

75015

01-26-94P01:58 RCVD

ODOT

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Files 35960, 35961, 35964, 35967,
35970, 35971, 35974, and 35976

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 14th day of January, 1994.

by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and ALBERTSON'S, INC., hereinafter called "Owner"; and

WHEREAS, State, by deed recorded February 19, 1964, in Book 351, Page 203, Klamath County Deed Records, acquired from John F. Rose and Anne P. Rose certain property situated in Lot 8, Block 1 of BAILEY TRACTS NO. 2, W.M., Klamath County, Oregon, which deed, reserved access rights, for the service of said grantors' remaining property, to and from the Southerly side of the relocated Klamath Falls-Lakeview Highway opposite Engineer's Station 116+09 in a width of 35 feet and unrestricted as to use (for File 35960); and

WHEREAS, by Indenture of access recorded February 1, 1968, in Book M68, Page 794, Klamath County Deed Records, the access rights to and from the Southerly side of the relocated Klamath Falls-Lakeview Highway opposite Engineer's Station 117+81 was eliminated and there was substituted therefor access rights to and from the Southerly side of said highway opposite said Station 117+59, in a width of 35 feet and unrestricted as to use. Except as herein modified said instrument recorded June 16, 1964, shall remain in full force and effect as set forth herein (for File 35961); and

WHEREAS, State, by deed recorded June 3, 1964, in Book 353, Page 291, Klamath County Deed Records, acquired from Ned F. Smith, et al, certain property situated in Lots 4 and 5, Block 1, BAILEY TRACTS NO. 2, W.M., Klamath County, Oregon, which deed, in part, reserved access rights, for the service of said grantors' remaining property, to and from the

12-6-93

RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
417 TRANSPORTATION BLDG.
SALEM, OREGON 97310

ORIGINAL

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Southerly side of the relocated Klamath Falls-Lakeview Highway opposite Engineer's Stations 118+25 and 119+22 in a width of 35 feet and unrestricted as to use (for File 35964); and

WHEREAS, State, by deed recorded April 21, 1964, in Book 352, Page 421, Klamath County Deed Records, acquired from Edgar and Geneva Swift certain property situated in Lots 2 and 3, Block 1 of BAILEY TRACTS NO. 2, W.M., Klamath County, Oregon, which deed, in part, reserved access rights, for the service of said grantors' remaining property, to and from the Southerly side of the relocated Klamath Falls-Lakeview Highway opposite Engineer's Stations 119+55 and 120+79 each in a width of 35 feet and unrestricted as to use (for File 35967); and

WHEREAS, State, by deed recorded May 19, 1965, in Volume 361, Page 476, Klamath County Deed Records, acquired from Rollin A. and Donna Cantrall and Cecil B. and Judith L. Corkery certain property situated in Lot 1, Block 1, BAILEY TRACTS NO. 2, W.M., Klamath County, Oregon, which deed in part, reserved access rights, for the service of said grantors' remaining property, to and from the Southerly side of the relocated Klamath Falls-Lakeview Highway opposite Engineer's Stations 120+79 and 121+39 each in a width of 35 feet and unrestricted as to use (for File 35970); and

WHEREAS, State by deed recorded August 13, 1964, in Book 355, Page 300, Klamath County Deed Records, acquired from Henry Warren Parr, aka H. Warren Parr & Eleanor Mae Parr certain property situated in the NE~~SE~~ of Section 2, Township 39 South, Range 9 East, W.M., Klamath County, Oregon, which deed, in part, reserved access rights, for the service of said grantors' remaining property, to and from the Southerly side of the relocated Klamath Falls-Lakeview Highway opposite Engineer's Stations 121+80, 122+98, and 123+67 each in a width of 35 feet and unrestricted as to use (for Files 35971 and 35974); and

WHEREAS, by Indenture of Access recorded September 5, 1990, Volume M90, Page 17783, Klamath County Deed Records, the access rights to and from the Southerly side of the

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relocated Klamath Falls-Lakeview Highway opposite Engineer's Station 124+52, was eliminated and there was substituted therefor access rights to and from the Southerly side of said highway opposite said Station 124+22, in a width of 35 feet and unrestricted as to use (for File 35976); and

WHEREAS, the access approaches on the Southerly side of said highway were constructed opposite Engineer's Stations 117+54, 120+59, and 123+59; and

WHEREAS, Owner has since acquired fee title to that portion of said remaining property affected by the access changes herein made; and

WHEREAS, it is now desired by the parties hereto to show in the public records the correct locations where the accesses were constructed and as allowed by State.

NOW, THEREFORE, THIS INDENTURE WITNESSETH that for and in consideration of the grant hereinafter made by State, OWNER does transfer and relinquish unto State, its successors and assigns, Owner's access rights to and from the Southerly side of the relocated Klamath Falls-Lakeview Highway opposite said Stations 120+79, 121+39, 116+09, 117+59, 116+82, 118+25, 119+22, 119+55, 120+79, 124+22, 123+67, 121+80, 122+98 as reserved in the above-mentioned deeds. Owner represents and warrants that no one, other than Owner is using or entitled to use the access rights herein relinquished. STATE, in consideration of the relinquishment herein made by Owner, does grant access rights to Owner, its successors and assigns, to and from the Southerly side of the relocated Klamath Falls-Lakeview Highway opposite Engineer's Station 117+54 in a width of 40 feet with right turn in-right turn out only, and Engineer's Stations 120+59 and 123+59 in a width of 40 feet and unrestricted as to use.

The access rights reserved herein are subject to the statutes and regulations controlling access to the highway system. A standard Approach Road Permit must be applied for and obtained from the Oregon Department of Transportation's District Maintenance Office before construction is begun. When the State constructs the approach road, Grantor will be required to sign a standard Approach Road Permit to assure proper operation and maintenance of the approach road.

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

APPROVED AS TO LEGAL SUFFICIENCY

[Signature]
Assistant Attorney General

Date 12/17/93

STATE OF OREGON, by and through
its DEPARTMENT OF TRANSPORTATION

By [Signature]
Lou Schwab, Acting Right of Way Manager

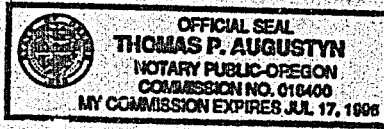
ALBERTSON'S, INC.

By [Signature]
Vice President, Real Estate Law

By [Signature]
Secretary

STATE OF OREGON, County of Marion

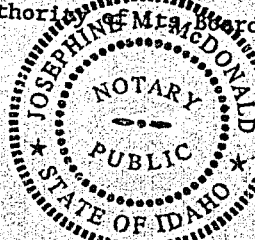
1-14, 1994. Personally appeared Lou Schwab, who being sworn, stated that
he is the Acting Right of Way Manager for the State of Oregon, Department of Transportation,
and that this document was voluntarily signed on behalf of the State of Oregon by authority
delegated to him. Before me:



[Signature]
Notary Public for Oregon
My Commission expires _____

STATE OF IDAHO, County of ADA

January 6, 1994. Personally appeared William H. Arnold and
Kaye L. O'Riordan, who, being sworn, stated that they are the President and
Secretary of Albertson's Inc., a Delaware corporation, Real Estate Law,
and that this instrument was voluntarily signed in behalf of
the corporation by authority of its Board of Directors. Before me:



[Signature]
Notary Public for Idaho
My Commission expires 2-01-99
Residing at Nampa, Idaho

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ael/MZB

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of Jan, A.D. 1994 at 1:58 o'clock P M., and duly recorded in Vol. M94
of _____ Deeds on Page 2737.

FEE \$25.00

Evelyn Biehn County Clerk
By [Signature]