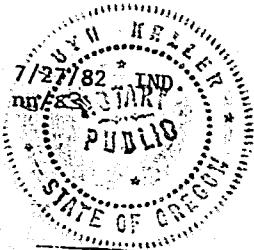
My Commission expires 23 APRIL 1984

STATE OF OREGON, County of Marion

Aug. 31, 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 that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to him. Before me:

[Signature]
Notary Public for Oregon

My Commission expires Oct. 8 1985



State of OREGON: COUNTY OF KLAMATH: ss.

I hereby certify that the within instrument was received and filed for record on the 8 day of Sept A.D., 19 82 at 9:19 o'clock A M., and duly recorded in

Vol M 82 of Deeds on page 11823.

Fee \$ 8.00

EVELYN SIEHN
COUNTY CLERK

By *[Signature]* deputy