

Klamath County, Oregon

ORS 205.234

This cover sheet has been prepared by ODOT. Any error in this cover sheet DOES NOT affect the transaction(s) contained in the instrument itself.

Reference: _____



03/09/2012 10:29:57 AM

Fee: \$57.00

Please print or type information.

1. AFTER RECORDING RETURN TO -

Required by ORS 205.180(4) & 205.238:

Name: **OREGON DEPT. OF TRANSPORTATION**

Address: **RIGHT OF WAY SECTION**

4040 FAIRVIEW INDUSTRIAL DRIVE SE MS #2

City, ST Zip: **SALEM OR 97302-1142**

2. TITLE(S) OF THE TRANSACTION(S) – Required by ORS 205.234(1)(a)

Note: "Transaction" means any action required or permitted by law to be recorded, including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property. Enter descriptive title for the instrument:

Document Title(s): INDENTURE OF ACCESS

3. DIRECT PARTY / GRANTOR Names and Addresses – Required by ORS 205.234(1)(b)
for Conveyances list Seller; for Mortgages/Liens list Borrower/Debtor

Grantor Name & Address: **UNITED STATES OF AMERICA; DEPARTMENT OF TRANSPORTATION**

Grantor Name & Address: **FEDERAL HIGHWAY ADMINISTRATION**

Grantor Name & Address: 530 CENTER STREET NE SUITE 100

Grantor Name & Address: SALEM, OR 97301

4. INDIRECT PARTY / GRANTEE Names and Addresses – Required by ORS 205.234(1)(b) for Conveyances list Buyer; for Mortgages/Liens list Beneficiary/Lender/Creditor

Grantee Name & Address: OREGON DEPT. OF TRANSPORTATION

Grantee Name & Address: **RIGHT OF WAY SECTION**

Grantee Name & Address: 4040 FAIRVIEW INDUSTRIAL DRIVE SE MS #2

Grantee Name & Address: SALEM OR 97302-1142

5. For an instrument conveying or contracting to convey fee title, the information required by ORS 93.260:
**UNTIL A CHANGE IS REQUESTED, ALL
 TAX STATEMENTS SHALL BE SENT TO
 THE FOLLOWING ADDRESS:**

Name: **OREGON DEPT. OF
TRANSPORTATION**

Address: **RIGHT OF WAY SECTION**
4040 FAIRVIEW INDUSTRIAL DRIVE
SE MS #2

City, ST Zip: **SALEM OR 97302-1142**

TRUE AND ACTUAL CONSIDERATION –
Required by ORS 93.030 for an instrument conveying
or contracting to convey fee title or any memorandum
of such instrument:

\$

7. TAX ACCOUNT NUMBER OF THE PROPERTY if the instrument creates a lien or other interest that could be subject to tax foreclosure. – Required by ORS 312.125(4)(b)(B)

Tax Acct. No.: 24 09 30CD 2000

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 5th day of March, 2012, by and between the
STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and the
UNITED STATES of AMERICA, acting by and through the DEPARTMENT OF TRANSPORTATION, FEDERAL
HIGHWAY ADMINISTRATION, hereinafter called "Government".

WHEREAS, State by Highway Easement Deed recorded August 4, 1975, in Volume M-75, Page 9003, Klamath
County Deed Records, acquired from Government, certain highway right of way over Deschutes National Forest land, part of
which is situated in the SE1/4SW1/4 of Section 30, Township 24 South, Range 9 East, W.M., Klamath County, Oregon;
which Highway Easement Deed, in part, reserved access rights, for the service of the Deschutes National Forest land, to and
from the East side of The Dalles-California Highway, opposite Engineer's Station 1623+25, and to and from the West side of
said highway, opposite Engineer's Station 1621+00, and 1623+00; and

WHEREAS, by Indenture of Access recorded January 12, 1987, in Volume M87, Page 464, Deschutes County
Deed Records, the access rights to and from the West side of The Dalles-California Highway opposite Engineer's Station
1621+00 were eliminated and there was substituted therefore access rights to and from the East side of said highway
opposite Engineer's Station 1620+61; and

RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
PROPERTY MANAGEMENT / ACCESS RESEARCH
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2
SALEM OR 97302-1142

WHEREAS, the access approaches on the East side of the highway were constructed opposite Engineer's Stations 1622+43 and at 1620+33 and the access approach on the West side of the highway was constructed opposite Engineer's Station 1622+17; and

WHEREAS, it is now desired by the parties hereto to show in the public records the correct location where the access approaches were constructed and are in use.

NOW THEREFORE, THIS INDENTURE WITNESSETH, that for and in consideration of the grant herein made by State, Government does convey unto State, its successors and assigns, Government's Reserved Access Rights on the East side opposite Engineer's Stations 1620+61 and 1623+25, and on the West side opposite Engineer Station 1623+00, and STATE, in consideration of the relinquishment and warranties herein made, does grant unto Government, its successors and assigns, New Access Rights to and from the East side of said highway opposite Engineer's Stations 1620+33 and 1622+43, in a width of 35 feet, and to and from the West side of said highway opposite Engineer's Station 1622+17, in a width of 35 feet.

The other remaining provisions in the above-mentioned Highway Easement 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 Easement Deed, as fully as if set forth herein.

Government represents and warrants that no one, other than Government, 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, Government 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.

APPROVED BY

Podung MAE (for)
UNITED STATES FOREST SERVICE
for Regional Forester
Department of Agriculture

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

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

UNITED STATES OF AMERICA DEPARTMENT
OF TRANSPORTATION FEDERAL HIGHWAY
ADMINISTRATION

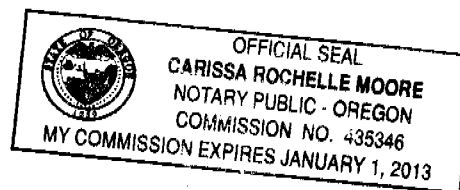
Phillip A. Ditzler
Phillip A. Ditzler, Division Administrator

STATE OF OREGON)
COUNTY OF MARION)

I, Carissa Moore, a Notary Public in and for the State of Oregon, do hereby certify that on this 16th day of FEBRUARY, 2012, before me personally appeared Phillip A. Ditzler, the Division Administrator of the Federal Highway Administration, and acknowledged that the foregoing instrument bearing the date of FEBRUARY 16th 2012, ~~2011~~, was executed by him in his official capacity and by authority in him vested by law, for the purposes and intents in said instrument described and set forth, and acknowledged the same to be his free act and deed as Division Administrator of the Federal Highway Administration.

Witness my hand and seal this FEBRUARY 16 day of 16th, 2012.

Carissa Moore
Notary Public for Oregon
My Commission expires JANUARY 1st 2013



File 47861
Drawing 5B-24-3

STATE OF OREGON, County of Marion

Dated March 5, 20 12. 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 11/01/2015

