

'04 OCT 29 AM 9:20

'04 NOV 15 AM 10:00

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 25th day of Oct, 2004, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and KLAMATH COMMUNITY COLLEGE SERVICE DISTRICT, a governmental entity, hereinafter called "Owner".

WHEREAS, State by Warranty Deed recorded February 21, 1975, in Volume M75, Page 2133, Klamath County Deed Records, and by Warranty Deed recorded December 17, 1971, in Volume M71 Page 13283, Klamath County Deed Records, acquired certain property; and Indenture of Access recorded July 26, 1974, in Volume M73, Page 9646, which Warranty Deeds and Indenture of Access, in part, reserved access rights, for the service of the grantor's remaining property, to and from the Southwesterly side of the Klamath-Falls-Lakeview Highway, opposite Engineer's Station 193+10, (Reserved Access Rights); and

WHEREAS, Owner, by deed recorded July 22, 1999, in Volume 99, Page 29278, Klamath County Deed Records, acquired fee title to that portion of said remaining property affected by the access changes herein made; and

WHEREAS, Owner has requested that Owner's Reserved Access Rights set out above be terminated, and that access rights be substituted; therefore to and from the Southwesterly side of said highway opposite Engineer's Station 185+85, in a width of ⁵²~~40~~ feet, (New Access Rights); and

WHEREAS, State is agreeable to the granting of Owner's request.

Pr. RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301-3871

This document is being re-recorded for the purpose of correcting the width of approach.

State of Oregon, County of Klamath
Recorded 10/29/04 9:20 a m
Vol M04 Pg 74099-101
Linda Smith, County Clerk
Fee \$ 31.00 # of Pgs 3

State of Oregon, County of Klamath
Recorded 11/15/04 10:00 a m
Vol M04 Pg 78278-80
Linda Smith, County Clerk
Fee \$ 31.00 # of Pgs 3

NOW THEREFORE, THIS INDENTURE WITNESSETH, that for and in consideration of the grant herein made by State, OWNER does convey unto State, its successors and assigns, Owner's Reserved Access Rights as set forth above, and STATE, in consideration of the relinquishment and warranties herein made, does grant New Access Rights as set forth above unto Owner and Owner's heirs, successors and assigns.

The other remaining provisions in the above-mentioned Warranty Deeds to State and Indenture of Access shall remain in full force and effect, and the access rights herein granted shall be subject to all the provisions of said Warranty Deeds and Indenture of Access, as fully as if set forth herein.

Owner represents and warrants that no one, other than Owner, is using or entitled to use the Reserved Access Rights herein relinquished.

The New Access Rights granted herein are subject to, and may only be exercised in accordance with, the statutes and administrative rules applicable to access control and road approaches. Such access is contingent upon issuance of an approach road permit, and no access rights may be exercised or construction of an approach road begun unless, and until, a standard Approach Road Permit application is submitted and a permit issued by the Oregon Department of Transportation. The approach road may only be constructed or maintained upon issuance of such permit and in accordance with such permit. If the State constructs the approach road during a highway project, Grantor is required to sign a standard Approach Road Permit to ensure proper operation and maintenance of the approach road.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

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

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

By Richard R. Dunlap
Richard R. Dunlap, Right of Way Operations Manager

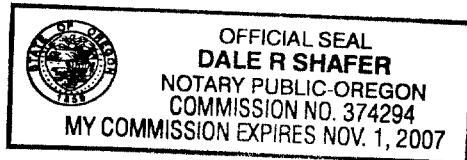
KLAMATH COMMUNITY COLLEGE SERVICE
DISTRICT, A GOVERNMENTAL ENTITY

Renee M Ferguson
Renee M Ferguson, Dean for Administrative
Services

STATE OF OREGON, County of Marion

Dated October 25, 20 04. Personally appeared Richard R. Dunlap, for Deolinda G. Jones, who being sworn, stated that he is the Operations Manager, Right of Way Section, 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:



Dale R. Shafer
Notary Public for Oregon
My Commission expires 11/01/2007

STATE OF OREGON, County of Klamath

Dated October 20, 20 04. Personally appeared Renee Ferguson, who acknowledged the foregoing instrument to be their voluntary act. Before me:

Sylvia Rosandich
Notary Public for Oregon
My Commission expires October 1, 2005

