



**INDENTURE OF ACCESS**

**THIS INDENTURE**, made and executed this May day of 1, 2009, by and between the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, hereinafter called "State", and **JAMES BORROR WHO ALSO ACQUIRED TITLE AS JAMES A. BORROR; AND JAMES A. BORROR AND DONNA J. BORROR, HUSBAND AND WIFE**, hereinafter called "Owner".

WHEREAS, State by Warranty Deed recorded April 22, 1964, in Volume 352, Page 433 Klamath County Deed Records; acquired certain property; which Warranty Deed, in part, reserved access rights, for the service of the grantor's remaining property, to and from the Southerly side of the Klamath Falls-Lakeview Highway, opposite Engineer's Station 102+14; and

WHEREAS, State by Warranty Deed recorded July 20, 1964, in Book 354, Page 525 Klamath County Deed Records, acquired certain property, which Warranty Deed in part reserved access rights, for the service of the grantor's remaining property, to and from the Southerly side of the Klamath Falls-Lakeview Highway opposite Engineer's Station 102+95; and

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

WHEREAS, by Indenture of Access recorded December 27, 1965, in Book M65, Page 5020, Klamath County Deed Records, the access rights, to and from the Southerly side of the Klamath Falls-Lakeview Highway, opposite Engineer's Stations 102+95 and 102+14 were terminated and access rights were substituted to and from the Southerly side of the highway opposite Engineer's Station 102+01 and 102+85 (Reserved Access Rights); and

WHEREAS, State by Warranty Deed recorded June 23, 1964, in Book 354, Page 63 Klamath County Deed Records, acquired certain property which Warranty Deed, in part, reserved access rights, for the service of the grantor's remaining property, to and from the Southerly side of the Klamath Falls-Lakeview Highway, opposite Engineer's Station 103+48 and 103+91 (Reserved Access Rights); and

WHEREAS, Owner, by deed recorded April 22, 1994, in Volume M94, Page 12063, and by deed recorded April 20, 1998, in Volume M98, Page 13017 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 at Engineer's Stations 102+01, 102+85 and 103+48 be terminated, and that access rights be substituted; therefore to and from the Southerly side of said highway opposite Engineer's Station 103+91, in a width of 35 feet, (New Access Rights); and

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

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 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.

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 *Deolinda G. Jones*

Deolinda G. Jones, State Right of Way Manager

*James A. Borrer*  
James A. Borrer

*Donna J. Borrer*  
Donna J. Borrer

STATE OF OREGON, County of Marion

Dated *May 8*, 20 *09*. Personally appeared *Richard R Dunlap*  
*he* ~~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 *11/01/2011*

STATE OF OREGON, County of *Klamath*

Dated *5-1-*, 20 *09*. Personally appeared the above named James A. Borrer and Donna J. Borrer, who acknowledged the foregoing instrument to be their voluntary act. Before me:



*Debbie Sinnock*  
Notary Public for Oregon  
My Commission expires *9-8-09*