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04/25/2017 11:13:49 AM

Fee: \$57.00

### INDENTURE OF ACCESS

**THIS INDENTURE**, for no monetary consideration, dated this 6th day of April, 2017, by and between the **STATE OF OREGON**, by and through its **DEPARTMENT OF TRANSPORTATION**, hereinafter called "State", and **Bruce D. Hall and Donna M. Hall**, hereinafter called "Owners".

WHEREAS, State by Warranty Deeds recorded December 28, 1951 in Book 252, Page 36; recorded January 14, 1952 in Book 252, Page 220; and recorded March 20, 1952 in Book 253, Page 523, all of Klamath County Record of Deeds, acquired certain property; which Warranty Deeds, in part, reserved access rights, for the service of the grantor's remaining property, to and from the East side of the relocated The Dalles – California Highway opposite Engineer's Stations 45+10 and 54+00, in a width of 25 feet, for ordinary travel to and from the abutting land only and shall not be used in connection with any commercial institution or activity established or conducted on the adjoining property, which, in any manner, caters to, invites, solicits from or is dependent upon the users of said highway; and opposite Engineer's Stations 49+05 and 50+40, in a width of 40 feet; and

WHEREAS, by Indenture of Access recorded July 7, 1958 in Book 300, Page 562, Klamath County Record of Deeds, the access rights opposite Station 45+10 were eliminated and there was substituted therefor access rights to and from the East side of said highway opposite Engineer's Station 47+10 in a width of 25 feet; and

WHEREAS, by Indenture of Access recorded September 20, 1965 in Book M-65, Page 1780 of Klamath County Record of Deeds, the access rights opposite Station 49+05 and 50+40 were eliminated and there was substituted therefor access rights to and from the East side of said highway opposite Stations 47+97 and 50+92, in a width of 45 feet; and

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

WHEREAS, by Indenture of Access recorded May 13, 1981 in Book M-81, Page 8434, Klamath County Record of Deeds, the access rights opposite Station 47+10 were eliminated and there were substituted therefor access rights to and from the East side of said highway opposite Engineer's Station 45+75, in a width of 25 feet; and

WHEREAS, Owners, by Warranty Deeds recorded July 3, 2003 in Volume M03, Page 46234; recorded October 29, 2003 in Volume M03, Page 80301; and recorded November 26, 2015, Instrument No. 2015-012886, all of Klamath County Record of Deeds, acquired fee title to the property affected by the access changes herein made; and

WHEREAS, Owners have requested that their Reserved Access Rights at Engineer's Stations 45+75, 50+92 and 54+00 be terminated, and that access rights be substituted; therefore to and from the Easterly side of said highway opposite Engineer's Stations 47+97 and 49+00, in a width of 45 feet, and not subject to a commercial use restriction (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, OWNERS do convey unto State, its successors and assigns, Owners' Reserved Access Rights opposite Stations 45+75, 50+92 and 54+00, and STATE, in consideration of the relinquishment and warranties herein made, does grant New Access Rights on the East side of said highway opposite Stations 47+97 and 49+00, in a width of 45 feet, without the commercial use restriction, unto Owners and Owners' heirs, successors and assigns.

It is understood that the access rights at Station 45+75, East side, will continue to serve those properties described in that deed recorded May 22, 1980 in Volume M80, Page 9381, Klamath County Record of Deeds.

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   
Scott C. Claus, Interim State Right of Way Manager

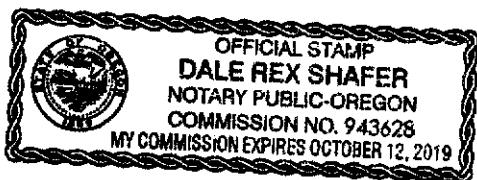
  
Bruce D. Hall


  
Donna M. Hall



STATE OF OREGON, County of Marion

Dated April 17, 2017. Personally appeared Scott C. Claus, who being sworn, stated that he is the Interim 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:

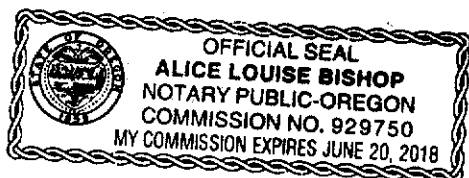


  
Notary Public for Oregon  
My Commission expires 4/17/17

STATE OF OREGON, County of Klamath

Dated April 10, 2017. Personally appeared, and signed before me by, the above named Bruce

D. Hall and Donna M. Hall, who acknowledged the foregoing instrument to be their voluntary act. Before me:



Alice Louise Bishop  
Notary Public for Oregon  
My Commission expires June 20, 2018

