

2007-017484

Klamath County, Oregon



10/09/2007 08:29:53 AM

Fee: \$31.00

File 21779

Drawing 6B-14-3

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 1st day of October, 2007, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and JWTR, LLC, AN OREGON LIMITED LIABILITY COMPANY, hereinafter called "Owner".

WHEREAS, State by Bargain & Sale Deed recorded July 24, 1954, in Volume 268, Page 238, Klamath County Deed Records, acquired certain property; which Bargain & Sale Deed, in part, reserved access rights, for the service of the grantor's remaining property, to and from the Easterly and Westerly side of The Dalles - California Highway, opposite Engineer's Station 749+00, for private residential use, development, harvesting and transportation of timber and mineral products, (Reserved Access Rights); and

WHEREAS, Owner, by deed recorded November 30, 2006, Document No. 2006-023869, 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 the use restrictions for Owner's Reserved Access Rights set out above be modified to include establishing and maintaining a cell tower site, (Modified Access Rights); and

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

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

NOW THEREFORE, THIS INDENTURE WITNESSETH, that State does grant Modified Access Rights as set forth above unto Owner and Owner's heirs, successors and assigns.

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

The Modified 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

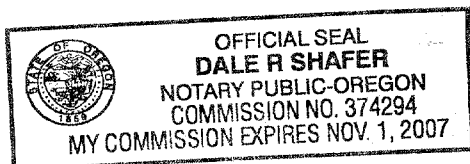
By Deolinda G. Jones
Deolinda G. Jones, State Right of Way Manager

JWTR, LLC, AN OREGON LIMITED LIABILITY
COMPANY

Craig B. Ditman
Craig Ditman, General Manager of JWTR, LLC

STATE OF OREGON, County of Marion

Dated October 1st, 2007. Personally appeared Deolinda G. Jones, who being sworn, stated that she is the State 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 her. Before me:



Dale R. Shafer
Notary Public for Oregon

My Commission expires 11/01/2007

STATE OF OREGON, County of Klamath

Dated September 11, 2007. Personally appeared the above named Craig B. Ditman, General Manager of JWTR, LLC, an Oregon limited liability company, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Catherine Gray
Notary Public for Oregon

My Commission expires May 6, 2008