

2015-003143

Klamath County, Oregon



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Fee: \$77.00

File 40024
Drawing 8B-36-5

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 31st day of MARCH, 2015, by and between the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, hereinafter called "State", and **CALEDONIA PROPERTIES, LLC AN OREGON LIMITED LIABILITY COMPANY**, hereinafter called "Owner".

WHEREAS, State by Warranty Deed recorded September 12, 1967, in reel M-67, Page 7067, 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 Easterly side of the Lake of the Woods Highway opposite Engineer's Station 141+70 and 153+00, in a width of 35 feet; and

WHEREAS, by unrecorded Indenture of Access (See attached Exhibit A) dated April 21, 1970, access rights opposite Stations 141+70 and 153+00 were terminated and access rights substituted to and from the Easterly side of said highway opposite Engineer's Station 142+50 and 148+00 in a width of 35 feet;

WHEREAS, Owner, by Special Warranty Deed recorded April 13, 2012, in Document No. 2012-003910, and by Special Warranty Deed recorded March 21, 2014, in Document No. 2014-002415, 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 access rights opposite Engineer's Station 142+50 be terminated, and that access rights be substituted; therefore to and from the Easterly side of said highway opposite Engineer's Station 233+23, in a width of 35 feet; and

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

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

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 Access Rights opposite Station 142+50, and STATE, in consideration of the relinquishment and warranties herein made, does grant New Access Rights opposite Station 233+23 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 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

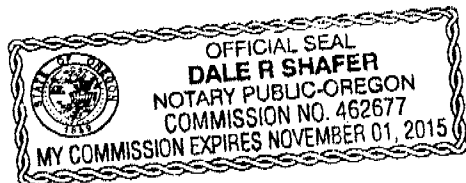
By 
Joseph A. Gray, State Right of Way Manager

CALEDONIA PROPERTIES, LLC
AN OREGON LIMITED LIABILITY COMPANY

By 
Mark Campbell, Manager

STATE OF OREGON, County of Marion

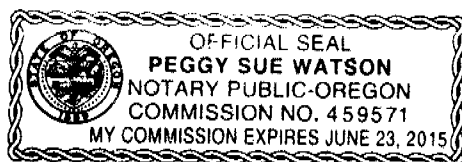
Dated March 31, 20 15. Personally appeared Joseph A. Gray, who being sworn, stated that he is the State Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to him. Before me:



Dale R. Shafer
Notary Public for Oregon
My Commission expires 11/01/2015

STATE OF OREGON, County of KLAMATH

Dated MARCH 25, 20 15. Personally appeared, and signed before me by, the above named Mark Campbell, who acknowledged the foregoing instrument to be his voluntary act. Before me:



Peggy Sue Watson
Notary Public for Oregon
My Commission expires JUNE 23, 2015

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 21 day of April, 1980,²⁴
by and between the STATE OF OREGON, by and through its STATE HIGHWAY COMMISSION, hereinafter
called "State", and RUTH H. TEASDEL, hereinafter called "Owner"; and

WHEREAS, State by deed recorded September 12, 1967, in Book M67, at Page 7067, Deed
Records of Klamath County, Oregon, acquired from Owner certain property situated in Sections
15, 16, 22, 26, 27, 35 and 36, Township 38 South, Range 8 East, W.M., Klamath County, which
deed, in part, reserved for the service of Owner's remaining property access rights to the
Easterly side of the Lake of the Woods Highway opposite Engineer's Stations 141+70 and
153+00, access rights to the Westerly side of said highway opposite Engineer's Stations
142+25, 147+75 and 318+00 and access rights to a double 10' x 8' cattle pass opposite Engi-
neer's Station 187+50; and

WHEREAS, Owner has requested that the aforementioned access rights be terminated and
that there be substituted in place thereof access rights to the Easterly side of said high-
way opposite Engineer's Station 142+50, to the Easterly and Westerly sides of said highway
opposite Engineer's Station 148+00, to the Westerly side of said highway opposite Engineer's
Station 323+00 and to single 10' x 8' cattle passes opposite Engineer's Stations 187+50 and
265+00; 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
hereinafter made by State, OWNER does hereby transfer and relinquish unto State, its succes-
sors and assigns, her access rights to and from the Easterly side of the Lake of the Woods
Highway opposite said Stations 141+70 and 153+00, to and from the Westerly side of said high-
way opposite said Stations 142+25, 147+75 and 318+00 and to and from the double cattle pass
opposite Engineer's Station 187+50 reserved in the above-mentioned deed recorded September
12, 1967. Owner further 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 and warranties herein made by Owner, does hereby grant and convey unto Owner,
her heirs and assigns, access rights to and from the Easterly side of said highway opposite

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said Station 142+50, to and from the Easterly and Westerly sides of said highway opposite said Station 148+00 and to and from the Westerly side of said highway opposite said Station 323+00 all in widths of 35 feet and unrestricted as to use and access rights to and from single 10' x 8' cattle passes opposite said Stations 187+50 and 265+00.

Except as modified herein, said deed recorded September 12, 1967, shall remain in full force and effect and the rights of access herein granted shall be subject to all the provisions of said deed, including the frontage road and cattle pass provisions thereof, as fully as if set forth herein.

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

Ruth H. Teasdel [SEAL]
Ruth H. Teasdel

ATTEST:

Lloyd Querry
Secretary

STATE OF OREGON, by and through its
STATE HIGHWAY COMMISSION

APPROVED:

B. B. Klaboe
Assistant State Highway Engineer

By Gleason Jackson
Chairman

APPROVED AS TO FORM:

B. E. Bledy
Chief Counsel

By Frederick H. Hef
Commissioner

J. L. Leavich
Staff Attorney

By Thomas B. Bruner
Commissioner

STATE OF OREGON

County of Clatsop

April 7, 1970

Personally appeared the above named Ruth H. Teasdel and acknowledged the foregoing instrument to be her voluntary act. Before me:

Donald H. Bruner
Notary Public for Oregon

My Commission expires 10-13-72

STATE OF OREGON

County of Marion

On this 21st day of April, 1969⁷⁰, before me appeared Glenn L. Jackson, Fred W. Hill and Thaddeus B. Bruno, to me personally known, who, each being duly sworn did say that he, the said Glenn L. Jackson is Chairman of the State Highway Commission of the State of Oregon, and that he, the said Fred W. Hill and he, the said Thaddeus B. Bruno is State Highway Commissioner of the State of Oregon; that the seal affixed to said instrument is the seal of the State Highway Commission, and that the said instrument is signed and sealed in behalf of said State by said Commission, and that the said Chairman and the said Commissioners acknowledge said instrument to be the free act and deed of said State, by said State Highway Commission.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Cecil H. Head

Notary Public for Oregon

My Commission expires Nov. 5, 1970

jb/lu